

**Terms of Reference (ToR)**  
**for**  
**Research on the implementation status of ‘free-visa and free ticket’ policy in Nepal**

## **1. Background**

The Government’s effort at governing foreign employment began in 1985 with the enactment of the Foreign Employment Act (2007). It aimed at regulating the volume of migrant workers leaving for employment to countries other than in India, which was relatively low at that time. Subsequently, the Foreign Employment Policy 2012, the first national policy on foreign employment was devised with an aim to integrate socio-economic dimensions of increasing trends in foreign employment along with providing overall guidance for regulating the migration cycle.

In the recent years, foreign employment is a significant motivation for international migration from Nepal. In the past consecutive fiscal years 2015/16 and 2016/17, the Department of Foreign Employment (DOFE) issued 786,636 permits for foreign employment to over one hundred destination countries. As migration for employment continues to grow, the Government of Nepal (GoN) has to regulate and facilitate safe migration cycle for its citizens.<sup>1</sup>

While these trends show large-scale labour migration from Nepal albeit the movement was concentrated in the Gulf Cooperation Council (GCC) countries and Malaysia. Labour migration to these seven countries accounted for 85 per cent of all labour migration between fiscal years 2008/09 and 2014/15. While labour migrants originate from all parts of the country, the majority of them were from the South-Eastern plains of Nepal. Similarly, labour migration was primarily a male phenomenon because more than 95 per cent of all those obtaining labour permits were male. The Department of Foreign Employment (DOFE) database reveals that over 3.5 million labour permits have been issued in the last nine years since the enactment of the Foreign Employment Act (2007)<sup>2</sup>.

Governing such a large number of movements, a major concern is to ensure the safety, rights, and welfare of migrant workers. There is consequently, a need for harmonized approaches between the governmental agencies in devising regulatory and operational policies, plans and procedures to meet these challenges as well as to benefit from the developmental opportunities that may be gained through labour migration. The GoN not only recognized the increasing trends in labour migration in the early 2000s but also took gradual steps for effective governance culminating in the enactment of the FEA, 2007.

The Ministry of Labour, Employment and Social Welfare (MOLESS) takes the lead in the formulation, implementation, coordination, monitoring and evaluation of policies, plans, and programs related to labour and employment. In this context, on the 9th of June 2015, the MOLESS brought out a provision on minimal fee for migrant workers. The recruitment agencies are allowed to charge Rs 10,000 to the migrant workers as service charges if the employer does not provide the cost of service charges. This provision of

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<sup>1</sup> *Labour Migration for Employment : A status report for Nepal 2015/16-2016/17*

<sup>2</sup> *DOFE Report: 2016/17*

zero or minimal cost is initially implemented for workers going to the major destinations including Bahrain, Qatar, Saudi Arabia, United Arab Emirates, Oman, Kuwait and Malaysia.

Although the provision is to benefit migrant workers from the significantly reduced cost of migration, the recruitment agencies protested against the provision citing the policy is against the business of recruitment agencies and they believe that the policy will work only for the interest of few big recruitment agencies.

## **2. Rationale**

On 8 July 2015, the MOLESS introduced ministerial directive – requiring foreign employers from Malaysia and Gulf countries to cover the cost of migrant workers’ visas and airfare. The policy significantly aims to reduce the service fees that recruitment agencies can charge migrants to NPR 10,000 (US \$96)<sup>3</sup>. This policy was regarded as one of significant achievements of the MOLESS in labour migration for foreign employment.

With the implementation of this policy, the government aims to reduce the economic burden and chances of vulnerability to fraud among workers. In addition, Nepal’s Parliamentary Committee on International Relations and Labour issued a directive to the MOLESS to effectively implement the policy. However, majority of the migrant workers continue to report that recruitment agencies are not fully complying with the policy. The government led reports on key aspects of labour migration are not adequate to understand the trends of migration costs and these do not have comprehensive data and analysis about the progress on the policy implementation and the overall dynamics of recruitment costs associated with the labour migration.

Therefore, in the changed context of federal structure of the governance, it is important to understand the broader context of “free visa and free ticket” policy in terms of its implementation status and identify existing gaps and challenges for its effective implementation.

## **3. Methodology**

This will be a qualitative study design which will primarily include key informant interviews with policy makers, planners and relevant stakeholders of the Government of Nepal, Private sector representatives such as NAFEA and EPAN, labour recruiters, Civil Society Organizations (CSOs), and returnee migrants from Bahrain, Qatar, Saudi Arabia, United Arab Emirates, Oman, Kuwait and Malaysia.

## **4. Objectives**

The objective of this research are:

- to document the existing recruitment practices in Nepal related to foreign employment
- to assess the implementation status of the ‘free visa and free ticket’ policy
- to identify existing gaps, challenges and opportunities in the context of implementation of the policy

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<sup>3</sup> *Turning People into Profits: Amnesty Nepal (2017)*

- to provide practical recommendations for the Government of Nepal and key partners for effective implementation of the policy

## 5. Scope of Assignment

The selected consultant/service provider is expected to carry out the tasks and responsibilities in consultation with IOM as described under:

- Undertake a systematic review of foreign employment policies, acts and guidelines in Nepal
- Document the existing recruitment practices related to Nepal
- Assess the implementation status of free visa and free ticket policy
- Identify existing gaps, challenges and opportunities in the context of implementation of the policy

## 6. Time Frame

Contract period : 4<sup>th</sup> week of July – 3<sup>rd</sup> Week of December, 2018  
 Reporting period : 3<sup>rd</sup> week of December, 2018

## 7. Expected deliverables

- Submit inception report with clear methodology, timeline, scope of the research and instruments
- Submit the final research report of free-visa and free ticket policy in Nepal

## 8. Reporting requirement

The selected consultant/ service provider will report to IOM on a monthly basis to update the progress towards achieving the deliverables. The other reporting requirements are summarized below:

- Submit the inception report with an updated plans on data collection, methodology and research instruments to undertake the study
- Submit the draft report based on semi-structured interview, focus-group discussion, and in-depth interviews conducted.
- The final research report should incorporate all comments from IOM including inputs/feedbacks from the final consultations.
- Submit the final report to IOM.

## 9. Schedule of payment

The payment will be made upon successful delivery of the deliverables as per the below installment payment timeline:

S.No.	Description	Means of verification	%	Target Month
1.	Upon submission and approval of an inception report which includes a revised work-plan, detailed methodology to	Approval of Inception report	50	First week of August, 2018

	undertake the research including a draft literature/ desk review.			
2.	Final report submission	Upon approval of final report	50	2 <sup>nd</sup> week of December, 2018

## 10. Guiding Principle

The implementation of the proposed research should be guided by the following principles:

- Results based program management
- Human rights based approach
- Cultural diversity, social inclusion and gender sensitivity
- Strategic partnership
- Knowledge sharing and resource mobilization

## 11. Qualification and experience

- Completion of Master's degree, PhD preferred, in sociology, rural development, economics, migration management, international development, or any other relevant subject
- Minimum 10 years of experience in assessment, monitoring and evaluation, policy analysis related to foreign employment, migration and trafficking, gender and development.
- Substantial experience in the area of foreign labour migration and human trafficking issues;
- Excellent command of written and oral English and Nepali;
- A good track record in designing and leading policy analysis, research and studies related to foreign employment and migration management;
- Excellent presentation, facilitation and documentation skills;
- Strong time management and communication skills.