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KUSOM POLICY LAB

Nepali Case Study Series

Case 2

Case Title:

**Role of Local Government (LG) towards
providing migration-related services at
Local Level in Nepal**

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Role of Local Government (LG) towards providing migration-related services at Local Level in Nepal

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Uninformed Migration: Risks for Nepalese Workers Abroad

Many Nepalese leave for foreign employment for better job and earnings. Uninformed migration from poor to better countries is a complex issue with multifaceted risks. Migrants encounter a number of challenges without enough knowledge, planning, and preparedness, both throughout the journey and once they arrive in their final destination. Due to a lack of knowledge, migrants become dependent on traffickers, who may exploit them through costly expenses, false promises, or unsafe travel conditions. Without proper information about the job market, many Nepalese migrants end up in jobs that do not match their skills or qualifications, or they may struggle to find employment altogether. They are also exposed to health hazards during transit or in their living and working conditions in the destination country. The lack of information, planning, and preparation among Nepalese migrants lead to legal, economic, social, health, safety, cultural, and psychological challenges.

Nepal's Institutional Framework for Protecting Migrant Workers: Policies, Acts, and Agencies

To provide comprehensive information, support, and protection mechanisms to the migrants, the Government of Nepal has introduced policies, acts and institutions to safeguard migrant rights. At the federal level, Ministry of Labour, Employment and Social Security (MoLESS) is mandated for making bilateral labour agreements with foreign countries, formulating policies and making arrangements required to make foreign employment systematic, competitive and transparent. The Foreign Employment Board (FEB) support migrants for skilling and information, it provides compensation to the disabled migrants and deceased migrant's family from the welfare fund.

Problem

Many Nepalese migrants seeking better jobs and earnings face multifaceted risks and challenges due to uninformed migration.

Solution

The Government of Nepal initiated comprehensive policies and frameworks at both federal and local levels provide information, and institutionalize migration services, including the establishment of dedicated units and guidelines.

Outcome

Strengthened institutional mechanism, enhanced protection of migrant rights, increased access to information and support, skill development and financial literacy, reintegration support for returnees.

The Department of Foreign Employment deals with regulation of recruitment agencies and legal cases related to foreign employment. Foreign Employment Tribunal (FET) is established to settle cases specifically for foreign employment. The above-mentioned institutions are established by the foreign employment act 2007 in Nepal. The respective institutions are providing their services as per their respective mandates. The reform took place after the federalization of the country, when the Local Government Operation Act (LGOA) 2017 mandated Local Governments (LGs) to provide information and counselling, social reunification, financial literacy and proper use of remittance to the migrants and their family. This paved the path to set migration services at local level to support migrants to receive information and other migration services at local level.

Services provided by these institutions include information counselling, psychosocial counselling, access to justice, skill development, financial as well as cultural literacy and reintegration in their home country. With the support of Safer Migration (SaMi) programme, a bilateral project between Government of Nepal and Switzerland, many local governments have established safer migration services at local level. A decade long learnings from the project supports LGs to establish institutional mechanism for sustained migration services. Many LGs have introduced policy framework for sustaining migration services. LGs have endorsed the safer migration guideline which describes the services and process of providing migration services to its citizen, the guideline supports the LG to allocate resource for the migration services. In addition, many LGs mention the policy provisions in each fiscal year, for e.g., Hetauda Sub-Metropolitan City stated that the sub-metropolitan city will continue the SaMi program to make foreign employment safer and dignified. It also mentions that those who return from foreign employment will be organized in returnee networks and will be encouraged to get involved in self-employment and entrepreneurship. The Hetauda municipality said they are committed to continue migration services even after the phase over of the programme.

Few LGs are taking initiative to strengthen their institutional mechanism by establishing a dedicated labour and employment unit within its organizational structure to look after migration-related issues. The LGs has amended the terms of reference and the organogram of the municipality. After the amendment, there is a provision of a dedicated section to deal with labour and migration-related issues at the local level. The separate unit also ensure a responsible human resource, who oversee the quality of migration services. The dedicated units are instrumental to sustain migration services, as this unit will submit the plan and budget in the yearly planning and budgeting which ensures the continuity of migration services. The journey to establish the institutional and policy framework is reinforced by the development of migration profile in their LG. Such profiles give the detailed information of migrants and their families, the status of the implication of migration at the community level, the number of migrants and returnees, their professions, and the challenges and needs of migrants and their families. The profiles help the local governments to prioritize migration-related issues by developing plans and programs and to incorporate migration-related issues in their periodic plans.

Based on these policy and institutional framework, LGs allocate resources and add human resource as per the need of its constituency. The Bhojpur municipality has been mobilizing returnee volunteers with their own budget for three consecutive years. Those volunteers are working to raise awareness at the community level and link people in need with migration-related support services. Similarly, the Mayor of Ghorahi Sub-Metropolitan City, Dang said that the sub-metropolitan city is committed to running such a program on its own. As part of its commitment, it has been allocating NPR 10,00,000 (approximately 7593 USD) for migration-related activities for the past few years.



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नेपाली उदाहरण अध्ययन शृंखला

अध्ययन २

उदाहरण शीर्षक:

स्थानीयस्तरमा आप्रवासनसम्बन्धी जानकारी र
सुविधा दिन स्थानीय सरकारको भूमिका

अध्ययन २

स्थानीयस्तरमा आप्रवासनसम्बन्धी जानकारी र सुविधा दिन स्थानीय सरकारको भूमिका

अज्ञात आप्रवासन: विदेशमा नेपाली कामदारलाई जोखिम

अधिकांश नेपाली राम्रो आम्दानीका लागि वैदेशिक रोजगारीमा जान्छन् । विकासोन्मुख देशबाट विकसित देशमा हुने अज्ञात आप्रवासन एउटा जटिल समस्या हो । सीमित ज्ञान, योजना, र सामना गर्नुपर्ने चुनौतीको आकलन बिना यात्रा तय गर्दा र अन्तिम गन्तव्यमा पुग्दा आप्रवासीले धेरैखाले जोखिमको सामना गर्छन् ।

आवश्यक ज्ञानको कमीले गर्दा आप्रवासीहरू दलालमा निर्भर हुन्छन् । दलालहरूले शोषण, महँगो लागत, भ्रूटो वाचा र असुरक्षित यात्रामा पार्नसक्ने सम्भावना हुन्छ । कामको जानकारी बिना धेरै आप्रवासी नेपालीहरू उनीहरूको सीप वा योग्यता मेल नखाने काममा फस्छन् । कति अप्रवासीहरूले काम खोज्नका लागि संघर्ष गर्नुपर्ने हुन्छ । ट्रान्जिटमा वा बस्ने व्यवस्था गर्दा र कामका बेला उनीहरूलाई स्वास्थ्यसम्बन्धी जोखिमहरूको जानकारी हुन्छ । न्यून जानकारी, बिना योजना र तयारी नेपाली आप्रवासीले कानुनी, आर्थिक, सामाजिक, स्वास्थ्य, सुरक्षा, सांस्कृतिक र मनोवैज्ञानिक चुनौती भोग्नुपर्छ ।

समस्या

नेपालका धेरै युवा राम्रो काम खोज्ने मनसायका साथ गैरकानूनी रूपमा विदेश पलायन हुने बाटो अपनाउँछन् । जसकारण प्रायः तिनीहरू दलालको सिकार हुन्छन् ।

समाधान

आप्रवास र वैदेशिक रोजगारसम्बन्धी समस्या समाधान गर्नका लागि व्यक्ति र उसको परिवारले आप्रवासका विषयमा सामान्य जानकारी लिन सक्छन् । सामी परियोजनाले दिँदै आएको आप्रवाससम्बन्धी जनचेतनामूलक जानकारी र जिल्ला प्रशासन कार्यालयको सहयोग निकै लाभदायक हुन्छ ।

नतिजा

सम्बन्धित व्यक्तिहरू जस्तै आप्रवासन प्रक्रियामा रहेका, वैदेशिक रोजगारीमा रहेका, काम गर्ने शिलशिलामा मृत्यु भएमा क्षतिपूर्ति पाउनुपर्ने वा ठगी र जालझेलको गतिविधिमा परेका व्यक्तिहरूले छिटोछरितो रूपमा सेवा पाइरहेका छन् ।

आप्रवासी कामदार संरक्षणका लागि नेपालको संस्थागत रूपरेखा: नीति, ऐन, र एजेन्सीहरू

आप्रवासी कामदारलाई विस्तृत जानकारी, संरक्षण, समर्थन प्रदान गर्न र आप्रवासी अधिकारको रक्षा गर्न नेपाल सरकारले नीति, ऐन, संयन्त्र र संस्थाहरू बनाएको छ । संघीय स्तरमा श्रम, रोजगार र सामाजिक सुरक्षा मन्त्रालयले वैदेशिक रोजगारीका लागि आवश्यक व्यवस्था गरेको छ । वैदेशिक रोजगारीलाई व्यवस्थित, प्रतिस्पर्धी र पारदर्शी बनाउन नीतिहरूको तर्जुमा गरेर कतिपय गन्तव्य मुलुकहरूसँग द्विपक्षीय श्रम सम्झौता पनि गरेको छ । विदेशी रोजगार बोर्डले श्रम आप्रवासनमा जान चाहनेलाई सीप र वैदेशिक रोजगारसम्बन्धी जानकारी दिन्छ । बोर्डले वैदेशिक रोजगारीका क्रममा अशक्त भएकाहरू र मृतकका परिवारलाई वैदेशिक रोजगार कल्याणकारी कोषबाट राहत पनि उपलब्ध गराउँछ । वैदेशिक रोजगार विभागले म्यानपावर व्यवसायीहरूको नियमन गर्ने र त्यससँग सम्बन्धित कानुनी कारबाहीलाई अघि बढाउने काम गर्छ । विशेषगरी वैदेशिक रोजगारसम्बन्धी मुद्दाको न्याय निरूपण गर्न वैदेशिक रोजगार न्यायाधिकरण स्थापना गरिएको छ । माथि उल्लिखित संस्थाहरू वैदेशिक रोजगार ऐन २००७ द्वारा स्थापित गरिएका हुन् । ती निकायहरूले आ-आफ्नो कार्यक्षेत्र अनुसार सेवा प्रवाह गर्छन् ।

मुलुक संघीयतामा गएपछि स्थानीय सरकार सञ्चालन ऐन (२०१७)ले स्थानीय सरकारलाई प्रवासी र तिनीहरूको परिवारलाई परामर्श, सामाजिक पुनर्मिलन, वित्तीय साक्षरता र रेमिट्यान्सको उचित प्रयोग गर्ने सम्बन्धमा जानकारी दिन थालेपछि क्रमशः सुधार आइरहेको छ । यसले स्थानीय स्तरमा आप्रवासीलाई बसाइँसराइसम्बन्धी जानकारी र अन्य आप्रवासनसम्बन्धी सेवा प्राप्त गर्न सहयोग गरिरहेको छ । त्यस्तासेवाहरूमा सूचना, न्यायमा पहुँच, सीप विकास, आर्थिक तथा सांस्कृतिक साक्षरता, मनोसामाजिक परामर्श र स्वदेश फर्किएपछि पुनः एकीकरणलगायत छन् । सुरक्षित आप्रवासन (सामी) कार्यक्रमको सहयोग, नेपाल सरकार र स्वीट्जरल्याण्डबीचको द्विपक्षीय परियोजना अन्तर्गत अधिकांश स्थानीय सरकारले सुरक्षित आप्रवासन सेवा केन्द्र स्थापना गरेका छन् । एक दशकदेखि सञ्चालित उक्त परियोजनाबाट प्राप्त ज्ञान र अनुभवले आप्रवासनका लागि दिगो संस्थागत संरचना स्थापना गर्न मद्दत गर्नेछ । धेरै स्थानीय सरकारले आप्रवासन सेवालार्इ दिगो बनाउन नीतिगत रूपरेखा ल्याएका छन् । स्थानीय तहले सुरक्षित आप्रवासन निर्देशिकालार्इ अपनाएका छन् । त्यसले नागरिकलाई आप्रवासनका प्रक्रियाहरूबारे जानकारी दिने सेवा प्रदान गर्छ ।

अधिकांश स्थानीय सरकारले प्रत्येक आर्थिक वर्षमा नीति तथा कार्यक्रम र बजेट सार्वजनिक गर्दा आप्रवासनसम्बन्धी पनि नीतिगत प्रावधानहरू उल्लेख गर्ने गर्छन् । उदाहरणका लागि हेटौँडा उपमहानगरपालिकाले वैदेशिक रोजगारीलाई सुरक्षित र मर्यादित बनाउन सामी परियोजनालाई निरन्तरता दिने जनाएको छ । त्यति मात्र होइन उपमहानगरपालिकाले वैदेशिक रोजगारीबाट फर्किनेलाई स्वरोजगार र उच्चमशील बनाउन प्रोत्साहन गर्ने पनि आफ्नो नीति तथा कार्यक्रममा उल्लेख गरेको छ । उसले आप्रवासन कार्यक्रमको चरण समाप्त भएपछि पनि आप्रवासन सेवाहरू जारी राख्न प्रतिबद्ध रहेको जनाएको छ ।

केही स्थानीय सरकारहरूले आफ्नो संस्थागत संयन्त्रलाई बलियो बनाउन संगठनात्मक संरचना भित्र समर्पित श्रम र रोजगार इकाई स्थापनाको पहल गरिरहेका छन् । त्यसले गर्दा संयन्त्रले आप्रवासनसम्बन्धी मुद्दालाई गहन रूपले सम्बोधन गर्न सक्नेछ । जस अनुरूप स्थानीय तहमा बसाइँसराइ सम्बन्धी समस्या र श्रमको कारोबार गर्न छुट्टै इकाईको व्यवस्था भएको छ । सो, इकाईले मानव संसाधन र आप्रवासन सेवाको गुणस्तरको निरीक्षण गर्छ । समर्पित इकाईहरू आप्रवासन सेवा दिगो बनाउनका लागि सहायक छन् । यो इकाईले वार्षिक योजना र बजेट पेश गर्छ । जसले आप्रवासन सेवाहरूको निरन्तरतालाई सुनिश्चित गर्छ । स्थानीय तहमा आप्रवासन सम्बन्धि स्थापना भएको संस्थागत र नीतिगत संरचनाले बसाइँसराइको ढाँचा विकासलाई देखाउँछ । त्यस्तो ढाँचा वा विवरणले आप्रवासी र उनीहरूको परिवारबारे विस्तृत जानकारी दिन्छ । यस्तो ढाँचाले सामुदायिकस्तरमा बसाइँसराइको स्थिति, फर्कने आप्रवासीको संख्या, तिनीहरूका पेशा, र आप्रवासी र तिनीहरूका परिवारहरूको चुनौती र आवश्यकताहरू देखाउँछ । यस्तो विवरणले स्थानीय सरकारलाई आवधिक योजनामा बसाइँसराइसम्बन्धी मुद्दालाई प्राथमिकता दिएर कार्यक्रम ल्याउन मद्दत गर्छ । नीति र संस्थागत ढाँचाको आधारमा, स्थानीय तहले स्रोतहरू बाँडफाँड गर्छन् र आफ्नो क्षेत्रको आवश्यकताअनुसार मानव संसाधन थप्न सक्छन् । भोजपुर नगरपालिकाले लगातार तीन वर्षसम्म आफ्नै बजेटमा फर्किएका आप्रवासीलाई स्वयंसेवकको रूपमा परिचालन गरेको छ । ती स्वयंसेवकहरूले सामुदायिकस्तरमा सचेतना जगाउन र थप आवश्यक भएमा आप्रवासनसम्बन्धी सेवा दिने संस्थालाई मानिसहरूसँग जोड्ने काम गर्दछ ।

About the Authors

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Sangita Yadav is a Program Officer at the Embassy of Switzerland in Nepal. She has worked with different institutions varying from NGOs, networks, and INGOs, which have enriched her knowledge to design, implement, analyze and adapt programs required in dynamic contexts. Her engagements have nourished her to comprehend the temperament of development partners, collaborate with government counterparts, build partnerships with service delivery institutions and sharpen skills in PCM including developing tools to capture result-based management. Her experience is supplemented by an academic degree in Master's in Public Policy and Governance (MPPG) from North South University and she is passionate about contributing to building an equitable and just society.

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