



প্রত্যাশা • PROTTASHA  
Sustainable Reintegration and Improved Migration Governance

# MAPPING OF LABOUR MIGRATION RECRUITMENT PRACTICES IN BANGLADESH



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# MAPPING OF LABOUR MIGRATION RECRUITMENT PRACTICES IN BANGLADESH





# FOREWORD

In the global migration narrative, the aspect of recruitment as the first step of the labour migration process is becoming increasingly important. If migrant workers face high costs and exploitation at the recruitment stage, they are at greater risk of vulnerabilities throughout the rest of the migration cycle.

Despite the efforts of some major labour-sending countries, challenges in the recruitment process – including high fees and fraudulent practices – continue to prevail. The importance of ensuring ethical recruitment has been further reinforced through Objective 6 (“Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work”) of the Global Compact for Safe, Orderly and Regular Migration (or, simply, the “Global Compact for Migration”). The Global Compact for Migration further mentions the importance of improving regulatory processes, for instance, by aligning national interventions with global tools such as the International Recruitment Integrity System (IRIS) of the International Organization for Migration (IOM). Many countries have been showing high levels of interest in IRIS, which is viewed as a pragmatic foundation for safe labour migration flows.

To support the Government of Bangladesh in strengthening efforts to ensure ethical recruitment, including through the pilot of IRIS in the country, IOM Bangladesh initiated this study on the mapping of recruitment practices through the project PROTTASHA (Bangladesh Sustainable Reintegration and Improved Migration Governance), supported by the European Union. The study provides an in-depth analysis of existing recruitment processes and practices in the country, to align them with international guidelines and best practices.

We would like to extend our gratitude to the Ministry of Expatriates’ Welfare and Overseas Employment, and the Bureau of Manpower, Employment and Training, among other government entities, for extending their support for this study. We would also like to thank the Bangladesh Association of International Recruiting Agencies for their continued interest in and commitment to strengthening efforts towards ethical recruitment.

IOM Bangladesh will continue to work with relevant stakeholders to protect all migrant workers against all forms of exploitation and abuse throughout the migration process in order, ultimately, to maximize the socioeconomic contributions of migrants.



**Giorgi Gigauri**  
*Chief of Mission*  
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- Ovhbashi Karmi Unnayan Program
- BRAC (formerly the Bangladesh Rural Advancement Committee)
- BASUG – Diaspora and Development
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## ACRONYMS

ALFEA	Association of Licensed Foreign Employment Agencies (Sri Lanka)
ASPROE	Association for Professionalism in Overseas Employment (Philippines)
BAIRA	Bangladesh Association of International Recruiting Agencies
BDT	Bangladeshi taka
BMET	Bureau of Manpower Employment and Training (Bangladesh)
BOESL	Bangladesh Overseas Employment and Services Ltd
BOMSA	Bangladeshi Ovhibashi Mohila Sramik Association
CMW	Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (or, simply, “Committee on Migrant Workers”)
CSO	civil society organization
DEMO	District Employment and Manpower Office
EPS	Employment Permit System (Republic of Korea)
FGD	focus group discussion
G2G	Government-to-Government
G2G+	Government-to-Government Plus
GAMCA	Gulf Approved Medical Centres Association
GCC	Gulf Cooperation Council
GDP	gross domestic product
ICT	information and communication technology
IDI	in-depth interview
ILO	International Labour Organization
IOM	International Organization for Migration
IRIS	International Recruitment Integrity System
KII	key informant interview
MoEWOE	Ministry of Expatriates’ Welfare and Overseas Employment (Bangladesh)
MoCAT	Ministry of Civil Aviation and Tourism (Bangladesh)
MoFA	Ministry of Foreign Affairs (Bangladesh)
MoHA	Ministry of Home Affairs (Bangladesh)
MoHFW	Ministry of Health and Family Welfare
MoU	memorandum of understanding
NGO	non-governmental organization
PDO	pre-decision orientation
POEA	Philippine Overseas Employment Administration
RCP	regional consultative process
SAR	Saudi riyal
SDC	Swiss Agency for Development and Cooperation
SDG(s)	Sustainable Development Goal(s)
SLBFE	Sri Lanka Bureau of Foreign Employment
TTC	technical training centre
UDC	Union Digital Centre



# EXECUTIVE SUMMARY

## Introduction

In a world of increasing interconnectivity and expanding globalization, migration as a phenomenon has intertwined countries, cultures and peoples from all walks of life and backgrounds for centuries. Throughout the ages, international migration has not only enabled migrants to pursue better livelihoods but has also benefited countries and States. It has not only provided opportunities to individual people, but has also contributed to the economic development of entire countries – both of origin and of destination. Nonetheless, not all forms of migration are positive in nature. Particularly in recent times, displacement due to persecution, conflict, and environmental and climate change has affected the lives of millions of people worldwide and increasing the volume of irregular migration.

Now, more than ever, migration shapes the world we live in and is relevant to its development. It has played an important role in the social and economic development of Bangladesh, a major country of origin for migrant workers, in the past few decades. According to the Bureau of Manpower, Employment and Training (BMET), more than 12 million workers have migrated from Bangladesh to various other countries in pursuit of employment within the last 40 years.<sup>1</sup>

However, while migration is a crucial contributor to the growth of Bangladesh's GDP, the procedures involved in migrant labour recruitment are still characterized by several gaps and limitations. One major challenge hindering positive changes in the plight of Bangladeshi migrant workers and their families back home is the malpractices in the recruitment process. With a wide range of stakeholders actively involved in migrant labour recruitment, the system has been convoluted to benefit intermediaries (in Bengali, *dalals*, literally, brokers or subagents) and other recruitment practitioners in both countries of origin and countries of destination – at the expense of migrant workers. Thus, with a view to ensuring the protection of the rights of migrant workers by promoting ethical recruitment practices, the study, “Mapping of Recruitment Practices in Bangladesh”, was conducted to identify, understand and analyse the various procedures involved in the recruitment of migrant labour from Bangladesh.

## Research rationale and aim

The International Organization for Migration (IOM) developed the International Recruitment Integrity System (IRIS), a multi-stakeholder assurance scheme that serves as a due-diligence tool to help employers assess labour recruiters' compliance with ethical recruitment principles and improve transparency in the hiring process. The findings of the study will serve as a basis to promote IRIS and, more generally, fair recruitment practices in Bangladesh. The study will also contribute to existing initiatives by the Government of Bangladesh, development partners and United Nations agencies to strengthen migration governance and promote ethical practices in the recruitment of migrant workers.

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<sup>1</sup> Bangladesh Bureau of Manpower, Employment and Training (BMET), “Overseas Employment and Remittances from 1976-2018”, report (BMET, Dhaka, 2018). Available from [www.bmet.org.bd/BMET/viewStatReport.action?reportnumber=20](http://www.bmet.org.bd/BMET/viewStatReport.action?reportnumber=20) (accessed 6 December 2018).

The objective of the study is to help improve the migrant labour recruitment system in Bangladesh by reviewing existing practices, procedures and regulatory frameworks, both locally and in countries of destination, as well as by identifying the causes of high labour migration costs from Bangladesh. The study maps recruitment processes for European job markets associated with either regular or irregular migration, as well as identifies “best practices” from other countries of origin, to draw lessons from and replicate in Bangladesh. It also takes into account existing initiatives by various development partners, as well as national and international legislation and policy frameworks, including relevant international instruments and conventions. The study concludes by presenting recommendations that may assist in improving the migrant labour recruitment system in Bangladesh.

The methodology for the study includes standard qualitative research methods, reaching out to stakeholders from various sectors, namely:

- (a) Potential and returnee migrants (men and women)
- (b) Government of Bangladesh
- (c) Private sector
- (d) Civil society organizations (CSOs)
- (e) Recruitment practitioners
- (f) Migration intermediaries

## Findings and conclusions

Migration has been widely acknowledged to contribute towards development by helping to alleviate poverty and enrich lives. For the migrant workers of Bangladesh, however, the high financial cost of migration has hindered any such possibilities for socioeconomic improvement. The study finds that the high cost of migration is directly related to the complexities of the migrant labour recruitment process. Copious layers of migration intermediaries in both Bangladesh, as the country of origin, and various countries of destination have transformed migrant labour recruitment from a formal to an informal system, allowing for the proliferation of recruitment malpractices and exploitation, thus increasing the vulnerability of migrants.

The study identifies several underlying factors that encourage exploitative recruitment practices, beginning at the grassroots in Bangladesh, all the way to countries of destination. The study also finds conflicting assertions from all levels of stakeholders in relation to responsibility and accountability in the area of migrant labour recruitment. To sum up understanding of the current scenario, it is clear that in order to reduce the cost of migrating from Bangladesh, the migrant recruitment system, in its entirety, requires greater transparency, ownership and accountability from among all active stakeholders. Given that private recruitment agencies are the dominant stakeholders operating in the country, the Government would benefit from devising stricter mechanisms to promote ethical recruitment practices in the private sector. (The procedures followed by recruitment agencies are detailed in **Chapter 3: Findings.**) In addition to implementing stricter regimes to regulate the actions of stakeholders, another key issue is whether to absorb migration intermediaries into the formal migrant labour recruitment system, given that they play an integral part in informal recruitment from Bangladesh. Answering this question, however, requires further, in-depth research.



## Policy implications

Bangladesh needs to strengthen further negotiations with destination countries through bilateral and multilateral forums to advocate for greater transparency of recruitment practices and accountability regarding efforts towards their improvement. The key issues that can be addressed through these forums are the elimination of intermediary layers from the migrant recruitment process to minimize fraudulent practices; the abolition of the practice of visa-trading; and the commitment to uphold the rights and protection of migrant workers. The Government would also benefit from revisiting the Overseas Employment and Migrants' Act of 2013 and addressing the unique challenges that women migrant workers face by ratifying ILO Convention No. 189<sup>2</sup> to compel countries of destination to ensure the protection, safety and security of women migrant workers. Ultimately, the Government can be the key actor in the establishment of a clear and transparent system of labour migration that benefits both migrants and society.

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<sup>2</sup> Domestic Workers Convention, 2011 (No. 189) is the ILO convention concerning decent work for domestic workers.



# CHAPTER 1: INTRODUCTION

## 1.1. Background of the study

Bangladesh is a major country of origin for migrant workers, and there are currently around 10.9 million Bangladeshis living and working in 165 countries around the world.<sup>3</sup> Every year, an additional 2 million Bangladeshis enter the country's job market, of which about 1 million eventually move on to find jobs overseas.<sup>4</sup> Ninety-two per cent of these overseas Bangladeshi workers are in only nine countries – Bahrain, Kuwait, Jordan, Malaysia, Oman, Qatar, Saudi Arabia, Singapore and the United Arab Emirates.<sup>5</sup> Around USD 16 billion is remitted every year by Bangladeshi migrant workers, representing 7 per cent of the country's GDP – nine times the value of foreign direct investments and seven times that of foreign aid, thus making labour migration a major strategy for human development.<sup>6</sup> It is interesting to note that, globally in both 2015 and 2017 (the most recent years for which data is available), Bangladesh was the fifth largest country of origin for international migrants, but only ninth in terms of remittances received. Bangladesh's next-door neighbour, India, topped the list in both categories.<sup>7</sup>

While the benefits of migration are well-recognized, the migrant recruitment industry, in particular, faces a range of challenges that create vulnerabilities for migrants. One major challenge hindering positive changes for migrants, their families and the country at large are malpractices in the recruitment process. The high financial cost of migration often benefits only agencies and brokers in Bangladesh and in countries of destination, such as Malaysia and Saudi Arabia. In some cases, migrant workers are provided with irregular or no employment contracts at all, visas that are inapplicable for overseas employment, or even fake travel documents by these intermediaries (or *dalals*). Such irregular paperwork often puts migrant workers in vulnerable situations in destination countries.

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<sup>3</sup> Director-General Md Nurul Islam, PhD, in the official souvenir programme of BMET on the occasion of International Migrants' Day, 18 December 2017. See also: *The Daily Star*, "Migrant workers exploited abroad", 13 March 2019, available from [www.thedailystar.net/business/news/migrant-workers-exploited-abroad-1714390](http://www.thedailystar.net/business/news/migrant-workers-exploited-abroad-1714390)

<sup>4</sup> Statements by the government officials in the official souvenir programme of the Bangladesh Ministry of Expatriate Welfare and Overseas Employment on the occasion of International Migrants' Day, 18 December 2017. See also: World Bank, "Helping youth in Bangladesh STEP up to better jobs", World Bank News section, available from [www.worldbank.org/en/news/feature/2016/10/05/in-bangladesh-a-step-forward-to-success](http://www.worldbank.org/en/news/feature/2016/10/05/in-bangladesh-a-step-forward-to-success); and BMET, "Overseas Employment and Remittances from 1976–2018".

<sup>5</sup> Director-General Md Nurul Islam, PhD, in the official souvenir programme of BMET on the occasion of International Migrants' Day, 18 December 2017.

<sup>6</sup> S. Reza, in the official souvenir programme of BMET on the occasion of International Migrants' Day, 18 December 2017.

<sup>7</sup> United Nations Department of Economic and Social Affairs (UN DESA), in: International Organization for Migration (IOM), *World Migration Report* (Geneva, IOM, 2017), pp. 32 and 52. Available from [https://publications.iom.int/system/files/pdf/wmr\\_2018\\_en.pdf](https://publications.iom.int/system/files/pdf/wmr_2018_en.pdf). World Bank, in: Global Knowledge Partnership on Migration and Development (KNOMAD), *Migration and Remittances Recent Developments and Outlook (series) – Special Topic: Transit Migration* (Washington, D.C., World Bank, 2017), pp. 5 and 11. Available from [www.knomad.org/publication/migration-and-development-brief-29](http://www.knomad.org/publication/migration-and-development-brief-29)

Migrant workers also face various challenges in their respective destination countries. Unmet salary expectations (due to misinformation from intermediaries), the inability to receive legal support due to challenges in the implementation of laws and the non-compliance of employers with the same, and employers' non-fulfilment of contractual obligations are just some of the issues that often put migrant workers in exploitative situations, with limited room for redress.

With recruitment malpractices observed in both Bangladesh (as a country of origin) and destination countries, it is important to analyse recruitment and employment processes at both ends. A comparison with best practices from other countries of origin in Asia would enable the identification of viable solutions for stakeholders in migrant labour recruitment from Bangladesh, especially those that promote ethical recruitment.

With a view to promoting ethical recruitment, IOM developed the International Recruitment Integrity System (IRIS), a tool that serves as a due-diligence mechanism for employers to assess labour recruiters' compliance with ethical recruitment principles and improve overall transparency in the hiring process. IRIS is being piloted and promoted by IOM and is recognized by the governments of some countries as a tool that promotes ethical recruitment practices. This current mapping study will serve as a basis to promote IRIS in Bangladesh and reinforce the "Employer pays" model. It will also supplement efforts by other United Nations agencies and national governments towards developing and monitoring official ethical standards – for example, through a code of conduct for recruitment agencies and individual agents.

## 1.2. Objective of the study

The objective of the study is to help improve the migrant labour recruitment in Bangladesh by: (a) reviewing existing industry practices, (b) identifying gaps in the recruitment process and associated regulatory mechanisms, and (c) highlighting examples of best practices in ethical recruitment. Such examples are taken from Bangladesh and a few other countries of origin, as well as destination, mutually selected by the Government of Bangladesh and IOM.

## 1.3. Research methodology and design

The study is qualitative in nature and gathers information from two main types of sources: Primary sources include key informants from the Government, the private sector, civil society and diaspora organizations in destination countries, as well as returnees and prospective migrants; secondary sources consisted mainly of existing literature on both Bangladesh, as a country of origin, and countries of destination of Bangladeshi migrant workers. An array of open-ended questions have been carefully crafted to elicit the precise responses required by the study; the data is then triangulated with information obtained from the literature review. The following sections elaborate on the methodologies employed to gather data at various levels.

### 1.3.1. Literature review

The researchers identified relevant topic areas and issues for the literature review. Documents were collected from the Government, IOM and other sources; relevant literature available online was reviewed as well. Chapter 2 gives a rundown of the findings from the literature review. A list of references is provided at the end of this report to direct the reader to the various sources cited in this report, including the literature reviewed.

### 1.3.2. Focus group discussions

A total of 12 focus group discussions (FGDs) were conducted as part of the study. Ten of the FGDs were conducted with both prospective and returnee migrant workers from five districts of Bangladesh, namely, Dhaka (Savar), Manikganj (Dhamrai), Narsingdi, Cumilla and Shariatpur. Of the 10 FGDs, eight were conducted with male migrant workers and two with women. Among the male migrant groups, two consisted of returnee migrants from Europe. A total of 77 respondents (men and women, returnees and prospective migrants) participated in these 10 FGDs.

One FGD was conducted with representatives from civil society organizations (CSOs) that work towards the welfare of migrant workers, and another with professionals from various print and electronic media and publications that focus on migration issues in Bangladesh. There were 11 participants in each of these FGDs.

### 1.3.3. Key informant interviews

A total of 18 key informant interviews (KIs) were conducted with stakeholders directly engaged in migrant labour recruitment or with the Safe Migration Programme, including government bodies, private recruitment agencies, CSOs and non-governmental organizations (NGOs), and United Nations agencies with offices in Bangladesh. KIs were also conducted with five key informants from countries of origin and destination. The research team interviewed experts on the subject of migration from Malaysia and Qatar, two of the most important destination countries for Bangladeshi migrant workers; two key informants from the Philippines and Sri Lanka, which are also countries of origin like Bangladesh, were identified as well. Another two key informants interviewed were representatives of a diaspora organization based in Europe. All the KIs whose participants were from outside of Bangladesh (i.e. Germany, Malaysia, the Netherlands, the Philippines and Sri Lanka) were conducted via either Skype or WhatsApp.

### 1.3.4. In-depth interviews and case studies

The research team conducted seven in-depth interviews (IDIs), five with migrant workers and two with *dalals*. The interviews with the migrants were conducted face to face, while the interviews with the *dalals* were done over the phone. A total of five case studies were documented based on the interviews with the migrant workers. The case studies provide in-depth understanding and evidence of the challenges faced by migrants throughout the migration process. Two *dalals* operating in Bangladesh were identified for participation in IDIs to gain comprehensive insight into migrant recruitment practices in Bangladesh.

### 1.3.5. Participant selection

Two NGOs in Bangladesh working in the area of migration assisted in the purposive selection of participants for the FGDs and IDIs. The lead consultant and the research team choose five districts, with high levels of out-migration prone as the criterion, from which to select FGD participants; such areas ensured that adequate numbers of both prospective migrants and returnees were available. One district was selected for the selection of women migrants; another for returnee migrants from European Union countries; the remaining three districts were selected for other groups consisting of male migrant workers. Key informants were selected from various levels of government, the private sector, CSOs and NGOs in Bangladesh, as well as from destination countries of migrant workers, such as Qatar and Malaysia, and other countries of origin such as Sri Lanka and the Philippines. The list of key informants is provided in Annex 1.

**Table 1: Number of participants in the focus group discussions, key informant interviews and in-depth interviews**

Type of participant	Number of participants
Men migrants: prospective migrants and returnees (FGD)	39
Women migrants: prospective migrants and returnees (FGD)	23
Returnee migrants from the European Union (men only) (FGD)	15
Migration intermediaries ( <i>dalals</i> ) (IDI)	2
Migrants (IDI)	5
Migrant CSOs (FGD)	6
Media professionals (FGD)	5
Key informants (all sectors) (KII)	20
<b>Total</b>	<b>125</b>

### 1.3.6. Data collection tools

The main data collection tools used in this study were interview questionnaires prepared based on the objectives of the mapping exercise, and differentiated according to the type of information required of each group or category of respondents. Annex 2 contains the FGD, KII and IDI questionnaires.

### 1.4. Ethical considerations

The research team was sensitive to ethical and moral issues. The interviewers obtained the verbal consent of the respondents prior to administering the survey, conducting the FGDs and KIIs, and documenting the case studies, ensuring that any questions that the respondents had were satisfactorily addressed. Migrants, *dalals* and other respondents were informed of their right to give or refuse their interviews, and that the sessions were not imposed upon them. Before any of the FGDs, KIIs and IDIs were conducted, the respondents' consent was taken to have their information and responses recorded digitally, as well as on paper.

### 1.5. Data management, analysis and report-writing

All data obtained during the study was of a qualitative nature. The following data management system was adopted:

- (a) A coding system was designed prior to data collection and was revised based on the information and data obtained.
- (b) All findings from the FGDs and KIIs were transcribed in their respective formats. A manual system was used to ensure the quality of data.
- (c) The research team and the lead consultant analysed the findings from the literature review and the interviews, and kept notes, quotes and references from these primary and secondary data.

The lead consultant, with the support of associate consultants, drafted the report after data analysis. The consultants followed the report outline provided in the inception report; however, slight changes were made to the report structure to consider the limitations of the information obtained in certain areas and to include relevant information that was originally unanticipated. The draft report was submitted to IOM for feedback and a validation workshop was organized. The report was finalized based on the feedback received during the workshop.

## 1.6. Limitations of the study

Limitations and challenges are inherent to all research studies. Below is a summary list of those faced by the authors during this exercise:

- Information on formal recruitment processes and procedures was easily obtained from the literature and other sources. However, many informal processes and actors exist within the system, such as intermediaries (*dalals*), visa-trading, informal monetary transactions and so forth. Such information was not readily available in the literature; to an extent, as well, primary respondents were not fully comfortable speaking on such matters.
- There was a lack of information from certain areas.
- The study originally planned to reach at least five intermediaries to participate in IDIs. However, only two could be reached. Nonetheless, the information obtained from these two individuals was invaluable.
- The biggest limitation of the study was that it could not reach any migration stakeholder in Saudi Arabia, which was one of the three key destination countries for Bangladeshi migrant workers. To overcome these limitations, the research consultants and research team probed deeper for information from some of the key informants, who were very cordial, as well as highly cooperative.





### 2.1. The state of migrant labour recruitment in Bangladesh

While the full cycle of migration runs from decision-making by a prospective migrant to his or her return and reintegration in the country of origin, the recruitment process starts with the registration of recruitment agencies and overseas jobseekers (i.e. prospective migrant workers), and ends with the migrants' employment overseas. The routine procedure in Bangladesh as regards the recruitment of overseas workers can be broadly characterized as follows.<sup>8</sup>

A wide range of stakeholders play an active role in the recruitment process for Bangladeshi overseas workers, each with a distinct role: employers in the destination country; recruitment agencies in Bangladesh and destination countries, as well as *dalals*; officials of relevant government offices in Dhaka and in district offices under the Bureau of Manpower Employment and Training (BMET);<sup>9</sup> officials of the Department of Immigration and Passports and the Special Branch of Police; and medical testing centres. There are two broad mechanisms for recruitment: (a) private and (b) State-led. Recruitment of migrant workers through the State machinery is undertaken by the Government's own recruitment agency, Bangladesh Overseas Employment and Services Ltd (BOESL). Private recruitment is processed through government-approved and licensed private recruitment agencies. A third mechanism is being piloted for some destination countries (e.g. Malaysia), that is, through Government-to-Government (G2G) and the so-called "G2G-Plus" (or G2G+) agreements; the former is implemented through BMET and the latter through a select group of private recruitment agencies approved by both Bangladesh and Malaysia. Barkat and Suhrawardy (2017) have identified four ways in which the migrant recruitment process lead to a range of deceptive practices and a sharp escalation in the migration cost.

#### (a) Involvement of a large number of public and private institutions, both local and foreign

Prospective migrant workers find it hard to deal with such a diverse group of players and actors. As very few Bangladeshi recruitment agents have direct access to overseas employment markets in destination countries, they continue to rely on recruitment agents and intermediaries in destination countries to secure job offers for prospective migrant workers. On the other hand, to avoid the complications of bringing workers through regular channels, some overseas employers, particularly in South-East Asia, rely on irregular mechanisms, in connivance with recruitment agencies and agents from their own country, eventually resulting in fraud and the exploitation of workers.

#### (b) Involvement of a large numbers of individuals, institutions, agencies and brokers

Migrant workers, especially low-skilled ones, often find it difficult to absorb large volumes of information provided to them at different stages of the migration process, leading to excessive dependency on intermediaries. This often creates additional vulnerabilities at the hands of intermediaries.

<sup>8</sup> This information is based on existing official registration forms and consultations with BMET and BAIRA officials.

<sup>9</sup> BMET is a subordinate government body to the Ministry of Expatriates' Welfare and Overseas Employment (MoEWOE).

### (c) Involvement of a large number of formal, informal, legal and illegal intermediaries

Prospective migrants tend to lack direct access to services from recruitment agencies and relevant government bodies and, therefore, need to rely on illegal local subagents. Intermediaries are often the first source of information for prospective migrant workers. As workers are legally bound to migrate through recruitment agencies, illegal subagents ultimately must form relationships with recruitment agents to enable them to send migrants abroad.

### (d) Non-implementation of laws and migrants' lack of knowledge of legal remedies

Prospective migrant workers, migrants currently working abroad and returnees find it difficult to access the legal system, which leads to their dependency on and exploitation by intermediaries.

As described above, migrant recruitment from Bangladesh is very complex and involves many difficulties. The following sections describe the process in further detail.

## 2.2. The role of the Government of Bangladesh in migrant labour recruitment

The Ministry of Expatriates' Welfare and Overseas Employment (MoEWOE) was established in 2001 to exclusively focus on international labour migration issues. Two bodies involved in migrant recruitment that operate under MoEWOE are BMET and BOESL.

BMET was set up in 1976 by the Government of Bangladesh as a line department of the now-defunct Ministry of Manpower Development and Social Welfare, with the purpose of meeting the needs of both local and overseas job markets. Current functions include: (a) processing the registration of recruitment agencies and jobseekers for overseas contractual labour, (b) controlling and regulating emigration clearance (sometimes referred to as "manpower clearance") for individuals or groups of individuals aspiring to be overseas workers, and (c) regulating the activities of private recruitment agencies.<sup>10</sup> BMET also maintains a database of workers who have registered through district employment and manpower offices (DEMOs) across the country, coordinates the activities of technical training centres (TTCs), and provides welfare and mediation services for migrants in distress or exploitative conditions.

BOESL, set up in 1984 as a limited company, is a subordinate organization of MoEWOE and the only State-owned overseas employment company in Bangladesh. It is the Government's recruitment agency for overseas employment specializing in skilled and professional migration. The institution is responsible for identifying labour demand in foreign job markets and facilitating the recruitment process for Bangladeshi migrant workers under bilateral arrangements with certain countries of destination, such as the Republic of Korea and Japan.<sup>11</sup>

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<sup>10</sup> These functions are as described on the BMET website: [www.bmet.gov.bd/site/page/0858b96a-72cb-4f87-9690-c2eb3bb0eb0c/History-and-Functions](http://www.bmet.gov.bd/site/page/0858b96a-72cb-4f87-9690-c2eb3bb0eb0c/History-and-Functions)

<sup>11</sup> Mr Maran K. Chakraborty, BOESL Managing Director, in the official souvenir programme of BMET on the occasion of International Migrants' Day, 18 December 2017. See also: BOESL Annual Report 2017–2018 (Dhaka, BOESL, 2018), available from [www.boesl.org.bd/UploadedDocument/NoticeboardAttachments/miselinous13.pdf](http://www.boesl.org.bd/UploadedDocument/NoticeboardAttachments/miselinous13.pdf)

Other ministries, regulatory bodies and line agencies with migration-related functions include the following:<sup>12</sup>

- (a) The Ministry of Foreign Affairs (MoFA) implements the foreign policy of the Government of Bangladesh and provides consular services to Bangladeshi migrants through its functions in Dhaka and its 72 missions worldwide. The recruitment agreement for migrant workers is jointly attested by MoFA and BMET. Police clearance certificates required for passport issuance and technical training certificates are attested by MoFA. The ministry also coordinates with MoEWOE to repatriate the remains of Bangladeshi workers who pass away abroad.
- (b) The Ministry of Civil Aviation and Tourism (MoCAT) is the regulatory body for civil aviation, airports and Bangladeshi travel agencies. All travel agencies are required to register with this ministry with documents related to their trade and business licences.
- (c) The Ministry of Home Affairs (MoHA), through its subordinate agencies, the Department of Immigration and Passports and the Special Branch of the Police, plays a pivotal role in the recruitment process, specifically, (a) in the issuance and verification of passports, and (b) at the last stage of the recruitment process, whereby the Special Branch of the Police conducts immigration checks and issues clearance to outgoing Bangladeshi nationals, including migrant workers.
- (d) Gulf-Approved Medical Centres Association (GAMCA) is a body under the Ministry of Health and Family Welfare (MoHFW) established for the accreditation of medical centres licensed to provide pre-employment medical examination services to prospective migrant workers. MoHFW has developed, for the first time in Bangladesh, a National Strategic Action Plan on Migration Health (2015–2018) under which the ministry initiated a process to improve the legislative and legal framework for, as well as monitoring and reporting systems on migration health.
- (e) The Access to Information Programme of the Prime Minister’s Office started in 2007, with support from the United Nations Development Programme and USAID, gradually becoming a flagship programme of the Government for the promotion of a “digital Bangladesh.” It seeks to improve government transparency and service delivery through information and communications technology. One of the first noticeable innovations was the setting up of so-called Union Digital Centres (UDCs) across the country to provide a range of e-services at the grassroots level. The programme boasts of about 5,000 UDCs, and the National Portal has connected more than 43,000 government field offices, enabling them to deliver over 100 services to a population of nearly 4.5 million more efficiently.<sup>13</sup> Among other functions, the UDCs (which are situated within or beside Union Council complexes), provide general information on popular destination countries for migrant workers and specific information on available jobs overseas. Since 2017, the programme has also been piloting helpline and advice centres in key destination countries, and is conducting research on new job markets in 52 destination countries.

### 2.3. The role of the private sector in migrant labour recruitment

Private recruitment agencies play a prominent role in various stages of the recruitment process in Bangladesh. They bridge the gap between overseas employers and prospective migrant workers, while providing migrants with a range of information, assistance and logistical support.

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<sup>12</sup> Adapted from the respective agency websites: MoFA, About MoFA section, available from <https://mofa.gov.bd/site/page/48192ff6-bd67-43fd-be4b-1158bf3bb35d>; MoCAT, About MOCAT section, available from <https://mocat.gov.bd/site/page/7c990d63-87d4-4558-9f5b-9f6e738ef589/Background>; MoHA, about MoHA, available from <https://mha.gov.bd> (site mostly in Bengali only); GAMCA, About Us section, available from <http://lmra.bh/portal/en/page/show/222>; and PMO, Access to Information Programme main page, available from <https://a2i.gov.bd>

<sup>13</sup> More details are available from the programme website: <http://a2i.pmo.gov.bd/about> (The figures are updated regularly.)

The major activities of the private recruitment agencies are as follows:

- (a) Collecting information on manpower requirements of overseas job markets and identifying job placement opportunities;
- (b) Receiving information about vacancies and “demand letters” (i.e. job orders) from foreign employers, either directly or via overseas recruitment agencies;
- (c) Providing prospective migrant workers with information about living and working conditions in destination countries;
- (d) Arranging for the issuance of passports, police clearance and birth certificates, as well as the certification of qualifications and skills;
- (e) Guiding migrants throughout the immigration process;
- (f) In some cases, ensuring the protection of migrant workers by removing them from abusive workplaces or filing complaints with the authorities on their behalf.

The Bangladesh Association of International Recruiting Agencies (BAIRA) is the main collective body of about 1,300 licensed overseas recruitment agencies. Established in 1984, it is one of the largest trade bodies in Bangladesh affiliated with the Federation of Bangladesh Chambers of Commerce and Industry, the apex body for trade and industry.<sup>14</sup> BAIRA’s functions involve collecting demand letters from employers; negotiating formal arrangements between Bangladesh and destination countries; and managing the recruitment process for the welfare of prospective migrant workers. Recruitment agencies under BAIRA set up training facilities, medical centres and travel agencies, so that the recruitment process could be completed under one management. Regionally, BAIRA is active alongside other associations of recruitment agencies and currently chairs the Alliance of Asian Associations of Overseas Employment Service Providers.

The Association of Travel Agents of Bangladesh (ATAB) was formed in 1976 and currently has some 3,000 members, about two-thirds of which are based in Dhaka.<sup>15</sup> ATAB members must abide by its Memorandum and Articles of Association, as well as its Code of Conduct. It is quite common to find a leading migrant recruitment agency also owning, operating or having an attached travel agency as a (side) business. Hence, these recruitment–travel agencies are also able to serve the ticketing and other travel needs and requirements of outbound migrant workers.

## 2.4. Skills development as part of the recruitment process

BMET manages 68 technical training centres (TTCs) for prospective migrant workers across the country. TTCs provide training in various aspects of construction, manufacturing, housekeeping, and electronics and information technology, and even offer a diploma in marine engineering. They also issue training certificates, which are a requirement for emigration clearance from BMET for departing migrant workers.

Skills development is an area where there is scope for strengthened efforts. Only about 2 per cent of the current 80 million employable, young members of the labour force can be considered skilled by any international standard;<sup>16</sup> the rest are unskilled or have very low skill levels. There is a 2.2 per cent annual growth in the labour force, translating to an additional 1.7 million new entrants in the local job market every year, of which many are potential migrant

<sup>14</sup> The federation serves in an advisory and consultative capacity to safeguard the interest of the country’s private sector.

<sup>15</sup> ATAB, About ATAB section. Available from [www.atab.org.bd/about-atab.html](http://www.atab.org.bd/about-atab.html)

<sup>16</sup> ILO, Report on the Dhaka Summit on Skills, Employability and Decent Work 2016 (held on 11–13 December 2016 in Dhaka, Bangladesh). Available from [www.bef.org.bd/wp-content/uploads/2014/11/Report-on-Dhaka-Skill-Summit-2016-18.pdf](http://www.bef.org.bd/wp-content/uploads/2014/11/Report-on-Dhaka-Skill-Summit-2016-18.pdf)

workers. Their educational attainment is often at the high school level or lower, and many lack adequate skills training. These result in low employability, low productivity (once in the workplace), low incomes and poverty. Of the 400,000 migrant workers who fly overseas every year, approximately 300,000 belong to the low-skilled category.

## 2.5. Legal instruments and processes relevant to Bangladesh

### 2.5.1. United Nations instruments and conventions

In 2011, Bangladesh ratified the 1990 United Nations Convention on the Protection of the Rights of All Migrant Workers and Member of their Families (or, simply, the Migrant Workers' Convention), as well as the 2000 United Nations Convention against Transnational Organized Crime. However, the country has yet to ratify the Palermo Protocols.<sup>17</sup> The following international ILO instruments promote ethical recruitment and are important to the Government of Bangladesh and its missions abroad, not to mention associations and organizations serving migrant workers at home and abroad:

- Migration for Employment Convention (Revised), 1949 (ILO Convention No. 97)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (ILO Convention No. 143)
- ILO Declaration on Fundamental Principles and Rights at Work, 1998
- ILO (Non-binding) Multilateral Framework on Labour Migration, 2006
- ILO General Principles and Operational Guidelines for Fair Recruitment, 2016

The non-binding ILO General Principles and Operational Guidelines for Fair Recruitment are intended to cover recruitment of both local and migrant workers, whether they are directly hired by employers or through intermediaries. Their implementation by governments should take place only after consultation with social partners. The General Principles include the following: (a) recruitment policy should be inclusive, (b) regulatory mechanisms and employment conditions should be transparent, and (c) recruitment fees should not be charged to jobseekers.

Bangladesh is also a party to seven of the eight ILO conventions: two of them on forced labour (Convention Nos. 29 and 105); two of them on the right to organize and of association (Convention Nos. 87 and 98); and two of them on non-discrimination in wages and occupation (Convention Nos. 100 and 111). Bangladesh has also ratified the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (ILO Convention No. 182) (or, simply, the "Worst Forms of Child Labour Convention"). While most of these instruments apply primarily to labourers in their home countries, they could be reviewed further for provisions that could apply to overseas workers as well. Neither the Government of Bangladesh nor the Gulf Cooperation Council (GCC) is a party to ILO Convention No. 189 (Domestic Workers Convention, 2011).<sup>18</sup> However, Saudi Arabia and most of the Gulf Cooperation Council countries have ratified ILO Convention Nos. 29 and 105 (respectively, the Convention concerning Forced or Compulsory Labour, 1930, and the Abolition of Forced Labour Convention, 1957). Saudi Arabia, the United Arab Emirates and Jordan are also parties to ILO Convention No. 100 (Equal Remuneration Convention, 1951) and Convention No. 111 (Convention concerning Discrimination in Respect of Employment and Occupation, 1958).

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<sup>17</sup> An updated list of signatories to the Protocol can be found here: [www.unodc.org/unodc/en/treaties/CTOC/signatures.html](http://www.unodc.org/unodc/en/treaties/CTOC/signatures.html)

<sup>18</sup> ILO, "Ratifications of C189 – Domestic Workers Convention, 2011 (No. 189)," webpage available from [www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300\\_INSTRUMENT\\_ID:2551460](http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:2551460)

According to Article 73 of the Migrant Workers' Convention, the State party report to the Committee on Migrant Workers (CMW) was due in December 2012, and supposed to be submitted in December 2015 and published in February 2016.<sup>19</sup> A list of issues was then submitted to the Government of Bangladesh in April 2016; the Government of Bangladesh responded in March 2017. With supplementary information from NGOs, CSOs and the National Human Rights Commission of Bangladesh, the CMW came out with its concluding observations in April 2017. The CMW requested the Government to provide feedback on the recommendations by May 2019. The second periodic report is due in 2022.

Among the concluding observations provided in April 2017, the CMW recommended that the Government of Bangladesh improve the quality of pre-departure training (perhaps referring to both TTC training and pre-departure orientation (PDO)) so that it is gender-responsive, provides enough information for migrants to make the migration decision, and equips them with adequate skills. The knowledge base should include information on:

- Fair recruitment
- Decent work standards
- Available social protection in countries of destination
- Salary and benefits
- Medical benefits and challenges
- Local cultural context (including if there are different social and legal standards for women)
- Contact information for labour wings and labour attachés in countries of destination

The CMW recommended that the Government ensure that private recruitment agencies provide adequate information to overseas jobseekers about employment conditions abroad and that they guarantee the effective enjoyment of all agreed-upon employment benefits. The CMW also recommended that the Government adopt a “No placement fee” policy for prospective migrant workers. Last, but not the least, the committee recommended that the concluding observations be translated into the local official language and disseminated among all relevant stakeholders.

The inclusion of migration into the national policy framework is a direct result of close collaboration between the General Economics Division of the Ministry of Planning, MoFA, MoEWOE and the United Nations in Bangladesh. While such discussions are coordinated by the United Nations Resident Coordinator's Office, direct and active engagement by IOM, the ILO and UN-Women is instrumental in providing both technical support and useful recommendations on migration policy direction. These United Nations agencies, among others, continue to provide support in terms of capacity-building, consultations, advocacy on good practices and strategic inputs into national, regional and global agenda on migration and development, and, more specifically, the recruitment of Bangladeshi migrant workers. Assistance is also provided in the formulation of policy and action plans for ethical recruitment and the monitoring of safe migration.<sup>20</sup>

<sup>19</sup> Report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, 25th session (29 August to 7 September 2016), 26th session (3–13 April 2017). Available from <https://digitallibrary.un.org/record/1291142?ln=en>

For more information, see also: United Nations Office of the High Commissioner on Human Rights, “Human rights by country: Bangladesh”, webpage available from [www.ohchr.org/EN/Countries/AsiaRegion/Pages/BDIndex.aspx](http://www.ohchr.org/EN/Countries/AsiaRegion/Pages/BDIndex.aspx) (under “Bangladesh and UN Treaty Bodies: Committee on Migrant Workers”) and Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, “Concluding observations on the initial report of Bangladesh”, report, 13 April 2017, available from [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CMW/C/BGD/CO/1&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CMW/C/BGD/CO/1&Lang=En)

<sup>20</sup> Process observation was carried out throughout 2017 and the early part of 2018.

The Global Compact for Safe, Orderly and Regular Migration<sup>21</sup> is the first-ever United Nations global agreement with a common approach to different kinds and aspects of international migration. It has 23 key objectives and a set of commitments for improving global migration governance. After a series of national and regional consultations between 2016 and 2018, it was adopted by the United Nations as a non-legally-binding agreement for origin, transit and destination countries for migration in December 2018 at an intergovernmental conference in Morocco.

Bangladesh has been at the forefront of developing the Global Compact for Migration as an international agreement. At the 2018 Morocco meeting, Bangladesh reaffirmed its commitment to the Global Compact for Migration at the Global Forum on Migration and Development (GFMD), signifying that the country considers migration to be an integral component of its development aspirations. The Secretary of Foreign Affairs reiterated at the meeting that it was the Prime Minister of Bangladesh who articulated the idea of a Global Compact for Safe, Orderly and Regular Migration in her address to the United Nations General Assembly in 2016.<sup>22</sup> He also reiterated that the adoption of the Global Compact for Migration should not be an end in itself but, rather, the beginning of a new phase. Bangladesh also felt that it is making a paradigm shift to establish migration as a development phenomenon.

The 23 objectives of the Global Compact for Migration are broken down into several actionable commitments; Objective 6 is centred on facilitating fair and ethical recruitment and safeguarding conditions that ensure decent work. Protecting and ensuring the rights of the migrant workers in the recruitment mechanism are highlighted in the objective. Article 22(l) under this objective stresses the need to implement the ILO General Principles and Operational Guidelines for Fair Recruitment, the United Nations Guiding Principles on Business and Human Rights (UNGPs), and IOM's International Recruitment Integrity System (IRIS). Article 22(e) under the same objective proposes to hold employers and recruiters, along with their subcontractors/subagents and suppliers, accountable for any human or labour rights violations against migrants. In several other provisions under Objective 6, it is mentioned that regional and global collaboration is essential to ensure ethical recruitment through better monitoring and enforcement of penalties for the violation of ethical recruitment policies, standards and commitments. Several other objectives of the Global Compact for Migration also maintain a strong focus on the rights and protection of migrant workers.

### 2.5.2. National laws and policies pertaining to labour migration

Considering the importance of labour migration, several policies, national acts and policies have been adopted by the Government of Bangladesh over the last decade. The Emigration Act of 1922 was the first major national act in Bangladesh that addressed migration issues. It was later replaced by the Emigration Ordinance of 1982.

In 2013, the Government of Bangladesh adopted the Overseas Employment and Migrants' Act at the National Parliament to replace Emigration Ordinance of 1982. It is the country's first law on migration and overseas employment aligned with the major international instruments on labour and migration that the country has ratified. The purpose of the act is to establish

<sup>21</sup> For more information, see, for example: United Nations, "Global compact for migration", webpage available from <https://refugeesmigrants.un.org/migration-compact>

<sup>22</sup> Government of Bangladesh official statement delivered by Ambassador Md Shahidul Haque, the Foreign Secretary of Bangladesh, at the plenary of the High-level Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration, Marrakesh, Morocco, 10–11 December 2018. Available from <https://mofa.gov.bd/site/page/a5f9bbc1-6e50-4949-819f-3026147f91d4>

a safe and fair system for migration, ensure the rights and welfare of migrant workers, and, as mentioned, to conform to existing international labour and human rights conventions, including the Migrant Workers' Convention. It has 9 chapters, with 49 sections in total. The act does not include a provision that requires subagents to register with a regulatory body or to bring them under any form of regulation, although it had been reported in various forums that the earlier draft of the act did include such a provision.

Recruiting Agents' Conduct and License Rules of 2002 is another relevant and important regulatory instrument targeting the recruitment process. The main principles of the rules have now been incorporated into the Overseas Employment and Migrants' Act of 2013 (specifically in Chapters 3 and 8, and Articles 42 and 43 under Chapter 9).

Another relevant law is the recent Prevention and Suppression of Human Trafficking Act of 2012, which was enacted to prevent and suppress acts of human trafficking, both within the country and beyond, ensure the protection of victim-survivors, and ensure safe migration overall. The act defines human trafficking as the "selling or buying, recruiting or receiving, deporting or transferring or sending, or confining or harbouring (either inside or outside the territory of Bangladesh) of any person for the purpose of sexual exploitation, labour exploitation, or any other form of exploitation or oppression."<sup>23</sup> As migrants are largely exposed to exploitation, including through the abusive practices of recruitment agencies, subagents and illegal intermediaries; the different clauses and rules of Human Trafficking Act are largely applicable and relevant to the various layers of the migration processes in Bangladesh.

The latest Trafficking in Persons Report interim assessment by the United States Department of State (DOS) stated that Bangladesh has officially adopted the corresponding rules of its Overseas Employment and Migrants' Act of 2013.<sup>24</sup> However, the report also highlights that the implementing rules for recruitment agencies and the recruitment process itself remained "pending." It also notes that the Ministry of Social Welfare needs to strengthen its services for trafficking victims.

The Travel Agency Rules of 2014, issued by the Ministry of Civil Aviation and Tourism, play a significant role in regulating migrant labour recruitment, as well as migration in general. Owners of recruitment agencies who also operate travel agencies often assign parts of the recruitment process to either based on which role is under scrutiny or restricted due to conflict with the law.

In 2016, the Government of Bangladesh adopted the Expatriates' Welfare Overseas Employment Policy – another set of directives and guidelines on labour migration in line with the Overseas Employment and Migrants' Act of 2013. The policy is widely considered to be an important step in the right direction in terms of regulating the migrant labour recruitment process. The policy covers multiple areas in relation to the recruitment process, such as ensuring safe migration for both male and female workers, protection of the welfare and benefits of migrant workers, and labour migration governance. The most recent policy document on migration and recruitment is the draft Wage Earners' Welfare Board Rules of 2017. Once approved, it will supersede the older Wage Earners' Welfare Fund Rules of 2002, which was approved in 2018. The Wage Earners' Board is chaired by the Secretary of MoEWOE. One noteworthy recent

<sup>23</sup> The definition is given in Chapter 1, Section 3: Human Trafficking. A copy of the law has been archived by the United Nations Office of the High Commissioner for Refugees on [www.refworld.org/pdfid/543f75664.pdf](http://www.refworld.org/pdfid/543f75664.pdf)

<sup>24</sup> DOS, "2018 Trafficking in Persons Interim Assessment", report (Washington, D.C., DOS, 2018). Available from [www.state.gov/j/tip/rls/reports/2018/277911.htm](http://www.state.gov/j/tip/rls/reports/2018/277911.htm)



policy intervention is the co-optation of non-resident Bangladeshis (i.e. Bangladeshis in the diaspora) as members of the board. The rules stipulate the functions of the board, as follows:

- (a) Setting up and running pre-departure centres;
- (b) Setting up and running so-called *probashi kallyan* (expatriates' welfare) desks;
- (c) Supporting initiatives for migrant workers and their dependents;
- (d) Providing assistance to the families of migrants who have passed away in destination countries;
- (e) Providing legal aid to migrant workers and special assistance to women migrant workers in distress.

It is important to note that the Overseas Employment and Migrants' Act of 2013 covers most of the above-mentioned policy directions and guidelines while paving the way for developing a code of conduct for the recruitment process. It is also important to note that the various policies and legal systems pertaining to migration issues evolve over time, in relation to changing economic and social structures. Moreover, some of the legal instruments and policies have yet to be approved, and some of the approved instruments have not been fully implemented. Some legal instruments have not been fully implemented due to a lack of clear understanding of the mode of implementation.

In early 2017, the Rules for the Prevention and Suppression of Human Trafficking (or, simply, the "2017 Rules") were adopted by the Government.<sup>25</sup> The rules stipulate the setting up of a national agency to counter human trafficking, besides creating a fund for its various counter-trafficking efforts. Relevant rules governing the agency and the counter-trafficking fund have been adopted as well.<sup>26</sup> The counter-trafficking agency will regularly collect and document information on human trafficking, including from the local administrative councils, known as *union parishads*. *Union parishads* all over the country will maintain a register of all outgoing persons from their respective jurisdictions, as the rules stipulate. The counter-trafficking agency to be set up will maintain a database and information resource pool on human trafficking. It will also track all human trafficking survivors rescued and rehabilitated, or who have benefited from any other of the official actions prescribed for victims of human trafficking. Confidentiality of the information will be maintained, again, as stipulated by the rules. NGOs, legal aid agencies and shelter homes that provide support to survivors of human trafficking will have to be formally registered with this future body.

The national anti-trafficking agency has not officially been set up as of this report's writing. It is worthy of note that this report recommends further involvement of the *union parishads* and the 2017 Rules propose a documentation system for all outgoing migrant workers based at the *union parishad* level. The MoEWOE, MoHA, BMET and the soon-to-be-set-up counter-trafficking agency will hopefully benefit from collaboration at both the *union parishad* and national levels.

## 2.6. Ethical recruitment and the Code of Conduct for BAIRA members

An IOM study found that almost 45 per cent of migrant workers from Bangladesh depend on informal channels or subagents for information and assistance,<sup>27</sup> exposing a large proportion to potentially exploitative situations in both Bangladesh and destination countries. The Migration

<sup>25</sup> A copy of the rules is available (Bengali only) on the official website of the Government Gazette: [www.dpp.gov.bd/upload\\_file/gazettes/19963\\_60624.pdf](http://www.dpp.gov.bd/upload_file/gazettes/19963_60624.pdf)

<sup>26</sup> See, for example: [www.jajaidinbd.com/?view=details&archiev=yes&arch\\_date=21-01-2017&type=single&pub\\_no=1788&cat\\_id=1&menu\\_id=14&news\\_type\\_id=1&index=5](http://www.jajaidinbd.com/?view=details&archiev=yes&arch_date=21-01-2017&type=single&pub_no=1788&cat_id=1&menu_id=14&news_type_id=1&index=5)

<sup>27</sup> IOM Regional Office for South Asia, "The Bangladesh household remittance survey 2009: summary report" (Dhaka, IOM, 2010). Available from <https://bangladesh.iom.int/sites/default/files/publication/The-Bangladesh-Household-Remittance-Survey-2009.pdf>

for Employment Convention (revised), 1949 (ILO Convention No. 97),<sup>28</sup> clearly states that authorities are obligated to maintain a system of supervision that contains at least the following safeguards:

- (a) The worker should be furnished with a copy of the employment contract prior to departure for the destination country.<sup>29</sup>
- (b) The employment contract should provide specific information regarding working conditions and remuneration.
- (c) The employment contract should provide information on general living conditions applicable to the worker in the destination country.

In order to make the migrant recruitment process more transparent and migrant-friendly, Bangladesh would benefit from ratifying ILO Convention No. 97 (Migration for Employment Convention (revised), 1949), now a technical convention. In order to supplement existing legal provisions for the protection of migrant workers, IOM worked with MoEWOE, BMET and BAIRA in 2010 to develop a code of conduct for BAIRA members. The BAIRA Code of Conduct emphasizes the importance of improving the recruitment process to encourage safe migration and reduce the vulnerability of migrant workers to exploitation and abuse. Under the BAIRA Code of Conduct, the BAIRA administration is obligated to offer guidance, legal advice and training to members to help achieve these standards. After many rounds of discussions, the revised version (2011) of the Memorandum and Articles of Association of BAIRA have incorporated provisions for ethical recruitment and a provision for the framing of a code of conduct.<sup>30</sup>

A further development along these lines is the draft Migrant Worker Recruitment Agents' Code of Conduct and Classification System of 2014 (or, simply, the "2014 Code of Conduct"), developed with technical assistance from the ILO and in consultation with BAIRA, MoEWOE and BMET. The draft code is a set of general guidelines yet to be approved by both BAIRA and the Government of Bangladesh, and is meant to supplement the previously developed BAIRA Code of Conduct. It is a further development in ensuring ethical recruitment that takes into account recently enacted laws – the Overseas Employment and Migrants' Act of 2013 and the Expatriates' Welfare and Overseas Employment Policy of 2016.

Most recently, IOM's IRIS has been implemented in several countries as a voluntary multi-stakeholder certification system for migrant recruitment agencies, serving as a due-diligence tool for the assessment of labour recruiters. It has been commented that while the 2014 Code of Conduct serves as the main normative framework for fair and ethical recruitment, IRIS (or an equivalent system in Bangladesh) will provide more specific guidance on how recruitment agencies can demonstrate ongoing compliance within their management systems and procedures. More detailed analyses of the Overseas Employment and Migrants' Act, the Prevention and Suppression of Human Trafficking Act and the two versions of the draft Migrant Worker Recruitment Agents' Code of Conduct and Classification System through an "IRIS lens" are presented in Annex 3.

<sup>28</sup> Specifically, in Annex 1, Article 5. The convention has not been ratified by Bangladesh as of April March 2019. See: –ILO, "Up-to-date Conventions and Protocols not ratified by Bangladesh", webpage available from [www.ilo.org/dyn/normlex/en/f?p=1000:11210:0::NO:11210:P11210\\_COUNTRY\\_ID:103500](http://www.ilo.org/dyn/normlex/en/f?p=1000:11210:0::NO:11210:P11210_COUNTRY_ID:103500)

<sup>29</sup> Upon government approval, the job contract may alternatively be received on arrival in the country of destination.

<sup>30</sup> In the revised (2011) version, Memorandum objective 3(iv) lays down the provision for a BAIRA Code of Conduct and objective 3(xxxviii) on forming committees for dispute resolution. Article of Association 9(b) and (d) gives reasons for the cancellation of BAIRA membership.

## 2.7. The financial cost of migrating from Bangladesh

One of the biggest challenges in the migrant recruitment process in Bangladesh is managing the cost of labour migration from the country, considered one of the highest in the world. Migration requires significant upfront investment because prospective migrant workers are often not migration-ready, lacking the proper skills that are in demand in destination countries. Although the migration process entails a range of costs, including financial costs, remittance costs and social costs, this review of the literature focuses only on the various components of the financial costs of the migrant labour recruitment process. Many countries of origin (including Bangladesh) have set limits on how much recruitment agencies can charge for services provided throughout the process; however, numerous field studies have identified and reported a large number of irregular practices that inflate migration costs at various layers of the process. As the cost of migration depends on a range of factors, including labour demand in individual destination countries, the socioeconomic status of the prospective migrant worker, the gender dynamics of the job offer, the nature of the job itself, the skillset of the worker in relation to the job requirements, the salary structure for the target job, and fluctuations in labour market forces. It is difficult to formulate one particular cost structure for migration. Although migrant workers are generally aware of the risks involved in the labour migration process, most are willing to pay a premium to secure an overseas job. A number of IOM and ILO studies<sup>31</sup> have attempted to identify and elaborate on the various costs at different stages of the migration process in Bangladesh. The Government is in the process of negotiating and setting country-specific ceilings that recruitment agencies can charge jobseekers. Costs for 15 countries, declared in 2017, are presented in Table 2.

**Table 2: Government-declared migration costs**

Country	Cost (BDT)	Country	Cost (BDT)
Bahrain	97,780	Malaysia	160,000
Brunei Darussalam	120,780	Maldives	115,780
Egypt	120,080	Oman	100,780
Iraq	129,540	Qatar	100,780
Jordan	102,780	Russian Federation	166,640
Kuwait	106,780	Saudi Arabia	165,000
Lebanon	117,780	United Arab Emirates	107,780
Libya	145,780		

Source: BMET, 2017; See also: BMET, Annual Report 2017 (Dhaka, BMET, 2017). Available from [https://bmet.portal.gov.bd/sites/default/files/files/bmet.portal.gov.bd/publications/d34cb593\\_3487\\_4eb3\\_990f\\_c7070b21d486/BMET%20Annual%20Report%202017\\_Final%2003.06.18.pdf](https://bmet.portal.gov.bd/sites/default/files/files/bmet.portal.gov.bd/publications/d34cb593_3487_4eb3_990f_c7070b21d486/BMET%20Annual%20Report%202017_Final%2003.06.18.pdf)

As a government body, BOESL is legally bound to charge the lowest possible fee to prospective migrant workers for logistical support and assistance. BOESL is also not permitted to charge service fees.<sup>32</sup> BMET stipulates that the combined costs of medical examinations, visa assistance, orientation and other kinds of training, other service charges and contributions to the Wage Earners' Welfare Fund should not exceed BDT 20,000.<sup>33</sup> A number of field studies, however, suggest that Bangladeshi migrant workers nevertheless end up paying an average of BDT 200,000 (USD 2,445) to intermediaries. An IOM study reported that profits accrued by

<sup>31</sup> See, for example: A. Barkat, M.I. Hossain and E. Hoque, "The cost: Causes of and potential redress for high recruitment and migration costs in Bangladesh", report (Geneva, ILO, 2014). Available from [www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/publication/wcms\\_303633.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/publication/wcms_303633.pdf)

<sup>32</sup> A. Barkat, M.I. Ismail and E. Hoque. "The cost". Additionally, BOESL gets different forms of commissions from the overseas employers (ranging between USD 200 and 500) depending on the occupation and the level of skill required.

<sup>33</sup> Ibid.

subagents, brokers and licensed recruiters could be as high as BDT 150,000 (USD 1,833) per migrant, who bears almost two thirds of the total cost.<sup>34</sup>

In comparison, Barkat, Ismail and Hoque (2014) reported that the average cost of labour migration through a private recruitment agency is BDT 309,259,<sup>35</sup> with the average cost for men at BDT 311,301, which is almost double that for women, at BDT 188,273. They also reported that the cost of migration for around 42 per cent of migrants ranges from BDT 281,921 to BDT 422,880.

It has also been observed that the average financial cost of labour migration from Bangladesh is four to five times higher than that from other countries of origin such as India, Indonesia, the Philippines and Sri Lanka (Siddiqui, 2016).<sup>36</sup> For instance, to migrate to Kuwait, a worker from Bangladesh ends up paying a total of USD 3,136, whereas an Indian worker pays a total of USD 1,248 and a Sri Lankan worker pays around USD 319. Additionally, labour migration from Bangladesh is more than seven times higher than from some East and West African nations.

Barkat, Ismail and Hoque (2014) also calculated the extra migration costs to six major countries of destination – Lebanon, Libya, Malaysia, Oman, Qatar and Saudi Arabia – borne by Bangladeshi migrants.<sup>37</sup> Primarily because of the involvement of subagents, migrant workers to these countries pay 64 to 88 per cent more than they otherwise would.

### 2.7.1. Migration costs incurred through intermediaries

A 2011 Refugee and Migratory Movements Research Unit working paper identified the involvement of subagents at different stages of labour migration and the recruitment process as one of the major causes of spiralling labour migration costs in Bangladesh.<sup>38</sup> Barkat, Ismail and Hoque (2014)<sup>39</sup> also confirmed the cost of intermediation as the largest component of the total cost. A 2010 IOM study found that 78 per cent of recruitment and migration costs are incurred by intermediaries and their associates in both origin and destination countries.<sup>40</sup> A detailed breakdown of the labour migration cost, as identified by Barkat, Ismail and Hoque (2014) is shown below:

- Subagent/intermediary fees, 59.5 per cent
- Fees for intermediaries' associates, 17.6 per cent
- Agency fees, 10.3 per cent

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<sup>34</sup> D.R. Agunias, *Regulating private recruitment in the Asia–Middle East labour migration corridor*, IOM – MPI Issue in Brief, No. 4 (Geneva, IOM, 2012). Available from [publications.iom.int/books/iom-mpi-issue-brief-no-4-regulating-private-recruitment-asia-middle-east-labour-migration](http://publications.iom.int/books/iom-mpi-issue-brief-no-4-regulating-private-recruitment-asia-middle-east-labour-migration)

<sup>35</sup> A. Barkat, M.I. Ismail and E. Hoque, 'The cost'. As per the report, the actual cost of labour migration ranges from USD 2,600 to USD 3,900.

<sup>36</sup> T. Siddiqui, 'International labor migration and remittance', in: A. Riaz and M.S. Rahman (eds.), *Routledge Handbook of Contemporary Bangladesh*, Chapter 15 (Abingdon, United Kingdom, Routledge, 2016).

<sup>37</sup> Calculated by subtracting the ideal migration cost set by the Government (BDT 84,000) from the actual cost of migration.

<sup>38</sup> The paper reports that overseas work permits are commonly sold to Bangladeshi recruiters, who are said to pay as much as USD 2,000 upfront for each work permit.

<sup>39</sup> A breakdown of the cost components suggested by Siddiqui (2011) is as follows: application fees, visa fees, work permit fees, medical fees, overseas marketing and liaison office costs, training (including language training) costs, airfare, advanced income tax, wage earners' welfare fees, data registration fees, recruitment agency service charge, insurance and emigration tax.

<sup>40</sup> IOM Regional Office for South Asia, 'The Bangladesh household remittance survey 2009: summary report' The study also reports that a significant number of migrant workers finance the cost of migration by selling land (24%), mortgaging land (23%), and/or selling assets such as jewellery, cattle, trees and homes (20%).

- Visa fees, 9.3 per cent
- Airfare, 2.5 per cent
- Government fees, 0.8 per cent

The significantly large costs incurred because of the involvement of subagents ultimately prolongs the time it takes migrants and their families to see any payoff on their migration investment. For instance, the average time it takes for Bangladeshi workers to recoup the cost of migrating is nine months, whereas workers from India or Nepal need only three months to accomplish the same (Siddiqui et al., 2016).<sup>41</sup> It is important to note that visa-trading in GCC countries has also been identified as a factor contributing to high migration costs. Overseas subagents, who are also mostly unregistered and unregulated, are known to “sell” existing visas to recruitment agents in Bangladesh, who, in turn, “re-sell” the visas to the next tier of intermediaries and subagents in Bangladesh. Ultimately, all layers of costs are borne by migrant workers.<sup>42</sup>

## 2.8. Areas of the recruitment process where exploitation occurs

A wide range of exploitation, extortion and deceptive activities are often observed surrounding the employment contracts of Bangladeshi migrant workers. An IOM study reports that 46 per cent of migrant workers do not receive the remuneration indicated in their contracts.<sup>43</sup> Barkat, Ismail and Hoque (2014) reported that once in the destination country, migrant workers are made to sign new contracts with much less favourable terms. Afsar (2009) noted that low-skilled workers are often hired for jobs requiring specialized or high-level skills in exchange for large sums of money. Afsar (2009) and Barkat, Ismail and Hoque (2014)<sup>44</sup> have shown that a significant number of workers are deployed on tourist visas instead of legal work permits, ultimately leading to their deportation or severe penalties (including jail terms). In addition, recruitment agents have commonly been observed to offer the same job to multiple aspiring migrants, ultimately leading to their deportation. In many cases, additional money is demanded by intermediary groups at various stages of the migration process. The use of fake documents, including employment contracts (i.e. for non-existent jobs) and emigration clearance certificates, is also common during the recruitment process. Even though machine-readable passports have been gradually replacing handmade passports since 2009, there is a persistent practice of “doctoring” documents by making slight changes in the data. Lack of adequate information for migrants is another commonly observed phenomenon in the recruitment process. Additionally, it has been found that around 90 per cent of Bangladeshi migrant workers do not receive a written employment contract prior to their departure for the destination country. Formal employment documents, such as the written job offer and employment contract, are not issued at all in many cases.<sup>45</sup> Barkat, Ismail and Hoque (2014) also revealed that 21 per cent of Bangladeshi migrant workers with employment contracts eventually find the actual job to be different than what is described in their contracts.<sup>46</sup> Non-issuance of legally valid receipts for payments is also commonly observed.

<sup>41</sup> T. Siddiqui et al., “Situating Migration in Planned and Autonomous Adaptation Practices to Climate Change in Bangladesh”, in: *Climate Change, Vulnerability and Migration* (S.I. Rajan and R.B. Bhagat (eds.)) (New Delhi, Routledge, 2016). Available from [www.researchgate.net/publication/320074081\\_Situating\\_migration\\_in\\_planned\\_and\\_autonomous\\_adaptation\\_practices\\_to\\_climate\\_change\\_in\\_Bangladesh](http://www.researchgate.net/publication/320074081_Situating_migration_in_planned_and_autonomous_adaptation_practices_to_climate_change_in_Bangladesh) About 67 per cent of migrant workers secure funds to pay for recruitment and migration by taking out loans.

<sup>42</sup> A. Barkat, M.I. Ismail and E. Hoque. “The cost”.

<sup>43</sup> IOM Regional Office for South Asia, “The Bangladesh household remittance survey 2009: summary report”.

<sup>44</sup> R. Afsar, “Unraveling the vicious cycle of recruitment: Labour migration from Bangladesh to the Gulf States”, ILO working paper no. 63 (Geneva, ILO, 2009); and A. Barkat, M.I. Ismail and E. Hoque. “The cost”.

<sup>45</sup> Ibid.

<sup>46</sup> A. Barkat, M.I. Ismail and E. Hoque. “The cost”.

A number of incidents have been noted regarding administrative hassles in migrant recruitment processing, including delays in the processing of passports, visas and other documents, as well as excessively long queues at government offices.<sup>47</sup> The lack of readily available information about passport preparation formalities is also reported. Barkat, Ismail and Hoque (2014) also revealed that prospective migrant workers are frequently asked for bribes in exchange for the required certificates. In addition, migrant workers incur additional travel costs to be able to undergo the requisite pre-employment medical examinations at designated medical centres in Dhaka.<sup>48</sup>

## 2.9. Lessons from two countries: Philippines and Sri Lanka

### 2.9.1. Philippines

In the Philippines, stakeholders have different positions on what constitutes fair recruitment in relation to migration cost. Generally, recruitment practices that are compliant with statutory regulations are considered “fair.” A number of private recruitment agencies and workers’ associations agree on the principal feature of “zero recruitment fees” of the IRIS Standard and the ILO Principles and Guidelines. However, many consider this, by itself, to be insufficient to qualify as fair recruitment (ILO, 2017).<sup>49</sup> Labour recruiters and workers’ representatives in the Philippines express a broader view of fair recruitment that constitutes the following voluntary practices:<sup>50</sup>

- (a) Zero recruitment fees;
- (b) Minimum labour standards;
- (c) Post-deployment monitoring mechanisms to address disputes and grievances;
- (d) Social protection(s) and access to legal remedies;
- (e) Non-discriminatory treatment of migrant workers in relation to their access to pathways towards permanent residency.

Although the collection of recruitment fees is in accordance with local law and considered fair in certain sectors, the practice is contrary to ILO Convention No. 181 (Private Employment Agencies Convention) and other international standards and guiding principles. ILO Convention No. 181, for instance, clearly states that “private employment agencies shall not charge, directly or indirectly, any fees or costs to workers.”<sup>51</sup>

Although the Philippines has not yet ratified ILO Convention No. 181, there is a general prohibition on charging recruitment fees to seafarers.<sup>52</sup> On the other hand, the Philippine Overseas Employment Administration (POEA) Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Filipino Workers specifies and categorizes the recruitment-related costs that should be paid for each hire by agencies, employers and the workers themselves. For instance, a recruitment fee can still be collected from workers to a maximum equivalent to one month’s basic salary, as specified in their POEA-approved

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<sup>47</sup> IOM Regional Office for South Asia, “The Bangladesh household remittance survey 2009: summary report”.

<sup>48</sup> A. Barkat, M.I. Ismail and E. Hoque. “The cost”.

<sup>49</sup> M. Zhou, “Fair share? International recruitment in the Philippines”, working paper (Geneva, ILO, 2017). Available from [www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---migrant/documents/publication/wcms\\_585891.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_585891.pdf)

<sup>50</sup> Ibid.

<sup>51</sup> This binding provision is supported by General Principle 7 of the ILO General Principles and Operational Guidelines for Fair Recruitment, which stipulates that “No recruitment fees or related costs should be charged to, or otherwise born by, workers or jobseekers.”

<sup>52</sup> Revised POEA Rules and Regulations Governing the Recruitment and Employment of Seafarers of 2016, Part II, Rule IV, Section 49 and Rule V, Sections 50 and 52. Available from [www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf](http://www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf)

contracts.<sup>53</sup> Recruitment agencies in the Philippines abide by the laws and regulations of the destination country where it prohibits the collection of direct or indirect recruitment fees from migrant workers.<sup>54</sup>

It is important to note that there are several agencies in the Philippines that have voluntarily implemented the zero-recruitment-fees policy for all occupational categories, which is above what is required by Philippine law. These agencies include Manpower Resources of Asia, Inc., Staffhouse International Resources Corporation and members of the Association for Professionalism in Overseas Employment. The following financing-related activities constitute irregular recruitment in the Philippines:

- (a) Arranging, facilitating or granting a loan to an overseas Filipino worker with an interest exceeding eight per cent (8%) per annum, even if it were to be used for the payment of a legal and allowable placement fee;
- (b) Imposing a compulsory arrangement through which an overseas Filipino worker is required to avail of a loan only from specifically designated institutions, entities or persons;
- (c) Refusing to renegotiate a loan incurred by an overseas Filipino worker after the employment contract has been prematurely terminated through no fault of the worker.<sup>55</sup>

These recruitment cost-related provisions of the POEA Guidelines are also worthy of note:

- (a) Workers are expected to pay the placement fee to the licensed recruitment agency only after signing the POEA-approved contract (Section 51).
- (b) The agency must issue a Bureau of Internal Revenue-registered receipt stating the date of payment and the exact amount paid (Section 51).
- (c) The licensed recruitment agency is also responsible for paying premiums for compulsory insurance coverage under Section 37-A of the Migrant Workers Act of 1995 (Republic Act 8042) (Sections 52, 122B and 125).<sup>56</sup>

It is also important to note that despite regulations on various recruitment costs, opportunities for excessive charging and exploitation still remain in the Philippines. Studies have shown that the ban on recruitment fees for domestic workers that started in 2006 has had no visible effect on reducing the costs that they pay.<sup>57</sup> In addition to this, recruitment agents have been “creative” in their methods of passing on recruitment costs from employers to workers by exploiting loopholes in the regulatory framework. Nonetheless, the provisions for penalties and incentives are expected to have some positive impact on recruitment practices once implemented vigorously.

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<sup>53</sup> Revised POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Filipino Workers of 2016, Part II, Rule V, Section 51. Available from [www.poea.gov.ph/laws&rules/files/Revised%20POEA%20Rules%20And%20Regulations.pdf](http://www.poea.gov.ph/laws&rules/files/Revised%20POEA%20Rules%20And%20Regulations.pdf)

<sup>54</sup> M. Zhou, “Fair share?”; and Revised POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Filipino Workers of 2016, Part II, Rule V, Section 51. The United Kingdom, the Netherlands, Ireland and some provinces of Canada, as well as Bahrain, Qatar, Saudi Arabia and the United Arab Emirates have national legislation that prohibits the collection of recruitment fees from migrant workers.

<sup>55</sup> Revised POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Filipino Workers of 2016. Available from [www.poea.gov.ph/laws&rules/files/Revised%20POEA%20Rules%20And%20Regulations.pdf](http://www.poea.gov.ph/laws&rules/files/Revised%20POEA%20Rules%20And%20Regulations.pdf)

<sup>56</sup> Revised POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Filipino Workers of 2016. Available from [www.poea.gov.ph/laws&rules/files/Revised%20POEA%20Rules%20And%20Regulations.pdf](http://www.poea.gov.ph/laws&rules/files/Revised%20POEA%20Rules%20And%20Regulations.pdf)

<sup>57</sup> R. Varona, “License to exploit: A report on the recruitment practices and problems experienced by Filipino domestic workers in Hong Kong”, APL-Sentro, LEARN, PLU-APL, Friedrich Ebert Stiftung, Landsornaisasjonen I Norge. 2013. Available from [www.idwfed.org/en/resources/license-to-exploit-a-report-on-recruitment-practices-and-problems-experienced-by-filipino-migrant-domestic-workers-in-hong-kong/@@display-file/attachment\\_1](http://www.idwfed.org/en/resources/license-to-exploit-a-report-on-recruitment-practices-and-problems-experienced-by-filipino-migrant-domestic-workers-in-hong-kong/@@display-file/attachment_1)

### *Lessons on ethical recruitment and the regulation and monitoring of recruitment agencies*

In the Philippines, similar to Bangladesh, most migrant recruitment is operated through the private recruitment sector. Private overseas recruitment agencies in the Philippines are strictly regulated by the Philippine Overseas Employment Administration (POEA, which is similar in function to BMET in Bangladesh) through the following key mechanisms:

- (a) Private overseas recruitment agencies in the Philippines are legally bound to be licensed by POEA.
- (b) Foreign recruitment/placement agencies and foreign employers must be accredited by POEA, with each job order verified.
- (c) POEA sets the standards for workers' fitness for overseas employment, including through skills-testing and medical examinations.
- (d) The governing board of POEA passes resolutions that are binding on local private recruitment agencies.
- (e) To ensure that the owners of all private recruitment agencies are within the jurisdiction of the Philippines, several categories of individuals and corporations are barred from the private recruitment business. For instance, only Filipino citizens can legally engage in the business as a sole proprietor or partnership.<sup>58</sup>

POEA has also instituted various awards and acknowledgments for licensed recruitment agencies – another practice that Bangladesh may consider in the regulation of recruitment agencies. In general, the performances of recruitment agencies in the Philippines are evaluated and given distinction based on the following criteria:

- (a) No record of an adverse decision, suspension or recruitment violation case against the agency;
- (b) Management and recruitment capability in terms of the qualifications of the agency's personnel, office facilities and work environment;
- (c) Compliance with general labour, occupational safety and health standards;
- (d) Provision of in-house training to prepare workers for overseas employment;
- (e) Achievements in entry into or pioneering in emerging markets;
- (f) Waiver of placement fees for deployed workers;
- (g) Volume and quality of deployment;
- (h) Responsive welfare and allied services for overseas Filipino workers;
- (i) Exemplary acts of assistance to migrant workers in times of hazardous and distress situations.<sup>59</sup>

Another good example from recent literature is the engagement of local government bodies and authorities to improve the migrant recruitment process. In the Bicol region in the Philippines, various projects are being undertaken to bring policies and practices into the mainstream in key provinces, cities and municipalities.<sup>60</sup> A regional forum on migration has been set up at the local level, along with various capacity-building activities and a series of mentoring and coaching sessions for government. This has helped enhance the capacity of Bicol local governments in mainstreaming migration into their local development plans. In addition, top-performing local

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<sup>58</sup> M. Zhou, "Fair share?"

<sup>59</sup> Revised POEA Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Filipino Workers of 2016. Available from [www.poea.gov.ph/laws&rules/files/Revised%20POEA%20Rules%20And%20Regulations.pdf](http://www.poea.gov.ph/laws&rules/files/Revised%20POEA%20Rules%20And%20Regulations.pdf)

<sup>60</sup> The Bicol region, with an estimated population of around six million, is the region of origin of some of the highest numbers of overseas Filipino workers.



government units have been selected for additional technical and funding support for initiatives that aim to prepare migrants for investment and entrepreneurial activities.<sup>61</sup>

In 2013, IOM supported the visit of a delegation of the Government of Bangladesh to the Philippines to observe some of the best practices in migration regulation and recommend measures that can be introduced in Bangladesh.<sup>62</sup> Such visits can be very beneficial as a mechanism for sharing best practices and replicating them in their own respective countries. For instance, both BAIRA and the Wage Earners' Welfare Board are planning to introduce insurance schemes in Bangladesh patterned after POEA's insurance policy for migrant workers. Such substantial gains have been observed from such exchanges of information and practices. Other practices worthy of emulation are:

- (a) Designation of one month's salary of the migrant worker as placement fee, to be paid to the recruitment agency;
- (b) Follow-up visits to migrant workers and report-backs to the government by the recruitment agencies;
- (c) Strengthening the role of local government institutions in migration management;
- (d) Greater involvement of NGOs and CSOs in monitoring the recruitment and migration process.

### 2.9.2. Sri Lanka

Approximately one out of four persons of Sri Lanka's workforce work overseas; this figure represents over 9 per cent of the country's population. By comparison, less than 5 per cent of the population of Bangladesh work abroad.<sup>63</sup> Sri Lankans work all over the GCC region, with the most number in Saudi Arabia; in the Republic of Korea, there are more Sri Lankans than Bangladeshis. The number of women migrant workers is steadily decreasing, one reason for which, analysts suggest, is the lack of more stringent legal measures to protect their rights. Sri Lanka has since increased the minimum age for migration from 18 to 21 years. Even though Sri Lanka adopted the Migrant Workers' Convention in 1995, the National Policy on Labour Migration was only adopted in 2008 and the Ministry for Foreign Employment Promotion and Welfare set up in 2010. The Institute of Policy Studies of Sri Lanka and other think tanks have been able to produce more data and evidence-based research on migration, and a Code of Ethical Conduct for Licensed Foreign Employment Agencies/Licensees for the country's over 700-plus licensed recruitment agencies was adopted in 2013. So, while there was some progress in the first 10 years of the ratification of the Migrant Workers' Convention (not reviewed in this document), it is interesting to note that, between 2008 and 2018, Sri Lanka has made far bigger leaps in migration policy reform, which has had an impact on improving the governance of the migrant recruitment process.

#### *The National Policy on Labour Migration of Sri Lanka*

The National Policy on Labour Migration Policy<sup>64</sup> provides special emphasis on the protection of migrant workers and considers raising their skill levels as the key approach to migrant protection. Recruitment agents will be held accountable to ensure high standards of conduct, while imposing strong penalties for violations of migrants' rights. The policy requires the State

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<sup>61</sup> For more information on initiatives in the Bicol region, visit the website of the Joint Migration and Development Initiative for Bicol at [www.migration4development.org/en/projects/philippines-mainstreaming-migration-and-development-governance-local-authorities-bicol](http://www.migration4development.org/en/projects/philippines-mainstreaming-migration-and-development-governance-local-authorities-bicol)

<sup>62</sup> Report of the exposure visit to the Philippines by the Vigilance Task Force, Government of Bangladesh, 2013.

<sup>63</sup> "Labour migration from Colombo Process countries: Good practices, challenges and ways forward", report (Geneva, IOM, 2011). Available from <https://publications.iom.int/books/labour-migration-colombo-process-countries-good-practices-challenges-and-ways-forward>

<sup>64</sup> The full text of the policy is available on [www.ilo.org/dyn/migpractice/docs/268/Policy.pdf](http://www.ilo.org/dyn/migpractice/docs/268/Policy.pdf)

to ensure minimum skill requirements of a higher quality and standard, and inclusive of all types of migrants. There is also an indication to ensure migrants' access to insurance, pension and welfare.

#### *The Code of Ethical Conduct for Licensed Foreign Employment Agencies/Licensees*

The Code of Ethical Conduct for Licensed Foreign Employment Agencies/Licensees<sup>65</sup> (hereinafter, the “Code of Ethical Conduct”) was adopted by the Government of Sri Lanka in 2013. It features a section on legal compliance and also provides a set of business standards and best practices. The standards are based on traditional Sri Lankan moral values and ethical business principles. The Code of Ethical Conduct stipulates that the various recruitment-related fees have to be in accordance with the law and receipts have to be provided for all payments. Intermediaries and subagents cannot collect any fees from jobseekers. The last section highlights the implementation, enforcement and awareness-raising of the Code of Ethical Conduct among different stakeholders.

The tandem of the National Policy on Labour Migration and the Code of Ethical Conduct sends a strong message to recruitment agencies about the important role that they play in protecting the welfare of migrant workers. Through the Sri Lanka Bureau of Foreign Employment (or SLBFE, equivalent to BMET in Bangladesh), the Government provides services to both migrant workers and registered recruitment agencies.<sup>66</sup> There is also a grading system – something that the Code of Ethical Conduct process in Bangladesh is also looking at implementing. The SLBFE also periodically holds the Excellence Awards for Licensed Foreign Employment Agencies. Hence, like the Philippines, Sri Lanka also balances its regulatory role with assistance and encouragement to recruitment agencies in ensuring ethical practices and safeguarding the rights of and implementing protection measures for Sri Lankan migrant workers. The Government of Bangladesh may take as an example these efforts when strengthening their collaboration with BAIRA.

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<sup>65</sup> The full text of the code is available on [www.ilo.org/colombo/whatwedo/publications/WCMS\\_233369/lang--en/index.htm](http://www.ilo.org/colombo/whatwedo/publications/WCMS_233369/lang--en/index.htm)

<sup>66</sup> Information on these services is available on the Bureau of Foreign Employment website: [www.slbfe.lk/page.php?LID=1&MID=131&LID=1](http://www.slbfe.lk/page.php?LID=1&MID=131&LID=1)

### 3.1. Drivers of migration

The study found that the key driver of migration among aspiring male workers was to be able to provide better lives for their families. Other factors that influenced migration were the lack of job opportunities in the home country, the uncertainty of securing employment in the home country due to political and/or economic unrest, and the availability of entrepreneurship opportunities overseas. Male returnee migrants stated similar drivers during the FGDs, with the prospect of having savings as another major driver for migration. In the case of women migrant workers, the causes and drivers were found to differ greatly. One of the major drivers was the desire to alleviate household poverty; vulnerability and abuse within the family also drove women workers to consider migration. A number of participants in the FGDs stated that issues such as divorce and the husband abandoning the family, leaving them with no scope of earnings in the country of origin, also influenced migration. Another reason that workers from the countryside (who are mostly poor) migrate was found to be “the excitement of going abroad.” Aspiring migrant workers are often misled by intermediaries into believing that the “grass is greener on the other side of the fence,” a notion that increases the probability of a worker migrating.

### 3.2. Challenges of migration

The study found that the key barrier for Bangladeshi migrant workers to achieving their dreams is the complexity of the labour migration process, compounded by high recruitment costs. The authorities’ lack of ownership of the responsibility to protect migrant workers in destination countries is another contributing factor to the vulnerabilities and exploitations that they face. The awareness level of aspiring migrants mostly covers until the safe migration process; those who are informed and aware are nonetheless desperate to take any risk to migrate, which can be considered a behavioural issue.

### 3.3. Awareness levels about migration

The number of outgoing migrants from Bangladesh is increasing. However, the migrants who participated in the FGDs indicate that, levels of awareness regarding the various aspects of migration remain low. Aspiring migrant workers, especially those from among the rural poor, are generally not aware enough to analyse what impacts migration may have on them. Similarly, their attitudes and behaviours emerge from their fascination towards going overseas. Subsequently, if one local migrates, others will likely follow suit. A migrants’ lack of desire to learn about safe migration was also a key factor; the fact that the migrants who participated in the FGDs were unaware of a lot of important migration-related information paved the way for almost all other causes of their exploitation.

It was found that knowledge and awareness levels were far better among aspiring migrants from Dhaka and nearby urban areas. They used the Internet to seek information, but were unaware of where exactly to find information. Aspiring migrants from rural areas were unaware of the existence of recruitment agencies due to the lack of promotional or awareness-raising initiatives at the grassroots levels by the agencies themselves or by CSOs. As a result, intermediaries and brokers become a main source of information; as such, aspiring migrants’ awareness levels hardly ever improve.

### 3.4. Migrant workers' skill levels and occupations in destination countries

Migrant workers from Bangladesh are classified into four groups: (a) less-skilled (b) semi-skilled (c) skilled and (d) professional. Majority of aspiring migrants from Bangladesh are only interested in being able to “migrate somehow,” rather than prepare themselves to be skilled workers for overseas labour markets. Majority of the male returnee migrants in the FGDs had worked as labourers, cleaners or helpers, and a few had been employed as electricians or carpenters. Similarly, a few of the prospective migrants in the FGDs had previously worked as electricians or carpenters and were planning to work in similar roles in destination countries, while others were to be employed as waiters, office runners and plumbers, among others; one of the participants mentioned he would be working for a travel agency.

Generally, migrants' occupations are determined before their actual deployment, with their employment contracts containing their job descriptions. Prospective migrants who participated in the FGDs were uncertain of what their occupations would be in their destination countries, and said they would only receive their contracts once there. The electricians and carpenters were told that they would be working in similar jobs, and the other FGD participants were training for their preferred occupations. However, none of them would have a concrete idea about what their actual occupations would be until they reach their destination countries.

Apart from intermediaries, it was also found that for some of the prospective migrants in the FGDs, it was relatives already abroad that provided them with information on available job opportunities and were an influential factor in their decision to migrate. At any rate, visas were all processed through intermediaries in Bangladesh. In these cases, the migrants were informed of their would-be occupations just before their departure for the destination country. Only half of the returnees that participated in the FGDs did, in fact, get the jobs they were promised by the intermediaries. The rest were misled and their experiences were bitter. They had to work in hazardous conditions even while possessing good skills.

*When we send a trained technician abroad, he works with the technology there, and on his return, he brings knowledge of that technology back with him. But in the case of labour workers, they are sent as labourers, and they return only as labourers, while contributing very little to the remittance inflows of the nation. (Recruitment agent from Bangladesh)*

Bangladeshi migrant workers in Malaysia are employed mainly in construction, manufacturing, plumbing and a few other service-sector job categories. Investing in skills development would help migrant workers from Bangladesh get higher-tier jobs. There still is no data on job trends for women migrant workers. The women returnee migrants in the FGD sessions all appeared to have worked as domestic workers, a choice influenced by intermediaries or by the fact that these women had only ever been exposed to this line of work. The women prospective migrants in the FGDs were found to prefer migrating for either domestic work or to work in the garments industry overseas.

### 3.5. The recruitment process and its stakeholders

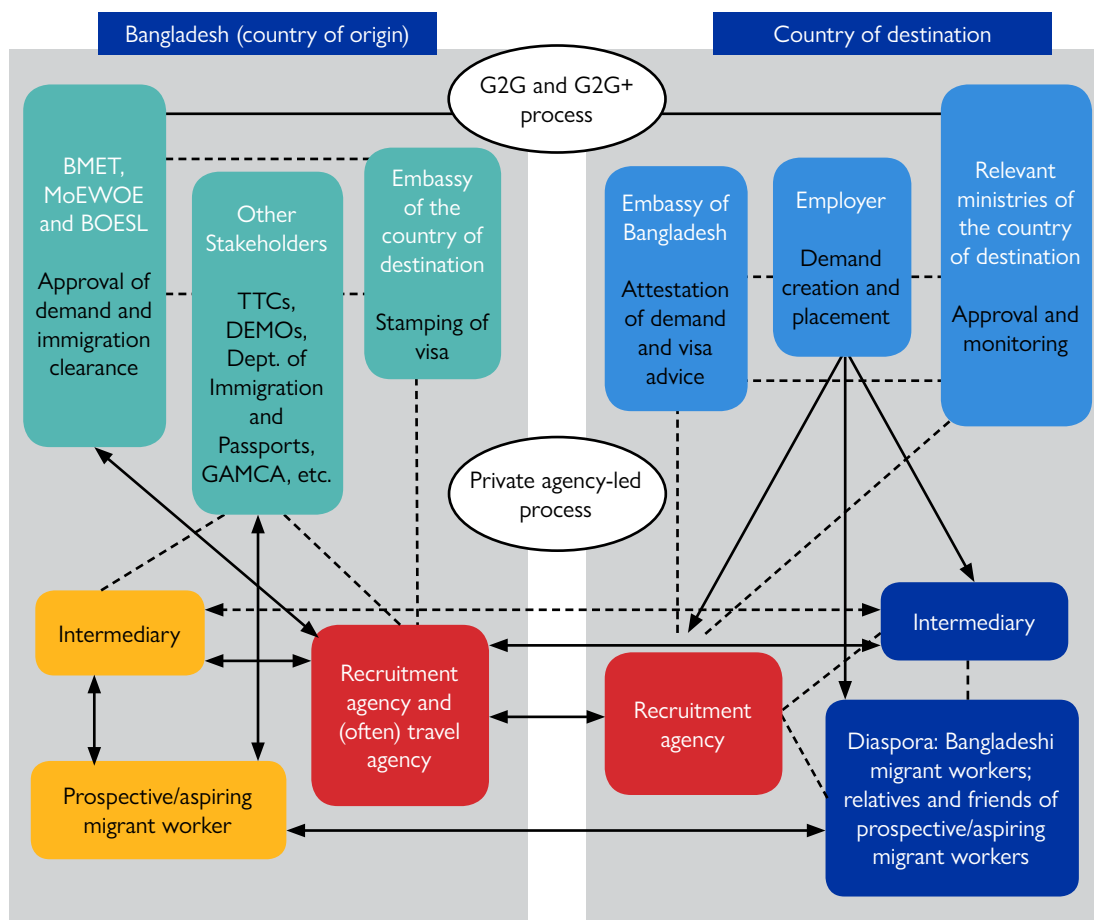
#### 3.5.1. Recruitment procedures

Currently, recruitment from Bangladesh follows one of three procedures: (a) Government-to-Government (G2G), (b) private agency-led and (c) the Government-to-Government Plus (G2G+) mechanism, jointly administered by the Government of Bangladesh and private agencies. Of the three, the most common is private agency-led recruitment, through which

either individual or group visas can be obtained. As per government rules, recruitment agencies collect “demand letters” (which contain the job orders) from prospective employers. Generally, a demand for more than eight individuals falls under the “group visa” or “visa advice” category. Under the individual (work) visa category, a visa is applied for and issued to each individual migrant worker. A maximum of eight individual visas (for eight workers) may be issued to an employer in the destination country.

The research team communicated with various stakeholders at various levels, including MoEWOE, BMET and private agencies in Bangladesh, as well as with various stakeholders in destination countries. It was found that the recruitment process is initiated in destination countries and involves employers or recruitment agencies issuing demand letters and sending them to the Bangladeshi embassy for attestation. After attestation (or approval), the demand letters are sent to recruitment agencies in Bangladesh, through which the corresponding emigration clearance certificates are issued. Another process involves employers in destination countries providing advices for individual visas to prospective Bangladeshi migrant workers, sent directly to them or through intermediaries.<sup>67</sup> Such visa advices also need to be attested by the Bangladeshi embassy. Also, intermediaries must secure emigration clearance and attestation from the embassy of the destination country in Bangladesh in behalf of aspiring migrants – the general rule for both group and individual visas.

Figure 1: Complexities of the labour migration process



<sup>67</sup> “Resistance to reform of the *kafala* system is prevalent, as GCC nationals benefit substantially from it because it entails visa-trading. GCC nationals with business licences are given allotments for work visas for a given number of migrant workers. They may “sell” these visas to others, leaving the migrant worker ultimately undocumented. (Migrant Forum in Asia, “Reform of the *kafala* (sponsorship) system”, policy brief (ILO and Migrant Forum in Asia, Quezon City, n.d.).

The study found that private agency-led recruitment (for both company-sponsored and individual visas) is currently the leading type of recruitment in Bangladesh. The procedure has become far too complex due to the involvement of third-party service providers (who act as intermediaries) hired by overseas employers, with whom Bangladeshi recruitment agencies must now do business. A worker who obtains his or her visa personally through the employer in the destination country does not incur the additional costs charged by such service providers.

The recruitment business depends heavily on marketing strategies and personal connections. One of the biggest challenges for recruitment agencies is overseas promotional marketing. Also, the current process for obtaining work visas involves being linked with either personnel of the overseas employer or their affiliated confidants outsourcing the contracts. (Key informant from a private recruitment agency)

According to recruitment agencies in Bangladesh, the manner in which the above-mentioned informant secures visas for prospective workers may be considered a form of unethical recruitment. It remains unclear how to hold these service providers and intermediaries accountable. The Government of Bangladesh needs to hold talks with the relevant ministries of such countries to curtail the practice. Any employee who fails to follow the correct procedure must be apprehended in a lawful manner. According to representatives of recruitment agencies in Bangladesh, if a worker gets into any trouble, the individual intermediary who provided the worker with his visa should be apprehended and held accountable. At any rate, the recruitment agency has a responsibility in all this, as, according to official procedures, no individual can go overseas for work without the requisite emigration clearance that it applies for in behalf of workers.

The study further found that many recruitment agencies in Bangladesh have direct connections with recruitment agencies or intermediaries in destination countries, to be tapped for individual visa processing. One key informant suggested advocacy with the Government of Bangladesh to disallow recruitment agencies in the country to be involved in the processing of individual visas in behalf of migrants. Rather, migrants should go directly to BMET to complete the procedure. In 2017, BMET announced a provision that would allow for visa assistance and emigration clearance costs to be reduced, and for institutional (and, therefore, formal) intermediaries to be held accountable by the Government. The provision was announced internally within the bureau but was not promoted to a wider public.

While there is a formal legal and normative framework for migrant recruitment in Bangladesh, many recruitment agencies routinely recruit migrants and obtain individual visas for them through informal means – with the process often involving intermediaries and, sometimes, even Bangladeshi workers who are already in the destination country. Either an overseas employer or recruitment agency “sells” an individual visa to an intermediary or directly to a prospective migrant, under the condition that the rest of the visa process is completed from Bangladesh through the assistance of a particular recruitment agency. The migrant recruitment industry in Bangladesh has become highly dependent on intermediaries and the practice of visa-trading in destination countries to the point that informal recruitment now seems inevitable. The individual visa is, thus, one of the main reasons that fuel overall informality.

“Laws have been laid down to regulate the system, yet there are statistics which prove that between the years 2012 and 2016, only 4 per cent of the companies involved in the recruitment business in Bangladesh have complied with them.” (Key informant from Qatar)

The study also found that a lack of coordination and harmony between stakeholders – who blame each other for irregularities – contributes to a disorganized migrant recruitment process. In addition, of the 1,200 to 1,400 migrant recruitment agencies registered in Bangladesh, only around 100–200 agencies have been found to be active and conducting business properly. Most of the leading agencies maintain connections with smaller agencies, which have ties with intermediaries. A lack of regulation and monitoring is one of the reasons why there are gaps in the system.

#### *The role of private recruitment agencies*

Private recruitment agencies are the key players in the private agency-led recruitment system. They receive demand letters from employers in destination countries either directly or through foreign counterparts (i.e. recruitment agencies based in those destination countries). At any rate, the demand letter and visa are processed from Bangladesh, as per the Overseas Employment and Migrants' Act of 2013. More than 80 per cent of individual visas are processed through private recruitment agencies and issued to prospective migrants directly or through local intermediaries. Private recruitment agencies, as a matter of fact, apply for most of the visas of any category, which include the previously mentioned individual (work) visa, the group/company visa and the so-called “friends and family” (FNF) visa. There are about 1,171 recruitment agencies in Bangladesh registered under MoEWOE.

#### *The G2G+ mechanism*

There are 10 private recruitment agencies that deploy Bangladeshi workers overseas, mainly to Malaysia, under an agreement by the governments of the two countries. There is discussion that more agencies will be covered under the agreement, upon approval of the Governments of Bangladesh and Malaysia and BAIRA. BMET has its so-called “Malaysia Cell,” which monitors and operates the recruitment of workers for Malaysia. Under the G2G+ mechanism, BOESL, the Government-owned recruitment agency, sends workers to selected countries, such as the Republic of Korea and Jordan, through the Employment Permit System (EPS). As per BOESL, 1,565 male migrant workers were deployed to the Republic of Korea from 2016 until June 2017; 74,436 since 1984 until June 2017. BOESL deploys mainly women workers to Jordan, with 8,354 sent from 2016 until June 2017, mainly in the ready-made garments sector. Private recruitment agencies, however, have no involvement in this process.

### **3.5.2. The recruitment process from the migrants' perspective**

Aspiring migrant workers tend to be unaware of the proper recruitment procedures and rely on intermediaries for support with migration. A total of 77 migrant workers (aspiring and returned) were interviewed during the study and only one of them was found to have directly contacted a recruitment agency without requiring the support of an intermediary or broker. The rest of the workers required intermediaries to oversee or handle the processing of their job applications and migration requirements. In such cases, prospective migrants negotiated the cost of sending them abroad with the intermediaries, usually demanding a fixed rate. Generally, they had to pay a certain amount in advance to the intermediaries, with the balance payable after issuance of the visa, emigration clearance and travel ticket. Alternatively, friends and family members sent visas or visa advices from abroad (through the so-called “FNF system”); even in such cases, aspiring migrants needed to seek help from intermediaries for emigration clearance. In such cases, too, the migrants had to pay intermediaries in advance, completing the payment upon issuance of the emigration clearance. Majority of the migrants in the FGDs went abroad through a similar process.

“One of the major problems that I have faced in this line of work is synchronization. Say, for instance, a recruitment company issues a group visa for 10 people and I am able to bring in 3 or 4 people for this. Other subagents in the field are working, like me, to bring in recruits as well. Due to the fact that payment collection, passport finalization, etc. are never completed within a set timeframe, the flights of workers whose applications have already been successfully processed get delayed and delayed until the requirements of all workers [in the group or batch] are met. This can become quite frustrating at times.”  
(Iman Ali, an intermediary)

The study found that rural poor migrants tend to learn about overseas employment opportunities through locals from their villages who are “buying visas” and have “relatives or connections” overseas. These prospective migrants then lend their passports to these intermediaries and make a deposit payment. After a few days, they receive their passports back, now with the accompanying visa from the embassy, and complete the payment. The intermediaries provide migrants further assistance with manpower/emigration clearance.

In all cases, migrants have to undergo medical tests, pre-departure orientation (a recent requirement), and emigration clearance and have to report to the recruitment or travel agency’s office in Dhaka. Many of the respondents reported visiting travel agency offices in the Fakirapul and Banani areas, and almost none mentioned anything about recruitment agencies. The study also found that migrants are commonly cheated or exploited by intermediaries, but at the end of the day, migrants rely on their services, as they have limited or no direct access to a recruitment agency (which, according to the respondents, is sometimes also a travel agency). Intermediaries are from the same communities as migrants and are more easily accessible or approachable.

The returnee women in the study applied for their jobs through recruitment agencies in Banani that were working with intermediaries. They handed over their payments to the intermediaries instead of at the agency offices. They mentioned receiving month-long training and underwent medical tests after receiving their passports. In all cases, the intermediaries assisted the migrants at every step of the process.

### 3.5.3. The recruitment process from the intermediaries’ perspective

According to the local intermediaries interviewed during the study, the process begins with their counterparts in destination countries acquiring visa advices (documents that warrant the issue of a visa) for prospective migrant workers through their personal connections at hiring companies (i.e. the prospective employers), and having them processed from there. Upon arrival of the visa advice in Bangladesh, the demand for workers is then conveyed to aspiring migrants through intermediaries. At other times, a visa advice may be sent directly to the prospective worker or indirectly through his or her personal contacts, who must then seek an intermediary to process it. Both the intermediary and the aspiring worker report at the recruitment agency’s office to complete the remaining parts of the process.

## 3.6. Employment contracts

Almost all returnees who participated in the study migrated through individual channels or on company visas. All of them had their visas processed through recruitment agencies or travel agencies working with their contacted intermediaries. The FGD sessions revealed that migrant workers, especially those from among the rural poor, are generally not aware of their right to a copy of their employment contracts prior to deployment. Participants in the FGDs were heavily reliant on intermediaries for overseeing all of their paperwork and were largely uninvolved in the process. Among them were several male returnees who received their contracts only one



or two days prior to their departure for their destination countries and migrant workers who received their contracts only after arriving there. Among the latter, contracts were sometimes received only 15 to 30 days after arrival in the destination country; in more extreme cases, contracts arrived as late as three months after arrival. Similar experiences were reported by returnee women migrant workers, who typically received their contracts one to two days before their departure. Employment contracts are either solely in English or, in the case of jobs contracts for Saudi Arabia, in both English and Arabic.

The study found a pattern of complaints against Malaysian employers who change job contracts once the migrants arrive in the country. As per a key informant from Malaysia, Malaysian laws are very pro-employer and pro-recruitment agency. All employees, including documented migrant workers, are legally bound by their employment contracts and can expect fair and equal treatment under the law. However, undocumented workers are either jailed or deported when caught. Malaysia-based CSO Tenaganita assists migrants who are not provided with copies of their work permit documents. Often, employers provide workers with copies of their contracts only upon request.

Employment contracts in Malaysia are signed only by employers and recruitment agencies, and so migrant workers have absolutely no stake in their own job contracts. Malaysia has enforced a minimum wage rule where every employee in the nation is paid a certain fixed, minimum amount (after certain deductions, mainly for tax payments). However, in the case of international migrant workers, additional deductions are made. As a result, migrant workers pay more in terms of deductions than locals and receive salaries lower than what they were originally told. Such deductions are often not mentioned in their agreement papers. Around 200 to 300 migrant workers from Bangladesh wait in Malaysian airports every day for employers or intermediaries to pick them up, and who are at times stranded without any support or papers.

### 3.7. Workers' vulnerabilities during the migration process

The primary reason for migrant workers' vulnerabilities is the nature of the migrant recruitment process. Because of prevailing practices, both potential and returnee migrants are vulnerable whether in the country of origin or the country of destination. A common complaint from returnee migrants during the FGDs was that intermediaries had no clear commitments regarding timelines for sending workers abroad, despite charging them excessive amounts. In response, intermediaries explained that timelines are beyond their control and depend largely on recruitment or travel agencies applying for visas in their behalf. Echoing prior research on the subject, the study found that recruitment agencies and other stakeholders shift blame for all wrongdoings, often towards intermediaries.

#### 3.7.1. Vulnerabilities in countries of origin

The FGDs indicate that whenever an aspiring migrant worker chooses to go abroad, the first source of information is usually an intermediary. Most recruitment agencies hold office in Dhaka and have no branches or satellites in rural areas, where most aspiring migrant workers come from. According to the key informants, there is a lack of responsibility in terms of providing these workers with information, often to the point that agencies deliberately restrict access to information in order to take further advantage of workers.

“There are a lot of people from my area who fall victim to fraudulent practices, even before they actually become migrants – and these [practices] are done by other middlemen and travel agencies.” (Intermediary from Bangladesh)

Visa advices now come in droves and are sent directly to prospective migrant workers in Bangladesh or through a network of informal actors. These informally acquired documents require that recruitment agencies process them to be converted into actual visas. So-called “free visas” are another reason migrants fall into vulnerable situations.

In the formal migrant recruitment system, DEMOs are meant to serve as information hubs for aspiring migrant workers. However, the lack of human resources in DEMOs sometimes results in inadequate service in terms of information dissemination. According to one key informant, “the Government sent 1,000,000 workers overseas last year; however, how these people migrated, or in what conditions they migrated, what occupations they were sent for or how much certainty the job contract held, or what their salaries were – limited information was provided by the Government.”

Kalam (not his real name) migrated through a recruitment agency. The agency charged him BDT 150,000 for a job in Saudi Arabia and told him he would be paid SAR 400 a month on a two-year contract. After undergoing a medical exam and completing all other necessary steps, Kalam departed for Saudi Arabia a month later. Kalam was handed his job contract only on the morning of his flight; upon his arrival in Saudi Arabia, a company supervisor came to receive him and other migrant workers. The workers all stayed at a company villa. Kalam was not paid for the first three months on the job and he managed to get by financially by working at the local bazaar for SAR 20 a day. Without this side income, he would not have been able to survive. Kalam worked like this for two years, not benefiting much, and returned to Bangladesh. In 2015, Kalam went to Malaysia to work. He had to pay BDT 250,000 to an intermediary he knew from the area where he lived. The intermediary told him that once in Malaysia, he would be working in electronics. However, upon his arrival in Malaysia, he was “sold off” to a construction company. He worked there for four months, and for the first three months, he was not paid anything. After the fourth month, he was paid MYR 2,000, which he used to come back to Bangladesh.

In the current system, when recruitment agencies raise costs or do not provide decent services, aspiring migrant workers seek some other ways to migrate, that is, informally through their personal networks. Visa advices acquired through such means only require recruitment agencies to coordinate processing of the actual visa, for a fee. A recruitment agency may have no stake in a migrant’s interest from this point; consequently, when a migrant falls into a vulnerable situation, the agency and the Government may have limited options for responding to it.

### 3.7.2. Vulnerabilities in countries of destination

The study found several returnee migrants who faced vast problems in the destination country. Lack of an employer, salaries not being what was promised or even no salaries at all, and unfair deductions from salaries, were common. Participants in the FGDs mentioned that if they had received their job contracts at a suitable time before departing for the destination country, they would have known the nature and scope of their jobs, which could have helped them anticipate and overcome the issues they faced during their time in the destination countries. There were also returnees who had to do overtime work to earn the salaries they were initially promised for working normal job hours. Lack of regulations on the recruitment of migrant workers in destination countries has had tremendous impact on Bangladeshi workers over the years. Tenaganita, a Malaysian rights-based organization, filed 4,000 complaints from migrant workers in 2016 about unpaid wages, falsified job contracts, unlawful dismissals and intolerable living conditions, among other forms of exploitation and fraudulent practices by employers, recruitment agents and intermediaries. After the Andaman crisis, the Government of Malaysia, having closed the country to Bangladeshi migrant workers, decided to bring in 2 million workers from Bangladesh. However, the plan was soon rejected upon Tenaganita’s suggestion to document the 4 million Bangladeshi migrant workers already in the country.

Even though the Government of Malaysia has opened legal channels for migration to the country, some people still choose to use irregular channels. The leading cause for this may be the high costs of migration from countries of origin – in this case, Bangladesh – due largely to the exploitative nature of recruitment agencies, especially in padding costs for their gain.

“We need to have more trustworthy people in the country of destination who can investigate companies that distribute the visas and verify whether these are good companies or bad, and whether they have decent recruiters associated them with or not, as well as scrutinize the demand for workers from countries of origin.” (Anonymous intermediary from Bangladesh)

Migrant workers on individual visas are often not protected by their recruitment agencies. Even though the agencies assisted in processing their visas, they claim no responsibility for contract-related issues. These migrants are victimized through some unwarranted, unlawful conditions imposed upon them because their job contracts are not handed to them through their agencies but through other, personal, channels. The labour attachés of Bangladesh may be the best source of support for migrant workers in destination countries in such situations; however, due to the workers’ lack of proper documentation, they offer limited help. Lack of skill also contributes to the risk of these vulnerabilities. Not skilled enough for more technical, higher-tier jobs, migrants are susceptible to ending up in hazardous work.

### 3.7.3. Specific vulnerabilities of women migrants

The complicated process of migration create further vulnerabilities for women migrants. One of the returnee women migrants said, “In my home country, my owner is my husband, and in the destination country, my owner is my employer.” It should be noted that a Bangladeshi woman still needs the approval or consent of the head of her family or her guardian before she can migrate. The women migrants’ complaints against intermediaries were also found to be similar to those of the male migrants’. The study found one migrant woman who was always kept locked in her employer’s house in the destination country because “she was a woman.”

After returning from Saudi Arabia, Monira (not her real name) once again went overseas for work, this time to Dubai. She was meant to work at a madrasa; however, the recruitment agency had assisted with processing a domestic worker for her. As before, Monira required the help of an intermediary and had to pay BDT 90,000 to the subagent. Her additional expenses amounted to BDT 30,000. She received her employment contract, through the intermediary, only on the day of her flight to Dubai. Upon arriving in Dubai, she was received by the recruitment agency and was kept in a room with a few other women for three days. Soon she was deployed as a domestic worker with an overburdening amount of work which she was not paid for, and with no pay at all for the first three months of work. After three months, she was given the amount equivalent to BDT 17,000; she was not paid again for two more months. Monira could not go on like this. Another Bangladeshi woman, who was working for a neighbour, advised her to leave her employer. She ran away and was able to get a better job that paid her SAR 900 a month, but was soon tracked down by the Dubai Criminal Investigation Department and was put in immigration detention for 21 days. Monira went to the Embassy of Bangladesh for support, but she was turned her away and told to come back after three days. She was sent BDT 20,000 for her release and to purchase a plane ticket home. Unable to pay back her loans, Monira is once again trying to find ways to migrate for work. She has renewed her passport for BDT 8,000 and an intermediary has already told her that she would have to pay BDT 20,000 to migrate.

The study found violence, torture and abuse towards domestic workers to be a somewhat common phenomenon in destination countries, specifically in the Gulf region. Some of the men returnee migrants expressed explicitly that women should not migrate to the Middle Eastern countries because of the prevalent torture and sexual harassment.

### 3.7.4. Recruitment practices in the Philippines and Sri Lanka

Various studies have found that the Philippines and Sri Lanka have adopted progressive measures in terms of ensuring safe labour migration throughout all three stages: pre-departure, deployment in the destination country and reintegration in the country of origin. The research team consulted with two migration experts from these countries and found that they have some good practices pertaining to labour migration, but there is room for further improvement.

#### *The Philippines*

Wage guidelines from employers do not always feature fixed rates, but the Philippine Overseas Employment Administration (POEA) only approves or accredits job orders after conducting their own analysis of country-specific market trends and wage rates for a particular job. POEA has established an advanced, automated system to monitor overseas job market needs and trends, including a robust team in missions abroad that directly verifies working and other conditions for ongoing and future placement of migrant workers. Through such verification and accreditation, both employers and recruitment agencies can be held jointly responsible for safeguarding the welfare and rights of migrant workers. Undocumented recruitment is a crime in the Philippines considered to be a form economic manipulation and sabotage of workers' employment, and is punishable with life imprisonment as a maximum penalty.

Recruitment agencies in the Philippines work on behalf of employers, as well as their counterpart agencies in destination countries. Therefore, they give preferential treatment to employers as clients (sometimes at the expense of workers) because if employers are satisfied, there is goodwill towards them, and they can continue their business and make profits. Recruitment agencies need to provide evidence that they can arrange for what employers need, but they also need to be monitored and regulated, so that they can be held responsible for their actions. Laws have been reformed to hold recruitment agencies accountable for their actions, and protect the rights and best interests of migrant workers. Workers can sue recruitment agencies for non-payment of wages, and the Government can impose sanctions and fines on them, even blacklist them if necessary.

Labour laws in the Philippines protect the vulnerable population. With time, the development of ethical practices among the recruitment agencies in Philippines came through as exercises conducted by the CSO community service development to develop their visions, missions and core values for the long term. When consultations took place with the recruitment agencies earlier, the agencies mentioned of the negative image which they were portrayed in, in the society.

#### *Sri Lanka*

Until recent times, migrant labour recruitment in Sri Lanka has operated with private recruitment agencies being monitored by the Association of Licensed Foreign Employment Agencies (ALFEA). However, ALFEA has been quite inactive for the past couple of years. Private recruitment agencies in Sri Lanka try to push domestic workers towards overseas jobs because the country still gets around 60,000 to 70,000 job offers from Middle Eastern countries each year. Some recruitment agencies give illicit money to aspiring migrant workers to get them to accept job offers because, otherwise, they would lose them to another country. However, before a worker even gets to leave Sri Lanka, he or she would have to pay the money back and the descent into debt begins. Such schemes target mostly women.

The current practice in Sri Lanka is that the employment agreement is signed by two parties only – the recruiters and the workers. Also, the Sri Lanka Bureau of Foreign Employment is no longer involved in the process. As such, recruitment agencies now have complete control of the migrant recruitment process and can “regulate” the sector as they please.

According to a key informant from Sri Lanka, in order to create a proper system for migrant recruitment, the Government needs to first have a proper regulatory framework that puts greater responsibility and accountability on the recruitment industry. Another course of action for better governance would be to re-distribute some of the responsibilities of ALFEA, which formerly overlooked the industry in Sri Lanka; thirdly, recruitment agencies must be made to participate in relevant programmes of CSOs. Another factor that could push the drive for safe migration would be to assign a regulatory function to ALFEA rather than the Government solely doing it. The key informant from Sri Lanka recommended “disassembling the system for G2G migration because a government cannot run a nation and run recruitment agencies at the same time; a government’s job is not to recruit manpower for overseas work.”

### 3.8. Costs and benefits of migration

Bangladesh still ranks among the few countries in the world that have very high financial costs of labour migration, which also come with economic and social costs that, to an extent, takes away from its financial benefits. The study focused on the financial costs of migration, and it was found that although the Government has recommended fixed recruitment costs per country and worker skill level, there is no actual “fixed cost” in Bangladesh for both men and women migrant workers.

#### 3.8.1. Migrant’s statements about the cost and benefits of migration

The study found varying expectations of the financial returns of migration among male prospective migrants; most of them expected to earn between BDT 25,000 and BDT 50,000 per month, while the rest expected to earn anywhere from BDT 50,000 to BDT 100,000. More than half of the returnee migrants reported not receiving the salaries they expected or that were promised by intermediaries. The women prospective migrants expected their salaries to range between BDT 20,000 to BDT 25,000 each month. Returnee women reported not receiving salaries within this expected range.

The lowest cost of migration for the returnee men in the FGDs was BDT 150,000 and the maximum, BDT 700,000. Among the returnee women, migration costs varied between BDT 30,000 and BDT 95,000. The income range for the male returnees was BDT 15,000 to BDT 30,000, excluding overtime pay. In the case of the women migrant workers, the range was BDT 8,000 to BDT 18,000. Incomes were highly variable, particularly among male migrant workers. In addition, the study found tendencies among the migrants to return to Bangladesh before even completing one-year contracts. The migrants’ migration costs were primarily funded through the sale of land and/or other properties, or through loans from various sources, often at high interest rates.

#### 3.8.2. The role of the Government in regulating labour migration costs

In 2017, the Government of Bangladesh announced a set of fixed labour migration costs for 15 countries. The Government had previously fixed costs to countries such as Saudi Arabia (BDT 84,000) and Malaysia (BDT 38,000); however, the study found that the government-fixed costs face some challenges in being put into actual practice. Migrant workers who went overseas three or four years ago still had to pay surplus amounts even though the costs have been fixed. The research team also found that the migrant workers were not issued receipts for their payments. In addition, with various hidden costs here and there, the migrants ended up paying

more than the officially declared charges, rendering the government-fixed costs ineffective in reality. For example, labour migration costs to Malaysia, including visa and plane fare, has been fixed by the Government at between MYR 1,500 to MYR 2,000. However, the migrants in the study paid between MYR 7,000 and MYR 15,000. The costs have also been found to vary depending on the sector of work, the lowest being for plantation workers in Malaysia, at MYR 7,000.

The Governments of India, Sri Lanka and the Philippines, have been able to fix labour migration costs and properly etch them into the migrant recruitment system. If the cost exceeds the appointed amount, a worker from any of these countries would be aware of the violation and know that he or she has the right to not go. According to some key informants, people in Bangladesh are so desperate to work abroad that they are willing to put up with such violations. It is clearly a broken system where even the workers themselves are not concerned about their own well-being, financial and otherwise.

Labour migration costs were supposed to be fixed when the Government initiated the G2G mechanism in 2012. They fixed the cost at around BDT 50,000 back then. In favour of the recruitment agencies, a profit margin of up to BDT 20,000 per head was allowed to enable business sustainability. However, the recruitment agencies suddenly started hiking up costs from the appointed fees to up to BDT 160,000 per head to make more profits.

### 3.8.3. Factors that drive up labour migration costs

The cost of labour migration for men is much higher than for women and is directly influenced by the supply and demand chains. However, various unscrupulous practices in the migrant recruitment system give rise to high costs. Many of these practices, such as visa-trading, remain hidden and generally begin in the country of destination and involve intermediaries, recruiters and employers alike. A second reason for high costs is the FNF visa, provided by friends and family members from abroad, for which a control mechanism is yet to be set in place by the Government of Bangladesh. “Free visa” trading is another unofficial method in migrant recruitment which Middle Eastern countries largely disapprove of; it gives no assurances of a job in the destination country, thereby putting migrants in vulnerable situations.

The ploys that recruitment agencies in both origin and destination countries carry out throughout the migrant recruitment process, in connivance with multiple layers of intermediaries, result in inflated migration costs. Often, the costs can be unbearably high for Bangladeshi migrants due to padding after the work visa is issued by the destination country. Such is often the case when there is a direct deal between the employer in the destination country and the recruitment agency in Bangladesh.

“We have to take BDT 220,000 [from an aspiring worker] to send him to Saudi Arabia, and at times it costs more and sometimes less, but most of the time it costs more than BDT 300,000 to as much as BDT 400,000. We need to pay these amounts to the recruitment agencies, and they do not provide us with any receipts of the payments either.” (Intermediary (*dalal*) from Bangladesh)

The migrant recruitment process has multiple layers of intermediaries between the human resource staff in foreign recruitment agencies and those in Bangladesh. Each party takes a big chunk of the profit at a different stage of the process, causing migration costs to skyrocket. If unnecessary parties that only increase costs at various steps of the process were to be eliminated and the process made more straightforward, costs would be dramatically reduced.

The study finds that the key to reducing labour migration costs is the elimination of the unauthorized involvement of subagents in Bangladesh and intermediaries in the destination country. They exploit the fact that aspiring migrants do not directly communicate with recruitment agencies and/or are not aware of the proper procedures. The study found one intermediary charging BDT 250,000, on average, to assist an aspiring migrant worker to get to Malaysia; there were instances as well when he charged over BDT 350,000 to as much as BDT 380,000. Recruitment agencies, which assist in visa processing, charge BDT 250,000 or more. After these, the prospective migrant would have to pay for his or her plane tickets and other expenses, which could easily amount to BDT 350,000 or more. The same intermediary charges aspiring migrant workers the amount of BDT 330,000, on average, to send them to Saudi Arabia; the most he has charged a worker was BDT 420,000, once. He explained that he had to charge this much because he “bought” the worker a visa for BDT 380,000 from a recruitment agency and had to make a profit margin. Other intermediaries have been seen to charge over BDT 600,000, to as much as BDT 700,000. To conclude, some intermediaries earn large amounts while others make reasonable profits. The bigger chunk of the fees goes to recruitment agencies in Bangladesh and their counterparts in destination countries, subagents and other intermediaries in destination countries, and other stakeholders involved in the migration process, including passport-issuing authorities and medical centres.

“The mandatory recruitment fee should be divided among the three main entities involved, namely: (a) the worker; (b) the recruitment agency; (c) the employer (in the country of destination). If these amounts can be regulated properly, then the accountability falls with each of the stakeholders involved. The Government will also have to ensure that no amount of money further than the cost of his or her recruitment is taken from the migrant, other than for the three designated areas that he/she has to pay for.”  
(Key informant from Qatar)

There are also cases of recruitment agencies making additional charges depending on the type of visa applied for. The study further found that travel agencies and recruitment agencies in Bangladesh bid for these visas and charge workers an additional BDT 60,000–70,000 merely for assisting them with visa processing. There have also been cases of recruitment agencies in the destination country levying charges for sanctioning the visas, and recruitment agencies in Bangladesh ultimately passing these charges to workers. Officially if the fees amounted to BDT 200,000 from the recruiters’ ends, the intermediaries would sell it for BDT 350,000, keeping the BDT 150,000 markup as profit.

The Government of Nepal has introduced a “free ticket, free visa” policy and, thus, costs have been reduced for Nepalese migrant workers. Recruitment of women domestic workers for Saudi Arabia is now done through Musaned, an electronic platform where contracts and agreements are held between recruitment agencies in Saudi Arabia and those in countries of origin such as Bangladesh. Musaned is supervised by Saudi Arabia’s Ministry of Labour and Social Development. Through Musaned, employers and recruitment agencies in Saudi Arabia pay USD 2,000 to a recruitment agency in Bangladesh to cover the cost of sending one woman worker; as such, the woman worker should not have to shoulder the cost of her migration, as it is practically free for her. Some local recruitment agencies and intermediaries deliberately fail to inform migrant workers that this is the case, while still taking payments from them.

Rahman (not his real name) migrated to Qatar in 2009 on a visa sent to him by his sister's husband who was already working in the country. Including his visa fees, airfare and miscellaneous expenses, Rahman spent a total of BDT 280,000. Rahman worked as a carpenter in Bangladesh. He was employed in the same profession at Qatar and believed that going abroad would help him greatly because back in Dhaka he used to earn around BDT 15,000, whereas in Qatar, he expected to earn around BDT 20,000–25,000. Rahman was not given his employment contract prior to his deployment. Only six months after arriving in Qatar was he handed a contract, which stated his monthly salary was to be SAR 500; he had been misled with promises of earning at least SAR 800. Nonetheless, Rahman worked so hard that he developed health problems. Moreover, he was threatened to be sent back to Bangladesh if he would not sign the document.

## 3.9. Transparency and accountability from recruitment agencies

### 3.9.1. Recruitment agencies

Recruitment agencies are the main stakeholders in the migrant recruitment process in Bangladesh and they are authorized to deploy migrants abroad. Although a huge number of recruitment agencies are registered in Bangladesh, the study found only about 100 to 200 recruitment agencies to be directly active in the recruitment process. The migrant workers, in particular prospective migrant workers, do not know how to get in touch with a recruitment agency. During the study period it was found that, only one prospective migrant (among 22) contacted the recruitment agencies directly; while all the returnee migrant workers (55) reported that they had not gone to any recruitment agency before migrating. All of these migrants required immigration clearance and assistance with securing one was provided by intermediaries. It is noteworthy here that most of respondents of this study migrated on individual visas, processed through recruitment or travel agencies, which are engaged in the documented migration process. Except for the migrants deployed by BOESL, all outbound migrants' paperwork was processed by the recruitment and travel agencies.

The study also found that there is indeed a provision that allows migrants to process their individual visas directly from BMET without requiring the assistance of a recruitment or travel agency. The research team cross-checked this information with BMET. This is indeed possible as per the current provisions. However, the Government has not issued any gazette or document in this regard.

As it currently stands, the lack of punishment for the malpractices by recruitment agencies in the country of destination have given rise to such an uncoordinated recruitment system. In Malaysia, obtaining a licence to engage in the business requires no accreditation; anyone can open a recruitment company if they choose to. If the company is ever shut down by the Government, the same owner can obtain another recruitment licence and start up a new office. In accordance to the migration policies of the Government of Bangladesh, the recruitment companies in the destination country are authorized to outsource the Bangladesh workers as per the companies' needs. According to a key informant:

“Not only are we sending our workers to countries that lack governance in their own migration system, we have recruitment agencies from our own country who are hand-in-glove with the recruiters from the countries of destinations, and these two parties have been reaping the benefits from the lack of governance at both ends.”



### 3.9.2. Bangladesh Association of International Recruiting Agencies

BAIRA deems the G2G+ mechanism successful, as huge numbers of workers have successfully migrated to Malaysia through it. A one-stop service has also been initiated by BAIRA in which they have submitted a proposal to MoEWOE for working together with DEMOs without the interference of any intermediaries; they have also proposed to implement a digital process to ease the overall recruitment system. However, BAIRA and the recruitment agencies were found reluctant to bear the responsibilities of the workers that migrate through individually collected visas, although many of the key informants mentioned that recruitment agencies may have connections with subagents/intermediaries in the destination countries who send these individual visas. Some key informants recommended that BAIRA be fully institutionalized, as it has the mandate to play a bigger role in the recruitment arena. Some key informants also reported that recruitment agencies charge excessive fees to women workers, even as employers in the destination country have already paid for these women's labour migration costs in full. The Government's initiative to establish zero-cost migration for Saudi Arabia should allow women workers to migrate free of cost. Yet, women migrants were still found to have paid intermediaries or recruitment agencies to process their migration.

## 3.10. Intermediaries and legalization: a debate

### 3.10.1. Recruitment “intermediation”: an informal business

The study found that intermediaries in the country of origin appear to be the most dependable migration actors in the eyes of prospective migrants. Migrants who have experienced fraud and harassment in the destination country return aggrieved and develop distrust towards intermediaries; they advocate outlawing their participation in the system. However, not all intermediaries are frauds. It should be noted that a bulk of Bangladeshi intermediaries are returnee migrants and well acquainted with the procedures, gaps and challenges in the labour migration system. Over the last two decades, the involvement of intermediaries has been highly discussed in the migration sector and the issue of formalizing them has been brought to the table in recent times. CSOs, in particular, have been advocating for this.

Intermediaries are not licensed, nor considered legal entities within the recruiting system. The prospective migrants were found to be knowingly aware of this and still believe them to be acting in good faith. It was found during the FGDs that the intermediaries had no offices, authorized legal or corporate identities, or even informative materials on migration. At most, these intermediaries would have an address. In each case, the migrants had “verbal” agreements with the intermediaries. In many cases, the intermediaries turned out to be relatives of the migrants. The women migrants reported the same about intermediaries. They paid money in advance to the intermediaries, as well as while their applications were being processed. In some cases, the women migrant workers did not even know where to reach the intermediaries. The prospective migrants were also aware of the fact that the intermediaries were working with or for recruitment agencies in Dhaka, and some intermediaries were also appointed with direct connections in the destination country to oversee the processing of the migrants' applications.

### 3.10.2. Stakeholders' opinion on the legalization of intermediaries

The study found that intermediaries who are regularly operating in migrant recruitment wish to become formally recognized entities in the system. The study found diversified perspectives from stakeholders in relation to intermediaries' roles and their legalization. Recruitment agencies, which created a platform for intermediaries to enter the picture, are not willing to recognize them under a legal framework or accept any accountability for them. Nonetheless, the agencies depend on intermediaries to recruit manpower from rural areas due to the lack of offices outside Dhaka.

As one CSO member said: “The idea of including intermediaries in the system as licensed recruitment agents may have consequential risks, since it may create doubt as to whether these individuals may take further advantage and exploit migrants.” Others mentioned, “Due to the lack of formal mechanisms and practices in the migration sector in Bangladesh, making intermediaries authorized figures at the grassroots may make them more accountable, as well as increase accountability among other stakeholders.” They added, “The Government may consider utilizing intermediaries to its advantage by registering them under a supervisory board and linking them with the DEMOs in order to increase manpower at the DEMOs.” The study found that the legalization of intermediaries is still a matter of debate. The Government may take steps to legally acknowledge the existence of intermediaries operating within the migrant recruitment system. However, outlawing them may not be the most practical solution either.

The study suggests that intermediaries, who are vast in number, cannot be individually monitored. If intermediaries are to be licensed, they need to either be officially employed by recruitment agencies, to enable monitoring, or be in direct coordination with the Government. The latter case could be more impactful, as recruitment agencies are brought to comply with established principles of ethical recruitment. In addition to being licensed, if the intermediaries are provided training and orientation, educated on the value of goodwill and good practices, and incentivized with a reward system, they could function more easily under a more systematic and regulated approach that the Government could properly monitor. The examples of Sri Lanka and Pakistan, where intermediaries have been legalized, however, have not been successful in this regard.

“It is not that I always do this kind of business on the basis of making money. It is more like trying to help out relatives and familiar faces from my localities in trying to gain a better life through decent work overseas. If we were given licenses or if they (recruitment agencies) provided us with some kind of support, then it would be much easier to do this job.” (Anonymous intermediary from Bangladesh)

### 3.11. Ethical recruitment: A dream for migrants

Recruitment agencies in Bangladesh believe that only when employers, employees and government come together under a consensus regarding safe, orderly and regular migration, along with full compliance of migrants’ rights, will ethical recruitment be possible. They also believe that BAIRA positively promotes ethical recruitment and are open to considering a code of conduct in this regard. The study also found that only a few recruitment agencies have adopted the practice of deploying workers at a minimal or no cost at all, and take steps to ensure their safety and security in the hands of their employers in destination countries. If redundant stages of the labour migration process could be eliminated and the process made more direct, principles of ethical recruitment could be integrated in the system. This would partly depend on direct communication between employers and migrants or the agencies in Bangladesh. The feasibility of zero-cost migration, however, remains unclear within the present context. Nevertheless, there are some countries that exert efforts in shouldering the costs of migration, especially of women migrants.

The role of destination countries in ethical recruitment is just as crucial. Malaysia, one of the most important destination countries for Bangladeshi migrant workers, faces many challenges in terms of ethical recruitment due to a lack of strong governance and policy regarding the country’s migration system. The research team came to learn about the case of a recruitment company from Qatar which insisted on ethical recruitment practices from Bangladeshi recruitment agencies. The company initially conducted business with Bangladeshi recruitment agencies where the processing fee for the migrants were already paid for by the employers in the destination country. However, when the migrant workers were interviewed by the employing company, it was found that the recruitment agencies in Bangladesh had still taken

money from them. In response to the issue, the agencies claimed it was the intermediaries who actually took the money.

Labour law in the Philippines protects the vulnerable population of the nation. When the Philippine Government started consultations with recruitment agencies, they discussed the negative image or perception of recruitment agencies among society. Hence, exploring opportunities to improve this image was a good starting point for promoting ethical recruitment practices. In the Philippines, recruitment agencies have their own code of conduct, co-signed by the Government.

According to the BOESL, the process for deploying migrant workers to the Republic of Korea and Jordan is one of the best examples of an ethical recruitment system on the sub-continent due to the low migration costs and comprehensive training offered. In addition, the system operates under the G2G mechanism; as such, no intermediaries are involved.

## **3.12. The role of government agencies in the recruitment process**

### **3.12.1. Governmental organizations**

MoEWOE steers the policy formulation for Bangladesh, while BMET is the directorate that regulates the recruitment process and procedures. There are 46 DEMOs across the nation providing registrations and other forms of support. As a governmental agency, BOESL directly recruits workers for a few selected countries. The technical training centres (TTCs) are engaged in skills-building and provide mandatory pre-departure orientation (PDO) training for outgoing migrants, along with six institutes of marine technology (IMTs). Probashi Kallyan Bank also provides support to the migrants for providing loans for migration. The labour attaché in the destination country provides support to the migrants who work on-site. However, a few more governmental agencies, such as the Department of Immigration and Passports under MoHA, facilitate the international agenda for migrants. MoFA supports in dealing with countries of destination.

The Government currently has G2G and G2G+ processes with Malaysia, Japan and the Republic of Korea. Although there is no bilateral agreement with the Republic of Korea, there is an MoU between the two countries. BOESL facilitates the recruitment of less-skilled workers after training them in chemicals, manufacturing, construction and a few other categories through the EPS System. The migration cost for the Republic of Korea ranges from BDT 80,000 to BDT 85,000 and workers can earn up to BDT 120,000 a month. However, since 2008 to 2017, BOESL has deployed only 16,721 workers to the country. Under its G2G+ process with Malaysia, the Government sends workers in agriculture, manufacturing, services and construction through 10 recruitment agencies. BOESL has sent 40,771 women garment workers to Jordan.

### **3.12.2. Labour attachés in destination countries**

Several key informants stressed that Bangladeshi labour attachés need to be more robust and active in terms of providing support to migrant workers. Due to a rising number of aspiring migrants, the Government intends to boost the number of migrants sent abroad by a large margin. The study found that if labour attachés were to identify the manpower required by destination countries and inform Bangladeshi recruitment agencies, the agencies and the Government could recruit and train migrants accordingly.

### 3.12.3. The role of government bodies in countries of origin and destination

The research team identified further best practices in the Philippines. The Philippine embassies in destination countries play a very positive role while within the country. POEA has an advanced, automated system for monitoring overseas job market needs and trends, including a robust team in the missions abroad to directly verify working and other conditions for ongoing and future placement of migrant workers. By such verification and accreditation, both employers and the recruitment agencies can be held jointly responsible for the welfare and rights of migrant workers. Irregular recruitment is a crime in the Philippines, seen as a form of economic manipulation and sabotage of workers' employment of the workers, and punishable by life imprisonment as a maximum penalty.

“The Bangladeshi Government must address the need to provide more human resource support at the offices of its labour attaché in the destination country. There has been an overwhelming number of cases of the labour attaché of the Bangladeshi Government in Malaysia lacking in the support it provides to the uncountable number of complaints filed and addressed to them.” (Anonymous key informant from Malaysia)

### 3.13. The role of non-governmental organizations

Awareness-raising campaigns, advocacy and skills development are some of the areas related to the recruitment process that NGOs are engaged in. The study found that only a limited number of initiatives on awareness-raising and pre-decision orientation are available in Bangladesh. Both these components can be an important influencing factor in the pre-decision and pre-employment stages of migration.

#### 3.13.1. Skills development and recruitment

BRAC has established a registered training organization for migrants and other types of workers. It will be working with the private sector to understand and assess their demand for labour, in order to supply them with the appropriate quality and quantity of manpower. BRAC is affiliated with City and Guilds for the international accreditation and recognition of migrant workers' certifications and skills. Its initiatives towards promoting ethical recruitment will be successful if it can have direct communication channels with the human resource staff of foreign employers. BRAC has obtained the license to process recruitment themselves and can now deploy workers abroad legally. It is in a proper, legal position to recruit workers, provide them with skills training and give financial support to those who need it.

### 3.14. Training and orientation

#### 3.14.1. Training and migrants

The research team found that most of the male returnee migrants who participated in the FGDs did not receive any PDO training when they migrated (PDO was not mandatory at the time they left to work overseas), nor did they receive any skills training. Most of these migrants were not aware of any training provisions, while some were advised by intermediaries that training was unnecessary. While a few of the returnee women migrants received training that lasted 10 to 30 days, most received the 21-day training course that had been made mandatory by the time they migrated.

Male prospective migrant workers from the FGDs had not partaken in any training sessions. Most were migrating on the basis of their current work experiences. Some shared that they would think about training “after receiving a passport and a visa.” One of these received PDO training, and most realized that it is mandatory. The women prospective migrant workers are

aware of the fact that they need to receive training as well. It is clear that prospective migrants are now aware that receiving training is a mandatory part of the recruitment process, but not entirely conscious of the importance of skills for overseas work. This lack of skills increases the migrants' vulnerabilities to risks in destination countries.

### 3.14.2. Pre-departure and pre-decision orientation

Currently, PDO training is mandatory for any outbound migrant worker from Bangladesh, as a part of the recruitment process. PDO training has been decentralized at all the 64 TTCs and 6 IMTs. The study found that the PDO training offered by the Government of Bangladesh has issues in terms of quality. According to many of the key informants, not enough initiatives have been taken over providing quality PDO training. A "best model" for conducting PDO training needs to be recognized and implemented. As opined by several key informants, "the training need to improve in order to ensure safe migration and improve the overall migration process."

Pre-decision orientations are mainly conducted by NGOs. It also proves to instill the value of assessing the financial vis-à-vis social costs and benefits of migration. In Bangladesh, PDO programmes have been found to have limitations in changing societal attitudes and behaviours towards the female gender, whether they be local women workers or women migrants overseas. The study found that PDO is imperative for aspiring women migrants and can prove to be an important factor in determining a migrant's experiences in the destination country. Women migrants who are uninformed of the vulnerabilities and dangers in destination countries usually fall victim to malpractices.

### 3.14.3. Skills training

The quality of workers Bangladesh has been sending over the past few years (low-skilled workers mostly) is going to hinder the nation from competing in the international labour market in the long run. In order to integrate Bangladeshi migrants into newer regions or countries for overseas work, better skill development is required. In addition, language training must be a priority, along with further investments for bettering training facilities and quality of training programmes for migrant workers. In Bangladesh, TTCs and many private training centres provide skills training. Many of the key informants mentioned that the Government's skill development training centres are not effective considering the realities of the demands of destination countries.

There appears to be a recurrent issue concerning the lack of clarity of the role that each stakeholder plays in skills development and training. The private sector feels that NGOs and government bodies do not provide adequate training. There is adequate funding available for the betterment of this sector, especially the skills development agenda. However, the mixed opinions that stakeholders have towards each other have long been hindering the development of the manpower skilling industry. One of the most necessary aspects in strengthening the skills development sector is "quality control", for which a proper set of policies are required as well.

According to several key informants, recruitment agencies send low-skilled workers who are easily susceptible to exploitation because some of the TTCs do not provide adequate or relevant training. The current training initiatives for women migrant workers require intensive review and improvement. Also, women prospective migrant workers are only provided training orientation for domestic work, while male prospective migrant workers are provided training in various skills and categories. The study found that caregiving can be an occupation for outbound women workers, which the government can focus on. Due to the current demographic trends in China and Japan, it is a viable area of work in these countries.

### 3.15. Policies and laws

While the Government of Bangladesh has formulated the Overseas Migration Policy of 2016 and Overseas Employment and Overseas Employment and Migrants Act (OEMA) of 2013, certain challenges remain, such as the legalization of intermediaries, individual manpower clearance, visa-trading, insurance of migrants, among others. Although legalization of intermediaries is not permitted under OEMA, there is a pressing need to acknowledge the existence and role of intermediaries. Managing intermediaries is very difficult under the provisions of existing laws. At present, the Government of Bangladesh has no plans of legalizing intermediaries. On the other hand, the Government of Bangladesh has not set any rules or regulations based on OEMA.

The Government of Bangladesh needs to set targets based on the 2030 Agenda for Sustainable Development; one such target is the elimination of the informal migrant recruitment system. There has been progress in formulating laws and policies and establishing the Wage Earners' Welfare Board. However, gaps still exist in implementing policies at the grassroots level to formalize the process. The Government of Bangladesh also needs to comply with national and international policy documents, such as the seventh Five-Year Plan (migration and development subchapter), the Sustainable Development Goals (in particular, Indicator 10.7.1 on migration cost) and the Global Compact on Safe, Orderly and Regular Migration (in particular, Objective 6: Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work).

Through many circulars and notices, the Government has ordered BMET, relevant ministries and the recruitment agencies to charge the appointed fares for processing migrant workers' recruitment and deployment. However, full compliance is yet to be seen in practice. The Government's need for a stronger framework to regulate recruitment agencies' practices allows them to subcontract intermediaries to acquire prospective migrants, resulting in multiple layers of exploitation.

In Philippines, reforms of the laws and policies are shaped by the market conditions. The Philippines prepares its workers well, based on its market research on trends and needs, including regulating recruitment agencies. Previous MoUs that the Philippines initiated with destination countries did not work out well and neither side was able to hold the other accountable for non-implementation of any of the clauses of the MoU. With constant and further negotiations, a position of strength to develop bilateral and technical agreements, with a strong commitment to monitor the performance of both workers and recruitment agencies, has taken shape today. The Government has strong controls at every level of the recruitment process, which gives it the stronger position in the bilateral discussions. The bilateral agreements are more evidence-based. A ban on the recruitment of domestic workers for Kuwait, Jordan and Saudi Arabia was put in effect as well, at different times, due to non-compliance of minimum standards of labour laws for welfare of migrant workers from the Philippines. Because of the good reputation of Filipino workers, there was no need to actively promote them any further – destination countries and the employers naturally seek them out. The Philippines is a leader in terms of skills training and certification and has mastered the art of negotiation for the best interests of its migrants.

Bangladesh has a lot of effective policies in place for the migration system but are not implementing them properly yet. Also, among the items to be re-addressed and re-assessed in the fine-tuning of policies are the gender gaps within.

### 3.16. The role of United Nations agencies

In Bangladesh, IOM, the ILO and UN-Women are leading some of the initiatives in the migration arena. Most of the programmes of the ILO, IOM and UN-Women are funded by the Swiss Development Cooperation (SDC), the European Union, UKAID and other donor agencies.

The ILO General Principles and Operational Guidelines for Fair Recruitment module covers almost every aspect relevant to migration, starting with migrants' rights. The module also focuses on the conduct of fair recruitment and provides a detailed insight with recommendations on how the system could be made to be better for both the nation's interests as well as migrants'. The ILO also supports the Government of Bangladesh in the conduct of a study on classifying recruitment agencies in Bangladesh. The ILO has been providing support to the Government by identifying best practices that model countries like Sri Lanka, Philippines and Nepal have adopted, and how to best adapt them for Bangladesh.

IOM and a coalition of like-minded partners developed IRIS, a social compliance scheme designed to promote ethical international labour recruitment. It is based on existing international human rights instruments, ILO conventions and standards, the ILO's General Principles and Operational Guidelines for Fair Recruitment, the United Nations Guiding Principles on Business and Human Rights, as well as related codes of conducts and best practices from the recruitment industry, including the World Employment Confederation Code of Conduct. The goal of IRIS is to transform the international recruitment industry to make it fair for workers, recruiters and employers. IOM has been working closely with BAIRA to promote ethical recruitment and pilot the IRIS tool in Bangladesh. In addition, IOM has also been working closely with Government of Bangladesh and the private sector to enhance overall understanding and mechanisms for improving recruitment processes in Bangladesh. There is a need to standardize the recruitment process in Bangladesh based on modules and global tools. However, certain aspects may have to be country-specific and cater to each individual country of origin and destination.

UN-Women Bangladesh has a keen focus on the gender aspect of migration under the Decent Work Project. One of the key objectives of this project is to strengthen the government's capacity to improve PDO programmes, particularly for women migrant workers. UN-Women has established a Women Migrants Cell in BMET to provide support to outbound women migrant workers.

### 3.17. Migration to European countries

#### 3.17.1. Migration to countries of the European Union: a gamble

The common methods of migrating from Bangladesh to European countries are through irregular channels. Bangladeshi migrant workers, especially those from among the rural poor are often unaware of the legal procedures. Some Bangladeshi communities identified for the study are those from where workers have been migrating to European Union countries for decades. It is true that there are some success stories that can influence aspiring migrants; more often than not, however, successful migration to Europe is a gamble. Intermediaries are still the key movers of migrants from certain Bangladeshi communities to European Union countries. There are a few cases of Bangladeshi migrants in European Union countries influencing their family members back home to migrate. The study also found that some of the travel agencies process paperwork for migration to European Union countries.

The study found that there are two concurrent trends for workers migrating to European Union countries: (a) intermediaries contacting prospective migrants from Bangladesh and sending them to the destination country through irregular channels; and (b) migrant workers already working in the Middle Eastern countries making their way to European Union countries

through irregular routes. As the means of reaching their destination countries in the European Union are irregular, the workers are consequently labelled “undocumented migrants.” The study found most of the returnee migrants in the FGDs were aware of the possibility of migrating through irregular channels. They were aware of the high risks as well, which included the uncertainty of any job prospects. The FGD participants informed that those who could successfully enter European Union countries mostly receive only a three-month visa, and if they overstay they are bound to become undocumented migrants or “irregulars.” It should be noted that a huge number of migrants could not even enter the European Union and had to return halfway through the journey. Some of the respondents reported that they had to face different vulnerable situations. The first is that they could not find any work and had no place to stay, with some even having to stay out in the streets at night. There are more severe vulnerabilities. A few migrant workers were robbed or kidnapped and held captive until family members in Bangladesh sent ransom money for their release.

According to a diaspora organization based in Europe, there is an estimated 200,000–300,000 irregular and undocumented Bangladeshi migrants at present in Italy. Given the current sociopolitical climate in Europe, it is becoming increasingly difficult for migrant workers who are still undocumented to survive in these nations. The current systems and policies penalize the employers of such undocumented migrants with extremely high fines or licence cancellations, further reducing the chances of these workers getting jobs in these destination countries.

“If you go to the parks, playgrounds, starting from the street sides, you’ll see migrants in such dire conditions that are beyond imagination. Almost all of the Bangladeshi migrants that are coming into Europe are coming in through illegal channels, along with displaced populations and refugees from the Middle Eastern warfronts.” (Diaspora organization representative)

### 3.17.2. Routes, costs and benefits

There are several irregular channels for migrating to European Union countries, but the most popular one appears to be the direct route from Libya to Italy, which involves extreme risks. Another popular route is through Eastern Europe to Greece via the Russian Federation, Romania or other neighbouring countries. Intermediaries charge migrants no less than BDT 1,000,000 to migrate through these routes, but usually ranges from BDT 1,200,000 to BDT 2,000,000. At present, the job market for foreign migrants is extremely bad in mainland European nations. Migrants who manage to find jobs get paid EUR 2–3 per hour, much lower than the normal EUR 8–9 hourly rate. Oftentimes, they do not get paid anything at all.

Another channel that has been identified is the route from Malaysia. Bangladeshi workers, who had initially migrated to this country were found to have travelled using irregular channels that saw them arriving in Libya; from there, they moved to Europe. There have been media reports on how some of these Bangladeshis have been granted visas till Dubai, but how these migrants were able to change their passports or visas within the transit periods in order to reach Europe is still unknown. However, reports claim that some of these people also migrated under tourist visas and stayed back as undocumented migrants in the destination countries.



### 3.17.3. Current European Union policy on undocumented migrants and the role of the Government of Bangladesh

The countries of the European Union nations are now scrapping the policy that used to oblige them to send help and rescue for migrants and refugees distressed at sea. The mechanism for war-victimized refugees from the Libyan and Syrian civil wars were used by undocumented Bangladeshi migrants to get into European countries undetected. Hence, the Government was in extreme shock to find out that so many Bangladeshis have gotten to Europe through this process – even out of the nation in the first place without the Government having the faintest idea initially.

The European Union cannot directly decide on the fate of undocumented migrants, as there are country-specific laws governing their repatriation, usually through air, with police escorts. Normally, if any of the migrants are able to get into Italy – due to European Union nations sharing open and free borders – migrants can then move outwards to other European nations through their personal contacts. Most try to get into Germany because the country is more welcoming towards outsiders than other nations in Europe.

“The current world contexts are unknown to these migrant workers and they need to be briefed on these aspects before they decide to migrate to Europe, or en route, so that they can re-assess their decisions properly, and seek more concrete information on what their status is going to be when they arrive at their chosen destination country.”  
 (Diaspora organization representative added)

The Embassy of Bangladesh in the Netherlands has been trying to support means for Bangladeshi migrants to migrate to the country or neighbouring countries through regular channels. However, most Bangladeshi migrants eye Germany and France, and do not consider countries like Poland, Bulgaria and Romania, where there are more and heavier restrictions. The Government of Bangladesh has been trying to identify more countries of destination in this regard for future migrant workers. However, given the condition of the current European market, there are a limited number of options for Bangladeshi migrants to go to. There has been talk of bringing in foreign manpower in the garments sector in Romania, as well as provisions for a “seasonal visa” to grant Bangladeshis access after having been shut off for a while.

In relation to finding new countries of destinations, MoEWOE and BMET are conducting a study to explore new job markets and opportunities. The study has targeted 52 countries; an ongoing discussion for migration to Italy under an MoU is underway. Based on recent job market visits and explorations, Eastern European countries like Slovenia, Poland and Bulgaria have been identified as promising destinations. In addition, the research team also learned that the current undocumented migrants (11,000 in all) trapped in European Union countries will also be able to return after proper verification – this may act as a clear message about the need to develop high-skilled workers and to use regular migration channels to explore work opportunities in Europe.

### 3.17.4. Bangladeshi migrants’ contributions to destination countries in the European Union

Both formal and informal channels have contributed to the increase in remittance inflows to Bangladesh. However, as the official policy requires, remittances have to flow through formal channels. However, it has been found nearly impossible to implement universally, partially due to national policies that have restricted money flows as measure against money laundering and the breeding of terrorism. Bangladeshi migrants working in European nations cannot afford to work only one job. They require additional work to gather enough money to send back

to Bangladesh. In doing so, they are found sending amounts that are discrepant with their official work documents and salary structures. Hence, a large portion of remittances from Europe reach Bangladesh via informal channels. Likewise, money sent out from Bangladesh goes through irregular channels and kept in the form of *hundi*.<sup>68</sup> The national policy is partly responsible for it, having formerly restricted the inflow of foreign currencies to the nation.

### 3.17.5. The role of diaspora organizations

Bangladeshi diaspora organizations hope to make the Bangladeshi diaspora communities more favorable towards Bangladeshi migrants and insist that there be a supporting counterpart of the organization in Bangladesh. BASUG, one of the most active Bangladeshi diaspora organizations based in Europe, suggests that the Government consider the notion and invest in strengthening support for migrants that intend to migrate to European nations in the future. This will offer them better security and support, and prevent them from falling into vulnerable situations. This can also be done through the initiatives of other local agencies as well and benefit both employers and migrants.

Shamima Akhter (not her real name) went to Lebanon as an overseas worker. With a few other women, she later decided to move to Greece to find better work. Her journey took her through irregular routes, through the assistance of a middleman, to the Syrian Arab Republic, first. From there, they entered Turkey, where the middleman demanded BDT 180,000 from her to allow her to complete her journey to Greece. Shamima contacted another middleman – this one in Bangladesh – whom she instructed to gather money, with further interest on it, to pay the middleman in Turkey. She was then put on a boat and sent off to Greece. Once in Greece, Shamima was “sold” by a third middleman, who was a local, to an employer for EUR 1,500. Shamima started working in a strawberry field in Greece, where she would clean roots and collect strawberries for a salary of EUR 2.50 per hour. After about a year’s work, Shamima was able to “pay back” the EUR 1,500 to her employer and continued to work in the strawberry fields as an independent worker. After a while, Shamima started to work in a garment factory and was paid EUR 2 per hour. She worked there for two years until the restrictions on undocumented migrant workers in Europe started being implemented and she had to return to Bangladesh. With the money she earned in Greece, Shamima cleared all her debts back home, bought some land. Being unemployed, Shamima is now looking to go to Jordan for work, for which a middleman told her she would have to pay BDT 250,000.

### 3.18. Best practices

One of the “best practices” of the Government of Bangladesh is its collaboration with the Republic of Korea through the Employment Permit System (EPS)<sup>69</sup> operated by BOESL. The study found that both the Government of the Republic of Korea and their employers are satisfied with the migrants that are being sent from the country. The possibilities of intermediary involvement are small within the EPS system. The workers are happy with their contract-based salaries and benefits; their living expenses were very low as well. BOESL also started the process of sending women migrant workers to Jordan in 2010. The cost of such migration is very low, and the workers’ salaries are satisfactory. So far, BOESL has sent about 40,000 workers to the RMG sector in Jordan. However, the number of workers that BOESL sends to the Republic of

<sup>68</sup> *Hundi* is an informal system of receipt and payment of money across great distances without any actual movement of money from one location to another. This form of payment system is not permissible in Bangladesh and is considered as illegal form of remittance channelling.

<sup>69</sup> The Employment Permit System of the Republic of Korea allows employers to legally employ foreign workers, where they have failed to hire from the local workforce. Here, the Government of the Republic of Korea or public institution administer the management of the foreign workers. Further information is available on the Employment Permit System website: [www.eps.go.kr/ph/index.html](http://www.eps.go.kr/ph/index.html)

Korea is fairly low relative to the total annual volume of outbound migration from Bangladesh. On the other hand, some of the key stakeholders mentioned that prospective migrants have limited awareness of BOESL or its activities.

As a country of origin, Sri Lanka is doing well in the reintegration of returnee migrants and is providing good insurance support to all migrants as well. This process could be copied by Bangladesh keeping in mind certain key conditions: the Philippines' pre-departure programme is very strong, their complaint management system is very well structured and the online platform is very well designed. Also, the Philippines' strong policies and negotiation terms in dealing with destination countries ensure the safety and security of migrant workers in destination countries.

Nepal has recently made significant progress in the area of migration and is considered to be a case model for countries with labour migration "best practices," according to a representative from Malaysia. The Nepalese High Commissioner prioritizes working towards reforming the migration platform for both countries through a guided and jointly cooperated system in which both may benefit, as well as providing the safety and security of migrant workers, who are the biggest contributors to the development of these two nations in terms of infrastructure and remittances. Nepal has adopted a "One passport, one visa" policy based on a study of best practices. The study found that one of the primary identifiers that differentiate the Nepalese Government and the Government of Bangladesh is the role of leadership at play. Bangladesh may strengthen its migration framework taking into consideration the good practices and lessons learned from Philippines, Sri Lanka, and Nepal.

### 3.19. The overall picture

From Asia, to Europe, to Africa and other far corners of the Earth, it is often the dream of a better life that leads workers from all walks of life to migrate. This is the case with most Bangladeshi migrant workers, especially women. It is the possibility and the prospects of a better life that pulls them. Sometimes the migration undertaking can lead to the achievement of this dream; other times it does not. As the population of Bangladesh increases, the country faces limitations to providing enough jobs for the growing labour force.

Bangladesh has only just been classified as a lower middle-income country, and many parts of the country still require huge developments, both infrastructural and educational, with the latter identified as a more important area that can vastly benefit the migration industry. This study has looked into the various aspects of labour migration in Bangladesh, beginning with the push and pull factors, to the specific processes involved, the impact of the costs (both economic and social), as well as the policies, laws and regulations that govern it.

The study identified that the cause of migration is not only necessarily poverty or impoverishment; the drivers influencing migration come in many guises. Whether it is the need for economic or financial development or the desire for better lifestyles and living standards in a foreign land, there are various factors at play that influence migration in general. For starters, it is well known that one of the major drivers of migration is unemployment. Bangladesh has limitations in providing support to the entirety of the labour force; hence, the Government promotes overseas migration. Certain parties involved in labour migration, and specifically in the migrant recruitment process, reap benefits from sending workers abroad, which brings us to the point of another reason for migrating – most workers from rural areas are misled by intermediaries (subagents or *dalals* working for recruitment agencies or independently) with promises of higher salaries and better lifestyles in the destination country. These partially false hopes and expectations are convincing enough for any person from the villages to instantly agree to migrate.

Another persistent fact that further influences workers from rural areas to migrate is their perception of their neighbour's success – when a villager sees their neighbour go overseas to work and become successful, it automatically convinces the villager that migration is the key to his or her own financial success. All of the factors that influence migration – as well as the reasons why migration does not work out for some migrants – have been described in detail in the study. A lot of the returnee migrants who participated in the study felt that migration was not as beneficial as they had initially imagined it would be. They claimed that the amount of money they had invested in migration could have easily been used for their personal financial development in the home country.

As compelling as the motivation behind migration are, unfortunately the process remains very complicated. One of the growing concerns currently affecting the state of migration is the lack of awareness of the concept, especially in rural areas. Most migrants know little about the process and require the support of intermediaries or *dalals* from their areas to help them with the processing of their applications and requirements, leaving the doors open for exploiters. The current generation of workers are vaguely aware that certain laws exist to regulate the system, but are not sure what these laws are. The intermediaries know this well and take advantage of it. Due to their lack of knowledge, prospective migrants' first sources of information are the intermediaries or returnee migrants, who themselves often serve as intermediaries due to their firsthand experience with migration. The Government's role in ensuring safe migration, as well as that of NGOs' in advocating for it comes into question here, as there seems to be little promotion of the concept in rural areas.

As far as the occupations for these migrant workers have been looked into, it is clear that most of the migrant community are all either low- or less-skilled workers. The lack of skills puts these migrants in vulnerable or hazardous job situations, otherwise known as “the three Ds” – dirty, demeaning and dangerous. The study also found a profound lack of awareness regarding skills development among prospective migrants, and the ones who are aware of it seem to lack interest in it, mainly due to their inability to comprehend its significance in the context of migration, but also to barriers related to attaining information. An accumulation of factors, including lack of knowledge about the importance of skills development, inability to finance skills development, and the lack of relevant and practical skills development programmes, lead to the challenge that many Bangladeshi workers face in the destination countries. Most migrants attempt to migrate with their given skillsets and are mostly concerned with just being able to go overseas. The government TTCs provide skill training. However, as per the findings from the KIs and FGDs, the training offered in the TTCs faces certain challenges in meeting the current demands in countries of destination. Even the Government is aware of this lack of quality and is currently looking into improving the training curricula.

Several important aspects have been identified that require improvement in the labour migration process. The first area of importance is the lack of awareness at the grassroots levels, especially among the rural poor. As the process is complicated, aspiring migrants are more susceptible to misunderstanding the requirements for migration, pushing them towards intermediaries for support, which then gives opportunities for exploitation that often involves high costs. The relevant government bodies face certain difficulties in coordinating with each other and with the recruitment agencies. With a variable number of stakeholders involved, the complexities of the procedure automatically increase. It should be brought to attention here that the authorized figures are well aware of the complications in the process but seem reluctant to simplify it, raising questions about their intentions. One of the positive findings of this study is that there is an option for migrant workers to process their own visas directly under the Government's manpower recruitment wing, BMET, negating the need for intermediaries and recruitment agencies. The Government of Bangladesh had previously discontinued this mechanism, but has reinstated it very recently. However, there has been no sign of awareness-raising or promotion regarding this at the grassroots, leaving aspiring migrants to continue relying on intermediaries.

Shifting the focus away from Bangladesh, the study also found that countries of destination contribute to the complexity of the process as well. Previously, recruitment was initiated when a prospective employer in a destination country got in touch with a Bangladeshi recruitment agency or the Government of Bangladesh to ask for manpower. At present, the employers in the destination country subcontract their local recruitment agencies to contact Bangladeshi recruitment agencies to convey the job order. The recruitment agencies (in both origin and destination countries) sub-contract local intermediaries in the procedure as well. These intermediaries operate an informal visa-trading network, which inflates the costs of visas. To summarize, the various layers in the destination countries are complemented by their counterparts in the country of origin (i.e. Bangladesh), both sides creating complexities in the system and increases migration costs as a result. It is worth mentioning that during the discussions and interviews, each and every stakeholder in the system (recruitment agencies, intermediaries and government agencies) blamed each other or these increase in costs. According to a key informant, the recruitment process in Bangladesh has a formal system to it; however, the layers of complexities have made room for an informal system to come into existence.

It is important to understand that the complexities of the migrant labour recruitment process in Bangladesh supplement the fraudulent and/or immoral job contracts given to workers that lead to some of the major vulnerabilities they face. Job contracts are often issued to Bangladeshi migrant workers on the eleventh hour, or even only after their arrival in the destination country. There are further complications behind this as well. For the most part, recruitment agencies arrange for immigration clearances and visas and provide migrant workers with their job contracts. However, when a worker is migrating on an individual visa, stakeholders often do not verify the validity of the visa, investigate the work environment or do anything other than arrange for immigration clearance. Nonetheless, a contradiction arises on the subject of the individual visa. The Government claims that almost 80 per cent of migrants migrate on “individual visas” (each qualifies as a work permit; an employer can apply for a maximum of eight individual visas), which are outside their jurisdiction to oversee, but without the Government’s labour attaché sanctioning the visa advice and the ministry in Bangladesh attesting it for recruitment agencies to process, labour migration would not be possible. This raises the question of under whose responsibility the verification and validation of the individual visas and visa advices fall and who is to be held accountable when the migrant worker falls in dire situations in the country of destination.

In the recruitment process, workers’ rights violations frequently occur in relation to getting the job contract on time and in a proper manner. The study found that the amount of information that can be accessed in rural areas is scarce. Barring these workers from accessing proper and correct is a old tactic in exploiting them and puts them in vulnerabilities. More often, prospective migrant workers have little to no idea at all about any of the official processes or procedures involved in labour migration.

The study also delved into the identification of the causes of high migration costs in Bangladesh – among the highest in the world but also with the lowest returns. A number of KIs, FGDs and IDIs were conducted to identify and understand the reasons behind the high costs and several interesting facts can be drawn from these sessions. A few of the key informants suggested that the costs increased because of malpractices in the destination country; visa-trading, for instance, boosts visa costs automatically. Recruitment agencies (both at origin and destination) mark up prices on visas when they sell to each other, then putting surcharges on them when selling them to migrants. Another group of key informants suggested that it is the intermediaries who take advantage of oblivious migrants. Nonetheless, it can be asserted that there is a range of opinions on this and every stakeholder points their finger at another. However, the Government’s initiatives to lower costs have had limited impact. The Government’s attempt at implementing zero-cost migration for women migrant workers remains a challenge, without

translating much into reality due to fraudulent practices by the intermediaries. It was discovered that none of the returnee women migrated for free; all of them paid for their visas, even as their employers had already paid for their finances, which brings back the question of whether recruitment agencies or intermediaries are to be held accountable in this regard.

One of the vital components of migrant labour recruitment in Bangladesh is the intermediaries. Unrecognized by the Government and unlicensed by their authorities, intermediaries are the bridge between migrants and recruitment agencies. There have been extensive debates in recent times on whether intermediaries should be authorized or not. Both options present beneficial outcomes. This issue was broadly explored in this chapter. However, the main argument for regularizing intermediaries has been brought to the table, and now the lack of accountability in the system can be reviewed and vested accordingly. The Government's limited reach in rural areas requires the operation of intermediaries. Several countries have tried regularizing intermediaries to address this issue, but, unfortunately, none of the initiatives were successful.

There are several key documents and tools that international development partners have put forward with guidelines and provisions for maintaining and upholding ethical recruitment. IOM and the ILO, in particular, have been working towards developing ethical and fair recruitment practices in Bangladesh. However, as it stands, ethical recruitment is possible in Bangladesh if supplemented with stricter policies and monitoring mechanisms. In this respect, few employers in destination countries have attempted implementing ethical recruitment from Bangladesh, and because of the non-compliance of recruitment agencies and intermediaries in Bangladesh, ethical practices have not been integrated.

The Government of Bangladesh has taken various steps in creating fluidity in the migration sector via programmes such as the G2G and G2G+ mechanisms and BOESL (the Government-owned recruitment company). However, private agency-led recruitment, which is the most common, needs stricter monitoring mechanisms. BAIRA is the board that oversees the private agency-led system and has been a barring point for implementing accountability and responsibility among the recruitment agencies, as well as discarding intermediaries from being legalized in the system for reasons which are unclear. The Government's labour attaché and labour wings need to be more responsible in terms of the demand letters, visas and visa advices that they sanction for approval from Bangladesh and provide support for migrant workers in the destination countries.

The study also looked into the operations of the CSOs in Bangladesh and found that only a handful of NGOs are actively working on facilitating the recruitment process, limiting their coverage areas. The NGOs are mostly all donor-driven organizations and can only operate when funded, which raises questions about the consistency of their efforts, as well as the longevity of their impact. NGOs' role in the migration sector needs further clarity as well. The Government is in charge of conducting PDO training for migrants, whereas NGOs are tasked with providing pre-decision orientations. However, returnee migrants in the FGDs claimed that they did not receive any PDO training prior to their deployment. Nonetheless, CSOs are active groups that have long been advocating for improvements in the system and have been key contributors to several positive aspects, such as raising the awareness levels of migrants to a certain level, as well as providing reintegration and repatriation support to returnees. Countries with good practices can be studied for supporting the development of NGOs in Bangladesh.

In the recent past, the Government of Bangladesh has taken several positive steps to strengthen the recruitment process, which include the enactment of the Overseas Employment and Migration Act of 2013, the formulation of the Expatriates Welfare and Overseas Employment 2016, the adoption of the Global Compact for Safe, Orderly and Regular Migration, and the ratification of the 1990 United Nations Convention. However, several changes need to be made on the ground. Most migrants are unaware of their rights and protections under the law. The Government needs to boost efforts at advocating for these, as well as for agreements or MoUs with countries of destination in support of migrant workers.

Lastly, it has also been noticed that a major percentage of the migrant population tends to migrate to European Union countries. It has been identified that there are two current routes of migration to Europe: (a) directly and informally or irregularly, through intermediaries or (b) first, formally to Middle Eastern countries, then irregularly to countries of the European Union, either through Libya or Eastern Europe by sea. These are highly dangerous routes and many migrants have lost their lives during these irregular migration attempts. Awareness-raising and advocacy are highly required to filter out unreasonable desire for migration to European countries, until the Government has created official channels for it.





# CHAPTER 4: CONCLUSION AND RECOMMENDATIONS

## 4.1. Conclusion

The migration sector of Bangladesh has made good overall progress during the last 15 years, but the migrant labour recruitment system is gradually getting complicated. Various layers in both countries of origin and countries of destination contribute to this. Migration (and labour migration, in particular) is a big industry in Bangladesh and the country benefits greatly from it; however, several challenges remain in relation to the protection of the rights and safety of migrant workers. There are good demonstrations of commitment from the Government of Bangladesh, such as the ratification of the Migrant Workers' Convention, the development of the Overseas Employment and Migrants' Act of 2013 and subsequent migration policies, and proactive participation in the Global Compact for Migration process. Other stakeholders, including CSOs, the private sector and United Nations agencies, have also contributed much to the development of the industry, but a lot has yet to be done to ensure safe, simple and fair recruitment. The ILO and IOM, along with other intergovernmental agencies, have taken the initiative to promote ethical recruitment, yet some mechanisms still have to be put in place.

This study, initiated by IOM, with support from the European Union, seeks to help improve the process of recruiting labour migrants from Bangladesh and complement initiatives undertaken by the Government, the private sector and migrants themselves. The research team looked rigorously into the current scenario to find the path to a more successful future; a concrete plan for further improvements remains in the brainstorming stage, as there are a number of stakeholders involved, both formally and informally. The study findings and recommendations presented in this report are offered to help improve the recruitment process – specifically, to move towards ethical recruitment. Bangladesh still has a long way to go, but it is not an impossible feat to achieve. This study aims to initiate the path towards ethical recruitment by building the capacity of all stakeholders involved in migration from Bangladesh to establish better practices and reduce informality in the process.

## 4.2. Recommendations

### 4.2.1. Policy

- (a) The Government of Bangladesh needs to revisit the Overseas Employment and Migrants' Act of 2013, while referring to the revised Overseas Employment Policy of 2016, with a gender-centric focus to address the particular challenges and abuses women often face throughout the migration process. In line with this, Bangladesh will need to ratify ILO Convention No. 189 to further impose obligations to ensure the protection, safety and security of women migrant workers on countries of destination.
- (b) The Government of Bangladesh may promote ethical recruitment directly, with a view to promoting IRIS principles. In line with this, a provision for monitoring, classifying and publicly recognizing recruitment agencies based on ethical recruitment practices can help foster goodwill in the business, and act as a catalyst to encourage competition among recruitment agencies to do better work so as to gain rank. A ranking system could be used to incentivize fairness and transparency in the conduct of their work.

- (c) Bangladesh needs to encourage more multilateral dialogues besides bilateral agreements. All parties, including the Governments and CSOs from both countries of origin and destination, should raise their voices at multilateral forums such as the GFMD. These multilateral forums should be more functional due to the recent gradual weakening of the bilateral forums in which Bangladesh is involved. Bangladesh needs to follow the good practices being instilled by the Philippines, Sri Lanka and Nepal in this aspect.

#### 4.2.2. Process

- (a) The issuance of individual visas and visa advices, which account for more than 80 per cent of total outbound migration from the country, needs to be brought under a clear mechanism or regulatory framework. Currently, neither recruitment agencies nor intermediaries are willing to take responsibility for the protection of migrant workers on individual visas; as a result, many migrants remain unprotected.
- (b) Reducing the cost of migrating from Bangladesh will require limiting the involvement of third-party stakeholders (intermediaries) from both origin and destination countries. Bilateral and multilateral agreements and MoUs can be essential tools to address this issue.

#### 4.2.3. Institutional practices

- (a) To further reduce labour migration costs, MoEWOE has designated fixed amounts to serve as caps on recruitment fees. BMET, with the support of BAIRA, will need to ensure the following to make sure these caps are observed:
- Cash payments need to be abolished; bank payments should become the mode instead. Any cash transaction will have to be considered a punishable offence.
  - Intermediaries should not be allowed to receive any sum of money from prospective migrants under any circumstances. However, they can receive commissions from the agencies they are associated with.
- (b) Embassies of Bangladesh in destination countries need to be more proactive and thorough in carrying out their responsibility of verifying demand letters and visa advices and should attest only visas that are “clean.” Diplomatic offices in destination countries could link the demands for the visas directly to the recruitment agencies and collaborate with the Government throughout the entire process in order to keep channels transparent and conduct visa sanctions in a more procedural method.
- (c) All United Nations agencies, such as IOM, the ILO and UN-Women, and development partners such as SDC, the European Union and UKAID, and all other agencies working in the area of migration should establish a coordination mechanism to execute an effective plan for capacity-building for the Government, recruitment agencies and BAIRA.
- (d) The Government of Bangladesh may additionally institutionalize and capacitate BAIRA to its full potential and effectively utilize the resources of the association towards ensuring ethical migration practices. BAIRA can be vital to imposing ethical practices on its members and promoting IRIS, and should be provided with government support with regard to access to labour market stakeholders in destination countries.

#### 4.2.4. Advocacy and awareness

- (a) Further research on “regularizing”, that is, institutionalizing intermediaries as part of the formal migration system, should be conducted to draw relevant learnings to reach a consensus on the matter.
- (b) More awareness-raising programmes, including efficient information-sharing on the need for proper application and recruitment through regular channels, along with pre-decision programmes are required. The Government should improve the quality of PDO and skills training for migrants at the TTCs.
- (c) Migration to European Union countries is a “desperate” behavioural pattern, as identified among a number of prospective migrants that took part in the FGDs in this study. There is a need to target social and behavioural change in communication activities, particularly in districts that are prone to showing trends of irregular migration to European Union countries.



## ANNEX 1: LIST OF KEY INFORMANTS

1. **Md Nurul Islam, PhD**  
Director for Training Operations at the Bureau of Manpower, Employment and Training, under the Ministry of Expatriates' Welfare and Overseas Employment (Bangladesh)
2. **Ali Reza**  
Deputy Chief of the Ministry of Expatriates' Welfare and Overseas Employment (Bangladesh)
3. **Yeameen Akbory, PhD, NDC**  
Executive Director at Bangladesh Overseas Employment and Services Ltd
4. **Deepa Beg**  
Chief Technical Advisor to the Application of Migration Policy for Decent Work for Migrant Workers of the International Labour Organization (Bangladesh Country Office)
5. **Tasneem Siddiqui, PhD**  
Chairperson of the Refugee and Migratory Movements Research Unit, University of Dhaka
6. **Syed Saiful Haque**  
Chairperson of the WARBE Development Foundation
7. **Asif Saleh**  
Senior Director for Strategy, Communications and Empowerment at BRAC
8. **Sheepa Hafiza**  
Executive Director at Ain O Salish Kendra
9. **Abdul Hye**  
Founder and Chairman of Greenland Overseas Ltd (Bangladesh)
10. **Glorene Das**  
Executive Director at Tenaganita (Malaysia)
11. **Shamim Ahmed Noman**  
Joint Secretary-General of the Bangladesh Association of International Recruiting Agencies  
Proprietor of Sadia International (Bangladesh)
12. **Andrew Samuel**  
Executive Director at Community Development Services (Sri Lanka)
13. **Ahmed Ziauddin, PhD**  
President of BASUG – Diaspora and Development (Germany)
14. **Ricardo R. Casco**  
Mission Coordinator and National Programme Officer at the International Organization for Migration (Philippine Mission)
15. **K. Ranju**  
Recruitment specialist, Qatar
16. **Tapati Shaha**  
Programme Analyst at UN-Women Bangladesh
17. **Shariful Hassan**  
Programme Head for Migration at BRAC
18. **Bikash Chandra Barua**  
Secretary-General of BASUG – Diaspora and Development (Netherlands)
19. **Elma Afrin**  
General Manager at BRAC Probashbandhu Ltd (Bangladesh)
20. **Nasim A.A. Mamun**  
Programme Manager at Ovibashi Karmi Unnayan Program



## ANNEX 2: DATA COLLECTION TOOLS

### A. Focus group discussion questionnaire for returnees

<ul style="list-style-type: none"> <li>• Why did you decide to migrate to another country? Where did you migrate to? Was the country you migrated to of your preference? Please explain.</li> <li>• What was your occupation in the country of destination? Why did you choose this occupation? Did anyone suggest that you choose this occupation? How did you get the job and learn about the different types of visas and the job application/recruitment process?</li> </ul>
<ul style="list-style-type: none"> <li>• What was the cost (financial or otherwise) of migration to the destination country? How did you prepare for the expenditure? Was there a financial benefit from your migration project? Briefly explain.</li> <li>• (Analyse the cost spent versus the money earned throughout the migration project.)</li> <li>• Who helped finance your passport processing? How much did it cost?</li> <li>• How much did you spend to migrate to the country of destination, i.e. the cost of conveyance, visa processing, agency fees and intermediary fees? Please elaborate on the whole process. How much did you spend on rent and food while in the country of destination?</li> </ul>
<ul style="list-style-type: none"> <li>• How did you learn about migration and where did you get the necessary migration-related information? Describe the migration process and your migration experience.</li> <li>• (Ask about intermediaries, recruitment agencies and others involved during the migration process. Ask about detail about the process.)</li> <li>• Who helped you migrate? Did you receive help from any intermediary (e.g. recruitment agencies and other entities that provide migration-related services)? (If the answer is YES, ask the following set of questions.)</li> <li>• Please explain how you established contact with the intermediary. Do you have an office address for the intermediary? Did you give any sum of money to the intermediary? Did you receive any documents from the intermediary?</li> <li>• Did you visit any recruitment or travel agency before migrating? When did you first visit the recruitment or travel agency's office? What was your experience like?</li> </ul>
<ul style="list-style-type: none"> <li>• Did you receive a copy of your employment contract before migrating? When did you receive it? What language (e.g. English, Bengali, Urdu, Arabic, etc.) was the paperwork in? Were you aware of your rights as an employee? (Explain what "rights" means.)</li> </ul>
<ul style="list-style-type: none"> <li>• Did you receive any support from the Government of Bangladesh prior to your migration? If so, what kind of support did you receive? (Ask for details regarding if, when, where and how they contacted concerned government agencies for support, and what their experiences were).</li> <li>• If no support was received, please explain why.</li> </ul>
<ul style="list-style-type: none"> <li>• Did you receive any information from NGOs operating in your area prior to your migration? Please describe your overall experience.</li> <li>• Who were the other stakeholders (e.g. <i>union parishad</i>) involved in your migration? Please explain their role(s).</li> </ul>
<ul style="list-style-type: none"> <li>• Did you undergo a medical test before migrating? Did you encounter any problems during the medical test? Please explain.</li> </ul>
<ul style="list-style-type: none"> <li>• Were you aware of any training centres where you could avail of skills training before migrating? If so, who informed you of such centres?</li> <li>• Did you undergo any training before migrating? If so, please explain in detail. What was the duration of the training? Were you issued a certificate after completing the training?</li> </ul>
<ul style="list-style-type: none"> <li>• Did you know of any Bangladeshi laws targeting Bangladeshi migrant workers from Bangladesh and in the destination country? Please explain what you know of these laws.</li> </ul>

- Were you in any kind of vulnerable situation before or after your migration project? How was your problem addressed? Who helped you with your situation? Please explain in detail.
- What initiative(s) should be undertaken by the Government and recruitment and travel agencies to help reduce migrants' vulnerabilities?

- Were there any issues related to their gender being a cause of vulnerability for women migrants, as reported by government authorities, recruitment agencies and travel agencies, among others?

## B. Focus group discussion questionnaire for prospective migrants

- Why are you migrating to another country? What benefit(s) are you hoping to obtain from migrating? How much do you expect your monthly wage to be?

- How much do you expect to pay for migration? How and from what source(s) will you cover these costs?
- How are you financing your passport-processing? How much does it cost? How much have you spent for the process so far? Are there any more expenses? (transportation/conveyance, visa processing, agency fees, intermediary fees, etc.)

- Who would you go to for information about migration and work abroad? If you are to use the services of a broker or a recruitment agency, how would you choose one? If you approach a broker, intermediary or a recruitment agency for help, would you check to see if they had a licence?
- (If applying via an intermediary) How did you get in touch with the intermediary? Have you given any money to the intermediary? Have you received any documents from the intermediary? Do you have an office address for the intermediary?

- Who is helping you to migrate? Do you know how? Can you please explain the process? (Ask about intermediaries and recruitment agencies).
- If you go abroad for work, what documents would you need to carry with you? What document(s) do you possess at the moment? Would you choose to migrate without receiving proper documents? If so, why would you choose to migrate without first obtaining the right documents?
- Have you received any written information (in the form of booklet, leaflet etc.) from anywhere? Please explain.
- Are there any other stakeholders (e.g. *union parishad*) involved your migration? If there are, please explain their roles.
- Do you know what your job will be in the country of destination? Did you get a copy of your job contract? If not, do you know when you will get one?

- Do you plan to or would you consider migrating within the next 12 months? Where do you plan to migrate and when? What is your primary motivation for migrating? What type of work do you plan to do? How are you planning for your migration?

- Have you received any support from the Government of Bangladesh for your migration? (Ask for details about when, where, how they contacted the government agencies and what were the experiences were.)

- Have you contacted any of the NGOs in your area? Did you get any migration-related information from them?

- Do you know of any recruitment–travel agencies? Have you visited any recruitment–travel agencies? If so, when and where was this? What was your experience like?

- Are you taking any training before your deployment? Do you know of any training centres where you can get skills training to prepare for your job overseas? If so, how did you find out about them?

- Have you faced any problems in relation to your migration? If so, please explain.
- What initiatives should the Government and other stakeholders undertake to help reduce migrants' vulnerabilities? What do you think are the risks that migrants (may) face while living and working abroad?



### C. In-depth interview questionnaire for intermediaries

- What is your main occupation?
  - How many days a week do you work as an intermediary? How did you get into this profession?
  - Describe your job as an intermediary. With whom do you work? How do you work with them?
  - What is your annual income? How much money do you take from each migrant, what is the process? What is your overall benefit?
  - How many people have you helped to migrate so far? What is your success and failure rate? What do you do in case of failure? Do you return money to a migrant if you fail to send him or her abroad? Please explain.
  - How would you evaluate your job? Are you happy with this job? Would you want to change jobs if you see another opportunity? Please explain.
- Do you have any suggestions to improve the migrant labour recruitment system or process in Bangladesh? Please explain.
  - What are the challenges in your profession as an intermediary? Please explain.

### D. In-depth interview questionnaire for current migrants

- Where did you migrate to? Please explain.
  - What was the cost (financial or otherwise) of your migration? How did you prepare for the expenditure? Were there any benefits of migrating for work? Briefly explain.
  - (Analyse the cost spent on migration and the money earned during migration project.)
  - Much did you spend over your migration process? (conveyance, visa processing, agency fee, intermediary fee, etc.) What is your overall financial and social benefit or loss from migration?
- Who helped you to migrate? (Ask about intermediaries and recruitment agencies. Ask for details about the process.)
  - Who helped you migrate? How did you learn about migration and where did you find the necessary information? Describe the process. (Ask about intermediaries, recruitment agencies and others who were involved in the migration process. Ask about details of the process.)
  - Did you receive a copy of your employment contract before migrating? When did you receive it? What language was the paperwork in? Are you aware of your rights as an employee? (Explain what “rights” means.)
- What problem(s) have you faced so far during your migration experience? Have you been in any kind of vulnerable situation? Who was responsible for putting you in that situation? Do you think you can overcome the problem? How?
- Did you get any support from the Government before your deployment (to the destination country)? Please describe your experience before and after migration.
- How did you get in touch with the intermediary? Did you give money to the intermediary? Did you receive any documents from the intermediary? Do you have an office address for the intermediary?
- Do you have any suggestions to improve the migrant recruitment process in Bangladesh?
  - Do you have any advice for people who want to migrate from Bangladesh?

## E. Focus group discussion questionnaire for CSOs, NGOs, media professionals and diaspora organizations

<ul style="list-style-type: none"> <li>• Is migration and development an important issue for Bangladesh? Please explain.</li> </ul>
<ul style="list-style-type: none"> <li>• Describe the current labour migration process(es) in Bangladesh? Who are the stakeholders involved? Please explain their respective roles.</li> </ul>
<ul style="list-style-type: none"> <li>• Do you think the current process of migration in Bangladesh is helpful to migrant workers? Please explain your answer.</li> </ul>
<ul style="list-style-type: none"> <li>• How much does it currently cost to migrate to various countries of destination? Please provide detailed answers/breakdowns and suggest ways to reduce the cost of migration from Bangladesh.</li> </ul>
<ul style="list-style-type: none"> <li>• Do you think the Government of Bangladesh follows the standard procedures for labour migration? Please explain the role of the Government of Bangladesh (ministries, BMET, BOESL, PKB, A2I, etc.) in relation to the process of migration. Are there any areas that require improvement? Please explain in detail.</li> </ul>
<ul style="list-style-type: none"> <li>• Please explain the role of the private sector (recruitment agencies, travel agencies, BAIRA, GAMCA, medical centres, etc.) in the migration process.</li> </ul>
<ul style="list-style-type: none"> <li>• What is the existing monitoring framework that is available for tracking the recruitment and travel agencies and the participants that are migrating? What needs to change?</li> </ul>
<ul style="list-style-type: none"> <li>• How do you see the role of the intermediaries's involvement in the migration process? Please provide your opinions about this.</li> </ul>
<ul style="list-style-type: none"> <li>• Can you provide examples of "good practices" over migration processes that are currently undertaken in other countries? Please explain.</li> </ul>
<ul style="list-style-type: none"> <li>• What is your understanding of the "ethical recruitment process"? What kind of work are the NGOs doing to advocate for ethical recruitment?</li> </ul>
<ul style="list-style-type: none"> <li>• How could the government agencies' capacities be improved to provide more effective pre-departure programmes/training?</li> </ul>
<ul style="list-style-type: none"> <li>• Do you think the Government of Bangladesh has taken proper initiatives to address the problems of the migrant workers, both at home and abroad? Please explain.</li> </ul>
<ul style="list-style-type: none"> <li>• Do you have any ongoing programmes to help improve the labour migration/migrant recruitment process in Bangladesh?</li> </ul>
<ul style="list-style-type: none"> <li>• Are you working to establish any kind of mechanism/system to reduce areas of vulnerabilities within the migration process?</li> </ul>
<p>Additional question for media/ journalists:</p> <ul style="list-style-type: none"> <li>• How do you learn about fraudulent practices in the recruitment industry? What actions do you take upon receiving such information? What is the follow-up mechanism for the media in order to support victims?</li> </ul>

## F. Key informant interview questions for countries of origin, including Bangladesh

Ask the key informants the extent of their knowledge about the state of the following in their respective countries:

- Migration policies and laws in the country, including the G2G and G2G+ mechanisms
- Global Compact on Migration and Development
- Colombo Process and the role of States parties
- Migration process led by the private sector and the role of the Government
- Migration process in countries of destination
- Cost of Migration in Bangladesh and in other countries of origin
- Role of the Government of Bangladesh and of the other destination countries in the recruitment process
- Role of recruitment agencies, BOESL, BAIRA and travel agencies in the migration process in Bangladesh/other organizations and stakeholders in other countries of origin
- Role of intermediary in the recruitment process
- Skill development programmes/projects and relation with recruitment process
- Ethical recruitment practices
- Programmes and projects of United Nations agencies in relation to migration and development and the recruitment process
- Programmes and projects of CSOs and NGOs
- Migration to the European Union: Policies and practices
- Pre-departure programme
- (Only for other countries of origin) How has the country improved the labour migration process? (Please ask for details.)

- What are the migration policies and laws in your country?
- What is ethical recruitment process in your country?
- Why is there a need to receive workers from other countries?
- Who are the relevant government authorities? What is their role in receiving workers from foreign countries?
- What type/category of workers and in what type of occupations do they mostly hire?
- What is the overall recruitment process like? How many recruitment agencies are there? How do they meet the labour demand?
- What process do they use to communicate with countries of origin? What are the major countries of origin?
- How many workers are there from Bangladesh? What are their opinions about Bangladeshi workers?
- How do they compare Bangladeshi workers with other countries' workers? Are they satisfied with Bangladeshi workers? Why or why not?
- Are the migration stakeholders in the destination countries aware of migrant workers' rights? Please describe what types of problems exists between employers and workers in destination countries.
- Are they aware of the Migrant Workers' Convention and Global Compact for Migration? Are they aware of the ILO conventions and labour rights?
- What is their opinion of Bangladeshi recruitment agencies? What is their opinion on the role of the Government of Bangladesh in the overall migration process?



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