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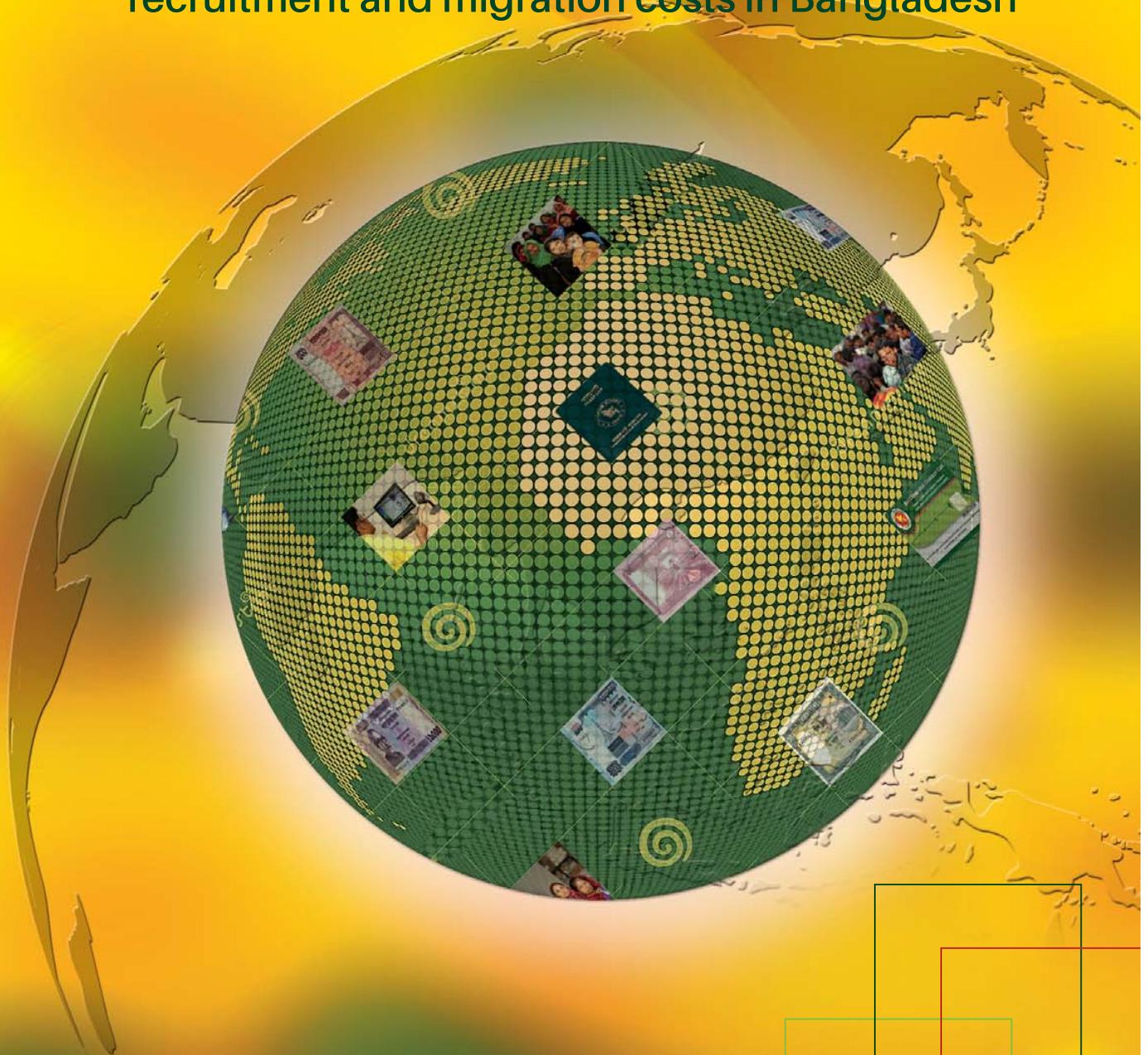


Government of the  
People's Republic  
of Bangladesh

International  
Labour  
Organization

## The Cost

Causes of and potential redress for high  
recruitment and migration costs in Bangladesh



ILO Country Office for Bangladesh



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## The Cost

Causes of and potential  
redress for high recruitment  
and migration costs in  
Bangladesh

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## Foreword

Regulatory governance of international recruitment is the crux of the challenges associated with international labour migration. This study suggests that Bangladesh has been trying to make international recruitment cost effective, transparent, and consistent by bringing into force a variety of measures. Bangladesh also took on the challenge of formulating and adopting comprehensive national laws and policies on labour migration. This study highlights challenges that need to be overcome to strengthen labour migration governance, as well as, the long walk to reform that has yet to be covered. Implementation of this study would not have been possible without the interest and cooperation of Zafar Ahmed Khan (PhD), who was the Secretary to the Ministry of Expatriates' Welfare and Overseas Employment when this study was completed; Begum Shamsun Nahar, who is the Director-General of the Bureau of Manpower Employment and Training; and Hazarat Ali, who is the Additional Secretary to the Ministry.

The study points out that the conditions surrounding the regulatory governance of international recruitment significantly impact the wellbeing of workers and their households. It is also an issue that affects the efficiency with which the international labour market is able to reach workers and vice-versa.

Switzerland, like Bangladesh, looks at migration and development from a perspective of improving employment and income. The Swiss Agency for Development and Cooperation (SDC) engagement with the International Labour Organization (ILO) and the Government of Bangladesh on the issue of labour migration is in line with the objective of the Swiss Cooperation Strategy (2013-2017) "to enhance employment and income and improve access to services and opportunities". The SDC sees international employment as being complementary to employment growth in the domestic economies of origin countries. Given the high scale of labour migration from Bangladesh, it is crucial that governance is strengthened to



regulate recruitment and ensure protection of the workers from exploitation. Good regulatory governance also contributes to the issue of equitable growth and human rights-based poverty reduction.

Bangladesh has entered into bilateral understandings with some countries of destination as a way to bring more protection to its workers. These agreements are potential areas of growth because these can be used to come up with distinctive roles for a variety of actors involved in international labour migration. The provisions of these Memorandums of Understanding

(MOUs), if compliant with ILO labour standards and consistently pursued, can be effective tools of labour migration management, in particular, for regulating recruitment agents. Three ILO instruments, the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and the Private Employment Agencies Convention, 1997 (No. 181), if ratified, provide a legally binding framework for such MOUs. These three instruments are complemented by the Multilateral Framework on Labour Migration, which is a highly effective resource for the formulation of such MOUs.



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## Summary

### Key issues

The demographic dividend is an inextricable part of the economy of Bangladesh and is highly prospective, letting a window of opportunity swing open for the nation in the form of new economic development. As many countries experience local shortages of labour, Bangladesh is in a creditable position to provide much needed workers, thereby extracting a positive outcome out of its migrant workforce. Remittance from Bangladeshi migrant workers is prominently considered to be a major determinant of the economic development of Bangladesh over the last decade. What is crystal clear from several survey findings is that the influx of remittance into Bangladesh has had a considerable positive impact upon household-level poverty alleviation across the country. Moreover, returning migrant workers have great potential to further develop the economy of Bangladesh by virtue of the skills they acquired overseas.

However, migrant workers incur a huge number of social and economic costs through the labour migration process. Any in-depth analysis of remittance-led socio-economic development must consider the extent to which such costs ought to be considered and integrated into the research perspective. These costs involve not only the actual monetary costs, but also various opportunity costs related to recruitment and migration. In addition, the costs of migration should not be viewed merely from an economic perspective. Rather, a human rights-oriented approach to the issue is essential and earnestly needed.

Private recruiting agencies recruit the majority of Bangladeshi migrant workers. Moreover, a large number of migrant workers obtain work permits through dalals, who are illegal sub-agents or intermediaries. Lacking legally valid documentation and approval to emigrate to a destination country, workers, in many instances, resort to irregular channels. In addition, the migration of many a person initially takes place through regular,



authorized channels, but they ultimately end up as irregular migrants later in the process. Although some irregular migrants do become documented in later phases, but most remain undocumented and, in turn, get exposed to insecurity.

Human trafficking, forced labour, debt-bondage, and loss of remittance are attributable to the high cost of recruitment and migration. Inadequate scope for migration on a regular basis places potential migrants under a compulsion to make unlawful deals with recruiting agencies/intermediaries/individual brokers. Even during the pre-arrival stage, before they have even made it to their place of employment, many workers are bonded by the fees they have paid and the commitments they have made to brokers.

The driving force behind the costs of recruitment and migration has, in some cases, been contested, leading to diverging views of the issue. Certain stakeholders in the migration process (such as recruiting agencies) ascribe the high migration costs to market-driven factors (namely, the demand and supply of labour), while others see the high costs as the result of a lack of regulation in the overseas recruitment sector.

Under the supervision, direction, and control of the Ministry of Expatriates' Welfare and Overseas Employment (MEWOE) and the Bureau of Manpower, Employment and Training (BMET), 868 international recruiting agencies are currently in operation in Bangladesh. In addition a large number of sub-agents and intermediaries (dalals) operate across the country. Migrant workers, while setting up a deal with a particular recruitment channel at the initial stage, consider the following factors: trust and loyalty, assurance of support at destination countries, familiarity, and proximity. About 53 per cent of migrant workers utilize these intermediaries, while 13 per cent of migrants migrate through private recruiting agencies. In fact, many an intermediary, as the findings reveal, serves as an agent of the private recruiting agencies.

The cost of overseas labour migration from Bangladesh is considered one of the most expensive in the world. The average migrant worker spends 309,259 Bangladeshi taka (BDT) on their recruitment and migration. Such a burdensome cost poses risks for the worker and threatens to dampen the positive impact of international migration upon the socio-economic development of Bangladesh. Moreover, it threatens the social protection of the migrant workers and their households. To address the issue, the government has set a maximum cost for certain destination countries. The recruiting agents are mandated to not demand any more than this maximum from potential migrants. But in reality, Bangladeshi migrants pay much more than the prescribed amount. One particularly striking feature of the labour migration process is that about 78 per cent of the total recruitment and migration cost is pocketed by dalals, who are illegal intermediaries or sub-agents in Bangladesh and the countries of destination.

The manner in which many workers finance their migration often ultimately turns out to be burdensome for them. About 67 per cent of migrants obtain funding in order to pay recruitment and migration costs by borrowing money. A considerable portion of migrant workers (nearly 24 per cent) finance their migration by selling land, and 23 per cent acquire the needed funds by mortgaging land.

One of the prime reasons underlying increasing recruitment and migration costs and the exploitation of migrant workers is visa-trading. The Kafala system prevalent in Gulf Cooperation Council (GCC) countries requires each migrant worker to have a Kafeel, or sponsor. The employer, who is the Kafeel for a potential migrant worker, may be an individual citizen or a company. The Kafeels often trade the visas that allow the migrants to work and reside in the country for a high sum of money. Recruiting agents compete to "buy" these visas, and then recover the cost from the migrant workers. This cost is in addition to the other costs and service charges that the migrant workers have



to bear. The trade in visas is complex. Often, the visas are first purchased by a particular illegal intermediary or sub-agent and then may be resold to one or more recruitment agents in Bangladesh. However, if that particular illegal intermediary or sub-agent fails to meet the terms and conditions of the Kafeel, that Kafeel may sell these work visas to another illegal intermediary or sub-agent. Similar trading may take place between the Bangladeshi recruitment agent and illegal intermediaries or sub-agents who are offering the best prices. Practices such as these make the costs of recruitment and migration unpredictable and inflated.

This study finds that upon reaching countries of destination, 21 per cent of Bangladeshi migrant workers who already had employment contracts found that their work was not as stipulated in the contract, and about 46 per cent were deprived of the remuneration specified in their employment contract. One of the major factors that makes migrant workers vulnerable to such malpractices is the lack of education and knowledge among migrants. In many cases, migrant workers are unable to interpret clauses, conditions, and loopholes in their contracts due to lack of relevant knowledge skills or an inability to interpret the complex language used.

In fact, the majority of migrant workers do not receive a written contract during the pre-departure period, irrespective of their type of visa. In some cases, it is the recruiting agents who do not provide adequate information prior to departure, thereby depriving migrant workers of the appropriate knowledge likely to empower them to attain the entitlements they should lawfully hold.

Considering the importance of labour migration, the Government of Bangladesh has taken several steps over the last decade. However, gaps in the legal and policy regime continue to exist. In view of the recently passed Overseas Employment and Migrants' Act, 2013, the prevailing Emigration Rules, the Recruiting Agents Conduct and License Rules, and the Wage Earners' Welfare Fund

Rules need revision. The Overseas Employment Policy 2006 has certain inherent drawbacks that make it inadequate to guide the regulation of recruiting agents and social protection of migrant workers. There is an urgent need to formulate a new Overseas Employment Policy that is based in the realities of Bangladeshi migrant workers' experiences and that works towards employment promotion without compromising social protection for the workers. Until these revisions are completed and adopted and new measures are brought in, implementation of existing legal measures are critical in ensuring an ethical and transparent recruitment and migration process.

### Challenges

- The prevailing unethical practices of dalals, or the illegal intermediaries and sub-agents, undo the positive steps taken by the government for improving labour migration governance. Dalals operate without any legal basis. As a result of their fraudulent actions, the cost of recruitment and migration soars upward. Since the costs charged by dalals are illegal, these remain undocumented. The recruiting agents utilize dalals in order to reach potential migrant workers because, until the Overseas Employment and Migrants Act, 2013, was passed by the Parliament in October 2013, recruiting agents could not open sub-offices at the district level. Even with the new Act in force, it is likely that recruiting agents will continue using the dalals to reach communities from which migrants are recruited. Dalals are usually known within their communities, and consequently, potential migrants and their family members are able to access them more easily than the recruiting agents. Recruiting agents and their dalals are equipped with the means to circumvent the legal and policy regime. Recruitment through individual initiatives – such as the buying and selling of visas among employers, illegal intermediaries and sub-agents, and to migrants – is a known but unremedied feature of labour migration from Bangladesh.

- Recruiting agents buy job contracts from sub-agents (often nationals of Bangladesh, Sri Lanka, and India) located in destination countries. The existence of such middlemen makes the price of job offers go higher and higher. This cost falls upon the shoulders of migrant workers as an escalating burden.
- Visa trading in GCC countries and the consequent competition among recruiting agents leads to exploitation of the workers by the dalals and recruiting agents in Bangladesh and abuse and exploitation by the Kafeels or the employers in the GCC countries.
- Migrant workers rarely have a chance to make payments in a formal manner. They are hardly ever given receipts. Payments are made informally by workers, as well as by recruiting agents, to dalals and vice-versa. This situation makes it difficult for the government authorities in Bangladesh and countries of destination to regulate recruitment and migration costs.
- Finding financing for recruitment and migration costs is another major challenge. Lack of access to the formal credit system forces migrant workers to rely on informal, unregulated lenders who charge high interest rates. This, in turn, pushes the real cost of recruitment and migration upward.
- Many a migrant worker does not peruse their contract. Indeed, recruiting agents and dalals often circumvent the obligatory requirement of showing recruited workers their contract papers. In the event that recruited workers do demand to see their contracts, it often is to little purpose because language barriers and/or highly technical language pre-empt them from comprehending the terms and conditions specified in the document.
- From time to time, recruiting agents hide pertinent information from both employers and migrant workers. For example, some agents will provide lower-skilled workers when employers have requested semi-skilled workers. When employers see the quality of the work performed or discover the inability of the worker to perform the task at the required skill level, they decline to pay the salary that was originally agreed.
- Migrant workers do not have the right to seek direct legal redress. Only the government can lodge complaints related to violations of provisions of the ordinance.
- BMET's supervision of recruiting agents is cumbersome and does not prove effective in hastening a change in the existing situation. The existing policies, ordinances, acts, and rules with regard to recruitment management and the migration process are not sufficient to ensure a decent labour recruitment and migration process in Bangladesh.
- The Government of Bangladesh is yet to explore the possibility of bilateral agreements with the destination countries to address the role of illegal sub-agents in countries of destination.
- The right of migrant workers to form an association has not been translated into action both in destination countries and countries of origin. The exercising of such a right would enable migrant workers to collectively raise the issue of unethical labour migration practices on national and international platforms and provide protection to individual workers, who otherwise may face adverse reactions if they speak out.
- Awareness among potential migrant workers regarding the labour recruitment and migration process is very low. What is immediately needed in the context of the migration issue is an effective mechanism for the dissemination of knowledge. Such a mechanism should be activated at full gallop.



## Recommendations

■ **Reduction of recruitment and migration cost through intervention on the demand side (migrant worker perspective):** By raising awareness among the potential migrant workers about the migration process and recruitment system, more sustainable ethical practices of migration can be ensured. For the sake of generating awareness regarding ethical migration practice, the following measures can be taken: (1) Since the information gap halts the smooth operation of the migration system and, in turn, leads to human trafficking and unofficial migration, a detailed understanding of overseas labour recruitment can empower potential migrants to bargain successfully with recruiting agents/illegal intermediaries or sub-agents. Against the backdrop of such migration issues, the government needs to incorporate information regarding the labour migration process into education curriculums and textbooks (at the primary, secondary, and tertiary levels); and (2) By launching a mass media campaign on labour migration process (frequent advertisements on TV, radio, and in newspapers), the government can raise awareness among potential migrants about labour migration issues.

■ **Elimination of costs borne by migrant workers:** As per Article 7, Clause 1 of the International Labour Organization's Private Employment Agencies Convention, 1997 (No. 181), member States need to take initiative in line with the principle that "Private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers". In line with this benchmark, the Government of Bangladesh can devise policy and regulatory instruments to ensure that all such costs are to be borne by employers.

■ **Initiatives for curbing the role of sub-agents/intermediaries:** The involvement of illegal intermediaries or sub-agents in the migration

process leads to an increase in labour recruitment and migration costs. Steps are needed to eliminate illegal actors and actions from the labour migration process and to promote regular migration:

- (1) regulating recruiting agents under the Overseas Employment and Migrants Act, 2013;
- (2) taking control of the recruitment initiative by developing safe migration corridor arrangements through bilateral agreements and by clearly laying out the role of the recruitment agents;
- (3) strengthening the relevant government agent, namely, BOESL, to enable it to manage recruitment for those overseas jobs where the probability of labour rights and human rights violations are the highest;
- (4) identifying new overseas job markets and negotiating placement of Bangladesh workers;
- (5) mass awareness in rural and semi-urban areas about illegal intermediaries or sub-agents;
- (6) developing trust-building initiatives through the decentralization of the labour migration process;
- (7) negotiating government control and oversight of the recruitment of workers in countries of destination; and
- (8) reorganizing and strengthening labour attaché mechanism.

■ **Oversight and supervision of recruiting agents:** In a free-market economy, the role of recruiting agents as job placement agencies in the recruitment process is unavoidable. Hence, concerted efforts are needed to bring recruitment agencies under public scrutiny and accountability to the tripartite actors.



- **Oversight and supervision of recruiting agents:** In order to ensure compliance with any code of conduct, an internal compliance mechanism may prove effective and sustainable. The institutional capacity of associations of recruitment agents, with regard to developing and managing a compliance mechanism at the level of the association, should be supported by the International Labour Organization (ILO) and additional efforts should be made to bring in collective oversight by the tripartite actors – government, the ILO, and trade unions and migrant workers associations.
- **Provision of financing for labour migration cost from formal financing institutions:** Lack of access to the formal credit/lending system leads migrant workers to finance their migration costs through illegal or informal channels. Considering the high interest rates on credit from illegal or informal channels, the total migration cost turns out to be far more than the cost that is typically estimated. Therefore, the inclusion of potential migrant workers' credit needs in the formal lending/loan systems of the public and private sector banks is necessary.
- **Ensuring migrant workers' right to information:** Mechanisms need to be developed by the government to compel recruiting agents to share all relevant information with migrant workers and in such a way that puts migrants in the best possible position (e.g., Bengali versions of contract papers and easily understandable technical legal statements). The government can ensure migrant workers' right to information through: (1) Monthly publication of information on the grading results for recruiting agents who have valid licenses and are ranked based on their conduct and performance; (2) Dissemination of information on unethical practices in migration through decentralized workshops, seminars, etc.; (3) Dissemination of relevant information during pre-departure briefings by the BMET; and

- (4) A government order requiring recruiting agents to disseminate information about the labour migration process through electronic and print media.
- **Incorporation of proper documentation facilities:** Through the BMET and MEWOE, the Government of Bangladesh has already implemented several documentation mechanisms for labour migration purposes. However, a single database platform containing all the relevant pieces of information, such as National ID card, passport, recruitment information (including follow-up information), etc., needs to be developed.
- **Government needs to promote migrant workers' right to association:** The Government of Bangladesh needs to promote the formation of labour associations of migrant workers. The creation of trade unions in Bangladesh and also in destination countries or membership in existing local trade unions, as may be permitted by the local labour laws, can increase the bargaining power of migrant workers.
- **Extensive empirical research:** Policy-makers find it extremely difficult to formulate any policy in connection with labour migration owing to the inadequate availability of information about the issue. Hence, the labour migration system needs to be explored and analyzed. In a true sense, it needs to be overhauled by the initiation of extensive empirical research. Cooperation can be established among countries of destination and origin and also with international organizations like ILO and United Nations Conference on Trade and Development (UNCTAD) in order to develop labour migration-oriented surveys/censuses.
- **Expansion of technical capacities of MEWOE and BMET:** In recent years, MEWOE and BMET have diversified their activities in an effort to



deal with labour recruitment and migration issues effectively. However, despite these initiatives, both are still in need of specialized workforce and technical resources. For instance, 42 District Employment Manpower Offices (DEMOs) have been established, and the direction is towards setting up DEMOs in every district of Bangladesh. The DEMOs need to be given adequate numbers of technical staff and qualified community outreach staff and made subject to performance monitoring.

- **Bilateral agreements between Bangladesh and destination countries:** Bangladesh should hold negotiations with the destination countries on the globally acceptable minimum standards for labour migration and wages. The government can also negotiate for possible demand-driven recruitment by employers in destination countries, with oversight roles in those countries being provided by the relevant ministry (e.g., the Ministry of Labour) and employers' associations. Likewise, under such an arrangement, the MEWOE would play a regulatory role for recruitment of workers in Bangladesh.
- **Coordination with the ILO as an intergovernmental intermediary:** The Government of Bangladesh and the ILO should enter into a multi-year tripartite partnership programme, spanning a decade or more, for the realization of the agenda of decent work for Bangladeshi migrant workers. The partnership should bring technical support for addressing issues of recruitment, contract standards, labour mobility modalities, protection of workers, social security of migrant workers, social and professional reintegration of returning migrant workers, etc.

- **Addressing gaps in inter-agency coordination**

**mechanisms:** A network of stakeholders should be formed to bring public oversight over the labour migration process. A higher level coordination platform, comprising of ministers and secretaries, is also needed to simplify bureaucratic processes, including passports, registration in Bangladesh and with Bangladeshi Missions, technical training certifications, social security, support to returning workers for reintegration, etc.

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## List of acronyms and abbreviations

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BAIRA	Bangladesh Association of International Recruiting Agencies
BDT	Bangladeshi taka [currency]
BMET	Bureau of Manpower, Employment, and Training
BOESL	Bangladesh Overseas Employment and Services Limited
CELADE	ECLAC's Latin American and Caribbean Demographic Centre
DEMO	District Employment Manpower Office
DG	Director General
ECLAC	United Nations, Economic Commission for Latin America and the Caribbean
EPS	Employment Permit System
ESCAP	Economic and Social Commission for Asia and the Pacific
FGD	Focus Group Discussion
GCC	Gulf Cooperation Council
IHRB	Institute for Human Rights and Business
ILO	International Labour Organization

**The cost**

Causes of and redress related to the high recruitment and migration costs in Bangladesh

**xviii**

IOM	International Organization for Migration
MEWOE	Ministry of Expatriates' Welfare and Overseas Employment
POEA	Philippines Overseas Employment Administration
RMMRU	Refugee and Migratory Movements Research Unit
SAARC	South Asian Association for Regional Cooperation
SIMICA	System of Information on International Migration in the Countries of the Andean Community
UAE	United Arab Emirates
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNI	Union Network International
VAT	Value Added Tax
WARBE	Welfare Association for the Rights of Bangladeshi Emigrants

## Statement from the Secretary

Given the challenges around the issue of recruitment cost, we have been of the opinion that knowledge-building about the issue is core to the solution to this problem. There is a need for our workers, their representatives, and overseas employers to follow the conduct legally prescribed for the actors involved in international recruitment.

Data is needed to ensure that there is enough evidence to prevent fraud from taking place and to update policy measures at regular intervals. There is a need for wider knowledge of the issues in the international recruitment chain that make workers vulnerable to exploitation. We are attempting to regulate recruitment in an environment where the number of workers available for work is higher than

the number of jobs available. This situation gives an upper hand to unscrupulous elements. Oftentimes, information is deliberately not made available to workers by those engaged in international recruitment. They take advantage of the situation to extort the maximum amount possible from workers. This in turn leads to indebtedness among workers and their households, and also creates an environment where workers run the risk of being trafficked or smuggled. More often than not, the government gets to know about these issues only when things go wrong and workers are already trapped. We believe research and communication of research findings among workers is one of the key elements in overcoming this situation.

I would like to thank the International Labour Organization (ILO) for their technical assistance in taking this social dialogue forward. This study report can lead to further improvement in evidence-based international recruitment regulation. The government is committed to reviewing and revising the rules and procedures in a manner that would improve the returns of overseas employment for workers and their households.



**Dr. Zafar Ahmed Khan**  
Secretary  
Ministry of Expatriates' Welfare & Overseas  
Employment  
Government of the People's Republic of Bangladesh



# Introduction, study objectives, and methodology

## 1.1 Introduction

The association between migration for employment and economic development has become one of the key issues in development discourse. In a country like Bangladesh, this association holds more significance, since the population demography of Bangladesh is turning out to be an asset. In fact, the demographic dividend (i.e., the prevalence of a young working age population) of Bangladesh has opened a window of opportunity for a new form of economic development for the country. Labour migration from Bangladesh is transforming the socio-economic structure of the country.

**Table 1.1: Flow of international labour migration from Bangladesh 2001–June 2013**

Year	Official number of migrant workers		
	Total	Male	Women
2001	188 686	188 027	659
2002	225 256	224 040	1 216
2003	254 190	251 837	2 353
2004	272 958	261 699	11 259
2005	252 702	239 132	13 570
2006	381 516	363 471	18 045
2007	832 609	813 515	19 094
2008	875 055	854 213	20 842
2009	475 278	453 054	22 224
2010	390 702	362 996	27 706
2011	568 062	537 483	30 579
2012	607 798	570 494	37 304
2013 (through June)	208 340	181 289	27 051

Source: BMET, <http://www.bmet.org.bd/BMET/viewStatReport.action?reportnumber=18> [accessed 25 July 2013].

Since the beginnings of official labour migration from Bangladesh, more than 8 million Bangladeshi migrant workers<sup>1</sup> have migrated to various countries in order to change their economic status. Between 1976 and June 2013, a total 8,516,089 workers migrated from Bangladesh to various countries.<sup>2</sup> This scenario suggests that Bangladesh is the second largest labour originating country in the world. The flow of labour migration over the years generally exhibits an increasing trend (Table

1.1). In addition, men and women workers are finding niches in this sector.<sup>3</sup> In fact, economic globalization in the 1980s and 1990s instigated an international rise in the demand for skilled, as well as less-skilled, migrant workers globally (Castles & Davidson, 2000, cited in Barai, 2012). This external demand opened up opportunities for a large number of Bangladeshi (mostly semi-skilled and less-skilled) workers to be employed overseas. Bangladeshis migrated due to several pull factors (e.g., demand for labour overseas, high wages in countries of destination, assistance of relatives living abroad) and push factors (e.g., poverty, unemployment/ underemployment/ disguised unemployment, landlessness, lack of development in rural areas, etc.).

Since the inception of labour migration from Bangladesh in the 1970s, Middle Eastern countries are the principle destinations for workers from Bangladesh. An analysis of migration-oriented data over the last decade reveals that about four-

<sup>1</sup> According to the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), “migrant worker” refers to a person who migrates from one country to another country with a view to being employed otherwise than on his or her own account. However, the following five categories of person cannot be considered as migrant worker: frontier workers, artists and members of the liberal professions who have entered the country on a short-term basis, seafarers, persons who migrate for training or education, and employees of organizations or undertakings operating within the territory of a country who have been admitted temporarily to that country at the request of their employer to undertake specific duties or assignments, for a limited and defined period of time, and who are required to leave that country on the completion of their duties or assignments.

<sup>2</sup> Bureau of Manpower, Employment and Training (BMET), <http://www.bmet.org.bd/BMET/viewStatReport.action?reportnumber=37> [accessed 28 July 2013].

<sup>3</sup> In 2012, about 6.14 per cent of the outbound migrant workers were women (as shown in Table 1.1).



fifths of all Bangladeshi migrant workers headed to Middle Eastern countries. The majority of Bangladeshi migrant workers are working in Saudi Arabia, the United Arab Emirates (UAE), Kuwait, Oman, Malaysia, and Singapore (Table 1.2). In addition, workers are migrating to Bahrain, Qatar, Jordan, Lebanon, the Republic of Korea, Brunei, Mauritius, the United Kingdom, and Ireland.

**Table 1.2: Top destination countries for Bangladeshi migrant workers (1976–June 2013)**

Country	No. of migrant workers	Percentage of total migration
Saudi Arabia	2 626 626	30.84
UAE	2 294 695	26.95
Malaysia	702 308	8.25
Oman	779 614	9.15
Singapore	456 195	5.36
Kuwait	479 650	5.63
Bahrain	262 611	3.08
Qatar	237 519	2.75

Source: BMET, <http://www.bmet.org.bd/BMET/viewStatReport.action?reportnumber=37> [accessed 25 July 2013].

If countries of destination are taken into account, a significant change is notable in the migration pattern over the last decade. In 2001, about 72 per cent Bangladeshi workers went to Saudi Arabia, but this decreased to only 3 per cent of migrant departures in 2011. On the other hand, in 2001 only about 9 per cent of migrant workers went to the United Arab Emirates, but that portion reached 49 per cent in 2011. Likewise, in 2001,

only about 4 per cent Bangladeshi migrant went to countries outside the Middle East, but this figure increased to 13 per cent in 2011.

The outcome of such trends seems quite positive for the Bangladesh economy in terms of outstanding remittance flow (a glance of remittance scenario of Bangladesh is shown in Box 1.1) and beneficiary households. In addition, returning migrant workers have great potential for the Bangladesh economy through the utilization of skills they acquired overseas.

However, this migration-based development also has socio-economic costs and opportunity costs. Many a migrant worker gets exposed to serious abuse and exploitation during the migration phase in both countries of origin and destination. In addition to exploitation and harassment in workplace, unethical labour recruitment is becoming one of the key concerns for national and transnational policy-makers. The exorbitant cost of recruitment and migration is one components of the unethical recruitment process. The cost of recruitment and migration has become a major area of state intervention, and should not be seen merely from economic perspective, but also through the lens of a human rights-based approach.

Most Bangladeshi migrant workers are recruited by private recruiting agencies. The MEWOE and BMET are the government authorities tasked with managing whole migration process and ensuring the welfare of migrant workers. At present (2013),

### Box 1.1: Wage earners' remittance flow to Bangladesh: At a glance

- In 2012 the remittance sent to Bangladesh by the wage earners was US\$14.2 billion.
- Remittance is the largest single source of foreign exchange for Bangladesh. Remittance was more than ten times larger than the official development assistance received by Bangladesh in FY 2010-11.
- In 2012, Bangladesh ranked sixth among the top 10 remittance-receiving countries; and was the second largest remittance receiver in South Asia (World Bank, 2012).



868 registered recruiting agencies<sup>4</sup> are recruiting workers in Bangladesh under the guidance and supervision of the BMET. However, a large number of migrant workers receive work permits through unofficial channels and migrate without the knowledge of/clearance by the BMET. Such “undocumented” workers are particularly more vulnerable to exploitation (Institute for Human Rights and Business & RMMRU, 2011).

In recent years, irregular labour migration from Bangladesh through private recruiting agents has diminished on a large scale. Affirmative intervention MEWOE and the BMET is one of the main reasons behind this encouraging outcome. However, the main challenges related to regular migration carried out through private recruiting agents and individual initiative still remain. One of the unethical practices in the recruitment process is high recruitment costs being imposed upon migrant workers.

ILO and United Nations (UN) Conventions call for employers to shoulder the economic costs of migration.<sup>5</sup> However, in reality, the labour broker system facilitates a situation where workers subsidize the cost of labour migration, not employers. A potential migrant may have to pay, on average, 10 times more to secure a job than an employer would have to pay to secure that same worker. “Charges borne by migrants include recruitment and selection (commitment/reservation fees; placement fees; direct costs); on-site conditions (deductions, runaway insurance, other deductions), and return/reintegration” (Institute of Human Rights and Business & RMMRU, 2011, p. 3, citing research by Verité).

The high cost of recruitment and migration is also suspected to have a link with human trafficking, forced labour, debt bondage, and

<sup>4</sup> BMET, <http://www.bmet.gov.bd/BMET/raHomeAction> [accessed 5 Aug. 2013].

<sup>5</sup> ILO Private Employment Agencies Convention, 1997 (No. 181), Article 7(1) states, “Private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers.”

loss of remittances. Inadequate opportunities for regular migration compel many potential migrants to make unfair deals with recruiting agencies, intermediaries, or individual brokers living in destination countries. Sometimes potential migrants enter into such arrangements without having an adequate understanding of the deal.

Before they even begin their actual employment abroad, some migrant workers find themselves bonded by fees they have paid and the commitments they made to brokers. As workers progress through the recruitment process, they often face mounting debt. Since they incurred a huge amount of debt in Bangladesh, they find it impossible to go back and this, in turn, compels them to do anything they can in order to stay in the destination country. In addition to this unfavourable debt situation at home, migrant workers often find themselves in exploitative situation in the countries of destination (IHRB & RMMRU, 2011).

The cost of recruitment and migration is intricately bound-up with a number of factors. Some stakeholders in the migration process (such as recruiting agencies) tend to attribute high recruitment and migration costs to market-driven factors (i.e., the demand and supply of labour); others attribute high costs to the lack of adequate regulation in the recruitment sector. In truth, both factors have to be taken into consideration in making an analysis of international labour recruitment and migration cost. Moreover, it is necessary to understand the trends of migration to various countries, the specific immigration laws of each destination country, and the role of the relevant stakeholders in these processes.

The situation being what it is, it is necessary to form an understanding of the international labour migration sector through the adoption of a comprehensive approach. Following a thorough consideration of the recruitment and migration costs incurred by migrant workers, appropriate regulatory system need to be put in place to guide and regulate recruitment for the international



labour market. There should be equal emphasis on implementation, periodic tripartite review for the purpose of updating the measures initiated in the system, and regular performance evaluations of those responsible for making the system work.

## 1.2 Study objectives

Bangladesh's demographic dividend has flung open a window of opportunity for the national economy. Certain countries/regions with high economic growth are currently experiencing a decline in the size of their labour forces. Bangladesh has the capacity to meet the labour demands in these countries/regions. Although overseas employment and remittance expedite the economic development of Bangladesh, the actual and potential benefits/prospects of labour migration on the national economy, migrants, and their households still remain largely an unexplored area. This being the case, the Government of Bangladesh, and the ILO with the concurrence of its two other constituents, namely, the workers and employers organizations, initiated five studies on migration and development issues in Bangladesh, under a project entitled "Promoting Decent Work through Improved Migration Policy and its Application in Bangladesh".

The objectives of this study, titled, "The Cost: Causes of and potential redress for high recruitment and migration costs in Bangladesh" are to:

1. develop an understanding of the current state of policy and regulatory mechanisms related to recruitment and migration costs;
2. promote reform and regulation of the labour recruitment system as it currently exists in Bangladesh; and
3. promote regulations and mechanisms to control recruitment by promoting ethical recruitment and reduced migration costs.

## 1.3 Methodology

Considering the objectives of this study, literature review was determined to be the main method

to be utilized. However, to address some specific objectives of the study, the study included primary data collection and analysis were done as part of the research process. Primary data and information were collected through interviews and focus group discussions, using separate diagnostic tools for different groups of respondents.

Both quantitative and qualitative research approaches were adopted to address the objectives of the study. There were several rationales for utilizing a mixed method of qualitative and quantitative approaches. First of all, quantitative data and qualitative information have been triangulated as per the needs of the study objectives. The nature of the study demands the answer of "What", "How", and "Why" questions. It is very difficult to answer "How" and "Why" questions from a positivist ontological standpoint point.<sup>6</sup> For instance, issues related to "better labour migration management procedure" and "causes of unethical labour recruitment practice" cannot be addressed through single reality perception. Different stakeholders in the process certainly have different orientations and explanations in connection with the same issue. Hence, qualitative data was given due consideration in the study.

Labour migration is a vast area of understanding and analysis for academics and researchers. Hence, a considerable number of theoretical understandings of the process are available in the academic and research domain. However, instead of focusing on a specific theoretical model, this study made its analysis on the basis of various policies, rules, guidelines, and conventions of government and intergovernmental bodies.

<sup>6</sup> Positivism refers to any philosophical system that confines itself to the data of experience, excludes a priori or metaphysical speculations, and emphasizes the achievements of science. Positivism is closely connected with empiricism, pragmatism, and logical positivism. Source: *Merriam Webster Dictionary*; Positivism: <http://www.merriam-webster.com/dictionary/positivism> [accessed 1 Aug. 2013]. The ontological tradition of positivism considers that only a single reality is out there which can be understood through an objective standpoint. This reality can be scientifically verified or is capable of logical or mathematical proof.



The study adopted both inductive and deductive approaches of reasoning. Following the specific research question, specific strategies, tools, and techniques were used to gather primary information from field activity, on the one hand. On the other hand, existing secondary information was analyzed to understand the situation from different perspectives. Major strategies, tools, and techniques used under this study are as follows:

**National workshop:** A day-long workshop was held on 6 February 2013 in Dhaka, where various inputs came from key stakeholders, particularly the government, the recruitment agents' association, and workers.

**Use of secondary data and information:** The study used secondary data and information for analysis. Data from relevant government official databases and information from other widely accepted reports/articles were used for analysis and estimation.

**Focus group discussion (FGDs) with returning and returned migrant workers:** Focus group discussions (FGDs) were organized with returning migrant workers. An FGD with male returning migrants was held in Tangail district on 10 March 2013. A separate FGD with returning migrant women workers was held in Munshiganj district on 18 April 2013. In the FGD with the men, nine returning migrants who had worked in Saudi Arabia, Libya, Malaysia, Singapore, and Iran participated. The men had been abroad for between three to 14 years, with the average length of stay being 7.1 years. In the FGD with the women, 15 returning migrants who worked in Saudi Arabia, Oman, Bahrain, Lebanon, and the United Arab Emirates participated. The women had been employed abroad for between two to 11 years, with the average length of stay being 5.2 years.

**Key informant interviews:** A number of key informant interviews were conducted during the study. The major key informants interviewed were from the following groups: officials of the BMET, representatives from the recruitment

agents' association BAIRA, recruiting agents, illegal sub-agents, NGOs working on migration issues, relevant journalists, and academics. Key informant interview were conducted in different phases between January and June 2013.

**Survey:** A small survey (not a statistically representative sample survey) was conducted on two groups of people – returning migrant workers and members of households with a migrant worker currently employed overseas (hereafter referred to as "migrant household members") – in order to develop an understanding of the current status and supplement/validate the data and information contained in secondary sources. In-depth interviews with returning migrant workers and migrant household members were held in 14 districts across Bangladesh (Barisal, Bogra, Faridpur, Khulna, Kurigram, Kushtia, Moulavibazar, Munshiganj, Noakhali, Pabna, Patuakhali, Rangamti, Rangpur, and Tangail). In each of these 14 districts, an average of five returning migrants and five migrant household members were interviewed. A total of 67 returning migrants and 69 migrant households were interviewed in January and February 2013. The number of sample districts was derived simply to cover 20 per cent of the districts of Bangladesh. The districts were selected using probability proportional to size. Districts were selected from all seven of the Divisions of Bangladesh. The sample selection was purposive.

All research ethics and the anonymity of respondents/participants were ensured during primary data collection. To protect the identity of research participants, the names of the participants were coded, using pseudo-names, and these pseudonyms are used in the study report.

# International migration systems and procedures

International labour migration from Bangladesh can be divided into two major categories: documented and undocumented. Documented labour migration refers to those migrations through regular channels which are documented in the BMET's records. It is not guaranteed, however, that documented migrant workers remain documented forever. Migrants sometimes lose their documented status by staying in the destination country after the expiration of their job contract or changing their employer, or by subsequent migration through irregular channels to other countries.

Undocumented labour migration refers to migrations through irregular channels which are not recorded by the BMET. Intended labour migrants may adopt

devices like the use of student or tourist visas in order to go abroad. They then seek out employment in the overseas job market upon their arrival. Some undocumented migrants later do receive documented/regular status through amnesties or other actions taken by countries of destination, but the majority remain undocumented and irregular for the duration of their time overseas. From the focus group discussions, it seems that the majority of these undocumented labour migrations are through channels that involve trafficking in persons or human smuggling, as well as migration on a tourist visa.



### Box 2.1: Major tasks of MEWOE that have a direct bearing on the rights of migrant workers

- 1) Ensuring welfare and protection of expatriates;
- 2) Addressing complaints of expatriates;
- 3) Mobilizing investment by the expatriates in the Bangladesh economy;
- 4) Ensuring inclusion and participation of expatriates in Bangladesh's socio-economic development;
- 5) Regulation of recruitment agents;
- 6) Promoting overseas employment;
- 7) Supervising BMET, BOESL, Probashi Kallyan Bank, and any other subordinate organizations that may be formed by MEWOE in the future;
- 8) Coordination with the Bangladeshi foreign missions for the appointment of staff and deployment of resources required for the welfare and protection of the expatriates;
- 9) Management of the Wage Earners' Welfare Fund;
- 10) Promotion of Bangladeshi culture among the expatriates;
- 11) Formulation of the drafts of laws and policies on issues under the charge of the MEWOE for adoption by designation institutions;
- 12) Engagement with international institutions on issues under the charge of the MEWOE; and
- 13) Qualitative and quantitative research on issues under the charge of the MEWOE.

At the outset of the overseas labour migration process, potential migrants make their decision to go abroad on the basis of the incentives and disincentives of migration. In this connection, sources of information about countries of destination act as an important determinant in overall migration process. The survey and in-depth interviews with the migrant workers conducted for this study indicate that relatives and other illegal intermediaries are the two most common sources of information (55.5 and 45 per cent, respectively) from whom migrants got their initial perception about countries of destination, overseas jobs, costs, etc.<sup>1</sup> This information has an effect on potential migrants' decision-making processes. Migration and recruitment costs, the focus of this report, was cited by 14 per cent of migrant workers as being a major determining factor in selecting the country of destination and the means by which they would migrate there.

<sup>1</sup> The survey question which was used to gather this information had the provision for multiple responses to be given by a single respondent.

A closer look at migration patterns on a district by district basis reveals differences in the migration routes workers adopt to reach destination countries. Migrant workers from Tangail district, for example, usually migrate through regular channels to Malaysia, while workers from Jessore district heading to Malaysia seem to opt for irregular channel, including traveling by boat.<sup>2</sup> The international labour migration procedures adopted by Bangladeshi workers – both regular and irregular – are concisely discussed in the following sections.

## 2.1 Systems and procedures for documented migration

Labour migration systems differ depending on the destination country. The majority of Bangladeshi migrant workers (72.7 per cent) head to the Middle East for overseas employment. About 22 per cent of Bangladeshi migrant chose other countries

<sup>2</sup> Findings of FGD (Male) carried out at Tangail district by the study team.



in Asia (excluding Middle East countries). This leaves a relatively small percentage (4.2 per cent) who migrate to Europe, North America, Australia, and New Zealand.

### 2.1.1 Institutions involved in the labour migration process

Before 2001, the Ministry of Labour and Employment was responsible for international labour migration. In 2001, the Ministry of Expatriates' Welfare and Overseas Employment (MEWOE) was established by the government to dedicatedly work on international labour migration issues. The new ministry is entrusted with a range of responsibilities related to the Bangladeshi expatriates from pre-departure to return (the major functions of MEWOE are shown in Box 2.1).<sup>3</sup>

Two other government bodies operate under MEWOE, namely the Bureau of Manpower, Employment and Training (BMET) and the Bangladesh Overseas Employment and Services Limited (BOESL).

Established in 1976 during the initial phase of labour migration from Bangladesh, the BMET is responsible for executing the plans and policies of MEWOE aimed at enhancing labour migration and training as well as protecting migrants' welfare. These tasks also involve controlling and monitoring the activities of recruiting agencies.

BOESL is the only State-owned overseas employment company in Bangladesh. The institution is responsible for enhancing and processing all foreign employment demands from overseas governments or individuals. In addition, it promotes the employment of Bangladeshis in other countries. One of the main objectives of the institution is to minimize recruitment and migration cost through the provision of services for migrant workers under a "no profit, no loss" strategy.

<sup>3</sup> T. De Bruyn and U. Kuddus: Dynamics of remittance utilization in Bangladesh, IOM Migration Research Series No. 18, 2005, p 15.

Under the control and supervision of MEWOE and the BMET, 868 licensed international recruiting agents are operating in Bangladesh.<sup>4</sup> These private agencies, on their own behalf, collect information on demand in overseas job markets and seek out orders for foreign employment. International recruiting agents have a national-level association called the Bangladesh Association of International Recruiting Agencies (BAIRA). The objectives of BAIRA are to ensure the welfare of the migrant workforce as well as the interests of more than 900 member agents. BAIRA works in collaboration with and with support from the Government of Bangladesh.

Apart from the above-mentioned institutions, intermediaries (dalals), social networks, and sub-agents (located in both Bangladesh and countries of destination) play a vital role in the labour migration process of Bangladesh. As mentioned above, a considerable portion of migrant workers get their initial information about countries of destination, the migration process, and the relevant institutions from their social networks (e.g., family members, relatives, and friends). Moreover, they rely on their social capital to integrate into the country of destination. Potential migrants are more prone to rely on social networks or sub-agents rather than private recruiting agents.<sup>5</sup> As dalals and illegal sub-agents are not registered under any government or private institutions, it is very hard to estimate the total number of intermediaries operating in Bangladesh. However, a recent study (Siddiqui, 2011) estimated that about 10,000 intermediaries were operating in Bangladesh.

<sup>4</sup> Data derived from BMET website, <http://www.bmet.gov.bd/BMET/raHomeAction> [accessed 5 Aug. 2013].

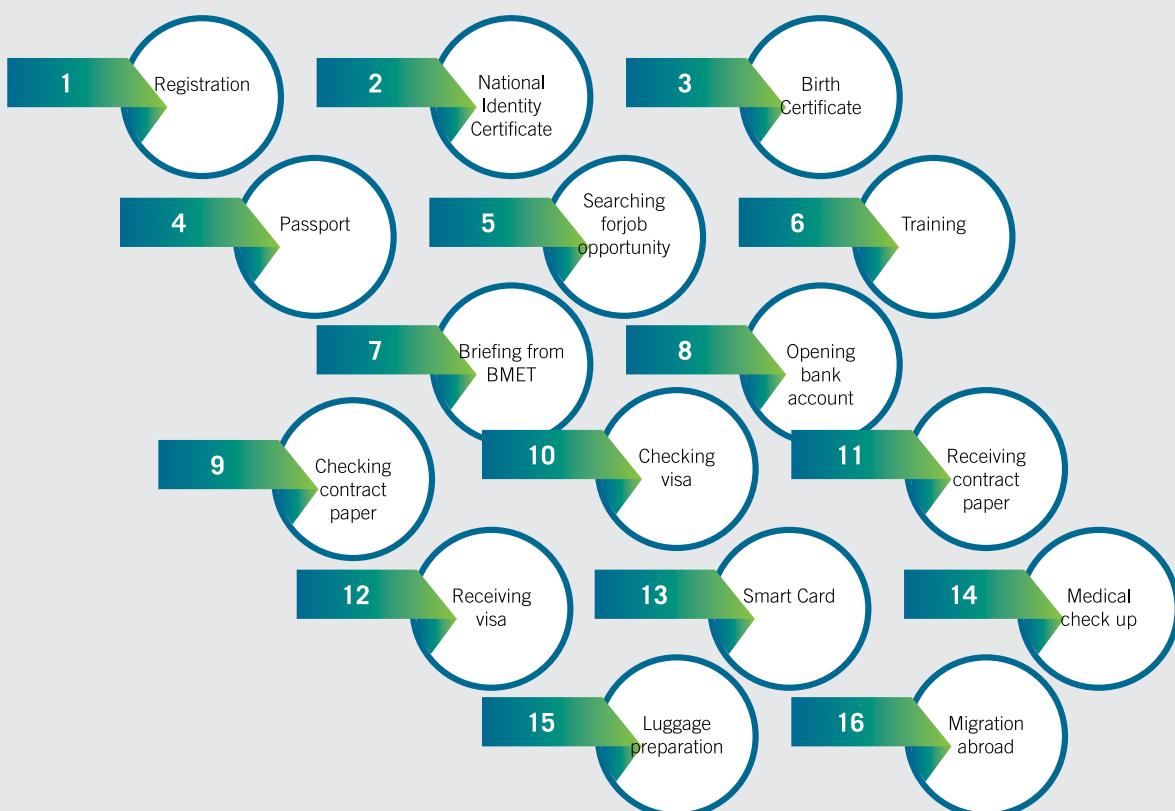
<sup>5</sup> For more details on BAIRA, visit the association's website, <http://www.hrexport-baira.org/> [accessed 4 Apr. 2013]



## 2.1.2 Migration procedure

The international labour recruitment and migration system in Bangladesh involve diverse and complex stages for migrant workers to go through. Several institutions are engaged in this process, including the Union Information and Service Center, the Rural Information Center, District Employment and Manpower Offices (DEMOs), local passport offices, training centre, recruiting agencies, banks, the BMET One Stop Service Desk, health examination centres, and so on. A simplified depiction of typical international labour migration process in Bangladesh is shown in Figure 2.1.

**Figure 2.1: Ideal official process of labour migration<sup>6</sup>**



According to the ideal procedure for international labour migration, an overseas job seeker needs to get registered with the computer database network of the BMET. The potential migrant may

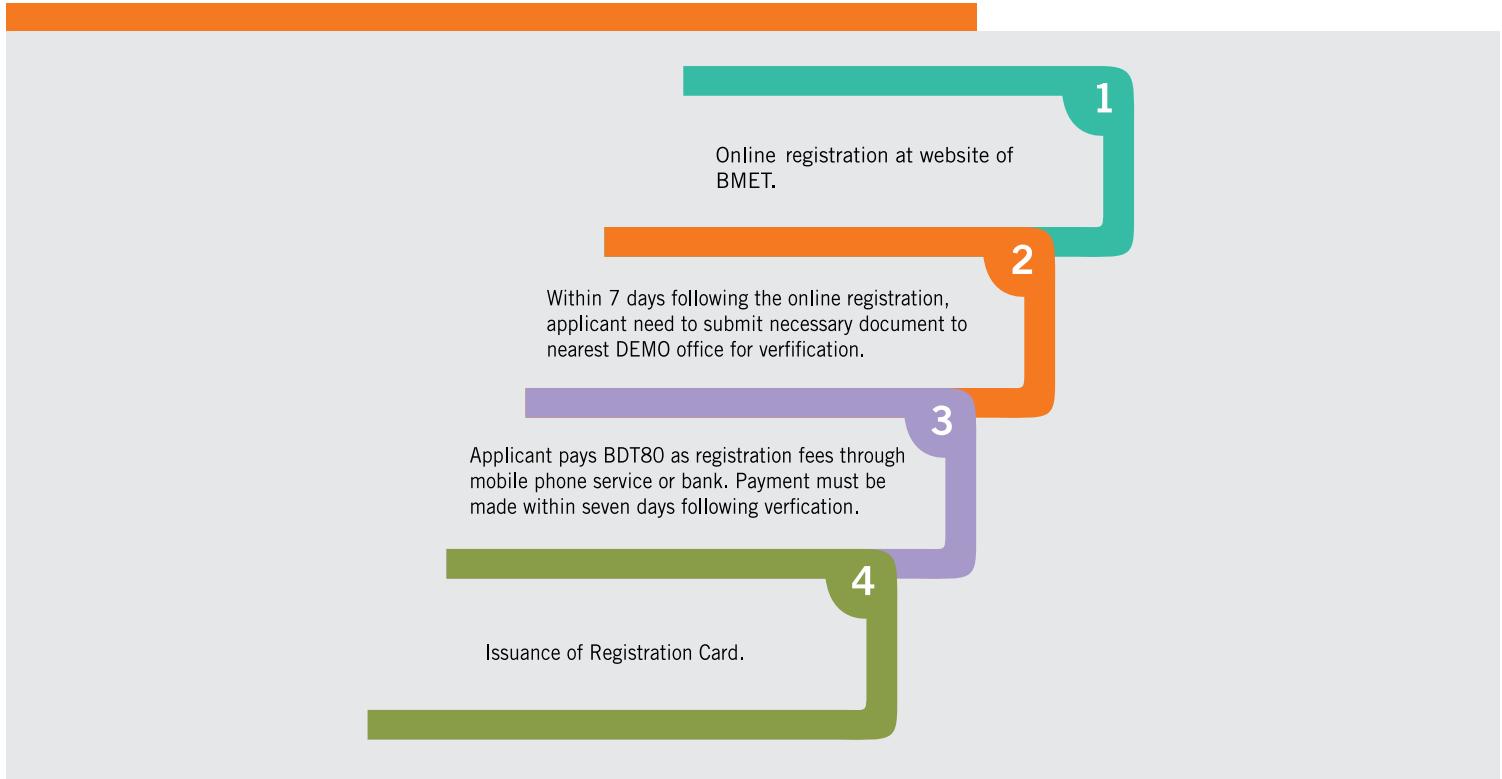
<sup>6</sup> Labour migration process for women as delineated in the website of Oparajitar Ovijatra. Oparajitar Ovijatra is a comprehensive database for potential women migrant workers in Bangladesh. The web portal is resourceful in terms of its graphical descriptions of the whole migration process. The web link is maintained under the website of Abolombon (an initiative of Dnet), <http://www.abolombon.org/aparajita/find.html> [accessed 5 June 2013].

register their name and other particulars at any of the 42 District Employment and Manpower Offices (DEMOs) of the BMET or at the office of BAIRA. The application forms are available free of cost at the DEMOs and at branches of Sonali Bank.<sup>7</sup> The forms can also be downloaded from the website of the BMET. The registration procedure is delineated in Figure 2.2 below.

<sup>7</sup> A State-owned bank in Bangladesh.



**Figure 2.2: Registration procedure for potential migrant workers**



Each registered candidate will be supplied with a registration ID card with a unique registration number. Registration is mandatory for all prospective overseas job seekers. Each job seeker can use this ID in future for any BMET services relating to overseas employment. The migrant worker computer database network was developed so that it could be accessed in/utilized by the following institutions:

- BMET main office;
- MEWOE;
- DEMOs;
- Sahajalal International Airport, Dhaka;
- Shah Amanat International Airport, Chittagong; and
- Osmani International Airport, Sylhet.

The employment contract is one of the most important components of labour migration. As per the *Bangladesh Household Remittance Survey 2009*, from among all migrants using the regular

migration channels, approximately 78.7 per cent received a contract of employment before they travelled to the country of their current residence. For 74.2 per cent migrants, it took six months to obtain the contract documents (IOM, 2010).

At present, potential migrant workers have the opportunity to secure overseas employment through following regular channels:

1. Recruiting agents;
2. Individual contacts (relatives/friends/own effort);
3. BMET and BOESL; and
4. Government-to-government arrangements.

In adopting a particular recruitment channel, migrant workers consider following factors:

- **Trust and loyalty:** During the migration process, potential migrants place trust in their surrounding social network. Social



networks, by providing information on job opportunities, the procurement of work permits, and bona fide recruiting agents, may act as a key determinant in migrants choosing a particular recruitment channel.

#### ■ **Assurance of support at destination countries:**

Accommodation, transportation, and other necessary support services in destination countries are also considered by potential migrants in choosing a particular channel of migration. Hence, they want to make sure that trustworthy recruiting agents, illegal sub-agents, and other intermediaries such as friends and relatives, will make such arrangements.

#### ■ **Familiarity and proximity:**

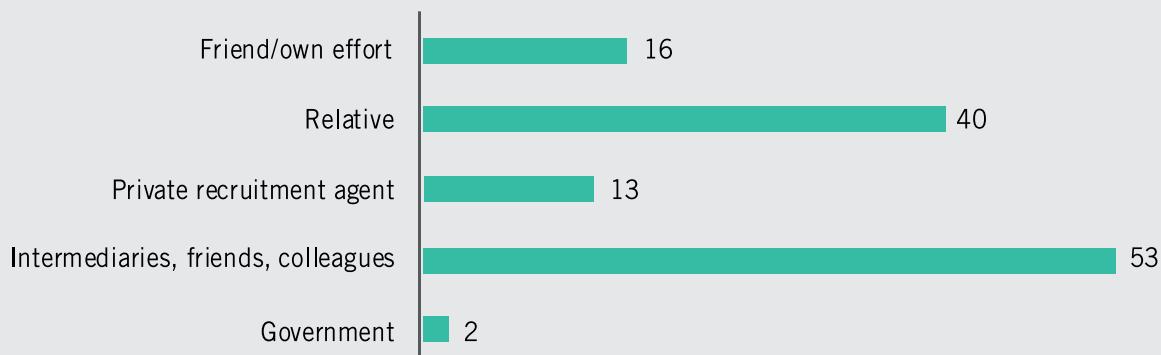
Nearby recruiting agents or sub-agents get priority when potential migrants select their channel of migration. Some sub-agents who are engaged in dubious activity do not want to cheat their fellow villagers; instead, they prefer to sell problematic work permits elsewhere (Afsar, 2009).

Of course, whatever channel a migrant worker selects, the whole process of regular labour migration takes place under the direct authority of the government. Ideally, private recruiting agents simply facilitate the process under the guidance and control of the government.

According to the *Bangladesh Household Remittance Survey 2009* (IOM, 2010), about 53 per cent of migrant workers took on help from intermediaries, while 13 per cent migrated through private recruitment agents (Figure 2.3). However, the survey report assumes that many of the illegal intermediaries actually work for private recruitment agents. Therefore, the survey could not precisely indicate the proportion of migrant workers migrating through recruiting agents. However, an earlier report (IOM & RMMRU, 2002) indicated that 45 per cent of migrant workers arranged their employment abroad through recruiting agents (shown in Figure 2.4).

Irregularities in labour migration and recruitment channels differ from one destination country to another. Many recruitment agents and illegal intermediaries and sub-agents manipulate lacunae in the immigration systems to run irregular migration networks. For instance, key informant

**Figure 2.3: Recruitment facilitation between 1976 and 2009 (per cent)**



interviews suggested that Umrah visas for a pilgrimage to Ka'bah in Mecca, Saudi Arabia, have been misused to enter the country and stay on. There has been also instance of Umrah companies selling these visas through their agents outside Saudi Arabia. Different visa categories and recruitment channels for migrating to Gulf countries are delineated in Box 2.2.

**Figure 2.4: Channels through which migrants arranged their jobs abroad (1976–2000)**



**Box 2.2: Visa categories and recruitment channels for migrating to Gulf countries**

- Typically Bangladeshi migrants use two type of visa for documented migration to Gulf countries:
  - Iqama or individual employment visa on the sponsorship of a Saudi company or citizen: This type of work permit and visa allows a worker to work in a pre-assigned job, and only in that pre-assigned job.
  - Nominal sponsorship system: Also called a “free visa” by migrants, this type of visa is expensive but attractive to migrant workers, as they erroneously believe that this type of visa allows migrants to find their own job. However, in reality, sponsors control migrant workers’ income. This visa allows the holder to enter the country but does not allow them to work, and those workers who find employment, typically, are required to pay a monthly or other agreed upon sum to the nominal sponsor. This visa does not offer them protection under the labour laws or any form of social security.

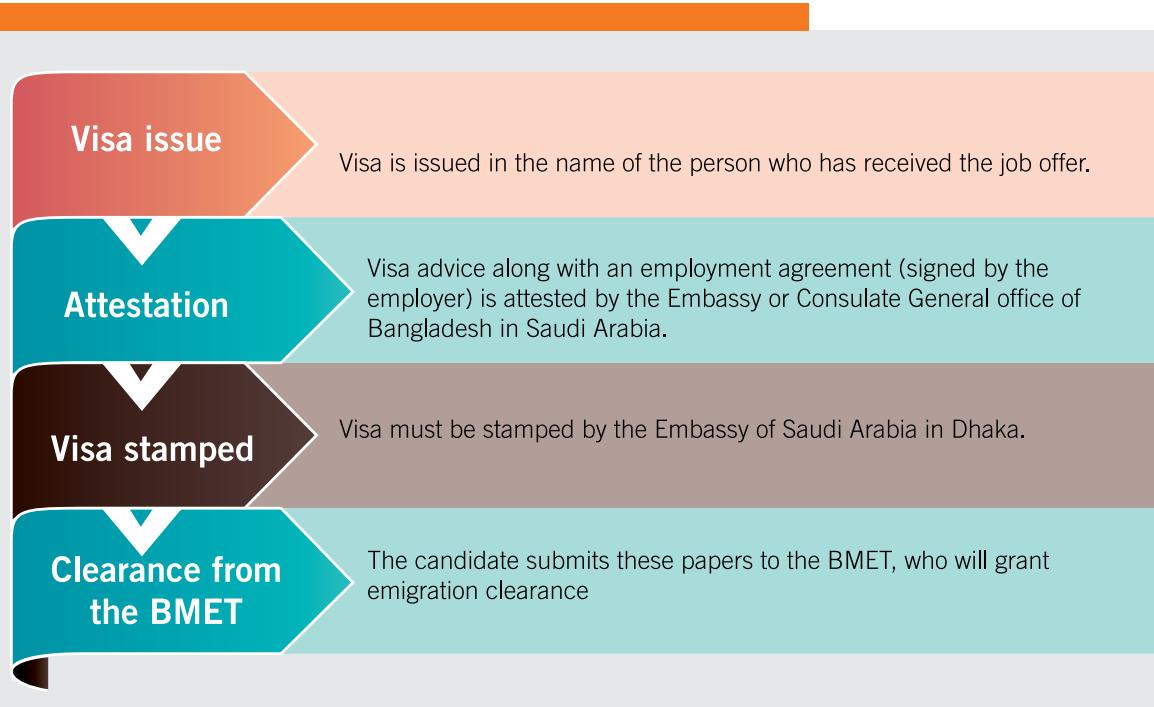
Lack of information about the labour migration process is one cause for workers and their households becoming indebted and the worker becoming dependent on the recruitment agents. For example, the labour recruitment system to Saudi Arabia goes through specific phases depending on whether the worker is recruited through an individual or group visa. The steps are delineated in Figure 2.5 and Figure 2.6 below. Saudi Arabia has the largest Bangladeshi diaspora and yet it is a destination characterized by risks. Semi-literate or functionally illiterate and low-skilled workers, who have heard of Saudi Arabia more than other countries, often fall victim to illegal intermediaries and sub-agents who exploit their economic and educational weaknesses. Recruitment agents tend to charge exorbitant fees for services that are delivered by government bodies free of cost. Workers, lacking information about the migration process, pay the high fees.



**Figure 2.5: Recruitment process for migrant workers heading to Saudi Arabia under a group visa<sup>8</sup>**



**Figure 2.6: Recruitment process for a migrant worker heading to Saudi Arabia under an individual visa<sup>9</sup>**



<sup>8</sup> Source: Key informant interviews with BMET officials and representatives of BAIRA.

<sup>9</sup> Source: Key informant interviews with BMET officials and representatives of BAIRA.



### 2.1.3 Migration through recruiting agencies

Bangladeshi recruiting agents, working under a license from the MEWOE, are expected to collect information on labour demand in the overseas job market, immigration processes, and working and living conditions, and identify job placement opportunities. The recruiting agents may receive information about vacancies and a demand letter for placement of the workers from the concerned foreign employer directly or via overseas recruiting agencies contracted by the overseas employer. Bangladeshi recruiting agents operate largely through the recruiting agencies and sub-agents operating in the destination countries. Before a recruiting agent can act on the demand letter, the letter is required to be verified and approved by the labour wings of Bangladesh missions overseas. If there is no mission to authenticate the letter, satisfactory evidence of the authenticity of the document needs to be furnished by the recruiting agent to the BMET.

After meeting all the requirements of the BMET and MEWOE, recruiting agents recruit workers as per the skills requirements received from the employer or through the overseas recruiting agent. Currently, the MEWOE requires that a recruiting agent gives priority to those workers who are included in a database developed by the BMET and the DEMOs. This database has details of those workers who have expressed an interest in migrating for employment by filling in an online form. Every selected worker has to be issued an electronic smart card and clearance to migrate after the worker has fulfilled the mandatory pre-migration requirements, which sometimes are customized to meet specific conditions put forth by a country of destination. In general, the requirements to be met before clearance can be given include a review of all contract and migration documents, a health check, the opening of a bank account, fingerprinting and registration, and the reception of a smart card.

**Role of sub-agents:** As mentioned above (Figure 2.3), about 53 per cent of migrant workers migrated through the use of illegal intermediaries or sub-agents. Prospective migrants tend to lack access to recruiting agents or government offices concerned with migration, and therefore rely instead on illegal sub-agents who live and work in their locality. Since prospective migrants at the community level remain under the influence of illegal sub-agents, recruiting agents are compelled to utilize sub-agents for worker recruitment.<sup>10</sup> According to recruiting agents, people in rural areas are so unwilling to place their trust in non-local organizations that prospective migrants will work with local sub-agents even if the sub-agents charge more than the recruiting agents (Afsar, 2009). However, it should be noted that under Bangladeshi law, workers must go through recruiting agents to migrant abroad, so just as recruiting agents need to work with illegal sub-agents, the illegal sub-agents must forge relationships with recruiting agents.

Illiteracy among migrant workers and a lack of knowledge about the type of occupations being offered and the countries of destination lead first-time migrant workers to rely on sub-agents. Individuals who migrate for a second time are less likely to make use of sub-agents, as they have become more aware about the migration process.<sup>11</sup> Box 2.3 presents some individual cases that delineate the decision-making process with regard to selecting migration channel for employment in Malaysia.

<sup>10</sup> Finding of key informant interview with Mohammed Masud Parvez, Welfare Association of Repatriated Bangladeshi Employees (WARBE).

<sup>11</sup> Revealed during FGD with male migrant workers in Tangail District.



### Box 2.3: Case studies: Decision-making, networking, and channels of migration

Abdur Rahim (pseudonym) has been working in Malaysia for 13 years. He knew many people from his area who had migrated successfully with help of a local illegal sub-agent who made him interested in going abroad. Moreover, since Rahim's father was a respected and influential person in his locality, he was confident that he would not be cheated. The whole process took around three months and he had to spend BDT170,000 to go Malaysia. Another participant of the FGD discussion, Sujon (pseudonym), told the study team that he initially was interested in migrating to Kuwait. In 1993, through a illegal sub-agent (dalal) in his district, he came to know about a worker recruitment announcement from Malaysia. Sujon was connected to a recruiting agent located in Dhaka through that illegal sub-agent. The main task of that illegal sub-agent was to gather interested people who were willing to go abroad and link them to the main recruiting agent. It took one year and a half for him to go abroad. Sujon's elder brother Pronob (pseudonym) also migrated to Malaysia in 2007. For Pronob the migration process was hassle-free because his brother informed him about the migration process and requirements related to qualifications and legally valid documents. It required nearly six months for Pronob to complete the migration process. Since Pronob was well-informed, he also negotiated the recruitment and migration cost and incurred a total expenditure of BDT180,000, which is also high but lower than the amount his brother had to pay.

Source: Reported during FGD held in Tangail district.

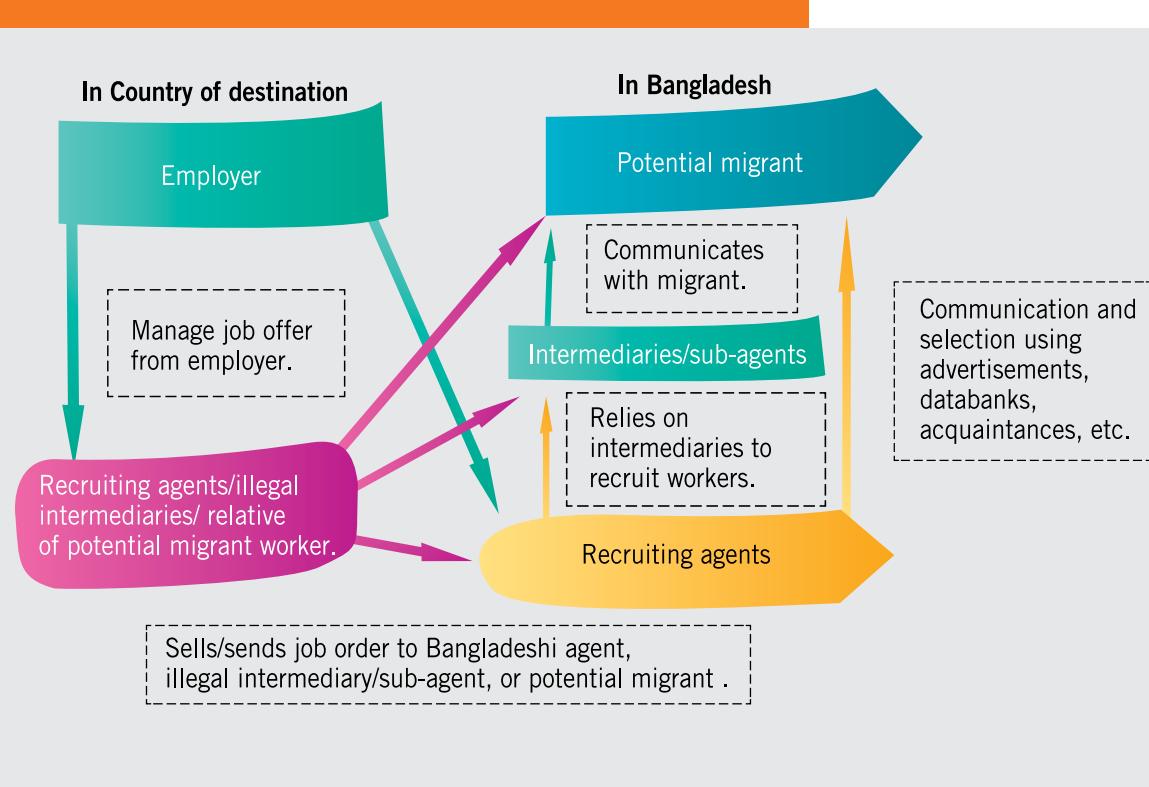
**The role of illegal intermediaries or sub-agents in countries of destination and transit:** The operation of overseas brokers/intermediaries and recruiting agents varies from one destination country to another. However, in general they play a crucial role in the recruitment and migration process. In Gulf countries, recruiting agents/brokers from India, Sri Lanka, and Pakistan have far more presence than those from other countries, like Bangladesh. Very few Bangladeshi recruiting agents have direct access to those markets. As a result, recruiting agents in Bangladesh have to rely on relationships with those overseas recruiting agents/brokers to secure demand letters or job offers. Although in some cases, Bangladeshi recruiting agents do make direct communication with employers. The movement of job offers among employers, recruiting agents, intermediaries, and employees is shown in Figure 2.7.

Recruiting agents in destination countries work under the regulations of that country. Commission-based legal or illegal agents work on behalf of these overseas recruiting agencies. These sub-agents, acting in the manner of a door-to-door sales agents,

visit employers to identify vacancies and offer the services of the recruitment agencies for whom they may be working. In many cases, overseas employers prefer to rely on recruiting agencies in their own country to share the legal liability of bringing a migrant worker into the country.<sup>12</sup> Sometimes, illegal intermediaries and/or recruiting agencies operating in a destination country also collude with employers who do not wish to bring workers through regular channels. Such a nexus leads to labour migration fraud that results in the exploitation of workers. In some Gulf countries in particular, employers sell visas (especially Kafeel, or sponsorship visas) to intermediaries (Martin, 2009). The job offers purchased by intermediaries or recruiting agencies in the destination country are marked up by about 30 per cent before being sold to individuals or recruiters in Bangladesh (Martin, 2009). The extent to which visas are traded through these channels has been made clear by statements from authorities in some destination countries. One Saudi minister has claimed that 70 per cent of the visas issued by Saudi Arabia are traded on the

<sup>12</sup> Findings of key informant Interview with a sub-agent located in Bangladesh.

**Figure 2.7: Movement of job offers among employers, recruiting agents, illegal intermediaries or sub-agents, and employees**



black market, while a minister of Bahrain termed such visa trading a “plague” (Siddiqui, 2011). Sometimes, in order to get a higher brokerage or payment, intermediaries and overseas recruiting agencies overstated to the recruitment agents in Bangladesh the remuneration entitlement that certain vacancies may carry.

Malpractice by intermediaries and recruiting agencies in destination countries is one of the reasons behind the high number of undocumented migrants in GCC countries. Many of these recruiting agencies in GCC countries are owned by settled migrants from Bangladesh, India, and Pakistan. Many of the intermediaries also happen to be settled migrants who do the work as a side business. These recruiting agents and intermediaries take part in visa trading and often compete among themselves to get placement orders from employers. These recruiting agencies then auction the visas or the demand letters

among Bangladeshi recruiting agents. For instance, recruiting agencies or illegal sub-agents in Saudi Arabia buy visas from for 2,000–6,000 Saudi Arabia Riyal (SAR) per visa from Saudi companies or individual employers and sell them to Bangladeshi a recruiting agent or illegal sub-agent. The price of a visa varies by the nature of the job it is linked to, the duration of the contract, the types of entitlements, etc. Through this trade, sub-agents in Saudi Arabia earn a handsome profit (about SAR500–2,000 per visa). If a Bangladeshi recruiting agent buys the visa, that agent will then recruit workers through its own network of illegal sub-agents or invite applicants through advertisements. As per the rules, the recruiting agents are required to advertise the vacancies in a local newspaper. If an illegal sub-agent in Saudi Arabia wants to sell a visa to a specific individual in Bangladesh, that sub-agent may have to utilize the help of a recruiting agent in Bangladesh.



Otherwise, the Bangladeshi worker who directly buys a visa from an overseas illegal sub-agent may contact a Bangladeshi recruiting agent to assist them in completing all necessary steps involved in migration.

Sometimes, the overseas recruiting agencies, acting in collusion with the employer or the recruiting agents in Bangladesh, create fake contracts for jobs that do not exist and/or are for companies that exist only on paper. Migrant workers arrive in the destination country after paying substantial fees to secure the employment, only to learn that they do not actually have a job waiting for them. As a result, many become undocumented migrants who accept what work they can find in the destination country (Martin, 2009).

As per the Government of Bangladesh Rule, no part of the labour migration process can be completed without the involvement of a licensed recruiting agent of Bangladesh or the designated government authority.

#### 2.1.4 Migration through individual contacts

A considerable portion of migrant workers migrate using individual contacts. Key informants and migrant workers as well as secondary literature differ about the percentages with regard to workers who migrate on their own using the regular channel, workers who use illegal intermediaries or sub-agents to migrate through irregular channels, workers who migrate through registered recruiting agents, and workers who migrate through public sector recruitment initiatives. For example, one study (Siddiqui, 2005) suggests that about 55–60 per cent of labour migration is dependent on individual initiatives and social networks. What seems clear is that the variety and complexity of channels also add to the lack of clarity about recruitment and migration costs. The expense incurred by migrants through migration on their own is less than the expense incurred through the use of

registered recruiting agents (Siddiqui, 2005). But in most instances, migration on one's own with the assistance of relatives and friends is also dependent on the purchase of employment visas or bribes, which keeps the cost high, although not as high as it would be if fully dependent on illegal intermediaries or sub-agents and registered recruiting agents (see Box 2.3). Further, because Bangladesh law requires all low to skilled workers (i.e., all non-professional workers) to migrate for overseas employment after registering with the BMET, discussions with workers suggest that those workers who obtained job contracts through unscrupulous means often approach recruiting agents to get their job contracts validated and to process them for migration. Those recruiting agents who engage in such practices, charge a commission for this service. It would be fair to suggest that investigation is needed into this form of labour migration and more data needs to be collected and specific tools developed to detect and plug the gaps in labour migration through individual contacts.

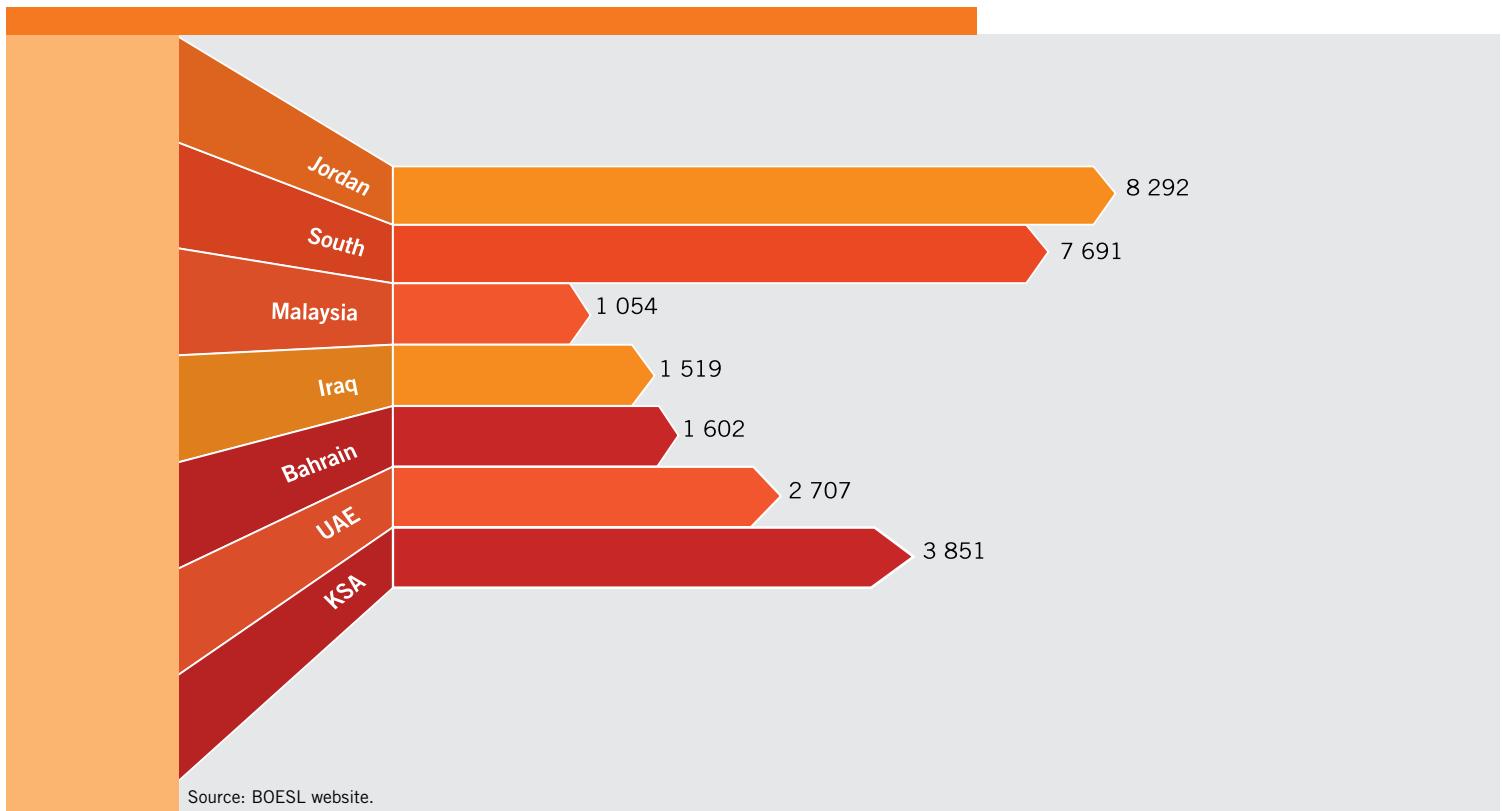
#### 2.1.5 Migration through BMET and BOESL

Recruitment through the BOESL has never been in significant numbers. However, in recent years, the government has been making efforts to revitalize the BOESL. The BMET is not a recruiting organization; rather, it issues licences to private recruiting agents to conduct recruitment. However, in addition to its original function, the BMET has been asked by the MEWOE to recruit for government-to-government migration to Malaysia.

Set up in 1984, BOESL is now a subordinate organization of the MEWOE and a state-owned limited company charged with recruiting workers for the international labour market. Up through the 2011–12 financial year, a total of 31,149 migrant workers have gone abroad through BOESL. Figure 2.8 delineates the distribution of these migrant workers by country of destination.<sup>13</sup> In recent

<sup>13</sup> Figures derived from BOESL website, <http://www.boesl.org.bd/StatOtherCountries.aspx> [accessed 7 Aug. 2013].

**Figure 2.8: Distribution of migrant workers who have migrated through BOESL by country of destination**



years, BOESL has been getting priority attention from both the Government of Bangladesh and the governments of several destination countries as a channel for the sending of migrant workers. The Government of Bangladesh considers BOESL an instrument for market intervention and cost reduction in migration.

In 2013, the Government of Bahrain stated that it wants to recruit Bangladeshi workers under State arrangements to curb the use of middlemen, and thereby better ensure a lower recruitment and migration cost and worker safety. Because of concerns over current migration practices, Bahrain does not want to utilize private recruiting agencies to hire workers from Bangladesh, instead preferring to deal with a single government agent (Ara, 2013).

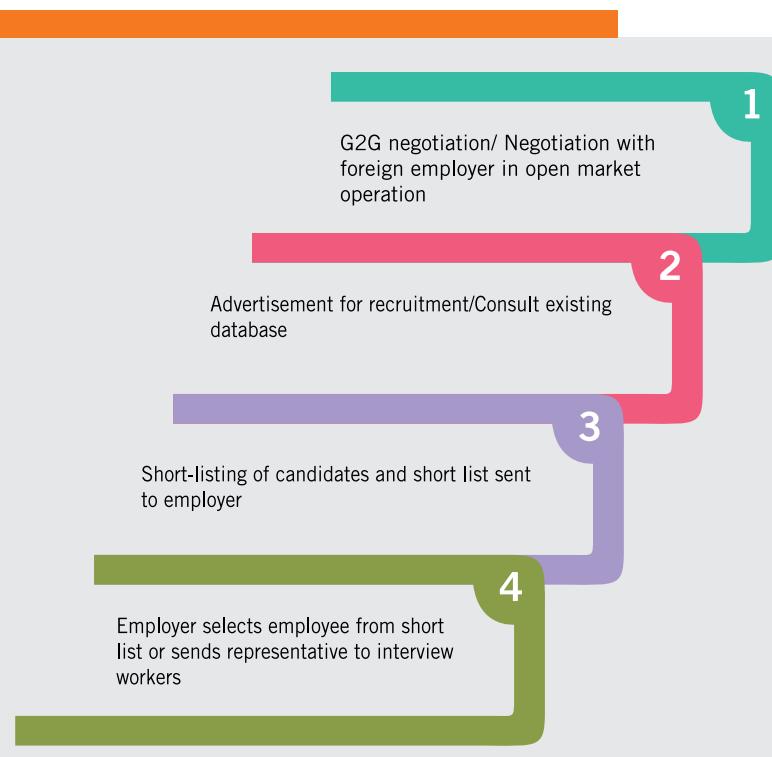
Under a 2006 Memorandum of Understanding (MoU) between Bangladesh and the Republic of

Korea, BOESL is sending migrant workers to the Republic of Korea. The labour migration system between BOESL and Korean employers has been developed under the Republic of Korea's Employment Permit System (EPS). Before the EPS, four Bangladeshi recruiting agents recruited the workers for Korean employers. During that time, the cost of recruitment and migration to the Republic of Korea was about BDT800,000 to BDT1.1 million. The Korean EPS presents a comprehensive approach to managing migration and is an excellent example of a labour migration corridor in which migrant workers receive full protection under the Korean labour law. Four compulsory insurance plans cover expenses, such as a worker's return airfare and injury or death not necessarily related to work (ILO, 2010).

A typical recruitment process followed by BOESL is shown in Figure 2.9 below.



**Figure 2.9: The typical recruitment process followed by BOESL for recruiting workers for employment in Jordan**



Source: Martin (2009).

## 2.1.6 Under government-to-government initiatives

Under an MoU signed between Bangladesh and Malaysia on 26 November 2012, the Bangladesh Government has started a formal process of sending workers to Malaysia. Under this government-to-government arrangement, MEWOE produced advertisements for initial online registration by potential migrant workers interested in emigrating to Malaysia. This campaign led to 1.45 million people registering via the internet by April 2013.<sup>14</sup> As of November 2013, 3,400 workers have already taken up jobs in Malaysia under this MoU. Through this MoU, the Government of Malaysia not only re-opened its labour market after a five-year ban on the recruitment of Bangladeshi workers but also helped establish that it is possible to reduce the cost of migration. Under the MoU, migration from

Bangladesh to Malaysia costs just BDT40,000, much less than the BDT200,000 to BDT300,000 previously charged by private recruiting agents (Wickramasekara, 2013).

The Government of Bangladesh has also announced a similar plan for Hong Kong (China). A group of 20 domestic workers who qualified at the end of a two-month vocational and language training have taken up jobs in Hong Kong (China). It is expected that Bangladesh would supply about 170 to 200 workers per month. These workers received a loan from the Probashi Kallyan Bank to pay for the cost of migration and initial living expenses in Hong Kong (China).

However, the use of a government-to-government approach to labour migration is a new experience for the Government of Bangladesh, and government officials acknowledge that the process is not without flaws. Nonetheless, the process is now on the way

<sup>14</sup> BMET Online registration statistics system. Data made available on request.



and its ability to amend the flaws and become more effective as implementation continues would help institutionalization of the government-to-government approach to labour migration. The process of labour migration under the government-to-government initiative between Bangladesh and Malaysia is delineated in Figure 2.10 below:

**Figure 2.10: Government-to-government migration process developed for labour recruitment to Malaysia**



## 2.2 Undocumented labour migration systems and procedures

Bangladesh being a heavily populated country with inadequate job opportunities, migration does not always follow regular procedures. A systematic irregular migration process has been developed in the country. This study collected some facts about irregular migration from television, online, and newspaper news reports.

Although others exist, three routes for irregular migration are particularly prominent in Bangladesh: (1) Irregular migration to Malaysia through sea routes (by boat); (2) Irregular migration to other

South Asian countries like India, Pakistan, and the Maldives; and (3) Migration to Middle Eastern countries through the use of non-work visas (e.g., Umrah visa) with the migrant then taking up employment as an undocumented worker.

At the end of November and the first week of December 2012, a number of news reports about trafficking in persons from Bangladesh to Malaysia came to light. Television reports revealed the human trafficking scenario in a village named Saha Porir Dip in Cox's Bazar district. Reports revealed that every year many people use the village as exit point for undocumented migration to Malaysia. On their journey to Malaysia, about



60 to 70 people hide within a wooden fishing boat. On deck a few people (two to four persons) act like professional fishers and navigate the boat to the destination in Malaysia. Aside from the fact that these boats made of wood- are fraught with danger and expose those on board to potentially deadly risks.

In Bangladesh, sea routes from Chittagong and Cox's Bazar are used throughout the year for irregular migration via boats. This year-round transport occurs despite the fact that these routes are relatively safe only from November to January, when the Bay of Bengal remains relatively calm. Sea routes are a recourse for the desperate, such as refugees and the poorest, and are sometimes undertaken knowing the dangers. The traffickers and human smugglers who operate these boats

charge less money than those who engage in irregular migration via air travel. It is also alleged that traffickers and smugglers sometimes fund the workers' boat journeys in return for servitude for a certain time.

The route is risky not only due to potentially dangerous seas but also because of monitoring by the coast guards of various countries (see Box 2.4). Traffickers always try to avoid coast guard patrols. In case of a sudden search by coast guards, traffickers and smugglers sometimes try to bribe their way out of trouble. Often the boats and occupants get captured. It has been alleged in the focus group discussions that traffickers and smugglers, in some instances, have intentionally sunk their boats, perhaps carrying 60 to 70 people, to avoid capture by the authorities.

#### **Box 2.4: A painful event caused by irregular migration**

It is said that the ban on recruitment of workers from Bangladesh by the Government of Malaysia did not deter the traffickers and smugglers. Many believe that in addition to the existing high cost of migration that was pushing poorer workers to take a boat to Malaysia, the ban also ended up giving more business to traffickers and smugglers.

On 4 February 2013, a number of national and international news media reported that the Sri Lankan Navy rescued 138 Bangladeshi and Myanmar nationals on 2 February 2013 from a sinking wooden boat located 50 miles off the island's eastern coast. Of the 138 on board, 127 were Bangladeshis and the rest were Myanmar nationals who had previously crossed borders into Bangladesh.

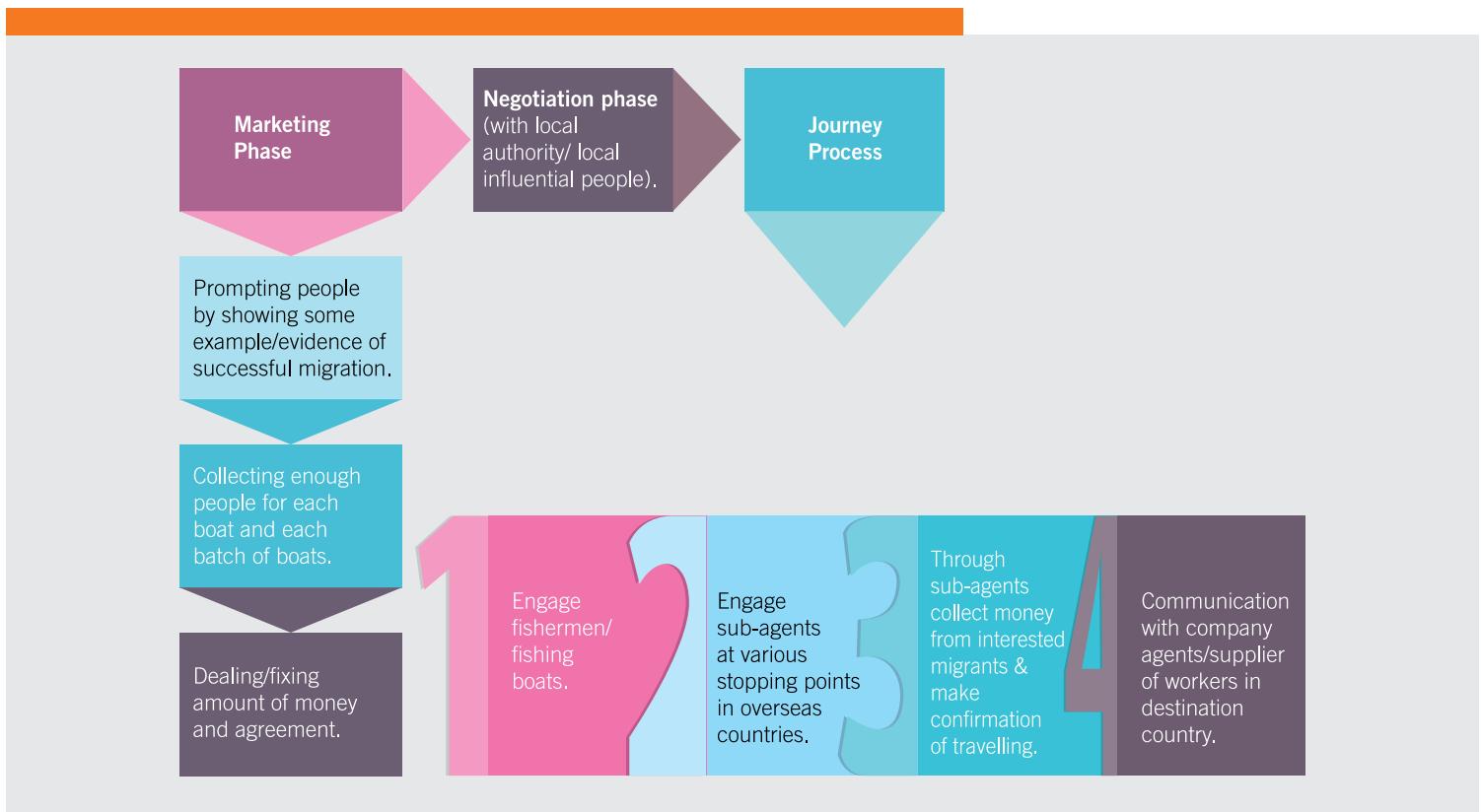
News reports claimed that the persons being smuggled paid BDT20,000 each to the smuggler to reach Malaysia. This sum is lower than even the government-to-government based migration cost and is far lower than the amount that was charged by recruiting agents in the past. The boat set off on 12 January 2013 from Nayapara in the Cox's Bazar district of Bangladesh. After 10 days of journeying, the boat entered Thai waters, where it was captured by the Thai Navy. The occupants of the boat were kept under arrest for two days on the same boat. But somehow the boat, now without fuel, drifted into the open sea, and after 10 days reached Sri Lankan waters. Local fishers who saw this boat alerted the Sri Lankan Department of Fisheries and Aquatic Resources, who in turn informed the Sri Lankan Navy. After a 20-hour rescue mission, the occupants of the boat were rescued. By then one person was dead and many others unconscious due to hunger and dehydration.



These fishing boats carrying irregular migrants will make multiple stops on their way to Malaysia. Sometimes, the payment to the traffickers/smugglers is made up front. Most times, the traffickers/smugglers reach an agreement with a migrant's family for payment in tranches. Each tranche is tied to arrival at a particular transit point.

There are two other reasons why extremely poor workers find this more risky route preferable to migrating through official channels. First, the process requires fewer vocational or technical qualifications, which are required as per the official procedures. Second, since the payment is usually made in tranches, if the workers

**Figure 2.11: Activity chain in the process of irregular migration to Malaysia through sea routes**



At each transit point, the agent of the traffickers/smugglers makes a phone call to the family of the migrant to make the migrants tell their family to pay the pre-determined fee to the traffickers/smugglers. The process of this undocumented migration by sea route has been explained in Figure 2.11.

According to traffickers/smugglers both travellers and their families are informed about risk factors.<sup>15</sup>

cannot reach Malaysia but make it to Thailand instead, the cost comes to just BDT10,000 to a maximum of BDT35,000, which is very low compared to the cost incurred by going through regular channels.

In the irregular migration process from Bangladesh, the involvement of foreign nationals is also notable. On October 2012, for example, Bangladesh police arrested three Libyan nationals with 684 fake Bangladeshi passports. The persons arrested are reported to have told the police that they had

<sup>15</sup> Key informant interview with a journalist.



been trafficking human beings from Bangladesh to Libya.<sup>16</sup>

The Umrah visa is often abused for irregular migration to Saudi Arabia. Although this type of visa does not permit a migrant to work, migrant workers get involved in undocumented work with the assistance of their social networks (Afsar, 2009). There is an allegation that the use of tourist visa enables certain migrants to enter Malaysia, whereupon they utilize bribery in the event that they are questioned by police or immigration officials.

There is also evidence that some migrant workers received visas and migrated to a specific country through an illegal sub-agent, and then later, they migrated once more to their target country (e.g., Libya) through an irregular channel.<sup>17</sup>

Undocumented migration to India from Bangladesh has also become a major concern in recent years. For some undocumented migrants, India is the country of destination; while others move through India in transit to Pakistan, the Maldives, and other countries.

<sup>16</sup> *The Daily Prime News*. 2012. “3 Libyans, Bangladeshi detained with 684 fake passports”, 24 Oct. Available at: <http://www.dailyprimenews.com/details.php?id=2136#sthash.hpZYRvxO.dpuf> [5 Aug. 2013].

<sup>17</sup> Findings of key informant interview with a sub-agent.

# Cost of recruitment and migration

## 3.1 Current cost structure of migration

In a country like Bangladesh, both push factors and pull factors have influence over peoples' decision-making process with regard to international labour migration. More lucrative wage abroad entice people to migrate, while the unfavourable status of the domestic job market further encourages people to look for possible employment overseas. The power of these factors can be such that some people become desperate migrate overseas for work and are willing invest their last coin for this purpose. In considering the cost structure of migration in Bangladesh, however, we must not only engage in a simple financial cost-benefit analysis but also take a human rights-based perspective.

International labour migration has economic, social, and political costs that are generally shared between employers and migrants (Martin, 2010). This section of this study focuses on economic costs, such as the costs of information, documents, health checks, and other fees involved when workers move from Bangladesh to countries of destination.

The cost of overseas migration from Bangladesh is considered to be among the most expensive in the world. These burdensome costs pose challenges for realizing the positive development impacts of international migration and for protecting the migrant workers who channel that positive impact to both Bangladesh and their own households. High recruitment and migration costs result in a loss of income among low-wage migrant workers and possibly a reduction in remittance flow.



**Table 3.1: Breakdown of cost-incurring aspects of migration in origin and destination countries as proposed by BAIRA**

<b>Location</b>	<b>Proposed type of costs</b>
In the country of destination	<p><b>BAIRA:</b></p> <ul style="list-style-type: none"> <li>■ Application fees per visa</li> <li>■ Work permit and medical fees</li> <li>■ Intermediaries (where applicable)</li> </ul> <p><b>By Inter Ministerial By Subcommittees:</b></p> <ul style="list-style-type: none"> <li>■ Overseas Marketing and Liaison Office cost</li> <li>■ Training</li> </ul>
In Bangladesh	<ul style="list-style-type: none"> <li>■ Air fare</li> <li>■ Advanced income tax</li> <li>■ Trade testing (for skilled workers) training and language</li> <li>■ Welfare fund</li> <li>■ Data registration fee</li> <li>■ Medical check up</li> <li>■ Recruiting agency service charge</li> <li>■ Others (entertainment, transport, hotel)</li> <li>■ Insurance</li> <li>■ Visa fees (e.g., Saudi Embassy)</li> </ul>

Source: Siddiqui (2011).

### 3.1.1 Ideal cost structure of migration

The cost structure of migration differs from one destination country to another. It also differs depending on the skill of the migrant worker, the type of work, the salary structure, and so on. Moreover, cost of recruitment and migration fluctuates due to market factors like demand and supply of labour. Therefore, it is difficult to assign any one particular cost structure of migration.

The Government of Bangladesh has not yet assigned any official cost structure of migration to recruiting agents. However, for each specific destination country, the government has fixed a maximum cost that a recruiting agent can charge to potential migrants. For instance, the government had previously set the recruitment and migration cost at BDT84,000 for labour migration to Malaysia (Afsar, 2009). This, of course, was before the 2012 government-to-government MoU

was signed between the two countries. However, the ideal situation as specified in international Labour Conventions, recruitment and placement of migrant workers should not result in any costs being incurred by the migrant workers themselves.<sup>1</sup> As implied above, this is not the case at present in Bangladesh.

It is very difficult to generalize the types of cost that a typical migrant gets exposed to during their migration phase. However, Inter ministerial Subcommittees and BAIRA proposed probable breakdowns of the types of labour recruitment and migration costs one would face in migrating to some Middle East countries. The breakdown as proposed by BAIRA is shown in Table 3.1.

<sup>1</sup> ILO Migration for Employment (Revised) Convention, 1949 (No. 97) states that- "Each Member for which this Annex is in force undertakes to ensure that the services rendered by its public employment service in connection with the recruitment, introduction or placing of migrants for employment are rendered free." (Annex -1, Article 4).



At present the BMET is offering online registration for all workers, including women workers. The timing of online registration for specific destinations that have placed requests for women workers, like Hong Kong (China), Singapore, and Jordan, is announced in the local newspapers. According to such BMET announcements, the following cost of recruitment and migration are to be borne by selected women workers:

- If the employer does not pay for the airfare, the employee will pay the airfare.
- The cost of medical check-ups, contributions to the Wage Earner's Welfare Fund, visa fees, service charges, orientation training, etc. The total cost to be borne by the worker will not exceed BDT20,000.<sup>2</sup>
- The worker may take a loan from the Probashi Kallyan Bank<sup>3</sup> to meet the cost of the air travel and initial living expenses.

### 3.1.1.1 Recruitment and migration cost if migrating for work through the BOESL

As a government institution, BOESL charges the minimum possible fee (as it works on a no profit, no loss basis) to the workers for its logistic support and assistance. BOESL does not take service charges from potential migrants; rather, it gets commissions from employers that range between US\$200 and \$500, depending on the occupation and the level of skill required. It can be inferred, therefore, that the service charges of private recruiting agents that go beyond the fees charged by BOESL is solely for the profit of the private recruiting agents. Table 3.2 describes the fee structure that BOESL charges to the workers for its logistic support and assistance.

<sup>2</sup> Derived from notice posted online by BMET: <http://www.bmet.gov.bd/BMET/resources/notice/2047.pdf> [accessed 23 Apr. 2013].

<sup>3</sup> A state-owned specialized bank targeting prospective, current, and returning migrant workers.

**Table 3.2: Service charges for migrants as demanded by BOESL (in BDT with US\$ equivalent)**

Categories	In cases where Air fare is paid by the employer	In cases where air fare paid by the worker
Semi-skilled	25 000 (\$324)	17 000 (\$220)
Skilled	35 000 (\$454)	25 000 (\$324)
Professional	60 000 (\$779)	50 000 (\$649)

Source: BOESL, <http://www.boesl.org.bd/ServiceCharge.aspx> [accessed 17 Apr. 2013]

To understand the typical breakdown of costs incurred by potential migrants who go through BOESL, Table 3.3 below presents a case study showing the charges levied by BOESL for a female garment worker position in Jordan.

**Table 3.3: Typical cost structure followed by BOESL for international labour migration (in BDT)**

Case: Job opportunity for female garments workers in Jordan (Position: machine operator; Contract period: Three years) (Notice no.1444/2013; Date: 4 August 2013)		
SI.	Cost Type	Cost
1	Service charge (will be refunded by employer to employee after four months)	10 000
2	Emigration Tax	
3	Value Added Tax (VAT) 15%	
4	BOESL registration fee	14 900
5	Wage earners' welfare fee	
6	Collateral fee (will be refunded by BOESL to employee after four months)	10 000
7	Air fare (will be borne by employer)	-
		<b>34 900</b>
	<b>Total</b>	(14 900 if one excludes the refundable charges)

Source: BOESL, <http://www.boesl.org.bd/UploadedDocument/NoticeboeaedAttachments/207.pdf> [accessed 7 Aug. 2013].



Under a government-to-government arrangement, BOESL is engaged in sending workers to the Republic of Korea at a recruitment and migration cost of BDT56,000, including airfare (MEWOE, 2012).

### 3.1.1.2 Regular recruitment costs using private recruiting agents

The Government of Bangladesh does attempt to regulate the amount potential migrants are charged by private recruiting agents. But considering that market-driven factors have an impact on cost determination, it has been hard to firmly fix the cost structure of overseas migration. Variations in rules and regulation across countries

of destination make it additionally problematic to present a fixed, standard cost of recruitment and migration. Nonetheless, the cost involved in each step of regular recruitment and migration can be clearly identified and determined on a country by country basis. Some flexibility should be there to accommodate fluctuations in the cost of air tickets. The BMET has brought out recruitment and migration costs for recruitment and migration to the United Arab Emirates (UAE), Oman, and Singapore. The cost breakdown provided by the BMET is given below in Table 3.4. It must be noted that the hidden costs that increase the actual costs incurred by migrant workers are related to irregularities and exploitative practices associated with regular migration.

**Table 3.4: Breakdown of cost structure for labour migration to the UAE, Oman, and Singapore (in BDT) as determined by the Government of Bangladesh**

Cost under major heads Male		UAE		Oman		Singapore	
		Female	Male	Female	Male	Female	Male
1	Application fee	180	180	180	180	180	180
2	Air ticket	30 000	30 000	28 000	28 000	30 300	30 300
3	Medical test	5 500	5 500	5 500	5 500	3 000	3 000
4	Service charge	8 000	8 000	8 000	8 000	12 000	12 000
5	Insurance	1 000	1 000	1 000	1 000	-	-
<b>Total cost</b>		<b>44 680</b>	<b>44 680</b>	<b>42 680</b>	<b>42 680</b>	<b>45 480</b>	<b>45 480</b>

Source: Key informant interview with BMET officials.

### 3.1.1.3 Recruitment and migration costs under the government-to-government initiative between Bangladesh and Malaysia

Under the current arrangement between the governments of Bangladesh and Malaysia, Bangladeshi workers need to pay just BDT33,178 to migrate to Malaysia for employment (The Daily Star, 2013). However, costs may vary subject to fluctuations in air fare prices. For instance, the government initially fixed the cost of migration to Bangladesh at BDT40,000, but due to air fare reductions, the total actual recruitment and migration cost ended up being lower for that initial group of individuals who migrated under the new arrangement. Following the initial circular of the BMET, Table 3.5 gives a breakdown of the costs associated with migration to Malaysia through the government-to-government arrangement.



**Table 3.5: Breakdown of recruitment and migration costs (in BDT) under the government-to-government arrangement with Malaysia**

Sl.	Type of cost	Expenses
1.	Air fare (one way) (subject to variation)	31 500
2.	Medical examination	3 500
3.	Welfare fee	250
4.	Non-judicial stamp	300
5.	Visa fee	1 100
6.	Service charges	2 000
7.	Income Tax	200
8.	Orientation training	1 000
9.	Miscellaneous	150
<b>Total</b>		<b>40 000*</b>

\* First batch of migrants under this process had to pay just BDT33,178 due reductions in air fare.

Source: BMET, <http://www.bmet.gov.bd/BMET/resources/notice/2050.pdf> [accessed 20 July 2013].

The Government of Bangladesh has also announced recruitment procedures for migration to Hong Kong, China. Under the tentative arrangement, migrant workers will need to pay only air fare (approximately BDT40,000). This air fare cost will not be collected from the workers prior to their departure for Hong Kong (China). When they take up their employment, the fare will be deducted from their salaries over the first few months.

#### Box 3.1: Methodological note

In delineating the cost structures as revealed by the *Bangladesh Household Remittance Survey 2009* (IOM, 2010), some re-estimation has been carried out. The *Bangladesh Household Remittance Survey 2009* was conducted in 2009. To estimate costs at current prices, adjustments were made using the Consumer Price Index issued by the Bangladesh Bureau of Statistics. Total inflation between FY 2008/09 and February 2013 is estimated as 40.96 per cent. The researchers used this inflation rate to adjust the estimates of Bangladesh Household Remittance Survey 2009 to bring them into line with February 2013 prices.

#### 3.1.2 Actual cost of recruitment and migration<sup>4</sup>

Several research initiatives and surveys have been carried out by different institutions to delineate the actual cost of overseas migration from Bangladesh. Although these studies have been conducted at different time periods, comparison among them can be made to infer a generalize cost structure of migration. Among those surveys, the *Bangladesh Household Remittance Survey 2009* (IOM, 2010) offers recently captured data about the cost structure of labour migration from Bangladesh.

<sup>4</sup> Authors of this study acknowledge with gratitude The *Bangladesh Household Remittance Survey (2009): Summary Report* of the IOM (2010), from which much of the data for this section has been drawn. The statistics found in pages 38-42 of that publication were of key import to this study.



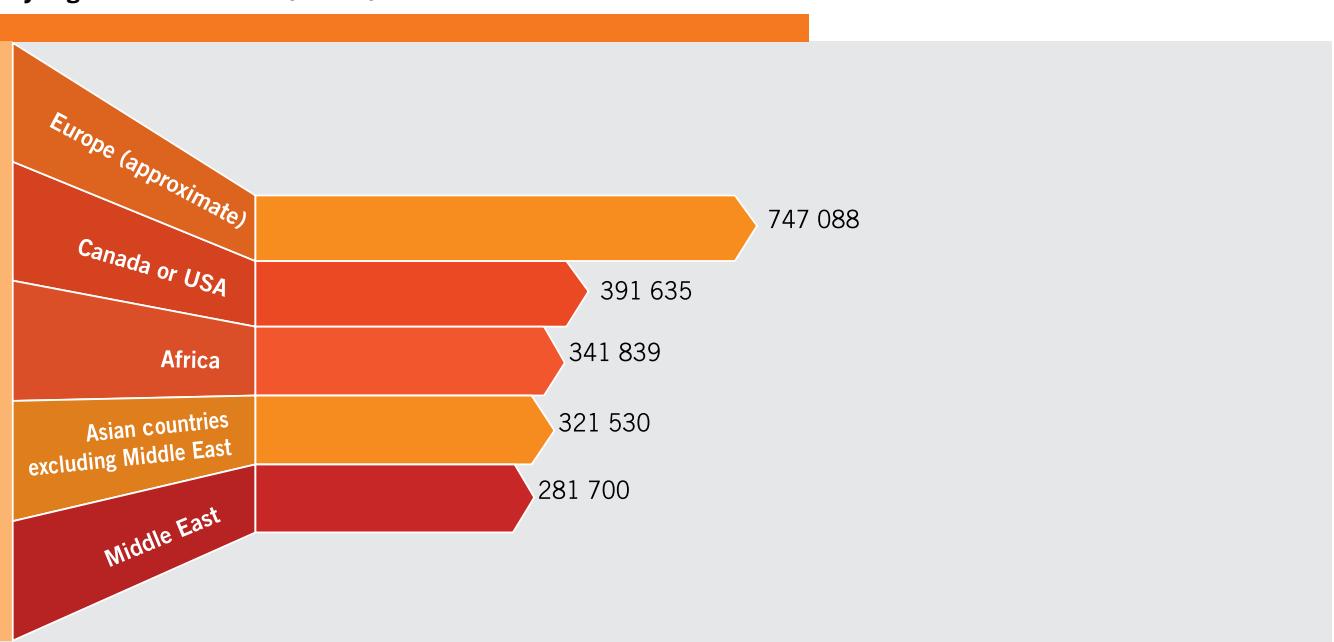
Using data from the *Bangladesh Household Remittance Survey 2009*, it can be estimated that the average Bangladeshi migrant (disregarding the specific country of destination) spends BDT309,259 for their migration (figure is an estimate of the February 2013 price, see Box 3.1). However, the cost of recruitment and migration for a female migrant is substantially less than that of a male migrant. While women migrants on average spend BDT188,273, male migrants on average spend BDT311,301. Disregarding the gender dimension of recruitment and migration cost, about 42 per cent of all migrants spend between BDT281,921 to BDT422,880, which is quite a lot of money in the context of Bangladesh. The details of gender-segregated cost structures of recruitment and migration are shown in Table 3.6.

**Table 3.6: Cost of recruitment and migration by gender**

Recruitment and migration cost <sup>5</sup> (in BDT)	Male (Per cent)	Female (Per cent)	All (Per cent)
70,480	2.9	13.2	3.1
70,481-140,960	9.2	44.1	9.8
140,961-281,920	33.4	23.5	33.3
281,921-422,880	42.3	9.3	41.8
422,881-563,840	6.7	2.5	6.6
563,840+	3.8	3.9	3.8
Cost borne by others	1.6	3.4	1.6
Total	100	100	100
Mean cost of recruitment and migration	311 301.27	188 272.83	309 259.16

Source: IOM, 2010, p. 39.

**Figure 3.1: Average per capita cost of recruitment and migration by region of destination (in BDT)**

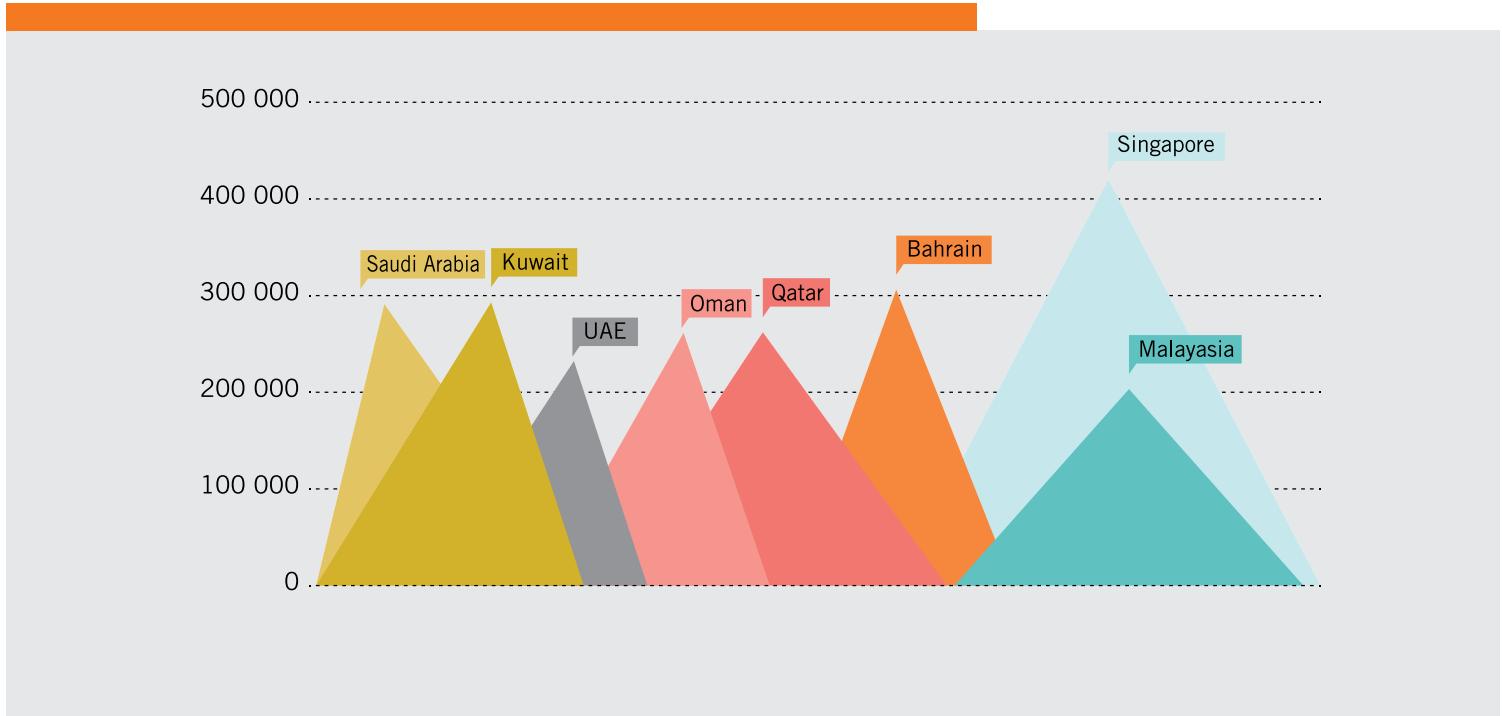


<sup>5</sup> Figures are estimates derived by adjusting the figures in IOM (2010) for inflationary increases between the survey period (FY 2008–09) and February 2013.



Cost of recruitment and migration varies across destination regions. Migrants who went to Middle Eastern countries on an average spend BDT281,700. The average recruitment and migration cost for other Asian countries (e.g., Malaysia and Singapore) is BDT321,530. As shown in Figure 3.1, the highest cost is incurred by migration to European countries. As before, these figures are inflation adjusted to February 2013 from the data presented in IOM, 2010.

**Figure 3.2: Average per capita cost of recruitment and migration by selected country of destination (in BDT)**



The numbers shown in Figure 3.2 imply that the cost of recruitment and migration from Bangladesh is quite high, especially considering the economic condition of the migrant workers/potential migrant workers. It also can be surmised that the ideal cost structures suggested by the government are not followed during the migration process. Under an ideal migration process, migrant workers are not supposed to pay any commission to recruiting agents for getting a job abroad; rather the recruiting agent should get their commission from the employer. In fact, air fare for the potential migrant worker is supposed to be managed by the employer. In this connection, it is essential to explore what factors have led to these exorbitant recruitment and migration costs.

Recruitment and migration cost varies over time. A key informant interview with an illegal sub-agent revealed the following cost estimates (as of June 2013) for migration by a Bangladeshi worker through irregular channel, as depicted in Table 3.7. The table also depicts the extent to which these prices exceed the BDT 84,000 cap on migration costs imposed by the government.



**Table 3.7: Approximate cost (in BDT) of recruitment and migration through illegal intermediary channels by destination country**

Destination country	Cost range* of migration (as of June 2013)	Excess cost**
Qatar	350 000	266 000
Saudi Arabia	650 000 – 750 000	566 000 – 666 000
Lebanon	550 000 – 600 000	466 000 – 516 000
Oman	220 000 – 250 000	136 000 – 166 000
Libya	250 000 – 320 000	166 000 – 236 000
Malaysia	250 000 – 300 000	166 000 – 216 000

\* Cost is subject to skill requirement, nature of job, salary, and other benefits.

\*\*Considering the maximum cost ceiling (BDT84,000) fixed by the government.

Source: Key informant interview with an illegal sub-agent.

International labour recruitment and migration costs, as discussed above, are extremely volatile and subject to market forces in destination countries. At present, the labour markets of Saudi Arabia and Lebanon are relatively less open for Bangladeshi workers. Therefore, the cost of recruitment and migration to those countries has escalated over the last few years. In fact, recruiting agents, illegal sub-agents, and intermediaries also adjust their charges on the basis of their comparative advantages in accessing a certain market. With so many variables at play, it is difficult to generalize about the specific costs that migrant workers incur through the use of recruiting agents, illegal sub-agents and intermediaries.

But there are specific scenarios for which more information is available. For example, in the case of migration to Saudi Arabia, recruiting agents or illegal sub-agents in Bangladesh manage to secure visas by purchasing them from sub-agents/ migrant workers in Saudi Arabia. These sub-agents in Saudi Arabia often are people who themselves arrived in that country as migrant workers. Having established themselves, they trade in visas and act as intermediaries as a secondary business. They buy visas from Saudi businesses/employers for between BDT42,600 to BDT127,800 (considering

the currency conversion rate on 17 August 2013 of SAR1.00 = BDT21.30). They then sell these visas to potential migrants in Bangladesh directly or to illegal sub-agents and recruiting agents in Bangladesh. In this process, the illegal sub-agents in Saudi Arabia make a profit of about BDT10,650 to BDT42,600 per permit (Afsar, 2009). In key informant interviews for this study, recruiting agents and illegal sub-agents in Bangladesh did not disclose their total share in recruitment and migration cost. However, they admitted that intermediaries in Bangladesh tend to make a profit of about BDT30,000 to BDT50,000 per Saudi visa. One illegal sub-agent told the study team that when determining the recruitment and migration charge for a migrant worker, illegal sub-agents consider following additional costs and risk factors: the processing fee of recruiting agents (about BDT7,500), bribes (e.g., for local police), and additional time-cost that they incur pursuing government officials for passport, visa, and migration clearance. As per the rules, the BMET and labour attachés are required to verify the authenticity of the job offer, various migration documents, etc. Due to the shortage of staff in some of the missions and at the BMET, the verification and migration clearance processes often take a long time.



### 3.2 Points of exploitation and extortion

Throughout the migration process, migrants can potentially be exposed to exploitation and extortion in both the countries of origin and destination. In Bangladesh, migrants are often caught up in an exploitative process, marked by high cost of migration and various forms of harassment brought by intermediaries, recruiting agents, and moneylenders. Upon arrival in destination countries, they may encounter new forms of exploitation that are actually the legacy of exploitation that started in Bangladesh. For instance, a considerable portion of migrants do not get the specific job or salary they were promised prior to their arrival at the country of destination.

Apart from recruitment and migration cost, many potential migrant workers face harassment of some form in Bangladesh. About 23 per cent of migrant workers faced multiple problems while being processed for migration. Delays in visa delivery, demands of additional money, violations of contracts, and prolonged waiting times following the handover of money are the major problems befalling potential migrants. Among these problems, the most commonly experienced (20 per cent of migrants) is the prolonged waiting period for paperwork to be processed – a wait that is particularly problematic because the potential migrant has already paid money, money that may be in short supply in their household (IOM, 2010).

#### 3.2.1 Migration cost and related financing

As described in Section 3.1, 78 per cent of recruitment and migration cost, on average, is actually incurred by intermediaries and other helpers (IOM, 2010). These costs turn out to be burdensome on migrants, especially considering their mode of financing. About 67 per cent of migrant workers secure funds to pay for recruitment and migration by taking out loans. A considerable portion of migrant workers also finance the cost of migration by selling land (24 per cent), mortgaging land (23 per cent), and/or selling assets such as jewellery, cattle, trees, or homes (20 per cent) (IOM, 2010). A case study hinting at the debt trap potential migrants could face by financing migration through such means is depicted in Box 3.2.

One of the reasons behind increasing recruitment and migration cost and the exploitation of migrant workers is the unhealthy competition that exists among recruiting agents and individuals who take part in visa trading in GCC countries. Visa trading creates an extra layer of illegal cost that has to be paid by an illegal sub-agent offering the highest price to the employer who is selling the visa. Another layer of illegal cost is added when that illegal sub-agent, trying to turn a profit on his purchase, sells the visa for an even higher price to a recruitment agent or a migrant worker.

#### Box 3.2: Expensive source of financing migration: A case study

Md. Hassan (pseudonym), a resident of Noakhali district, migrated to Oman as a gardener of a date garden in 2007. He had to spend a total of BDT194,600 for migration purposes. Of this spent money, he collected BDT110,000 through taking on loan with high interest rates. He was loaned BDT80,000 with an annual interest rate of at 100 per cent. An additional BDT30,000 was loaned to him from another informal lender, and which cost him yearly 1.1 ton of rice as interest. It is of note that to buy the job contract/visa, he had to spend BDT160,000, and all of the loaned money was needed to meet this expense.

Source: In-person interview conducted by the study team.



When an overseas recruitment agent or illegal sub-agent sells a visa to a recruiting agent in Bangladesh, the recruiting agent adds its service fees and air fare costs to the price it paid for the visa.<sup>6</sup> In this environment, migrant workers' attention shifts from the terms and conditions of employment and recruitment and migration costs get exacerbated. The situation gets worse when the recruiting agent sells the visas further to the next tier of illegal sub-agent or intermediaries in Bangladesh. Eventually, all layers of cost are to be borne by the worker, who is desperate to find employment overseas.<sup>7</sup> Bangladeshi recruiting agents generally do not have direct access to employers in the GCC countries. Therefore, the agencies have to rely on overseas sub-agents in the destination countries in order to procure job contracts. The utilization of these illegal sub-agents by Bangladeshi recruiting agents increases the cost of migration, as the cost borne by the recruiting agents in acquiring the services of the overseas illegal sub-agents is passed on to potential migrants.<sup>8</sup> According to a sample survey (ILO, 2011), three-fourths of Bangladeshi migrant workers living in Kuwait who utilized private recruiting agents as mediators of their migration were not aware of the legislations governing the fees that agencies can charge. Moreover, half of the surveyed migrants were not provided with a proper contract.

According to an owner of a recruiting agency, the demand for low-skilled workers in Middle East countries has reduced, while the supply of labour has increased in Bangladesh. Moreover, recruitment through recruiting agents has almost ceased. As a result, the procurement of work permits and visas through personal contacts and social networks

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<sup>6</sup> IOM and RMMRU: Recruitment and placement of Bangladeshi migrant workers: An evaluation of the process, 2002, p. 19.

<sup>7</sup> Finding of key informant interview with Mr Shameem Ahmed Chowdhury Noman, Executive Committee member of BAIRA and proprietor of a recruiting agency Sadia International.

<sup>8</sup> Finding of key informant interview with Mr Shameem Ahmed Chowdhury Noman, Executive Committee member of BAIRA and proprietor of a recruiting agency Sadia International.

has increased in recent years. Since the personal contacts and people in social networks also indulge in visa trading, the scenario leads to high prices for job contracts and visas as well as undocumented transactions of money between the prospective migrant worker and their personal contacts and social networks.<sup>9</sup>

### 3.2.2 Deception regarding job-related entitlements

After getting to countries of destination, 21 per cent of Bangladeshi migrant workers who already had job contracts found that they were being made to do work that was different from what was stipulated in their contract. About 46 per cent of migrants did not get the remuneration they were promised in their employment contract. One of the major reasons for this is that many migrants are not well educated and lack adequate knowledge to interpret the clauses, conditions, and possible loopholes in their contract (IOM, 2010). But because they are already in the destination countries when they find themselves cheated, migrants have no choice but to accept whatever is offered to them. This lack of choice is no small part due to many migrants having arrived in destination countries deeply in debt. Having spent a large sum of money on recruitment and migration costs, a large portion of which often comes from loans or asset mortgages, migrants find themselves desperate for a source of income, even if it is not what they have been promised before departure.

In some cases, migrants had to pay money before even seeing any contract papers. In such cases, migrants often find themselves helpless to retrieve the money they paid even though it has become clear that they were deceived. Very few are lucky enough to retrieve from the intermediaries a portion of the money they paid (e.g., case of Abul Miah delineated in Box 3.3 below).

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<sup>9</sup> Finding of key informant interview with Mr Shameem Ahmed Chowdhury Noman, Executive Committee member of BAIRA and proprietor of a recruiting agency Sadia International.



### Box 3.3: Deception regarding salary: A case study

A relative of Abul Miah (pseudonym) promised to send him to Saudi Arabia upon payment of BDT127,000. Abul Miah was informed that he would be paid SAR600 per month. After making the payment, Abul Miah got his job contract and read through the contract paper to find that the actual salary was SAR350. He pressured his relative, who was an intermediary, and managed to get back BDT20,000. This was one of the rare cases where the worker was able to read and understand the terms of employment and to reclaim some money.

Source: In-depth interview by the study team.

Most Bangladeshi migrant workers (90 per cent) do not see a written contract prior to departure, irrespective of their type of visa (Afsar, 2009). A contract paper includes all information regarding the nature of the work, the salary, the duration, and the living and food arrangements. Employees should have the right to see their contact paper. In fact, there is a legal requirement for recruiting agents to show the contract papers to their clients. But because of the faulty implementation of regulatory mechanisms, recruiting agents can easily circumvent this regulation. In some cases, recruiting agents do not even have adequate information about the employer (Afsar, 2009). In this manner, migrants are deprived of rightful information that could empower them to attain their entitlements.

According to ILO Migration for Employment Convention (Revised), 1949 (No. 97), Annex 1, Article 5:

[The authorities shall] maintain a system of supervision of contracts of employment between an employer, or a person acting on his behalf, and a migrant for employment undertakes to require: (a) that a copy of the contract of employment shall be delivered to the migrant before departure or, if the governments concerned so agree, in a reception centre on arrival in the territory of immigration; (b) that the contract shall

contain provisions indicating the conditions of work and particularly the remuneration offered to the migrant; (c) that the migrant shall receive in writing before departure, by a document which relates either to him individually or to a group of migrants of which he is a member, information concerning the general conditions of life and work applicable to him in the territory of immigration.

The Article further assumes that “the competent authority shall ensure that the provisions of the preceding paragraphs are enforced and that appropriate penalties are applied in respect of violations thereof.”

#### 3.2.3 Provision of incorrect information on the labour markets and working conditions in countries of destination

A lack of labour market analysis and inadequate dissemination of information are causes of high recruitment and migration cost. For example, there is common bit of exaggeration claiming that the demand for construction labour in the United Arab Emirates is so high that anybody can avail themselves of a good job in the construction sector. Therefore, potential migrants get the wrong impression that if they reach the United Arab Emirates by any means, they would be able to secure a job.<sup>10</sup> A fraction of workers wishing to migrate get some information on overseas labour

<sup>10</sup> Key informant interview with illegal sub-agents.



markets from friends and relatives working in destination countries, but almost 45 per cent of migrants depend on illegal intermediaries or sub-agents for such information (IOM, 2010).

In a way, illegal intermediaries and sub-agents have a monopoly over labour market information, whether accurate or fabricated; even though these actors are also not placed to have such information. They receive their information from the overseas recruiting agents or illegal intermediaries operating in destination countries, or from Bangladeshi recruiting agents. Many of them do not have the means to verify information that they receive, even if they wish to. Consequently, illegal intermediaries or sub-agents have become an active part of a fraudulent employment service system.

### 3.2.4 Deception through fake/inadequate documentation

There are some common strategies through which recruiting agents or illegal sub-agents deceive prospective migrant workers:

- non-issuance of employment documents such as a written job offer and the employment contract;
- non-issuance of legally valid receipts for payments received from the workers;
- where written contract is issued, acceptance of the signature of the recruiting agent on the job contract, not the worker;
- issuance of fake job contracts for jobs that do not exist;
- issuance of fake job contracts to be used as substitutes for low-paying job contracts; and
- selling fake visas and passports to people who are not from the same village or area as the sub-agent, in collaboration with local officials (Afsar, 2009).

It appears that recruiting agents and sub-agents recruit low-skilled workers for jobs requiring special skills and thereby charge more money to the migrants. In consequence, the employers do not get workers with the required skill levels, and so they pay less than the contracted wage. In this way, recruiting agents and their sub-agents try to cheat both workers and employers (Afsar, 2009). Box 3.4 illustrates two events of document fraud that put workers in vulnerable conditions.

It has been alleged that sometimes the visa for single job in Saudi Arabia is “sold” to more than one recruiting agent (IOM & RMMRU, 2002). It is also suspected that recruiting agents in Bangladesh through unethical means offer the same job to multiple potential migrants. This arrangement leads to the deportation of those workers who arrive in the destination country after someone else has already taken up the job.<sup>11</sup>

In-depth interviews with returning migrants reveal that, sometimes, recruiting agents were pledge-bound to send migrants abroad through legal work visas, but on the day of migration, the migrants found that they were being sent abroad through tourist visas. In most cases, the workers were deported back to Bangladesh due to their lack of legal documents.

Some recruiting agents, illegal sub-agents, and travel agents (also called “tour operators” in Bangladesh) are involved in sending migrant workers abroad by making fake passports, job contracts, BMET clearance certificates, etc. The Immigration Department of Bangladesh Police, in a discussion, revealed some cases where recruiting agents, illegal sub-agents, and travel agents were found to be involved in such unethical and illegal activities.

<sup>11</sup> Key Informant Interview with an Immigration Officer who served at Shah Jalal International Airport, Dhaka.



### Box 3.4: Fraudulent practices leading to exploitative working and living conditions

During his stay in the United Arab Emirates from 2007 to 2008, Md. Akhlak Uddin (pseudonym) was not paid any wages. Before migration, he was told by the illegal sub-agent that he was going to work on an agricultural farm and would receive a regular salary. But, in reality, he found himself working as a camel-herder. The owner of the camels did not pay a monthly salary; he made Md. Akhlak Uddin work for three meals a day. Md. Akhlak Uddin was miserable because he had no income to remit to his family. Md. Akhlak Uddin managed to negotiate and return home, and the owner paid for the air-ticket cost of BDT30,000. Md. Akhlak Uddin is now advocating for the divulging of accurate information about the job and working and living conditions to the workers keen to migrate.

Rahim Gazi (pseudonym) stayed in Kuwait from 2003 to 2004. Before migration, he was told that he will be given a desk job in an office or shop. But after reaching Kuwait, Rahim Gazi found himself working as a cleaner with a monthly salary equivalent to BDT15,000. The amount was BDT10,000 less than the wage that was promised to him by the Bangladeshi recruiting agent. Rahim Gazi migrated on fake papers. He was caught by Kuwaiti police in 2004 and kept imprisoned for a month before being deported.

Source: FGD conducted by the study team with returning migrants in Tangail District.

### 3.2.5 Other problem areas

There are some other points of inconvenience or added expense in the migration process as reported by migrant workers. Such points of include:

- **Passport office:** Sometimes it takes more than one month to obtain a passport from local passport offices. In addition to that waiting period, migrants complain of the long times spent in long queues at the offices and a lack of available information about passport preparation formalities.
- **Pre-migration medical check-up:** Most of the designated medical centres are located in Dhaka. Recruiting agents or illegal sub-agents usually arrange an appointment date for a medical check-up, as the workers themselves cannot afford to be in Dhaka to book an appointment and wait until the appointed date. Prospective migrant workers often end up incurring additional cost, however, when the recruitment agent or the illegal sub-agent mismanages the booking.
- **Entitlement of pre-departure briefing by BMET:** A majority of respondents did not have any form of pre-departure training or briefing prior to migration. Some recruiting agents avoid sending their workers to such briefings and trainings organized by the BMET, and instead pay bribes to obtain the certificates for prospective migrant workers.
- **Airport of the country of destination:** Sometimes, overseas employers or their recruitment agents are supposed to pick the employee up from the airport. However, there is evidence that employers often do not escort their employee or delay escorting them. Hence, the newly migrated employees are left stranded outside the airport for a period of time. This not only causes anxiety among the migrant workers, it also puts migrant women workers in a vulnerable situation (Afsar, 2009).



Administrative formalities often turn out to be cumbersome for potential migrant workers. Hence, they become more inclined to rely on intermediaries or recruiting agents to handle these administrative formalities on their behalf. This reliance makes them more susceptible to exploitation by intermediaries.<sup>12</sup>

### **3.2.6 Exploitation in the country of destination**

A report by the ILO (2011) indicates that six per cent of Bangladeshi migrant workers in Kuwait and 15 per cent of those in the United Arab Emirates reported that their employers required them to work jobs beyond the one specified in their work visas. The report points out that, although the majority of construction workers in these countries are aware of the notice period required for their dismissal, most domestic workers are not aware of the job dismissal procedure. In fact, a lack of contract papers made migrant worker more vulnerable to exploitation by employers. The report identified that confiscation of migrant workers' passports by employers is another major instrument of labour exploitation in GCC countries that often leads to conditions of forced labour.

The ILO report further brings out that none of the migrant workers in the United Arab Emirates is in possession of their passport. Recruiting agents and illegal sub-agents tend to put this as a condition before the workers migrate. In Kuwait, about 81 per cent of workers do not possess their passports. Awareness of their rights as workers and human rights is extremely low among the migrant workers. About 35 per cent of workers felt it was improper for their employer to confiscate their workers' passports. Confiscation of the

passport is a violation of the principles of the ILO's Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105) (ILO, 2011). The United Arab Emirates and Kuwait have ratified both Conventions.

### **3.3 Linkages between high recruitment and migration cost with trafficking/forced labour/debt bondage**

In many instances, it has been found that a high cost of recruitment and migration is connected with trafficking or forced labour, debt bondage, and loss of remittance. These linkages, as discussed in the focus group discussions, may develop in the following ways:

- If the cost of labour migration through official channels is high, then involvement in the legal migration process will be low. This causes a concomitant rise in the use of irregular migration channels. People who migrate via an undocumented channel are more likely to find themselves in a trafficking or forced labour situation.
- If someone who is low-skilled wants to migrate to take up a skilled or semi-skilled job overseas, they have to invest more in the migration process. In other words, they have to pay a much higher amount to the recruiting agents to secure work that they lack the skills to adequately perform. The workers' intention is to get a job that pays better than typical low-skilled positions, but after taking up the employment in a country of destination, they face humiliation, exploitation, and physical and mental torture at the hands of their employer or supervisors. Many times, when it is recognized that the migrant workers do not meet the required skills criteria and have used forged papers, these workers are put under conditions similar to bondage labour. Workers in such situations are not

<sup>12</sup> According to ILO's Migration for Employment (Revised) Convention, 1949 (No. 97) a member will ensure: (a) the simplification of administrative formalities; (b) the provision of interpretation services; (c) any necessary assistance during an initial period in the settlement of the migrants and members of their families authorized to accompany or join them; and (d) the safeguarding of the welfare, during the journey and in particular on board ship, of migrants and members of their families authorised to accompany or join them. (Annex-1, Article 6).



able to seek help and try to bear with the exploitative situation as long as they can.

- There are instances when a recruitment agent or illegal sub-agent agrees to accept payment of the recruitment and migration cost in instalments. The final instalment is usually expected to be paid when the worker has taken up the job in the country of destination. If a migrant fails to pay the total recruitment and migration cost, the recruiting agent or the illegal sub-agents in the destination country, who collaborate with their counterparts in Bangladesh, take away the worker's passport and compel the migrant worker to continue the work under a "debt bondage" situation until the balance due has been recovered. In such a situation, a recruiting agent or illegal sub-agent usually colludes with the employer, and the migrant worker has to put in extra working hours until the time the recruiting agent or illegal sub-agent and the employer are satisfied
- Sometimes, prospective migrant workers are promised well-paid, skilled jobs. The workers, depending on the their families' economic situation, take out loans to pay the high recruitment and migration costs demanded to secure these positions. The local money lender expects repayment at a high interest rate within a given timeframe. But when workers then find themselves caught in a low-paying job upon arrival in a country of destination, they look for opportunities to return home. In such cases, either the worker upon return or the worker's family is forced to work for free to repay the loan or must find some other way to free themselves of indebtedness.

The issue of high recruitment and migration costs was addressed at length in the 2011 Multi-stakeholder Roundtable on Bangladeshi Migrants held by the Institute for Human Rights and Business (IHRB) in Dhaka. As the report from that meeting states, "Fees create debt bondage. Before workers even arrive in the factory they are bonded by fees they have paid and the commitments they have made to brokers. As the worker progresses through the recruitment cycle they often face mounting debt. So when they finally arrive at the factory for work, they will do anything not be sent home" (IHRB & RMMRU, 2011, p. 3).



# Policies and legal regime on recruitment and migration

## 4.1 Existing policies and legal regime

Until 1982, the Emigration Act, 1922, was the main act addressing the issues of migration in Bangladesh. However, considering major changes in the global labour migration process, the Government of Bangladesh took an active role in stimulating labour migration from 1976 onwards. Labour migration was seen as a means to alleviate unemployment and generate foreign income (Jureidini, 2001, cited in De Bruyn & Kuddus, 2005). In this connection, the most important piece of legislation designed to control labour migration is the Emigration Ordinance, 1982, which replaced the Immigration Act, 1922. The Registrar of Emigrants appointed under the Ordinance was made responsible for overseas

labour migration and authorized to promote and regulate emigration. The importance of labour migration was also highlighted in the subsequent five-year national development plans of Bangladesh (Morshed, no date, cited in De Bruyn & Kuddus, 2005).

Policies and the legal regime on specific issues evolve over time in consideration of the dynamics of social structure and economics. Considering the importance of labour migration from Bangladesh, several policies, acts, and rules have been adopted by the Government of Bangladesh over the last decade. The relevant policies/acts/rules on recruitment and migration are noted below:



### ■ **Law:**

- The Overseas Employment and Migrants Act, 2013, which replaced the Emigration Ordinance, 1982.

### ■ **Rules:**

- Emigration Rules, 2002.
- Recruiting Agents Conduct and Licence Rules, 2002.
- Wage Earners' Welfare Fund Rules, 2002.

### ■ **Policies:**

- Overseas Employment Policy, 2006.

In context of Bangladesh, the ILO Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the ILO Declaration on

Fundamental Principles and Rights at Work (1998), and the ILO non-binding Multilateral Framework on Labour Migration (2005) are important sources of protection for Bangladeshi migrant workers.<sup>1</sup> These rights catalogued in these instruments relate to remuneration, membership in trade unions, collective bargaining, social security, legal proceedings, and equal opportunity and treatment for migrant and national workers.

Bangladesh signed the 1990 UN Convention on the Protection of the Rights of Migrant Workers and Their Families on 7 October 1998, and ratified the Convention on 24 August 2011. Bangladesh has also initiated some significant policies, acts, and plans in recent years (shown in Table 4.1). However, Bangladesh has not ratified a number of ILO Conventions that deal with ethical labour recruitment issues.<sup>2</sup>

**Table 4.1: Some recent initiatives of the Government of Bangladesh on recruitment and migration issues**

Principles/policy/act/bill	Key features/status
Dhaka Principles	The Dhaka Principles provide a roadmap that traces the worker from recruitment to the end of their contract. Based on UN guiding principles, these were first shared publicly at a migration roundtable in Dhaka in June 2011.
National Skill Development Policy (NSDP)	The NSDP is an initiative aimed at bringing Bangladeshi migrant workers up to internationally recognized skills standards. The NSDP was approved by the Government of Bangladesh in January 2012. To strengthen this policy, a technical and vocation education and training (TVET) framework is also being developed by the TVET Reform Project of the Government of Bangladesh and the ILO (ILO-TVET Reform Project & NSDC Secretariat, 2012).
Human Trafficking Deterrence and Suppression Act, 2012	This Act is aimed at protecting potential migrant workers from trafficking and fraudulent recruitment by local recruiting agents as well as brokers in destination countries.
Proposed Overseas Employment Policy	Based on an initiative by the ILO Bangladesh Office. Principles of the ILO Multilateral Framework on Labour Migration are applied in the proposed policy, and includes principles of decent work, bilateral and international cooperation, knowledge-base, operational efficiency, social protection of the workers, recruitment regulations, return and reintegration and migration and development. There is also a dedicated chapter on women migrant workers.

<sup>1</sup> Findings of key informant interview.

<sup>2</sup> For instance, the Private Employment Agencies Convention, 1997 (No. 181).



## 4.2 Mechanisms for regulating recruiting agents

Private recruiting agents in Bangladesh are regulated by the BMET under the Recruiting Agents Conduct and Licence Rules, 2002, which is due to be revised in 2014.

### 4.2.1 Overseas Employment and Migrants' Act, 2013

The Overseas Employment and Migrants' Act, 2013 (hereafter called the "Migrants' Act 2013") is the first law on migration and overseas employment passed by the Parliament of Bangladesh. This law replaces the Emigration Ordinance, issued by the president in 1982. It has a dedicated chapter on regulation of recruitment. Section 9 of the law lays down the list of professional background- and conduct-related documents that must be submitted by an applicant wishing to apply for a licence to recruit for the international labour market. This section makes it mandatory that only a license-holder can be a recruitment agent and thereby it places the government as the primary recruiter, establishes private sector recruiters as recruitment agents of the government, and renders all intermediaries and sub-agents of the agents illegal. Section 9 requires the government to investigate an applicant's past conduct before issuing a license. It also requires the government to take security money in the form of a license fee from the applicant, who is to be issued a recruitment agent licence.

The Section 10 of the Migrants' Act 2013 puts forth eligibility criteria that must be met by an applicant. This section also sets the way for the international recruitment organizations to obtain a recruitment agent licence and to operate from Bangladesh, if 60 per cent of shares in or capital ownership of that organization is with Bangladeshi nationals.

Whether issued to an individual or to an organization, the recruitment license, as per Sub-section 17(1), 17(2), and 17(3) of the Migrants' Act 2013, is non-transferable. If a recruitment agent dies, their heir may apply for the license and may be issued a

new license with the same license number as that of the deceased's. But if the heir does not meet all the criteria, the license will not be issued. Similarly, a license-holding company is required to seek the approval of the government before making any change in the ownership pattern. As per the Sub-section 18(5), a recruitment agent may surrender the license and reclaim the security money before the expiry of the license, or in cases of the death of the license-holding person or dissolution of the license-holding company, as per Sub-section 18(5), the security money will be refunded.

In order to ensure monitoring of recruitment agents, Section 11 of the law clarifies that the recruitment license is renewable but valid for a period of three years at a time. Further, Section 13 of the Migrants' Act lays down the conditions or reasons that may lead to cancellation or suspension of the license. The listed reasons cover a variety of ways in which migrant workers have been cheated, exploited, or abused by recruitment agents and illegal intermediaries or sub-agents who operate on behalf of the recruitment agents. Sub-sections 18(1) to 18(4) further specify the grounds on which the government may cancel or suspend a license and forfeit the security money.

To help the recruitment agents understand performance requirements, Section 16 places a responsibility on the government to establish a performance-based grading system for the classification of recruitment agents. Moreover, Sub-sections 17 (4) and 17 (5) require that the whereabouts of all of the recruitment agent's work premises should be recorded with the government and be public knowledge.

To address the challenge that recruitment agents may have with regard to extent of their ability to reach persons interested in working overseas, Section 14 of the Migrants Act 2013 permits recruitment agents to open branch offices. Section 15 lays down the duties of recruitment agents to ensure safe migration and protection of the workers' interests.



## 4.2.2 Recruiting Agents Conduct and Licence Rules, 2002

According to BMET officials, the BMET strictly tries to follow the Recruiting Agents Conduct and Licence Rules, 2002, in regulating private recruiting agents. The regulating mechanism (licensing and licence renewal) is delineated in Figure 4.1:

**Figure 4.1: Licence approval and renewal procedure for recruiting agents**

**Application for licence to Director General (DG) with the following documents:**

- Statement on business plan & capital;
- Income tax returns for the last two years and deposit certificate worth BDT100,000;
- Police clearance certificate;
- Statement that agency will recruit competent workers and be liable for the activities of its own employees;
- An organogram, an office layout, and a list and photographs of employees; and
- Training facilities-related information.

**Verification and approval:**

- DG will ensure verification of the documents and reliability of the applicant within 30 working days of application submission.
- DG will send their recommendation to the Government based on verification.
- Based on the recommendation, Government will decide on issuing licence to the applicant.
- If the application is approved, applicant will deposit licence fee, security deposit, and savings certificate.
- License will be approved for one year.

**Licence renewal\*:**

- Agency needs to make application with license renewal fee and a report on previous year's organizational activities.
- DG will renew the licence, if they are convinced that the agency does not have following attributes:
  - Misconduct, violation of rules or regulations;
  - convicted and punished for activities related to labour recruitment;
  - record of charging additional cost; or
  - have record of sending labour through irregular channel(s).
- Before final verdict, applicant will get opportunity to be heard.

\*In case of cancellation or suspension of the licence, or forfeiture of security, applicant can appeal for review within 30 days. Based on proper examination and review, the Government can withdraw its verdict.



According to the Recruiting Agents Conduct and License Rules 2002, recruiting agents must conform to the following prescribed modes of conduct (not exclusive):

- maintain regular office and signboard;
- maintain an information and consultation centre;
- recruit competent candidates for migration and recruit candidates from the databank of potential candidates. If competent candidates cannot be found from the databank, the candidate needs to be selected from among applicants who have registered with DEMOs;
- recruiting agents will avoid competition for visas, work permits, etc., among themselves;
- recruiting agents will not accept from employers any terms or conditions that violate the minimum bar for salary/wage and service terms as approved by the government;
- agents will ensure that employers maintain the service terms during the service time;
- agents will give a contract paper to each emigrant and explain the contents of that contract to the emigrant in front of the registrar;
- recruiting agents will not demand any additional fees (except service charges) from migrants;
- agents will not deliberately recruit unqualified employees for the employer;
- agents will give proper information to potential migrants in their advertisements;
- agents will meet the demand for labour from the international labour market efficiently;
- agents will ensure the presence of selected workers at the BMET briefing centre for pre-departure briefings;
- a recruiting agent needs to have found employment abroad for a minimum of 300 migrant workers within the last five years (otherwise their license will expire and half of the security deposit will be forfeited); and
- recruiting agents will provide a receipt for all payments received from migrants/potential migrants.

In addition, from time to time, the government will determine and publish (through the Gazette) the amounts that recruiting agents can charge as service charge. Through notices, the government will also fix fees related to medical tests, passports, visas, and embarkation. According to the Rules, recruiting agents are supposed to obey the instruction published in those Gazettes and notifications.

#### **4.2.3 Overseas Employment Policy, 2006**

The Overseas Employment Policy, 2006, was adopted with a view toward fulfilling the vision of the government regarding overseas employment. The Policy delineates some specific activities related to regulating the recruitment process. Table 4.2 gives a breakdown of some of the activities prescribed in the Policy and address the successes that have resulted through the implementation of the Policy as well as gaps that remain to be filled.



**Table 4.2: Selective policy outcomes (gaps/failures and successes) related to the Overseas Employment Policy, 2006**

Section of the Policy	Activities	Gaps/Successes
5.4.3	<p>Fix reasonable migration costs for various job categories by comparing expenses in destination country, airfare, passport cost, medical fees, service charges for recruiting agents, training expenses, etc. with those of other labour-sending countries filling similar job categories, and disseminate such migration costs widely in print and electronic media.</p>	<ul style="list-style-type: none"> <li>Though the government fixed a maximum recruitment and migration cost of BDT84,000, in practice it has not been applied.</li> <li>Information on the maximum recruitment and migration cost of BDT84,000 has not been disseminated among the citizenry.</li> <li>Though the government prescribed some specific costs for airfare, medical fees, service charges, etc., Government could formulate a flexible cost structure that considers demand variations in the overseas job market (i.e., a market-based approach).</li> </ul>
5.4.5	<p>Ensure that all types of financial transactions engaged in by recruiting agents in their recruitment process are done through the banking system, and take legal action against recruiting agents who do not comply.</p>	<ul style="list-style-type: none"> <li>Enforcement of formal financial transactions has been very weak.</li> <li>Quick action on victims' complaints to the BMET against recruiting agent who do not issue receipts, etc. is possible, but poor awareness of this provision among victims hinders them from making a strong, evidence-based allegation. In many cases, victims cannot differentiate between illegal intermediaries and recruiting agencies. Moreover, victims get involved in informal financial transactions without proper documentation and do not have any evidence whatsoever of having made payments. Hence, the results sought by the Policy have not materialized.</li> </ul>
5.4.6	<p>Control recruitment through computerized registration and creation of a database of workers willing to migrate.</p>	<ul style="list-style-type: none"> <li>The government can claim success in this respect. The Smart Card, Online Visa checking, and online registration of workers, even though in their initial stages and not without some technical hitches, are notable achievements of the Government of Bangladesh.</li> </ul>
5.4.8	<p>All steps are to be taken to ease and modernize the issuance of state-of-the-art passports to migrant workers, and also to ensure the issuance of police clearances within 15 days of a worker submitting an application. (Recruiting agents and intermediaries are deeply involved in the process of issuing passports and police clearances).</p>	<ul style="list-style-type: none"> <li>Government has achieved remarkable success in modernizing the issuance of digital passport facilities.</li> <li>Government also has modernized the issuance of police clearance certificates. The one stop service of Bangladesh Police is quite successful in terms of establishing an easy procedure and a less time-consuming process (seven days). However, it is alleged that at the inspection level, corruption exists.</li> </ul>



**Table 4.2: Selective policy outcomes (gaps/failures and successes) related to the Overseas Employment Policy, 2006**

Section of the Policy	Activities	Gaps/Successes
5.4.9	To take legal actions against illegal and unauthorized employment by recruiting agents and enact new laws, if needs be.	<ul style="list-style-type: none"> <li>Considering the importance of labour migration, the Government of Bangladesh has already initiated steps to enact new laws like the Overseas Employment and Migrants' Act 2013.</li> </ul>
4.10	Make provisions for rewarding and honouring recruiting agents on the basis of their contribution in opening up new markets, their success in sending significant numbers of skilled workers abroad, and for ensuring recruitment with low recruitment and migration cost implications but with better salaries for the workers.	<ul style="list-style-type: none"> <li>According to officials of BAIRA and representatives of recruiting agencies, the government has not instituted any functional reward or incentive-based mechanism.</li> </ul>

#### **4.2.4 Gaps in mechanism for regulating private recruiting agents and in the overall labour migration system**

A number of mechanisms for regulating private recruiting agents have been tried in Bangladesh. However, none have been particularly effective. In the past few years, Bangladesh has lost certain significant overseas job markets. Unethical recruitment practices are considered one of the most crucial reasons behind these bans on recruitment from Bangladesh. The noticeable signs of unethical recruitment and labour migration practice are delineated in Table 4.3. This section deals with some specific gaps in the mechanism for regulating private sector recruiting agents and in the labour migration system of Bangladesh in general.

Three major problems with the Emigration Ordinance, 1982 that governed migration from Bangladesh till the new 2013 law came into effect were: First, it penalized the workers if they were

to leave their job and return while the contract was still in effect. Second, it did not give migrant workers the right to seek direct legal redress. Finally, it did not grant the right to association to the workers while granting this same right to the recruitment agents. Under this Ordinance, only the government could lodge complaints on behalf of the workers. But recruiting agents and their association are influential, and they have been able to thwart efforts to regulate them. Due to these factors and in the absence of collective bargaining ability, the prevailing situation served as a contrivance for catching and holding Bangladeshi migrant workers. So far, the government has never filed a case against a recruiting agent for a violation of the Emigration Ordinance, 1982 (Ahmed, 2013).

Other failures in the legal regime, so far, relate specifically to the regulating of private recruiting agents. Some of these regulatory gaps are given below:



- Recruiting agencies are expected to maintain an information and consultation centre. Instead of doing that, in practice, illegal intermediaries and sub-agents operate from the offices of many recruitment agents and also happen to be the first point of information access for potential migrant workers.<sup>3</sup>
- There is no compulsion for the recruitment agent to initiate and complete recruitment in their authorized office.
- Recruitment agents are not required to keep full, accurate and reliable records of recruitment processes that would be useful in regulation. Such information may be used for: complaints by workers against the recruitment process, overseeing whether or not outgoing workers are receiving assistance to understand their rights and entitlements, and regulatory audits and public disclosures.
- There are no mechanisms to compare job and candidate matches. There is also a lack of a mechanism for vetting the candidates whose records are included in the database, leaving the database open to rejection by recruitment agents on the grounds of it being poorly managed.
- According to BAIRA, there are no specific rules or a policy to regulate those Bangladeshis who act as illegal intermediaries abroad. Intermediaries need to be brought under the law so that only those who operate under a licence from or registration by the government of the destination country can engage with recruitment agents in Bangladesh, and even then only after the intermediary's licence or registration documents have been verified by the Bangladeshi labour attaché/mission in the country concerned.<sup>4</sup>
- Under the existing regulatory mechanism, recruiting agents do not have responsibility for the conduct of the illegal sub-agents and intermediaries who operate under their names.
- At present, labour attachés of Bangladesh verify the demand letters for workers presented to them in terms of whether or not the employer exists. However, they should also look into the qualifications and backgrounds of the employers (ILO, 2012). It is very hard for officials from Bangladeshi recruiting agents to obtain visas to visit GCC countries, so they do not know much about the employers to whom they will be sending workers.<sup>5</sup>

#### 4.2.5 Gaps in coordination mechanisms

Increasing recruitment and migration cost and deteriorating conditions for migrant workers indicate that there is inadequate coordination among government agencies involved with international labour migration.

During the February 2013 workshop on building knowledge-base and promoting rights of the Bangladeshi migrant workers on the move stakeholders expressed that there is minimal coordination among different government divisions. It is glaringly noticed with regard to various branches of MEWOE and also in between the BMET and the DEMOs. The decentralization of power and responsibilities and their proper distribution are marked by capacity and coordination gaps. The functions of the DEMOs need to be distinct and measurable and reporting lines clear with the BMET. Not all DEMOs are

<sup>4</sup> Key informant interview with Md. Shahjalal Mazumder, President, BAIRA.

<sup>5</sup> Key informant interview with an owner of recruiting agency.



working to their full capacity because of a gap in their technical and management abilities.

Different committees at the district level – i.e., counter trafficking, human rights – do not work in coordination with the District Welfare Desk. There remains a lack of coordination in ensuring safe migration and protection from human trafficking among the various responsible government ministries. Some effort needs to be made to clarify the operating procedures among these ministries when they come across irregular migration and smuggling or trafficking in persons.

The Ministry of Civil Aviation and Tourism is responsible for the licensing of travel agencies, while the BMET is responsible for the licensing of recruiting agents. However, minimal cooperation is exhibited between these two ministries in sharing relevant information (Rajput, 2011).

The BMET is under MEWOE, and it appears there is no direct coordination among the BMET, the Ministry of Foreign Affairs, and the Ministry of Home Affairs. In line with the policy outline developed by the Government of the Philippines, a central and national monitoring committee headed by the Minister of MEWOE could monitor day-to-day affairs via a networked system.

However, the Government of Bangladesh has taken several steps to minimize the gaps in coordination. MEWOE has formed a “Vigilance Taskforce” with representation from other relevant ministries/agencies: Home Affairs, Foreign Affairs, Civil Aviation, the BMET, etc. The role of this taskforce is to curb the fraudulent activities of unscrupulous recruiting agents and intermediaries who create problems by cheating workers or engaging in corruption in the migration process.

### 4.3 Gaps in policy and legal regime

In this section, existing policies, rules, and ordinances relevant to the labour recruitment and international migration system of Bangladesh are analyzed in comparison with the Private Employment Agencies Convention, 1997 (No. 181) of the ILO. The Government of Bangladesh has not yet ratified this Convention. Nonetheless, the Convention can be considered a benchmark for analyzing the relevant policies and legal regime of Bangladesh.

In Table 4.3, Articles from Convention No. 181 are compared against the existing recruitment and migration system-related policies and legal regime of Bangladesh. The table also delineates the current problems and unethical practices found in the international migration situation that can be associated with the inadequacy of the present regulatory regime.

In addition to the negative practices listed in Table 4.3, there is an important gap that hinders migrant workers' ability to seek redress. Though the BMET has maintained an online complaints mechanism, the mechanism is not accessible or usable tool for a vast majority of migrant workers (Rajput, 2011). This may be because a large number of Bangladeshi workers lack functional literacy and access and ability to use a computer and the Internet. A more human interaction-based complaints mechanism with strong witness protection orientation and support services for workers who complain would help encourage workers to file complaints as well as provide more effective redress.

**Table 4.3: Unethical labour migration practices in Bangladesh and the international and national instruments meant to curb these practices**

<b>ILO Convention No. 181</b>	<p><b>Article 7</b></p> <p>1. Private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers.</p> <p>2. In the interest of the workers concerned, and after consulting the most representative organizations of employers and workers, the competent authority may authorize exceptions to the provisions of paragraph 1 above in respect of certain categories of workers, as well as specified types of services provided by private employment agencies.</p>
<b>Bangladeshi Policy, Ordinance and Rules as of 23 Oct. 2013</b>	<p><b>The Emigration Ordinance, 1982</b></p> <p>23. Receiving money, etc, for providing foreign employment.</p> <p>Whoever for providing or securing, or on the pretext of providing or securing, to or for any person, employment in any country beyond the limits of Bangladesh -</p> <p>(a) being a recruiting agent, charges any fee in addition to the prescribed amount;</p> <p>(b) not being a recruiting agent, demands or receives or attempts to receive, for himself or for any other person any money or other valuable thing;</p> <p>shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.</p> <p><b>Recruiting Agents Conduct and Licence Rules, 2002:</b></p> <p>5. Licence Renewal :</p> <p>(4) Licence will be void during licence renewing, if the Director General is satisfied with the following issues (among others):</p> <ul style="list-style-type: none"> <li>- Applicant recruiting agents is involved in charging additional cost to migrant workers.</li> </ul> <p>7. Conduct of Recruiting agents:</p> <p>Recruiting agent will:</p> <ul style="list-style-type: none"> <li>- Have regular office and associated signboard</li> <li>- Have information counselling centre for counselling potential migrant</li> <li>- Recruit labour from database. In case of non-availability of appropriate job seeker in database, job seeker registered in district manpower office will be considered for recruitment.</li> <li>- except service charge, no other fee can be charged to potential migrant worker</li> </ul> <p><b>Overseas Employment Policy, 2006:</b></p> <p>4. Principal:</p> <p>4.01 Ensure opportunities for all aspirant Bangladeshis from anywhere in the country at Reasonable cost for both short-term and long-term Migration.</p> <p>4.08 Manage the recruitment process efficiently.</p>



Negative practices	<ul style="list-style-type: none"><li>• In reality, sub-agents and dalals exist, and since their existence is not accounted for in the legal framework, they operate without any regulation. Due to their intervention, the cost of migration increases, and it remains undocumented.</li><li>• Recruiting agents also like to rely on sub-agents/dalals for directly approaching potential migrant workers, as the agencies do not want to expand their office to grassroots locations.</li><li>• Although recruiting agents acknowledge the importance of recruiting labour from the database developed by government institutions, in reality, sub-agents and dalals remain the dominant recruiters in the current system.</li><li>• Staff of recruiting agents often function as dalals in the recruitment process. Even if an interested worker comes to a recruiting agent to migration through the official process, they still have to proceed through a dalal stationed at the recruiting agent's office. [Source: Interview with representative from WARBE].</li><li>• Recruiting agents, their sub-agents, and dalals all have possible means to circumvent the policies and legal regime that specify appropriate conduct in the recruitment process.</li></ul> <p>[For example: In 2007, a recruiting agent located in Dhaka advertised in a national daily newspaper that it was on recruiting workers for a plantation in New Zealand. The agent also asserted that potential migrants would bear only the recruitment cost that had been approved by the Government of Bangladesh. But one member of the recruitment agent's staff admitted in an interview with the study team that the advertisement was an official formality to appease the government that the agent went through to cover up a more deceptive mode of operating. In this instance, according to the staff, the workers for the New Zealand job had already been selected prior to the posting of the advertisement, and each migrant paid about BDT1 million to BDT1.2 million to secure the job – far more than the government-approved maximum.]</p> <ul style="list-style-type: none"><li>• Recruitment through individual initiative is a major aspect of the labour migration system in Bangladesh. In this regard, the government can exert little influence over the cost structure of this type of labour migration process under the existing framework. [Source: Interview with a member of BAIRA].</li><li>• Recruiting agents buy job contracts from sub-agents located in destination countries. The existence of such sub-agents increases the cost of job offers by at least 30 per cent. This added cost is ultimately borne by labour migrants.</li><li>• It is very seldom for workers to receive a proper receipt for any moneys paid during the recruitment and migration process.</li><li>• Financing of recruitment and migration cost is another major challenge. Lack of access to formal credit system forces potential migrant workers to rely on high interest rate loans from the informal financing sector. This increases the real cost of migration.</li><li>• Costs are higher because the government has not done an adequate job of disseminating information about migration and cost. Moreover, at DEMOs, the ignorance of office staff and a lack of decentralization of responsibility are also reasons behind the inadequate dissemination of information to potential migrants [Finding of Workshop on building knowledge-base and promoting rights of the Bangladeshi migrant workers on the move, 2013].</li></ul>
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<b>ILO Convention No. 181</b>	<b>Article 8</b> <p>1. A Member shall, after consulting the most representative organizations of employers and workers, adopt all necessary and appropriate measures, both within its jurisdiction and, where appropriate, in collaboration with other Members, to provide adequate protection for and prevent abuses of migrant workers recruited or placed in its territory by private employment agencies. These shall include laws or regulations which provide for penalties, including prohibition of those private employment agencies which engage in fraudulent practices and abuses.</p>
<b>Bangladeshi Policy, Ordinance and Rules as of 23 Oct. 2013</b>	<p><b>The Emigration Ordinance, 1982</b></p> <p>14. Cancellation, suspension, forfeiture of security, etc. [see details.]</p> <p>23. Receiving money, etc., for providing foreign employment.</p> <p>Whoever for providing or securing, or on the pretext of providing or securing, to or for any person, employment in any country beyond the limits of Bangladesh -</p> <ul style="list-style-type: none"><li>(a) being a recruiting agent, charges any fee in addition to the prescribed amount;</li><li>(b) not being a recruiting agent, demands or receives or attempts to receive, for himself or for any other person any money or other valuable thing;</li></ul> <p>shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.</p> <p><b>Recruiting Agents Conduct and Licence Rules, 2002:</b></p> <p>5. Licence Renewal:</p> <p>(4) Licence will be void during licence renewing, if Director General is satisfied with the following issues (among others)-</p> <ul style="list-style-type: none"><li>- Applicant recruiting agent is involved in charging additional cost to migrant workers.</li><li>- Recruiting agent has a record of sending labour through an irregular process.</li></ul> <p>7. Conduct of Recruiting agents:</p> <p>Recruiting agent will:</p> <ul style="list-style-type: none"><li>- Avoid competition with other recruiting agents</li><li>- Not contract labour beyond the minimum criteria of salary and other benefit as set by the government.</li><li>- Secure the conformity of job contract after the migration of respective worker</li><li>- Provide copy of the contract to the potential migrant and explain content of the contract elaborately</li><li>- Not provide different skill level worker to recruiter [than what was demanded].</li></ul> <p>11. Service Charge:</p> <ul style="list-style-type: none"><li>- On a timely basis, the government will determine service charges through a circular.</li><li>- Other fees like health check-up, passport, and visa fee will not be included in service charges. These fees will be also fixed by the government.</li><li>- Before selection, recruiting agents will not demand any money from potential migrants. Recruiting agents will not take any money from potential migrants without giving an appropriate money receipt</li></ul>



	<p><b>Overseas Employment Policy, 2006:</b></p> <p>4. Principal:</p> <p>4.09 To brand fraudulence practices in the migration process as offences against the national interest and formulate new laws, as needs be, to prosecute any such offender whether he/she is an individual, a government employee, or a private enterprise.</p> <p>4.10 Make provisions for rewarding and honouring recruiting agents on the basis of their contribution in opening new markets, success in sending significant numbers of skilled workers, skilled female workers, and for procuring demands at low migration cost with better salaries.</p> <p>5. Implementation:</p> <p>5.1.8 Increase the duration and also spread to the divisional and district level, the ongoing pre-migration briefings programs given to the migrant workers for preliminary ideas on their duties, nature of job, salaries and benefits, the culture and laws in the host countries, and also to review and change the curriculum and to print and distribute booklets containing pertinent information for migrant workers.</p> <p>5.1.9 To save aspirant migrant workers from fraudulent practices and to create awareness of the risk and bad consequences of irregular migration, a concerted campaign is to be launched in print and electronic media to inform the people of the process of regular migration, migration cost, job natures, salaries and other benefits, usual terms of contract, the necessity of a written agreement with the employer, etc.</p> <p>5.1.1 Ensure specific mention of working hours, rate of wages, over-time, leave, health services, entertainment mobility, etc. in the job contract between the worker and employer.</p> <p>5.4.2 Set specific standards for issuing and renewing licenses of recruiting agents.</p> <p>5.4.3 Fix category-wise reasonable migration cost by comparing expenses in the employing country, airfare, passport fees, medical fees, service charges for recruiting agents, training expenses, etc. with those of other labour sending countries for similar job categories and disseminate such migration costs widely in print and electronic media,</p> <p>5.4.4 Determination of a minimum wage for migrants in accordance with the standards of the destination country for different job categories and take all initiatives to ensure receipts of such wages.</p>
<b>Negative practices</b>	<ul style="list-style-type: none"><li>• Severe competition among recruiting agents lead them to recruit labour for employers with deteriorated terms and conditions.</li><li>• Many recruiting agents help potential labour migrants to avoid pre-departure training organized by the BMET.</li><li>• Many migrant workers do not go through their contract papers. Indeed, recruiting agents, sub-agents, and dalals circumvent the obligation of showing the job contract to recruited workers. And even if the recruited worker tries to go through the contract paper, language barriers and highly technical terms within the paper hinder them in comprehending the terms and conditions.</li><li>• Sometimes the recruiting agents cheat both employers and employees. Recruiting agents provide low-skilled workers against employer requests for semi-skill workers. Jobs requiring skills grant larger salaries, so recruiting agents demand extra money from potential migrants to secure those positions. At the same time, the agencies receive more money from the overseas recruiter because the agency ostensibly has to put in extra effort to find a skilled worker. Ultimately, when the employer finds out that the worker does not have the necessary skills, the employer refuses to pay the worker the agreed upon wage. This leaves the worker having paid extra money to get the job (and possibly going into debt to do so), but with a smaller salary than anticipated.</li><li>• The BMET's processes for supervising recruiting agents are cumbersome and inadequate.</li><li>• Sometimes the employer's representatives do not show up to receive the migrant workers at the airport in the destination country.</li></ul>



<b>ILO Convention No. 181</b>	<b>Article 9</b> 2. Where workers are recruited in one country for work in another, the Members concerned shall consider concluding bilateral agreements to prevent abuses and fraudulent practices in recruitment, placement and employment.
<b>Bangladeshi Policy, Ordinance and Rules as of 23 Oct. 2013</b>	<b>Overseas Employment Policy 2006:</b> 5. Implementation: 5.1.1 Sign bilateral agreements or Memorandums of Understanding with destination countries. 5.1.6 In league with other countries of origin, articulate and press for rights and related issues of migrant workers in international forums.
<b>Negative practices</b>	<ul style="list-style-type: none"><li>• The Government of Bangladesh has failed to forge bilateral agreement with destination countries to reduce the role of sub-agents in countries of destination.</li><li>• There is also an allegation that, particularly when it comes to violations of job contracts by employers in country of destination, the Government of Bangladesh has little influence over the governments of destination countries to address issues related to Bangladeshi migrant workers.</li></ul>
<b>ILO Convention No. 181</b>	<b>Article 10</b> The competent authority shall ensure that adequate machinery and procedures, involving as appropriate the most representative employers and workers organizations, exist for the investigation of complaints, alleged abuses and fraudulent practices concerning the activities of private employment agencies.
<b>Bangladeshi Policy, Ordinance and Rules as of 23 Oct. 2013</b>	<b>The Emigration Ordinance, 1982</b> 26. Special courts- (1) The government may, by notification in the official Gazette, establish as many special courts as it considers necessary for trial of offences under this ordinance and, where it establishes more than one special court, shall specify in the notification the headquarters of each special court and the territorial limits within which it shall exercise jurisdiction under this ordinance. (2) A special court shall consist of a person who is the Chairman of a Labour Court established under the Industrial Relations Ordinance, 1969 (XXIII of 1969). (3) A special court shall take cognizance of, and have jurisdiction to try, an offence punishable under this ordinance only upon a complaint in writing made by such person as the government may, by a general or special order, authorize in this behalf. (4) A special court trying an offence under this ordinance shall try such offence summarily and in trying such offences, such special court shall follow the procedure laid down in the Code of Criminal Procedure, 1898 (Act V of 1898) for summary trial. <b>Recruiting Agents Conduct and Licence Rules, 2002:</b> 3. Application for licence: E. Applicant must provide organizational chart and list of staff, including their photograph. 5. License Renewal : (1) Application needs to be made addressing the Director General. Application will include a self-prepared report delineating the recruiting agents' activities in the last one year. (2) Registrar will scrutinize the activities of respective recruiting agents; and based on that make a decision on renewal of licence. <b>Overseas Employment Policy, 2006</b> 5. Implementation: 5.4.5 Ensure all types of financial transactions by recruiting agents in their recruitment process go through banks and take legal measures against errant recruiting agents. 5.4.9 To take legal actions against irregular and unauthorized employment by recruiting agents and enact new laws, if needs be. 5.4.10 To give legal aid/support to deceived migrant workers at home and abroad.



Negative practices	• Migrant workers do not have the right to seek direct legal redress. Only the government can lodge complaints for violation of provisions of the Emigration Ordinance, 1982. But the recruiting agencies are quite influential and have been able to procure privileges from the government. As a result the government has never filed a case against a recruiting agency for violations of the Emigration Ordinance (Ahmed, 2013). • Migrant workers have very limited bargaining power in the whole migration process with either the government or private sector stakeholders. The right to form an association is not guaranteed in the law and policy or the Rules. Migrant workers do not have any platform to raise their voice and grievances.
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Another important issue with regard to the high cost of recruitment and migration that needs to be addressed is the weaknesses in the labour attaché mechanism. The current number of labour attachés represents a mere handful in comparison to the demand for their services. Their supervisory and accountability lines are critiqued as being complex and inefficient. They are also burdened with a variety of responsibilities without having adequate technical capacity or human and financial support to fulfil all of these responsibilities. There is an immediate need to plug these loopholes and strengthen the labour attaché mechanism to be more efficient in playing a labour oversight and welfare role.

#### 4.4 Challenges and good practices

The existing migration system and practice in Bangladesh pose a somewhat serious threat to the prospect of healthy and progressive labour migration practices in Bangladesh. However, in this respect, some international guidelines and examples of good migration practice<sup>6</sup> are available for Bangladesh to follow. Relevant challenges for Bangladeshi labour migration and relevant good practices for international labour migration systems are shown in Table 4.4.

<sup>6</sup> Examples of good labour migration practices have been compiled from ILO Multilateral Framework on Labour Migration: Non-binding Principles and Guidelines for a Rights-Based Approach to Labour Migration (ILO, 2006) and Monitoring foreign recruitment: Best practices from the for [sic] South Asian foreign recruitment monitoring (Rajput, 2011).



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**Table 4.4: Challenges and good practices available for Bangladesh's international labour migration system**

<b>Existing practices</b>	<ul style="list-style-type: none"><li>• Violations of the terms and conditions of job contracts.</li><li>• Anxiety and harassment of newly migrated worker during their initial adjustment to living in a new country.</li></ul>
<b>Challenges</b>	<ul style="list-style-type: none"><li>• Ensure entitlement of the migrant worker in destination countries.</li><li>• Ensure proper mechanism to integrate newly migrated workers into the work place and society in destination countries.</li></ul>
<b>Guidelines</b> (in line with the ILO Multilateral Framework on Labour Migration)	<ul style="list-style-type: none"><li>• Networking between workers' organizations in origin and destination countries to ensure that migrant workers are informed of their rights and provided with assistance throughout the migration process.</li><li>• Facilitating migrant workers' departure, journey, and reception by providing, in a language they understand, information, training, and assistance prior to their departure and on arrival concerning the migration process, their rights and the general conditions of life and work in the destination country.</li></ul>
<b>Good practices for imitation</b>	<p><b>Malaysia:</b> With the support of the ILO, the Malaysian Trade Union Congress took the initiative to highlight and publicize the status of migrant workers in Malaysia and to extend union protection to migrant workers.</p> <p><b>Philippines:</b> The Trade Union Congress of the Philippines works with NGOs and the government to provide better protection for migrant workers, including women domestic workers.</p> <p><b>Union Network International (UNI):</b> UNI, an international organization of trade unions in the professional and service sectors, issues an identity document to migrant workers to help them retain their union rights and obtain support as they travel from one country to another. Those who were union members in their own country can be hosted by a UNI member union in the destination country and receive lists of local contacts, information on working conditions, banking, taxes, housing, schools, health care, pensions, and other benefits. Advice on labour issues and laws and collective agreements is available, as well as legal support in case of a dispute with the employer. UNI distributes a booklet, Working abroad: UNI guidelines, which is available on its website in several languages</p> <p><b>New Zealand:</b> The government attempts to assist with integration for permanent residence by providing a settlement information kit paid by migrant worker fees. The kit covers housing, health, education, work, business, government, laws, and integration. The Department of Labour publishes information on labour rights in several languages</p> <p><b>Sri Lanka:</b> The Migrant Resource Centre of Sri Lanka negotiated agreements with partner organizations in major countries of destination, such as the General Federation of Jordanian Trade Unions, to support Sri Lankan migrant workers (Rajput, 2011)</p>
<b>Recommendation</b>	<ul style="list-style-type: none"><li>• Create the environment for strengthening trade unions in home countries so that trade unions can effectively manage international labour migration issues.</li><li>• Negotiate social protection agreements with the countries of destination that includes a fundamental freedom to form migrant workers' associations.</li><li>• The Government of Bangladesh should make an initiative to forge a network between trade unions in Bangladesh and trade unions in destination countries.</li><li>• Provide an environment and technical support for local trade unions to get hooked into international trade union networks.</li><li>• For the above mentioned initiatives, accept assistance from international organizations like the ILO and others.</li></ul>



<b>Existing practices</b>	<ul style="list-style-type: none"> <li>• Trafficking in persons and human smuggling.</li> <li>• Fake documentation used during labour migration process.</li> </ul>
<b>Challenges</b>	<ul style="list-style-type: none"> <li>• Free/relaxed movement of migrant workers between countries to reduce irregular migration.</li> <li>• Ensure smooth and easy border procedures at airports, seaports, and overland crossings, etc.</li> </ul>
<b>Guidelines</b> (in line with the ILO Multilateral Framework on Labour Migration)	<ul style="list-style-type: none"> <li>• Facilitating the movement of migrant workers between the country in which they work and their home country to enable them to maintain family and social ties.</li> </ul>
<b>Good practices for imitation</b>	<p><b>Economic Community of West African States (ECOWAS):</b> Since 1975, ECOWAS has had three protocols covering the free movement of persons within the member States, their establishment and residence and employment access. The issuance of ECOWAS identity documents and modernization of border procedures through passport scanning machines facilitates easier movement across borders.</p>
<b>Recommendation</b>	<ul style="list-style-type: none"> <li>• Involvement in protocol/agreement with regional organizations (e.g., SAARC) and specific countries for easy labour movement.</li> <li>• Modernization of immigration systems by establishing networked systems among immigration service of member States.</li> </ul>
<b>Existing practices</b>	<ul style="list-style-type: none"> <li>• Lack of documentation and data on irregular and regular migration, points of exploitation during labour migration, the number of regular and irregular migrants, etc. (e.g., The official figures of the Bangladesh and Malaysian governments regarding the number of Bangladeshi migrants staying in Malaysia are contradictory.)</li> </ul>
<b>Challenges</b>	<ul style="list-style-type: none"> <li>• Establishment of knowledge base for initiation and implementation of proper policy measures.</li> </ul>
<b>Guidelines</b> (in line with the ILO Multilateral Framework on Labour Migration)	<ul style="list-style-type: none"> <li>• Improving government-capacity and structures for collecting and analyzing labour migration data, including sex-disaggregated and other data, and applying it to labour migration policy.</li> </ul>
<b>Good practices for imitation</b>	<p>A number of countries have their own surveys that deal with international labour migration issues with more consideration. Australia, Costa Rica, Ireland, and Portugal are noteworthy examples. In fact, at this moment, Bangladesh also has some notable surveys, like the Household Remittance Survey and the Household Income Expenditure Survey, that address international labour migration issues.</p> <p><b>Australia:</b> The Australian Bureau of Statistics conducts a monthly labour force survey, which includes questions on migration. Supplemental surveys on immigrants have also been conducted periodically. The Department of Immigration and Multicultural and Indigenous Affairs develops regular reports using client service systems, which include statistics on the number of overseas employees entering Australia.</p> <p><b>United Nations, Economic Commission for Latin America and the Caribbean (ECLAC):</b> One of the major programs of ECLAC's Latin American and Caribbean Demographic Center (CELADE) is the research project Investigation of International Migration in Latin America, which began in the 1970s to construct a database of information on the main characteristics of migrant populations collected by censuses. Most recently, ECLAC/CELADE has also formed the System of Information on International Migration in the Countries of the Andean Community (SIMICA).</p> <p><b>ILO:</b> The International Migration Program maintains the online International Labour Migration Database, which hosts statistical time-series data on labour migration from 86 countries obtained through a mail questionnaire survey.</p>
<b>Recommendation</b>	<ul style="list-style-type: none"> <li>• To share country-specific international labour migration statistics, bilateral agreements are needed between countries of origin and destination.</li> <li>• More cooperation can be established among countries of destination and origin and international organizations like the ILO or UNCTAD in developing international labour migration related surveys/ censuses and in sharing relevant information.</li> </ul>



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<b>Existing practices</b>	<ul style="list-style-type: none"><li>Lack of supervision and control over International Recruiting agents by the government, as alleged by civil society.</li></ul>
<b>Challenges</b>	<ul style="list-style-type: none"><li>Ensure an ethical recruitment process.</li></ul>
<b>Guidelines</b> (in line with the ILO Multilateral Framework on Labour Migration)	<ul style="list-style-type: none"><li>An orderly and equitable process of labour migration should be promoted in both origin and destination countries to guide men and women migrant workers through all stages of migration, in particular, planning and preparing for labour migration, transit, arrival and reception, return and reintegration.</li><li>Governments in both origin and destination countries should give due consideration to licensing and supervising recruitment and placement services for migrant workers in accordance with the Private Employment Agencies Convention, 1997 (No. 181), and its Recommendation.</li></ul>
<b>Good practices for imitation</b>	<p><b>Philippines:</b> The government identifies labour market niches abroad and arranges an orderly supply of labour through supervised recruitment by foreign employers, recruiting agencies, and foreign governments based on bilateral agreements. The Philippines Overseas Employment Administration (POEA) issues licences to private, Philippines-based recruiting agencies, which must enter into legally enforceable work contracts with workers seeking employment abroad. The POEA approves these contracts, monitors malpractices, and prosecutes violators of recruitment standards. However, the Philippines permits recruiting agencies to require pregnancy and HIV/AIDS testing of workers. The POEA formulates emigration policies, campaigns against trafficking, provides pre-departure information, addresses labour rights violations abroad, and assists its nationals in destination countries. The government can suspend or halt deployment of workers to certain countries in cases of repeated abuse. Migrant workers using official channels receive pre-departure training on social and working conditions abroad, life insurance and pension plans, medical insurance and tuition assistance for the migrant and his or her family, and are eligible for loans. Recruiters must post a bond to provide remedies for workers in case of violation of their rights. They must also sign a power of attorney holding them liable for contract violations of employers. Incentives are provided to reward recruiters for good performance.</p>
<b>Recommendation</b>	<ul style="list-style-type: none"><li>MEWOW and the BMET have already initiated several steps for ensuring an ethical international recruitment and migration process. However, the good practices of the POEA also can be considered in ensuring that the BMET's activities are even more effective.</li></ul>
<b>Existing practices</b>	<ul style="list-style-type: none"><li>High cost of migration due lack of demand in overseas job markets; hassles in the migration process.</li></ul>
<b>Challenges</b>	<ul style="list-style-type: none"><li>Reducing cost of migration.</li><li>Free/relaxed movement of migrant workers between countries to reduce irregular migration.</li></ul>
<b>Guidelines</b> (in line with the ILO Multilateral Framework on Labour Migration)	<ul style="list-style-type: none"><li>Simplifying administrative procedures involved in the migration process and reducing processing costs to migrant workers and employers.</li></ul>
<b>Good practices for imitation</b>	<p><b>Canada:</b> The Seasonal Agricultural Worker Program came into being in 1966 and was developed to respond to labour shortages faced by farmers. It allows the organized movement of migrant workers during the planting and harvesting seasons and is based on MoUs between Canada and Mexico, as well as between Canada and various Caribbean countries, primarily Jamaica.</p> <p><b>Spain:</b> Under the "circular migration" project run by Unió de Pagesos in Catalonia, seasonal workers are recruited from Morocco, Colombia, and countries in Eastern Europe.</p>
<b>Recommendation</b>	<ul style="list-style-type: none"><li>Bilateral or multilateral agreements can be made to arrange temporary labour migration to signatory countries.</li></ul>



<b>Existing practices</b>	<ul style="list-style-type: none"> <li>The number of intermediaries involved in the process, which increases the cost of migration.</li> </ul>
<b>Challenges</b>	<ul style="list-style-type: none"> <li>Direct communication between employer and potential employee during the recruitment process.</li> </ul>
<b>Guidelines</b> (in line with the ILO Multilateral Framework on Labour Migration)	<ul style="list-style-type: none"> <li>Facilitating migrant workers' departure, journey, and reception by providing, in a language they understand, information, training, and assistance prior to their departure and on arrival concerning the migration process, their rights, and the general conditions of life and work in the destination country.</li> </ul>
<b>Good practices for imitation</b>	<p><b>Egypt:</b> The Integrated Migration Information System is an Italian-funded project implemented in Egypt by the IOM. It has an online database at the Ministry of Manpower and Migration for Egyptians wishing to migrate to Italy. A job-matching system for Egyptian applicants and Italian employers provides Egyptians with access to the Italian labour market information system and enables them to apply for jobs in Italy online.</p>
<b>Recommendation</b>	<ul style="list-style-type: none"> <li>Bilateral agreements can be made to establish an organized database through which employers of one country can directly recruit employees from Bangladesh.</li> </ul>
<b>Existing practices</b>	<ul style="list-style-type: none"> <li>Potential migrants who are exploited or abused during the recruitment process lack a platform for raising their voice.</li> </ul>
<b>Challenges</b>	<ul style="list-style-type: none"> <li>Networking among government, representatives from recruiting agents, and representatives from trade unions who uphold the voice migrant workers.</li> </ul>
<b>Guidelines</b> (in line with the ILO Multilateral Framework on Labour Migration)	<ul style="list-style-type: none"> <li>Establishing tripartite procedures to ensure that employers' and workers' organizations are consulted on labour migration issues and their views taken into account.</li> </ul>
<b>Good practices for imitation</b>	<p><b>Philippines:</b> POEA has a tripartite governing board consisting of the Secretary of Labour and Employment, representatives of other concerned government departments, a workers' representative from the Trade Union Congress of the Philippines, and an employers' representative from the association of private recruiting agencies.</p> <p><b>India:</b> Under tripartite cooperation among the Indian mission in Kuwait, the Kuwait Union of Domestic Labour Offices (KUDLO), and the Kuwaiti legal firm Al-Haqoq, domestic workers who have problems with their employers are provided legal support. (Rajput, 2011).</p>
<b>Recommendation</b>	<ul style="list-style-type: none"> <li>A permanent platform in Bangladesh can be made under the supervision of MEWOE through which migrants can register their views and concerns, and negotiate with the government and recruiting agents.</li> </ul>
<b>Existing practices</b>	<ul style="list-style-type: none"> <li>In many cases, loss of employment results in termination of a migrant worker's visa.</li> </ul>
<b>Challenges</b>	<ul style="list-style-type: none"> <li>Ensure secure jobs and visas for migrant workers.</li> </ul>
<b>Guidelines</b> (in line with the ILO Multilateral Framework on Labour Migration)	<ul style="list-style-type: none"> <li>Adopting measures to ensure that migrant workers lawfully within the country enjoy equal treatment with nationals regarding employment and training opportunities after a reasonable period of employment, and, upon loss of their employment, are allowed sufficient time to find other work.</li> </ul>
<b>Good practices for imitation</b>	<p><b>Italy:</b> The loss of employment or resignation from employment of non-EU migrant workers in regular status does not automatically result in withdrawal of their residence permits. They are entitled to registration on placements lists until their residence permits expire.</p>
<b>Recommendation</b>	<ul style="list-style-type: none"> <li>Persuade countries of destination to ensure arrangements through which migrant workers do not lose their residency status immediately after being terminated from their job.</li> </ul>



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<b>Existing practices</b>	<ul style="list-style-type: none"><li>During the recruitment process potential migrant workers are not covered by important social security instruments, such as long-term insurance schemes, membership in trade unions, etc.<sup>7</sup></li></ul>
<b>Challenges</b>	<ul style="list-style-type: none"><li>Ensure a social safety net for migrant workers.</li><li>Ensure equal rights.</li></ul>
<b>Guidelines</b> (in line with the ILO Multilateral Framework on Labour Migration)	<ul style="list-style-type: none"><li>Adopting measures to ensure that all migrant workers benefit from the provisions of all relevant international labour standards in accordance with Principles 8 and 9 of this Framework.</li></ul>
<b>Good practices for imitation</b>	<p><b>Philippines:</b> An agreement requires recruiting agencies that recruit workers for foreign ships to make quarterly payments to the Philippines social security system. Workers are covered by social security upon signing the standard seafarer employment contract, with the recruiting agent and the foreign ship owner as employers</p> <p><b>Turkey:</b> All migrant workers in Turkey have been brought under the compulsory coverage of statutory long-term insurance schemes in conformity with Article 3(1) of the Equality of Treatment (Social Security) Convention, 1962 (No. 118).</p>
<b>Recommendation</b>	<ul style="list-style-type: none"><li>Government needs to establish an agreement that requires recruiting agencies to ensure different payment/benefit structures for migrant working in risky jobs.</li></ul>
<b>Existing practices</b>	<ul style="list-style-type: none"><li>Workers are often recruited to work for abusive employers.</li></ul>
<b>Challenges</b>	<ul style="list-style-type: none"><li>Elimination of abusive employers from the recruitment process.</li></ul>
<b>Guidelines</b> (in line with the ILO Multilateral Framework on Labour Migration)	<ul style="list-style-type: none"><li>Governments should formulate and implement, in consultation with social partners, measures to prevent abusive practices, migrant smuggling, and trafficking in persons; they should also work towards preventing irregular labour migration.</li></ul>
<b>Good practices for imitation</b>	<p><b>Saudi Arabia:</b> In July 2005, the Ministry of Labour of Saudi Arabia announced the formation of a special department to protect the rights of domestic migrant workers and impose sanctions on employers who abuse them. In such cases, employers may be banned from applying for any domestic house worker for five years.</p>
<b>Recommendation</b>	<ul style="list-style-type: none"><li>The Government of Bangladesh can persuade other countries of destination to adopt such strategies through which abusive employers will be banned from the recruitment process.</li></ul>

<sup>7</sup> ILO Migration for Employment Convention (Revised), 1949 (No. 97) prohibits inequality of treatment between migrant workers and nationals arising out of laws or regulations or the practices of the administrative authorities in four area: living and working conditions, social security, employment taxes and access to justice (Article 6).



<b>Existing practices</b>	<ul style="list-style-type: none"> <li>Migrants are exploited by non-licensed recruiting agents/intermediaries due to lack of correct information about them.</li> </ul>
<b>Challenges</b>	<ul style="list-style-type: none"> <li>Dissemination of information about recruiting agents/ intermediaries who are guided by ill motives, or are unregistered with the government.</li> </ul>
<b>Guidelines</b> (in line with the ILO Multilateral Framework on Labour Migration)	<ul style="list-style-type: none"> <li>Disseminating information on trafficking to warn potential victims of its dangers and raise public awareness on the issue.</li> <li>Facilitating migrant workers' departure, journey, and reception in language they understand.</li> <li>Imparting information, training and assistance prior to migrants' departure and on arrival concerning the migration process, their rights, and the general conditions of life and work in the destination country.</li> </ul>
<b>Good practices for imitation</b>	<p><b>Philippines:</b> POEA provides information on its website about licensed private recruiters, job vacancies abroad, and the locations of consulates in destination countries. It also provides advice and warnings to those intending to migrate through recruiters involved in unethical labour migration practices.</p> <p><b>Sri Lanka:</b> Consulates have labour welfare officers to provide information and assistance to migrant workers in destination countries, particularly women.</p>
<b>Recommendation</b>	<ul style="list-style-type: none"> <li>Adoption of different means for disseminating information regarding unlicensed or unethical recruiting agents/ intermediaries and also the causes and consequences of irregular migration.</li> </ul>
<b>Existing practices</b>	<ul style="list-style-type: none"> <li>Lack of intergovernmental communication in dealing with recruiting agents. Bangladesh can do very little if recruiting agents in countries of destination violate migrant workers' rights.</li> </ul>
<b>Challenges</b>	<ul style="list-style-type: none"> <li>Ensure inter-government communication in dealing with recruiting agents.</li> </ul>
<b>Guidelines</b> (in line with the ILO Multilateral Framework on Labour Migration)	<ul style="list-style-type: none"> <li>Ensuring that migrant workers receive understandable and enforceable employment contracts.</li> <li>Providing arrangements to ensure that recruitment and placement services do not recruit, place, or employ workers in jobs which involve unacceptable hazards or risks or abusive or discriminatory treatment of any kind and informing migrant workers in a language they understand of the nature of the position offered and the terms and conditions of employment.</li> </ul>
<b>Good practices for imitation</b>	<p><b>Mauritius-China:</b> A bilateral agreement between Mauritius and China has provisions for actions to be taken by each country to protect Chinese migrant workers. China submits information to Mauritius on unreliable recruiting agents. Mauritius submits employment contracts to the Chinese Embassy to ensure conformity with Chinese law and uniformity between the Chinese and English versions of contracts (one signed in China and one in Mauritius).</p>
<b>Recommendation</b>	<ul style="list-style-type: none"> <li>Bangladesh can go into bilateral agreements with destination countries for controlling the unethical practices of recruiting agents.</li> </ul>



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<b>Existing practices</b>	<ul style="list-style-type: none"><li>• Lack of control over recruiting agents located in countries of destination for ensuring ethical labour migration.</li></ul>
<b>Challenges</b>	<ul style="list-style-type: none"><li>• Ensure decent control over recruiting agents located countries of destination.</li></ul>
<b>Guidelines</b> (in line with the ILO Multilateral Framework on Labour Migration)	<ul style="list-style-type: none"><li>• Working on and implementing legislation and policies containing effective enforcement mechanisms and sanctions to deter unethical practices, including provisions for the prohibition of private employment agencies engaging in unethical practices and the suspension or withdrawal of their licenses in case of violation.</li></ul>
<b>Good practices for imitation</b>	<p><b>Sri Lanka:</b> Consulates in destination countries register recruiting agencies and companies that recruit Sri Lankan workers, and only those registered are authorized to enter into contracts with workers. There are MoUs with recruiters in GCC States, Hong Kong (China), and Singapore for Sri Lankan Government approval of employment contracts for domestic workers and investigations of employers.</p>
<b>Recommendation</b>	<ul style="list-style-type: none"><li>• Assigning the consulates of Bangladesh in countries of destination to oversee the recruiting agents currently recruiting workers from Bangladesh.</li></ul>

# Bilateral and regional policies and agreements with major destination countries

## 5.1 Existing bilateral and regional policies and agreements

International labour migration-based development incurs tremendous economic and social cost. Many migrants experience serious abuse and exploitation during migration, both in countries of origin and destination. Moreover, rising cross-border movement of labour has led to the growth of irregular migration, as well as human trafficking and human smuggling. This scenario has become a matter of concern not only for the origin and destination countries but also for transit countries. This scenario advocates for the necessity of bilateral, multilateral, and regional policies and frameworks aimed at reducing the abuses and exploitation associated with international labour migration.

The Government of Bangladesh is involved in a number of bilateral and multilateral agreements, frameworks, and MoUs. MEWOE has signed bilateral MoUs with Libya, Qatar, Oman, Malaysia, the Republic of Korea, Kuwait, and the United Arab Emirates, which have introduced quotas for the number of Bangladeshi migrants being sent and also delineated minimum labour standards (Rajput, 2011). Certain notable agreements and frameworks in which the Government of Bangladesh is involved are delineated in the sections below.



### 5.1.1 Bilateral negotiations, frameworks, agreements, MoUs

The Bangladesh Government has started a formal process of sending workers to Malaysia through a government-to-government arrangement. Under this process, the first batch of Bangladeshi workers (70 individuals) left Dhaka to take up plantation jobs in Malaysia on 25 April 2013. Amidst the international labour migration deadlock Bangladesh has experienced over the last few years, the Government of Bangladesh was able to negotiate the opening of the Malaysian labour market through a government-to-government initiative. The government was also able to set an example of migration at low cost by fixing the maximum cost at BDT40,000.

In recent years through bilateral negotiation, Bangladesh has succeeded in regularizing undocumented migrants in some GCC countries and Malaysia. Through an effective discussion with the Malaysian government, about 267,803 Bangladeshi migrant workers who entered Malaysia through irregular channels have already been registered for regularization. Additionally, experts and key informants have stated that this strategy proved effective in better ensuring safe migration, particularly with regard to the security of women migrant workers. Moreover, some more positive outcomes of this strategy include the better ensuring of workers' rights in terms of wage scales, working and living conditions, levels of social protection (for example, medical care and compensation), and access to instruments of social dialogue, such as freedom of association.

The Bangladesh Government has announced a similar recruitment process for sending migrant workers to Hong Kong, China. At the initial stage of this process, 80,000 female workers will be sent to take up domestic worker jobs. Potential migrants selected to go to Hong Kong, China, will attend a two-month training course on the work they will be performing. To travel to Hong Kong the workers will not need to pay any money

upfront. Airfare will be about BDT40,000, and it will be deducted from their salary for the first few months on the job. The women workers will be paid about BDT40,000 per month.

Under another government-to-government arrangement, BOESL is engaged in processing aspirant migrants to the Republic of Korea at a cost of BDT56,000, including air fare (this is all done under the Republic of Korea's EPS arrangement). Previously, the Korean government stopped recruiting Bangladeshi workers due to massive corruption and irregularities in the management of migration (often by the private recruiting agencies) and the high cost. Following the forging of the government-to-government initiative, the Korean government reopened their labour market to Bangladeshi migrant workers.

# Recommendations

**Awareness-building activities:** The cost of migration is associated not only with demand side factors (demand in the labour market, the conduct of recruiting agents) but also with supply side factors (the availability of labour, the attitude and knowledge level of workers about the labour migration process, etc.). Hence, the cost of migration can be reduced by a significant amount by raising awareness among potential migrant workers on ethical migration. Although such institution-building processes incur more cost and time, they can lead to a more sustainable, ethical practice of migration. For the sake of generating awareness regarding ethical migration practices, the following measures can be taken: (a) Since the information gap halts the smooth operation of the migration system and, in turn, can lead to human trafficking and irregular migration, a detailed understanding of overseas labour recruitment can empower potential migrants to bargain with recruiting agencies/illegal intermediaries or sub-agents. Against the backdrop of substantial international migration, the Government has already decided to include education about regular forms of

migration in schoolbooks. This is a positive initiative undertaken by the Government of Bangladesh, and this integration of information about the labour migration process into education curriculums and textbooks (at the primary, secondary, and tertiary levels) needs to be carried out in an urgent manner. (b) By launching a mass media campaign on the labour migration process (frequent advertisements on TV and radio, as well as in newspapers), the Government can raise awareness among potential migrants about labour migration issues.

**Curbing the role of sub-agents/intermediaries:**

Since the role of intermediaries is one of the key factors for increasing recruitment and migration cost, the cost of migration for less-skilled and semi-skilled workers need to be reduced by curbing the role of intermediaries at both ends (i.e., in Bangladesh and countries of destination). The role of intermediaries can be reduced by means of following measures:



- Recruiting agents need to be regulated under a new legal framework.
- Government-to-government recruitment initiatives should be encouraged.
- Relevant agencies (namely, BOESL and BMET) should be strengthened in their ability to search for and offer more overseas jobs.
- The government needs to encourage potential migrant workers to grow sceptical of illegal intermediaries or sub-agents. The dominance of sub-agents and intermediaries will get reduced only when the government can convince migrants into reposing trust in formal labour migration channels (e.g., licensed recruiting agents, government-to-government initiatives). This trust-building requires decentralization and institutionalization of the labour migration process.
- The government needs to take the initiative to curb the role of illegal intermediaries or sub-agents in countries of destination. By means of bilateral negotiations with the governments of destination countries and expansions of the work area of Bangladeshi labour attaché, the role of illegal intermediaries or sub-agents in destination countries can be curbed. The government can take the initiative and establish institutional mechanisms through which recruiting agents from Bangladesh can directly communicate with employers in destination countries.

#### **Elimination of costs being borne by migrant workers:**

As per Article 7, Clause 1 of ILO Convention No. 181, member States need to take initiative in line with the principle that “Private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers.” In line with this benchmark, the Government of Bangladesh can devise policy and regulatory instruments to ensure that all such costs are to be

borne by employers instead. This initiative would be more effective if the government would consider a timeframe within which it would try to achieve that target. Since these sorts of initiatives need to involve countries of destination as stakeholders, the Government of Bangladesh should negotiate with countries of destination and develop MoUs and agreements to address the issue.

#### **Oversight and supervision of recruiting agencies by the government:**

In a free market economy, the role of recruiting agents in the recruitment process is undeniable. Therefore, rather than eliminating recruiting agents from the labour migration system, the government can make them workable through formulations/revisions of policies/acts/rules and the effective implementation of those policies/acts/rules. In this regard, the Government of Bangladesh also can assign the consulates of Bangladesh in destination countries to oversee the recruiting agents currently recruiting workers from Bangladesh. New laws need to be incorporated into the legal framework, and as such, they must prove efficacious in penalizing recruiting agents involved in unethical practices. Incentives for recruiting agents also can be fruitful in guiding them to practice ethical recruitment.

**Oversight and supervision of recruiting agent:** In order to ensure institutional compliance with any code of conduct, internal compliance mechanisms prove much more effective and sustainable than external pressure. Therefore, the existing association of private recruiting agents – BAIRA – should be more proactive in adopting an ethical code of conduct for private recruiting agents and devising internal compliance and monitoring mechanisms to ensure their members’ compliance. BAIRA should seek support from the Government of Bangladesh and the ILO for institutional development and for playing a self-regulatory role. Strong networking among the Government of Bangladesh, BAIRA, and the ILO can give a labour standards-based push to the implementation of the laws and policies of the government and is likely to have a greater impact at the grassroots level. BAIRA should also



formulate effective strategies for collaborating with the government to research international labour markets.

**Provision of financing migration costs from formal financing sectors:** Lack of access to the formal banking system leads migrant workers to finance their migration costs from the informal sector. Considering the high interest rates charged for this sort of credit, the total migration cost turns out to be considerably more than the cost traditional estimation infers. Reliance on the informal banking system (i.e., moneylenders) by migrant workers for financing migration cost is a tremendous drawback within the migration process in Bangladesh. Therefore, the inclusion of potential migrant workers in the formal banking process is necessary. Relevant NGOs, commercial banks (both State-owned and private), and government bodies can be actively involved in generating less costly financing for migration. Bangladesh Bank can direct and encourage commercial banks to finance migration costs under a Corporate Social Responsibility arrangement.

**Ensuring migrant workers' right to information:** It is obvious that access to information can increase the negotiating power of migrant workers. Though under the existing rules and regulations, potential migrant workers can avail themselves of certain information on the recruitment process, job contracts, and the cost structure of migration, in reality, such practices are observed at a minimum level. This being the case, proper mechanisms need to be developed under the auspices of the government. Such mechanisms will compel recruiting agents to share all relevant information with migrant workers and potential migrant workers (e.g., providing a Bengali version of the contract paper and easily understandable legal statements). In this connection, the following instruments need to be improved/implemented:

- pre-departure briefing by BMET;
- dissemination of information on the migration process among interested

potential migrant workers through the use of notice boards or websites;

- dissemination of information about common unethical practices in migration through decentralized workshops, seminars, etc.; and
- publication of information on recruiting agents who are involved in good practices/bad practices.

#### **Compilation and analysis of labour market information:**

International labour migration decisions (both those made by the government and by individual employers and workers) need to be based on rational cost-benefit analyses. Such rationality can be viable only when the analysis is made on the basis of true and substantial information. Therefore, the easy availability of labour market information (such as the supply of and demand for labour) in both countries of origin and countries of destination is quite instrumental in making migration decisions and policy frameworks. This information base can be developed and shared through various initiatives under bilateral agreements/MoUs between Bangladesh and destination countries, and with the assistance of Inter governmental agencies like the ILO. The ILO has been assisting many Member States in generating labour market data and forecasting employment trends. The formulation of joint electronic profiles that list job requirements and worker skills can be considered a good option.

#### **Dissemination of international labour market information among potential migrant workers:**

It is evident that Bangladeshi brokers and intermediaries have a near monopoly over overseas labour market information, which they receive through their overseas brokers/intermediaries (sub-agents). Therefore, they are in position of shaping and influencing the migration decisions of potential migrant workers. Overstated information can allure potential migrants into bearing additional migration cost. However, apart from relatives and intermediaries, potential migrant



worker do not have any platform from which they can avail themselves of relevant overseas labour market information. Hence, the Government of Bangladesh can maintain a Migration Information System which can be updated on a monthly or quarterly basis. This information can be shared with potential migrants through various means, like websites, billboards, notice boards (at DEMOs, the BMET, and the offices of recruiting agencies), mass media, etc.

#### **Incorporation of proper documentation facilities:**

Through the BMET and MEWOE, the Government of Bangladesh has already implemented several documentation mechanisms for labour migration purposes. These initiatives include: mandatory registration for potential migrant workers (Smart Card); documentation during processing for a BMET clearance certificate; and digitization of the embarkation-disembarkation card. However, a single database platform containing every piece of information that is incorporated into the National ID card, passport, recruitment information (including follow-up information), etc. needs to be developed.

**Promotion of trade unions and alliances between trade unions of Bangladesh and destination countries:** The Government of Bangladesh needs to promote the formation of migrant worker labour associations. The provision of trade unions in Bangladesh and also in destination countries can increase the bargaining power of migrant workers. Through multilateral or bilateral frameworks/agreements, the government can also encourage destination countries to allow for the formulation of effective trade unions within their borders. Creating an environment for networking between Bangladeshi trade unions and destination country trade unions is also a good practice for creating and managing an ethical labour migration process. The government also can provide technical support for local trade unions so that they can be linked into international trade union networks. The government can consider the lessons drawn from several initiatives by international

trade union bodies and the ILO in different countries. In this connection, the government of Bangladesh can accept assistance from the ILO to be connected with international trade union bodies and to facilitate international cooperation between Bangladeshi and overseas trade unions. Bangladeshi missions could assist in the formation of cultural associations and support groups of migrant workers in countries of destination. Such social networks can prove highly functional in minimizing social insecurity and establishing workers' rights in destination countries.

**Extensive empirical research:** Policy-makers find it extremely difficult to formulate any policy in connection with labour migration owing to the unavailability of a great deal of information about the issue. Therefore the labour migration system needs to be explored and analyzed. In a true sense, it needs to be overhauled by the initiation of extensive empirical research. Cooperation can be established among countries of destination and origin, and also among international organizations like the ILO and UNCTAD, in order to develop labour migration-oriented surveys/censuses.

**Expansion of the resources and scope of MEWOE and the BMET:** In recent years, MEWOE and the BMET have diversified their activities to deal with labour recruitment and migration issues more effectively. However, there are also allegations that these institutions are failing to perform their functions effectively in some arenas. Causes of this lack of functionality can be attributed to the following problems:

- A private recruiting agent regulation and monitoring mechanism that is too limited: Although MEWOE and the BMET have developed regulating and monitoring mechanisms, those mechanisms need to be strengthened by further review and reorganization. Since such monitoring must be a continuous process, the development of a strong institutional framework comprising more resources



and a larger workforce is essential. The representation and participation of women and men migrant workers' associations in this institutional framework also needs to be ensured;

- Limited resources of MEWOE and the BMET: According to BMET officials, the BMET has substantially less human resources than required for managing its activities. What is urgently needed is an increase in budget allocation and human resources to these two institutions, as this is a pressing need and true hindrance in creating an adequate regulatory mechanism for overseas migration.

There are also allegations that media campaigns for safe migration awareness (which are supposed to be handled by MEWOE and the BMET) are still scant. Therefore, DEMOs needed to be expanded in all districts of Bangladesh. Increasing the workforce of those institutions is also major a concern in this connection.

Among others, the following specific steps can be taken to strengthen the MEWOE:

- Establishment of an autonomous Labour Market Research Centre staffed with professional, high calibre researchers, which could be set up with the technical assistance of specialized institutions like the ILO, UNESCO, FAO, etc. to ensure multidisciplinary attention to the issue of migration. This Centre could operate under a public-private model, which would open room for recruiting agencies and private sector entities (such as local employers' associations) to play a role.
- Promotion of an institutional framework for carrying out annual Training Needs Assessments among the staff in the MEWOE, BMET, DEMOs, TTCs, BOESL, PKB, and all other execution or welfare bodies of the MEWOE.
- Decentralization of functions, capacity strengthening and performance management of the DEMOs. For instance, pre-departure briefing and awareness campaigns may be delegated to DEMOs and their performance assessed every three months to provide timely support to those DEMOs that require assistance.

**Bilateral agreements between Bangladesh and destination countries:** government should enter into agreements with the governments of the destination countries in the following areas:

- Detrimental visa trading in country of destinations should be curbed under regulation. More specifically, involvement of sub-agents (at recipient countries) in recruitment process needs to be controlled.
- Bangladesh can negotiate with destination countries for common minimum standards of migration cost as well as wages and terms and conditions of employment consistent with the labour law of the country of destination concerned.
- High recruitment cost and less opportunity of legal migration encourage people to take alternative irregular process of migration i.e., trafficking in person, smuggling of human being. Provision of better supply side (available opportunity of legal migration) would reduce for alternative demand for irregular migration. Hence, Government of Bangladesh has already taken initiative to explore overseas labour for Bangladeshi migrants. However, more energy is need to be involved for expanding existing labour market and open up the restricted labour market.
- Government of Bangladesh can persuade destination countries for adopting such strategies through which abusive employer will be banned from recruitment process.



- To share country-specific international labour migration statistics, intergovernmental agreements are needed between Bangladesh and countries of destination.
- To facilitate direct labour recruitment by the recruiter, bilateral agreement can be made to establish an organized database. Such database would allow employer of one country to directly recruit employee from Bangladesh.
- Bilateral or multilateral agreement can be made to arrange temporary labour migration among signatory countries.

**Networking with intergovernmental agencies by the government:** Intergovernmental agencies (e.g., the ILO) can act as an intermediary between Bangladesh and destination countries in balancing the interests of both governments. In fact, the scope of the ILO is wider in the arena of decent international labour migration. First, it is the only agent to set international labour standards for the protection of all workers and economies. Moreover, the ILO has a framework that allows for tripartite (i.e., government, trade unions/workers' organization, and employers) social dialogue for consensus building on important issues. It is notable that, any formal intergovernmental regional or inter-regional work on the protection of labour rights requires the involvement of the ILO. Therefore, the initiation of a strong network with intergovernmental agencies would be a very practical choice for the government and workers' organizations.

#### **Technical collaboration with international organizations :**

the Government of Bangladesh could seek technical assistance to address the issues related to recruitment and migration costs, emigration and immigration systems, and development of standard terms and conditions of employment, including occupational safety and health, protection of workers, social security of migrant workers, etc.

**Addressing gaps in coordination:** Increasing recruitment and migration costs and deteriorating conditions facing migrant workers indicate that coordination mechanisms among government institutions involved in managing the international labour migration system are not functioning properly. An interministerial committee should be established to support coordination of the labour migration process. Following the example of the Philippines, a central and national monitoring committee headed by the Minister of MEWOE can bring in public oversight to the labour migration process. Engagement of social partners such as the trade unions, migrant workers' associations, and employers' associations would ensure that the MEWOE is also informed about the public perceptions and challenges that the workers may be facing or issues that require immediate attention. There is a need for a higher level interministerial coordination committee that includes the relevant government ministries: Ministry of Home Affairs, Ministry of Foreign Affairs, MEWOE, Ministry of Women and Children Affairs, Ministry of Social Welfare, Ministry of Law, Justice and Parliamentary Affairs, Ministry of Health and Family Welfare, and Ministry of Information, and other related ministries. This higher level committee could provide redress when situations requiring cooperation between various ministries and/or inter-ministerial policy decisions are required. It would be highly useful in coordinating responses when workers are in crisis situations overseas.



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## List of key informants interviewed

### **List of key informants interviewed** (in alphabetic order)

1. Asjadul Kibria (Business Page Editor, The Daily Prothom Alo).
2. Emigration official who spoke on condition of anonymity.
3. Kamruzzaman (Area Manager, Thengamara Mohila Sabuj Sangha-TMSS, Tangail).
4. Kawser Ahmed (Advocate, Supreme Court of Bangladesh).
5. Masud Parvez (Secretary General, Welfare Association of Repatriated Bangladeshi Employees-WARBE).
6. Md. Ismail Hossain (Chief Executive, UAE, Janata Bank Ltd.).
7. Md. Mahbubur Rahman (MD, Janata Exchange Company Italy, SRL).
8. Md. Nurul Islam, PhD (Director-Training Standard and Planning, Bureau of Manpower, Employment and Training-BMET).
9. Md. Omar Faruque Chowdhury (Executive Director, Ovibashi Karmi Unnayan Program-OKUP)
10. Md. Shahjalal Mazumder, President, BAIRA.
11. Representatives from three recruiting agencies (spoke on condition of anonymity).
12. Illegal intermediaries or sub-agents (spoke on condition of anonymity).
13. Shamim Ahmed Chowdhury Noman (EC Member, BAIRA).
14. Shariful Hasan (Senior Reporter, The Daily Prothom Alo).
15. Sumaiya Islam (Director, Bangladesh Ovibashi Mohila Sramik Association-BOMSA).
16. Syed Mahbub Elahi (Chairman, Ovibashi Karmi Kallyan Foundation-OKKAF).



# **The Cost:** Causes of and potential redress for high recruitment and migration costs in Bangladesh

Regulatory governance of international recruitment is the crux of the challenges associated with international labour migration. This study suggests that Bangladesh has been trying to make international recruitment cost effective, transparent, and consistent by bringing into force a variety of measures. Bangladesh also took on the challenge of formulating and adopting comprehensive national laws and policies on labour migration. This study highlights challenges that need to be overcome to strengthen labour migration governance, as well as, the long walk to reform that has yet to be covered.



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