

## PRE-DEPARTURE OF MIGRANT WORKERS FROM SENDING COUNTRIES

### THIS SECTION OF THE MANUAL FOCUSES ON:

**P**re-departure is one stage in the process of migration that influences post-arrival and reintegration. At pre-departure, vulnerabilities need to be addressed when the decision to migrate is made, during recruitment and at pre-leaving or departure.

**T**he decision to leave is influenced by community, family, urgency for labour by overseas employers or as a result of personal choice.

**M**aking the decision to leave is due to a complex set of reasons: economic, escaping harsh realities at home, sense of adventure, and prospective marriage. However, during the process of decision making, migrant workers lack information, have many fears and anxieties and are vulnerable.

**T**he recruitment process exposes prospective migrants to many vulnerabilities; having little information on policies and procedures, they turn to middlemen, brokers or recruitment agencies, often incurring huge debts. Many discriminatory policies of sending and receiving countries violate migrant workers' human rights particularly mandatory testing, including HIV. These policies increase the vulnerability of migrant workers often pushing them into undocumented migration.

**P**re-leaving or pre-departure involves waiting for papers to be processed, finalizing travel plans, completing arrangements at home, undergoing medical tests and attending skill building training programs that are meant to prepare migrant workers for the host country. Many of these programs are run through the recruiting agencies although NGOs and governments are now participating to sensitize migrants regarding human rights and equipping them to face realities, seek redressal and support in host countries as well as prepare them for return and reintegration.

**C**urrent strategies and interventions have many limitations that need to be addressed. Implementing community based interventions, pre-departure training programs and addressing the lack of or strengthening existing policies, as well as regional cooperation, can address the vulnerabilities of migrant workers more effectively.



## BACKGROUND

In the past three decades, the phenomenon of migration for overseas employment has given rise to a culture of migration in many countries with less developed economies. The material benefits of migration are immediately apparent.

In remote rural villages in the Philippines, for example, the presence of overseas Filipino Workers (OFWs) is immediately apparent in the physical landscape and infrastructure in the community. Concrete or semi-concrete houses; motorbikes, jeepneys, tricycles and other modes of transportation for private or public use; electronic equipment and household appliances, neighborhood stores and improved farming or fishing implements, among others, are regarded as hard-earned fruits of overseas toil.

But more than just resulting in physical changes, migration has resulted in tremendous social, economic and political changes. Along with these concrete physical evidences, the migration phenomenon has given rise to new values and modes of thinking. Globalization, liberalization and economic upheavals have created economic imbalances with some countries, caught in a debt crisis, promoting labor export as a policy thus contributing to macro push factors in the region. The sheer

number of those going out and the extent to which it is promoted and encouraged in many sending and receiving countries, has made migration the only option for many people.

Various interdependent factors during different stages of migration - pre-departure, recruitment and reintegration - collude to erode the rights of migrant workers, make them vulnerable and putting them at risk. Lack of information and knowledge about the process as well as ineffective policies to monitor and control the recruitment and employment conditions, often push the migrant worker into being undocumented, illegal migrant worker or being trafficked.

Experiences of migrant workers at one stage of migration have impact on the next stage. Thus there is a continuum that influences the status of the migrant worker to his job, health and life. Any impact or consequence on the migrant worker also affects his loved ones at home and also his community.

Pre-departure is often mistakenly understood to refer to migrants physically leaving the country. In fact, the process of pre-departure begins long before; it comprises three stages

pre-migration or making the decision to migrate

recruitment

pre-leaving

In each of these stages, migrant workers have specific vulnerabilities that need to be addressed.

## PRE-DEPARTURE STAGE I : DECISIONS AND CHOICES

This is the stage where one begins considering the prospect of going abroad to work. This entails getting information about possible jobs and countries of destination; talking it out with family and friends; and inquiring from certain agencies and other migrant workers and their families about it. This is where options and decisions have to be weighed carefully with consideration given to expected benefits and gains vis-à-vis the risks and dangers.

In fact, pre-departure programs need to address the whole community as everyone is a 'potential' migrant. Marginalization, lack of employment opportunities on one hand and wealth of returning migrants on the other hand affects the whole community resulting in "push" factors for migration. Often, internal migration from rural to urban areas precedes international and regional migration. But, for many women, since opportunities for migration are available out of their country, they cross the border with almost no understanding of the process, exposing themselves to great risk and high vulnerabilities.



### ***Reasons for Leaving***

Decision making is a complex process influenced by the hopes, desires and expectations of many people in the community- family, friends, relatives, returning migrant workers; by commercial recruiters and by the encouragement given by governments. A number of reasons push or pull people to migrate; some of these reasons are related to hard economic realities, others more personal and familial.

#### ***Economic***

Many reasons compel migrant workers to seek work abroad. A major illness in the family, the inability of the original breadwinner to earn money, the need to pay debts and the absence of sustainable economic opportunities in the home country are some of the major economic reasons for people seeking work overseas. Besides filling up the family coffer for survival needs, another pressing reason for migrant workers to earn is to be able to send their siblings or their children to school.

"I am able to give (money) to my parents. This helped a great deal when my mother got sick. Well, my mother was already recovering from her illness when I left for abroad but then we incurred many debts. My working abroad has helped solve our problems."

-- Mina, former Filipina entertainer in Japan (Bugna, 2000)

"My father who was a construction worker, met with an accident and he broke his arm. After that, he had difficulty getting work. He was no longer asked to do construction jobs."

-- Marietta, former Filipina domestic worker in Italy, (Bugna, 2000)

I want my family to experience some comfort. I want my younger siblings to be able to go to school.

- Daisy, former Filipina domestic worker in Hong Kong

(excerpts from focused group discussions conducted by ACHIEVE/CARAM Philippines, 2001)

As a parent, sibling or a son/daughter, many migrant workers are compelled by duty and obligation to assume economic responsibility for everyone in their immediate families. For women who decide to migrate, there are attendant gender issues involved. Women are more likely than men to base their migration decisions on the desires of others (*Aurora E. Perez, The Self and Others in the Filipina Migrant Workers*). This has to do with the way women are conditioned to place others before them and put their needs and concerns last. Data from the Philippines show

"My mother was sick and we did not earn any money. That is why I decided to work abroad. I wanted to earn money for my mother's medical care." (Vietnamese Sex Worker, Tuol Kork, Crossing Borders, Crossing Realities)

Source : "Because of the family's poverty, I commit myself for the sake of the family. I must work to repay the debt." (Vietnamese Sex Worker, Tuol Kork, Crossing Borders)

that while women migrant workers are in low-paying service jobs, they still send home a large portion of their earnings. For example, Cambodian women, who travel to Phnom Penh to work, cite poverty, lack of employment options and familial obligations as factors that make them decide to migrate abroad.

In India, some of the reasons for migration that have been identified are: limited resources and poverty in the villages; increase in unemployment; landlessness of the agriculture labor sector; and, low rate of literacy in the village (BATU-SAARC).

Political factors (such as in Myanmar and Sri Lanka) along with environmental degradation and depletion of livelihood resources can also cause

"One year of working here is equal to ten years at home. Now workers in Vietnam get 50-70 USD in one month while we get 300-400 USD per month here. In three years, we get over 10,000 USD. How can we get that amount in Vietnam!" (The Reality)

movements or displacement of people. In most cases, going abroad to work is seen as a better option than staying behind. Individuals may be pushed into migration because of limited access to the real incomes they need for their well being.

### **Escaping harsh realities at home**

While the push for migrant workers to go abroad is mainly economic, there are a number of other reasons for taking this decision. Some women take the decision to go abroad as a means to escape harsh realities in their own homes and communities. This is especially true for women survivors of family violence and abuse. The only way they can get out of this predicament is to go abroad and be as far away from the abusive situation as possible.

"I could not take the beatings from the father of my children. He would beat me particularly when I refused to do his sexual biddings. At times I would think that it was my fault -- because I refused to do what he wanted -- because I was too tired trying to make both ends meet for survival. I thought of going abroad to get away from him and to give my children a better future, a good education, a good life.

- Elenita, former Filipina domestic worker in Lebanon (Kanlungan Center Foundation, 1994)

Abused female spouses are not the only ones who make the decision to go abroad. In some instances, children who experience abuse from parents or relatives look at migration as the solution to their sufferings.

I wanted to be away from my family. I was the type who rebelled against my family. Why will you leave home if everything is well and smooth? Or if nothing happened to you? My intention then was to be far away from my family as much as possible.

- Helen, former Filipina undocumented entertainer in Malaysia (excerpts from focused group discussions conducted by ACHIEVE/CARAM Philippines, 2001)

We were also a broken family. I did not understand. Perhaps, I just wanted to escape. And when I had the opportunity to travel, I did that so perhaps I wouldn't see them anymore.

- Maganda, former Filipina entertainer in Japan

(excerpts from focused group discussions conducted by ACHIEVE/CARAM Philippines, 2001)



Aside from this, family disintegration also plays a significant role in the decision to migrate. It has also been noted in India that family worries and quarrels compel the villager to migrate. (BATU-SAARC)

"I had a problem with my family, it was necessary to give my children support...for us to survive, because the father of my children left us. That's when I thought of, to leave them and go abroad. Because I was not able to finish my schooling and (because of) my age, I wouldn't be able to find work here. So, that's my only hope, to go abroad, earn a lot, and give my children a bright future."

- Cora, former Filipina domestic worker in Hong Kong

(excerpts from focused group discussions conducted by ACHIEVE/CARAM Philippines, 2001)

There are two sides to the issue of family disintegration in relation to migration realities. One, it may be the CAUSE why people migrate.

Abusive parents and husbands, conflict situation in the home and marital infidelity indicate that disintegration of the family had already begun even before the decision to migrate was made. The family relationships are already going through major upheavals and conflicts; going abroad is also seen as a way to "resolve" or "fix" the situation.

On the other hand, there have also been studies that pointed out family disintegration as a RESULT of migration.

According to a study on Filipino domestic workers conducted by Tenaganita/CARAM- Malaysia, half of the married women interviewed said that their husbands had another partner or that they were not sure of their husband's marital fidelity.

The stress and pressure of single parenting and household management; loneliness and anxiety due to separation; and, conflicts with in-laws (in the case of female spouses left behind) are some of the predisposing factors that result in the breakdown of marriages between a migrant worker and his/her spouse. In some cases, infidelity by either the migrant worker or the spouse left behind, can also lead to family disintegration.

#### **Sense of adventure**

Young people, in particular, may also be attracted to mobility because they seek a change of scene, greater freedom from the demands of life in their home communities, or greater economic autonomy from parents.

The enticement to go abroad is also fueled by one's desire to see foreign lands and other places. Perhaps an effect of colonization, the tendency to view many things foreign as better or superior than one's own, is also a factor in one's decision to go abroad. There are many who are propelled by a sense of adventure and so dare to go to places that are unknown and uncharted. Other motivations may seem mundane to some, e.g. to see the world or to be able to ride an airplane, but these also form part

"My ambition at first, when I was still young, was to ride an airplane. Because I was only an elementary graduate, my neighbors could not believe. ..it is ...said, ambition is very important in life. If (I didn't) have ambition, I would still be there, plowing the field in our place."

- Ramon, former Filipino seafarer

(excerpts from focused group discussions conducted by ACHIEVE/CARAM Philippines, 2001)

of the fabric of excitement and enticement that make up a migrant worker's reality. For someone coming from a remote village, it is indeed an achievement to be able to have crossed oceans and visited foreign lands.

The prospect of change and improvement of one's current realities and the possibility of learning new things and enhancing one's knowledge and skills further provide the impetus for migrant workers to leave.

"I decided to migrate for many reasons. I was living in Phnom Penh and had been unemployed for five months. I wanted to go abroad to learn English. I also wanted to earn money and to experience the traditions and culture of another country. I was very happy and excited when I saw an advertisement for domestic workers abroad." (Sokunthea, Cambodia).

### **Prospective marriage**

Going abroad to work sometimes becomes another step in the migration process in order to achieve the final goal of getting married to a foreigner. Marriage to a foreigner, often regarded as a symbol of deliverance from economic hardships, is also one reason for out-migration of some women. This is especially true for those who have witnessed such inter-racial marriages happening within their own families or communities. Such marriages are often regarded as a pathway to upward mobility of one's socio-economic status. What is not known to many of them is that these marriages, like many other, offer no concrete lifetime guarantees. Furthermore, migrant brides are subjected to pressure by their own families to project images of success and prosperity, even if their actual experiences may be otherwise. To show otherwise would mean losing face in the community.

Women are lured by men into marriage from richer countries who are looking for cheap labour such as Vietnamese brides going to Taiwan or Filipinos married to Japanese or Australian men.

Why do they come for Vietnamese women? A Taiwanese man explains: W.S.M. 36, said "I do farming work, my income is approximately NT 25,000 per month. If I want to marry a Taiwanese girl, I will need high income- about over NT 50,000/month, but I can't meet that requirement to marry a Taiwanese girl"

As reported in presentation by Do Thi Nhu Tam, CARAM Vietnam, 6th ICAAP, 2001

### **Who influences the decision to leave?**

Even before a conscious decision to go abroad is reached, there are pre-existing conditions that facilitate such a decision to be made. Socio-economic and political realities, family situations, personal circumstances and motivations, all these come into fore during the decision-making process.

While the choice to migrate is a personal decision, based on the study conducted by KALAYAAN/CARAM-Philippines, most migrants seek the advice of family members before taking the ultimate step of signing the contract.

The family plays a pivotal role in the decision to go abroad. In many instances, the whole family supports the decision and gets involved in the preparatory process. Resources are pooled in and each one contributes or "invests" in the overseas employment of a family member, with the expectation that he or



she will work to uplift the condition of the entire family. The family or household can be seen as the functional context within which migration values and motivations are shaped, human capital is accrued, information is received and interpreted, and decisions are put into operations. (United Nations, 1995)

"Del was promised a job in Malaysia for TK 60,000. All other family members discussed and they too agreed that he should leave Bangladesh, so that he can help his family. The money, beg(ged) for or borrow(ed), will be found. The family managed to raise Tk10,000. They borrowed from (a) moneylender Tk 50,000 at 10% per month interest. (Bangladesh)

The community also plays a crucial role in influencing decision-making on migration for overseas work. In areas where almost every family has a migrant worker, and where migration is seen as a fact of life, it is not very difficult for non-migrant members of the community to consider the possibility of going overseas for employment. Women, in particular, are likely to migrate as part of



a "chain of migration" wherein they rely on work opportunities, contacts and support system on social networks of relatives, friends and contacts of those who had earlier worked abroad. (De dios, 2000) Thus it is not uncommon for women migrants, e.g. domestic workers and migrant brides, to rely on the information given to them through these informal channels.

Peers and returnee migrants also encourage migration often omitting the hardships that they had undergone in order to avoid disclosure of their own abuse and exploitation.

Recruiting agents, middlemen and brokers influence decision-making by giving a rosy picture of employment, urgency to agree to migration and by waiving immediate payment of all the fees. Many a times, they are aware of the personal problems of the potential migrant but are able to lure them easily. They make the whole process of migration sound easy if entrusted to them and entice migrants by

I knew nothing of the information and formalities that a migrant worker should know. Nor anybody else in my neighborhood knew much. Everybody relied on a local broker for this purpose.

Case study of Ali, a Bangladeshi migrant, reported by SHISHUK

making sure that all tests are normal (using the nexus of diagnostic clinics), encouraging the migrant to mortgage the land rather than pay fees now, making false passports by simply photo change. These irregular means utilized by the agents and brokers increase chances of potential migrants to become undocumented.

The timing and urgency of overseas employment is also a factor in decision- making. Employers in need of migrant workers impose upon their recruitment agents "to deliver their workers" in two weeks or some other tight timetable. However, the world is not a marketplace where labor or human resources are bought and sold like commodities. Such situation requires a great amount of disclosure, negotiating and decision-making. (Casco, Regional Summit on Pre Departure, Post Arrival and Reintegration of Migrant Workers, organised by CARAM Asia, 2000)

Factors in Migration : Research findings from the KABP survey related to HIV/AIDS among Filipino migrant workers by KALAYAAN/CARAM Philippines, 1999.

Encouragement from others	46%	None
	46%	From family members
Consulted others on decision to work abroad	93.5%	With family
	17.5%	With friends
Final decision	79.8%	Decision made alone by informant
Reasons for leaving abroad	55.4%	To earn money to improve life style
	14.6%	To help the family
	6.4%	Scarcity of local employment

(Ybanez, et al, 2000)

### ***Decision-making: Lack of information and vulnerability of the migrant worker***

One of the most crucial elements in decision-making is the quantity and quality of information that is available to the migrant. Second is the manner in which available information is processed, including the psychological processes used by migrant workers. (Beltran, Samonte and Walker, 1995).

Many migrant workers obtain information on migration through informal or unofficial channels. Many are enticed by family members, friends and neighbors who are more inclined to paint pleasant pictures of migrant life abroad.

### ***Newspapers can influence...but do migrants read?***

During the CARAM National Consultation in Pakistan on Migration and

I told my mother when I was in my third year in high school, "Can I start working already?" I wanted to go abroad because I saw in my neighbors who were going abroad that they were coming back with lots of jewelry, money. Their lives were improving. That was what I knew. I was only 17 years old.

- Riza, former Filipino domestic worker in Qatar, Malaysia and Dubai

(excerpts from focused group discussions conducted by ACHIEVE/CARAM Philippines, 2001)

"I was only 23 years old, when I went to Malaysia in 1991. That was the time the people of my locality had just started to go to Malaysia. I had a very hazy idea about that country, except that it was a better place than Bangladesh and earning quick money was possible. Occasionally adverse opinions were also heard. But I would always regard them as baseless rumors." (Mannan, SHISUK, Bangladesh)

HIV/AIDS, it was noted that while much has been written and printed about the perils of illegal migration, most potential and intending migrants were not literate. They did not belong to a social bracket that subscribed to newspapers; therefore, they did not benefit from media reports. Even if such stories would have reached them by word of mouth, the newly acquired wealth and changed lifestyles of returning migrant workers provided encouragement and temptation for them to follow in their steps. (Pakistan Report on National Consultation on Migration and HIV, Zia Ahmed Awan, LHRLA 2000)

In dealing with negative information about migration or overseas work, it has been noted that migrant workers use such mechanisms as denial (it won't happen to me), minimization (it's just one of those things), rationalization (I'm doing this for my family), magical thinking (if I behave, nothing can go wrong), highlighting one's goals (I will work until I can buy a house or a plot) and having faith in God (God will take care of me). (Beltran, Samonte and Walker)

Migrants tend to individualize or differentiate their context, situation and realities from other migrant workers who may have gone through abusive conditions while working abroad. This process of non-identification enables them to downplay or transcend whatever anxieties they may be feeling. In such a process, they are more propelled to make the decision to leave, simply because they deem that not doing so would make their situation worse. In some cases, there are migrant workers who believe that they have nothing to lose because they don't have anything to begin with. In the KALAYAAN/CARAM-Philippines study, going abroad for their first employment was decided by one-fourth of the respondents, who were mostly women. As first-time migrants and first-time workers, this relative inexperience in employment and migration compounds their vulnerable state.

### ***Fears and Anxieties***

In spite of having made a decision to migrate with the concurrence and support from family and community and with the expectation of potential economic benefits, the prospective migrant worker is still plagued with numerous fears and anxieties.

The KABP study conducted by KALAYAAN/CARAM-Philippines among first-time departing migrant workers in 1998



revealed that while the majority of the respondents have a strong determination to work abroad, some fear for their personal safety. Many women migrant workers fear being raped or sexually abused while men fear being incarcerated due to ignorance of local laws.

It showed that first-time departing migrant workers express fears and concern for their safety and adjustment to a new environment, new employers and co-workers. However, despite the presence of such concerns, the same study noted that one fourth of the respondents said "nothing" could convince them to change their plans of going abroad.

Even the migrant workers who have gone through harrowing or traumatic experiences abroad still make the decision to migrate. In most cases, these migrant workers have taken the stance that going abroad entails taking chances. Thus, they may have been "unlucky" or "unfortunate" in their previous employment but they could probably make it big the second time around.

Migrants coming from rural areas have no exposure to the world outside their villages and this

fear of the unknown makes them even more dependent on the recruiting agents or middlemen. Besides these fears they are afraid of going to a strange land, alone without the support of family and friends and fear whether they will be able to adjust and manage in the new place of destination. Fears of what will happen to their loved ones at home make them even more vulnerable.

Decision-making is a skill that needs to be actively exercised by migrant workers at all stages of the migration process, but most importantly, during the pre-employment process. However, sound decision-making can only come about when there is adequate, correct and relevant information. Too often, the decision to go abroad is strongly and almost singularly influenced by immediate push factors such as poverty, lack of local opportunities or abusive conditions at home.

### Knowing the odds/Taking risks

The following matrix outlines key decisions that have to be made and the factors that need to be considered in making such decisions:

Decision Points	Considerations/Determinants
When to migrate	Urgency to survive; deadline for applications; competition for jobs
Kind of occupation	What is available or being advertised in the market -- often this does not match the skills of the migrant worker.  Easy processing  No medical test required for certain ailments
Country of destination	What is available or being advertised in the market; what is the promoting agency; no placement fee needed; salary deduction scheme (no money out)  No medical tests required for certain ailments
Cost calculation Returns (economic, social, Psychological costs)	Urgency to survive; necessity of making sacrifices in the beginning, thus downplaying or ignoring what may otherwise be exploitative pre-departure conditions.
Adjustments (self, family)	If others can, why can't I? Which is the lesser evil - "a little inconvenience with the promise of an income or nothing at all?"

## PRE-DEPARTURE STAGE 2 : RECRUITMENT

**P**re-departure recruitment begins when the prospective migrant worker has made the preliminary decision to proceed with the application. This period encompasses the actual application process when the migrant worker deals with recruitment agencies (if any) or prospective employers; acquires proper documents; undergoes medical testing; attends the training, pays the requisite fees, studies and signs the contract.

### The Recruitment Process

**What happens during the recruitment process? Who has control of the recruitment process?**

The recruitment process is a complex interplay of various stakeholders and procedures. The migrant worker obtains some information informally from friends, relatives and occasionally the returning migrant but has no information regarding procedures. Thus the dependency on the middlemen and the recruiting agencies becomes inevitable opening the way to financial exploitation through high brokerage fees and bribes.

*In Bangladesh, it is stated that in addition to BMET and BOSEL, there are more than 650 recruiting agencies that recruit 43% of workers. An even larger percentage, close to 54%, has been recruited through individuals who are either family members, friends or middlemen (dalals).*

*Source : (Report on National Consultation on Pre-departure, Reintegration and Policy Advocacy in the Migration Process Dhaka, August 2000)*

*In this sense, the development of commercial entities (recruitment agencies and middlemen) has had a negative effect on the process of migration. Generally, profit is made in processing and handling fees, and this has become quite a lucrative business in tandem with the commercialization of labor power, which has expanded tremendously in the last decade.*

*It has also been noted that due to the lucrative nature of foreign recruitment business and long bureaucratic procedures, many unregistered recruitment agencies spring up. Many migrant workers, due to lack of information on the process of recruitment, approach these agencies which cheat and mislead them by charging exorbitant fees, providing fraudulent papers, and pushing them into illegal channels of migration. Sometimes, the*

*In Bangladesh, a good number of recruiting agencies are owned or patronized by persons involved in policy making. Thus, people who control the business seem to have strong political connections. Another characteristic is that 80% of the recruiting agencies have their own travel agencies.*

*Source : ( Report on National Consultation on Pre-departure, Reintegration and Policy Advocacy in the Migration Process Dhaka, August 2000)*

*For example, in Sri Lanka, recruitment procedure has been brought under surveillance and monitoring by making it mandatory for agencies to be registered. Association of licensed agents in Sri Lanka is an example.*

*Source : (National Report on Sri Lanka Migration and HIV Issues, Ms Nimalka Fernando, 2000)*

*fees charged by these agents is equivalent to one year's salary of the migrant worker.*

*Many a time, registered recruitment agencies use unregistered recruiting agents as sub-contractors to influence the process of migration.*

*All the same, in many ways, the commercial entities have facilitated the movement of people across national boundaries and have had a direct*

*"A certain Akbar was doing a brief business as broker in our area. I approached him in an endeavor to realize (my) cherished desire. I was told by Akbar that I'd have to go to Malaysia via Thailand. However, managing me a job will be his responsibility. I could earn 1,000 to 1200 ringgit/month. For my passport I had to go to Shirajanj. There I gave the money to a certain broker in the passport office. He promised to deliver me my passport within a week. But months passed. I met the broker at least six times. But the delivery was indefinitely delayed. I was under a terrible mental stress because of the worries about the passport and the broker's demand. In the meantime, Akbar pressed me for the money. I was told that if I failed to meet his demand, I'd miss the bus to Malaysia." (Mannan, Shishuk, Bangladesh)*

*Bangladesh has over 650 recruitment agencies. Monitoring is, thus, a difficult task for the government. However, it is interesting to note that South Korea has changed its policy regarding Bangladesh and recognizes only four recruiting agencies. Thus, control, monitoring and obtaining redress becomes easier and more accessible. (Report on National Consultation on Pre-departure, Reintegration and Policy Advocacy in the Migration Process, Dhaka, August 2000)*

*and positive effect on the growth of migration phenomenon internationally.*

*In order that the legal entities do not suffer as a result of the clandestine activities of certain unscrupulous organizations, government regulation and close monitoring of the recruitment and deployment procedures is required. (APIM Sourcebook)*

*Large number of recruitment agencies also create problems at the enforcement level as well for the migrant worker. At the enforcement level, it is a formidable task to monitor huge number of agencies and to maintain their track record.*

#### **Managing the Finance of Recruitment: High Costs, Higher Debts**

*The image of much-needed dollars coming in, often takes predominance over financial costs that have to be borne by migrant workers in the process of migration. Thus, very often, many go through the application process without even a clear idea of the costs that migration entails. In Sri Lanka for example,*

*it has been noted that only 40% per cent of migrant workers can be considered successful in their overseas venture while the rest spent more than they earned.*

*Potential migrants rarely weigh the cost of recruitment and remittances against expenses in the receiving country, terms of employment and debts incurred during the recruitment process.*

## **I. Investment Concerns**

**How will high recruitment costs be met?**

**What are its implications?**

*A migrant worker has anxious investment concerns...*

- *Where or from whom will he/she get the money to pay for initial expenses?*
- *Will the money, advanced by one's family or friends, the recruitment agency and/or one's future employer, cover the expenses?*
- *How will he/she repay these? If the scheme is through salary deduction, how much will be left after deductions.*
- *Will there be enough to remit back home, and enough left for personal expenses?*
- *Will working abroad actually enable one to earn more than what he/she will earn from working in one's own country?*



*Migrant workers have to make two sets of payment- one set in their own country towards processing and brokerage, and the other set in the receiving country for work permits and brokerage. The migrant worker generally does not get substantial cash advances. Usually there is a salary deduction to pay the placement fees, and some processing expenses. Migrant workers are required to pay certain processing fees for their documents, e.g. passport, visa etc., training and medical testing. Some are even made to pay their own airfare. Expenses for special garments (like winter clothes), luggage etc. also come into play.*

## **2. Middlemen and Brokers**

*The potential migrant coming from remote villages and poor communities is ill informed about actual costs of processing, recruitment and travel. Taking advantage of his/her ignorance are unscrupulous middlemen, brokers, recruitment and placement agencies who charge exorbitant fees for every aspect in recruitment- travel documents, contract, testing etc. Some play on the psychology of migrants quoting lower fees and once that is*

*It was noted in Bangladesh, that many of the recruitment agencies have networks with the diagnostic centers, since commissions from the medical examination are lucrative. Though the Centres are required to provide pre and post test counseling for HIV testing procedure, this is not done. The recruiting agents tend to send the same migrant worker for testing more than once so that they get additional commissions. Often, the medical tests are used as reason for delaying the worker when agencies have recruited more workers than required for a specific demand. Source : (Report on National Consultation on Pre-departure, Reintegration and Policy Advocacy in the Migration Process Dhaka, August 2000)*

*paid, add on more and more items that the migrant was not informed of earlier but is now forced to pay. At their mercy, a potential migrant has already incurred heavy debts and is now in a situation where he can't turn back and so continues borrowing money to meet new demands and costs. When fraudulent papers have to be drawn, the costs skyrocket, making an already harassed migrant even more vulnerable. Dalals or brokers have 'networks' that assist them in identifying vulnerable men, women and children who would be easy targets for luring into undocumented and exploitative migration.*

*Thus it is not uncommon for migrant workers to borrow heavily or not send money in the first few months of their employment, a reality that their families sometimes have difficulty in understanding considering that the main reason they left to work abroad was to be able to send money back home.*

## **Recruitment Policies**

*Recruitment policies are two fold - those determined by the sending country and those agreed to between sending and receiving countries in the form of bilateral agreements and MoUs.*

*In Singapore, Manual on Maids for Employers sets out norms, and employers are warned against abuse of their foreign domestic workers with a list of penalties and punishment, systematically enumerated. While seemingly adamant on protecting the rights of foreign domestic workers, the manual does so with the preamble that abusing a worker would "undermine Singapore's efforts to be a gracious society".*

*Manual for Overseas Contract Workers states that good behavior is expected - that the maid will not get married to a Singaporean; she will not become pregnant while in Singapore; she will not work in a job other than that specified in her contract and so on. In turn, the employer has the power to terminate the maid's services at any time without giving any reason. When he does this, and he does not agree to release the maid to another employer, the maid's work permit is automatically cancelled and she is sent back to her own country.*

*It goes on to say that "learn to adjust... as adjustments are necessary and vital to survival. Although you may reasonably expect your employer to adjust partly to you, you too will have to do most of the adjusting. You are, after all, a worker in another country."*



### SNAPSHOT OF POLICIES

Sending Countries	<ul style="list-style-type: none"> <li>• Eligibility-related recruitment norms and quotas</li> <li>• Gender selectiveness</li> </ul>
Sending and Receiving Countries	<ul style="list-style-type: none"> <li>• MOUs</li> <li>• Bilateral agreements</li> <li>• Medical tests (diabetes, TB, hepatitis, etc.)</li> <li>• Psychological fitness tests</li> <li>• HIV mandatory testing</li> <li>• Pregnancy tests (pre-departure and on arrival)</li> <li>• Health and notification policies</li> <li>• Labour recruitment Policies</li> <li>• Deportation policies</li> </ul>

### Policies of Sending Countries

The extent and manner by which governments of sending countries regulate the outflow of human beings for overseas labor determines to a large extent the safety and security of migrant workers from deception, abuse, extortion or illegal recruitment.

The existence of policies with regard to overseas employment is, however, not a guarantee for safe migration of people, especially if these policies have no implementing mechanisms.

In the Philippines, overseas labor recruitment can be done through a private recruitment agency or can be hired by name. In the latter case, individual workers secure for themselves their own employment contracts without the assistance or participation of any agency. These contracts are then processed by the Philippine Overseas Employment Administration (POEA) the government agency tasked to regulate migration. Direct hiring i.e. when the potential employer directly hires a worker without going through private agency is prohibited. However, there are exceptions to this, e.g., those hired by diplomatic corps of other countries.

Differing policies by sending countries affect the manner in which recruitment is carried out.

In Vietnam, Government Decree 07/CP (2.1.95) permits enterprises to find markets for Vietnamese workers; currently, 159 state companies/agents have labour export licenses. However, most of these agencies are not experienced in the preparation of labour contracts, which can violate migrant worker's rights. In fact, 43 companies did not have any "export" contracts. Though the Government has been concerned about labour export activities, a state policy on labour export and a legal framework for this practice still needs to be devised. This is currently happening. Despite this, Vietnam targets to send 50,000 workers overseas by 2001.

## ***The Philippine Government's Full Disclosure Policy***

The Philippine Government adheres to a "Full Disclosure Policy" during the pre-employment stage of migration. "Full disclosure as a factor of pre-employment orientation invokes market realities, international laws and conventions and host country legislations in giving workers the guidelines on the extent of their rights and obligations before they enter into a contract. Full disclosure of the terms and conditions of employment is in tandem with the assessment of the concomitant costs against the calculated benefits to be derived. This process is needed to arrive at realistic expectations about the job desired. At the same time, the procedure allows the individual worker to examine closely his (or her) qualification and preparedness for overseas job opening." (Philippine Overseas Employment Administration [POEA] Primer on Pre-Employment Orientation)

The policy further states that, "the parties to the contract include the recruiter or placement agency, the employer and the prospective employee. This order thus imposes upon the recruiter or the placement agency the obligation to inform the prospective worker of all the terms and conditions not only of the contract but also of the working conditions the worker must expect. It also imposes a responsibility on the employer to disclose to the recruiter or placement agency, as

well as to the prospective employee, the true nature of the employment terms and conditions, as well as the situation at work prior to deployment."

This policy is concretized through the following mechanisms: publication of travel advisories by POEA; conduct of pre-employment orientation seminars (PEOS); and policy of transparency imposed upon recruitment agencies and employers. While the first and second components are government initiated, the third one is dependent on the efforts and compliance of recruitment agencies.

In an ideal setting, such policies are supposed to give the prospective migrant worker the information that he or she needs. In practice, however, such mechanisms have had their limitations and flaws. Travel advisories reach only those who have access to publications, and pre-employment seminars are not conducted regularly. And, while government accountability is not difficult to invoke, to expect recruiters and employers to fully disclose all needed information related to overseas employment is unrealistic and impractical. For them to inform migrant workers of the risks and potential dangers in overseas work other than the expected benefits, would be tantamount to telling the latter not to proceed with the application. Consequently, this would run counter to their objectives.

There are currently no mechanisms in place for sustained monitoring of this policy and thus, its enforceability is not guaranteed.

In India, the Ministry of Labor gives licenses to recruitment agencies and these agencies subcontract out to multiple smaller companies who use licensee's official registration.

Some countries in an attempt to protect their women from exploitation have developed discriminatory migration policies. From the government's viewpoint, these policies have a two-fold purpose, one to keep skilled female workers from leaving the country and the other, to protect vulnerable ones from exploitation abroad. Bangladesh, for instance, allows only female 'professionals' (doctors and nurses) to go abroad. But the very policies formulated to protect create conditions for migrant workers to bypass the system and leave the country through illegal channels, thus increasing their vulnerability. Further, because women have lower access to information and lower education levels, they are more likely than men to make use of these illegal channels.

### ***Policies between Sending and Receiving Countries- Bilateral Agreements and MoUs***

Very few sending countries have existing bilateral agreements with receiving countries. While the Philippines has overseas workers in 187 countries, it has only ten bilateral agreements signed since 1975. None

of these are with major receiving countries such as Saudi Arabia, Japan, Hong Kong, Singapore, USA and most countries in Europe.

Bangladesh has only two formal agreements with two countries - Iran and Iraq. Neither country is a major host to Bangladeshi workers. On the contrary, the Gulf Cooperative Countries (GCC), "the major hosts of Bangladeshi workers have described bilateral agreements as an infringement of national sovereignty and economic policies". Malaysia is the only country in Asia to have an agreement with Bangladesh regarding labour migration. However, of the various informal agreements, most are ad-hoc, crisis management measures which do not provide any detailed,

The government agencies responsible for recruitment is Bangladesh Overseas Service Employment Ltd. (BOSEL) and the Bureau of Manpower Employment and Training (BMET). BOSEL came into being in 1995, when the Malaysian government froze all recruitment procedures through recruitment agencies and decided on a government to government recruitment of foreign workers. This change in policy came through when Tenaganita-CARAM Malaysia (NGO working with migrant workers in Malaysia) in its memorandum to the Malaysian government revealed the large loopholes and gaps in the recruitment of migrant workers. However, in 1998, when Malaysia was badly hit by the economic crisis, it stopped recruitment of Bangladeshi workers. BOSEL became non functional and the MoU became obsolete.

Source : (Report on National Consultation on Pre departure, Reintegration and Policy Advocacy in the Migration Process Dhaka, August 2000)

comprehensive, long term solutions. Most agreements do not address terms and conditions of work or welfare of migrant workers. Rather, they focus on the number of workers to be recruited and the method of recruitment.

In place of bilateral agreements which are more difficult to forge, let alone propose, some sending countries enter into MoUs with receiving countries. For example, the Philippines, Indonesia, Bangladesh and Cambodia have MoUs with a number of receiving countries. These MoUs may appear good on paper but are often formulated with the idea of protecting harmonious diplomatic inter-country relationships. Protection of migrant workers are given token recognition, and sending countries are weak in monitoring abuses and discrimination against their own nationals.

#### ***Health including HIV/AIDS Policies***

Migrant workers are subjected to a battery of medical tests, depending on the job category they are applying for. Some of the tests commonly administered are: physical, e.g. vision, dental, STD, HIV/AIDS, Hepatitis, TB, pregnancy, etc. In certain professional occupations, psychological tests are done to determine the mental and psychological "fitness" of migrant workers. Some receiving countries, e.g. Malaysia and Singapore require pregnancy tests for women migrant workers,

It is clear that the testing is done, not so much to inform the migrant worker of his or her health condition, but more for the employer to determine whom among the applicants are fit to work. Migrant workers go through the tests to fulfill an application requirement and to process their papers. Thus, they're concerned about coming out with a clean bill of health so that they could leave the country and not necessarily because they want to know their medical or physical condition. In the study conducted by KALAYAAN/CARAM- Philippines, among 450 first time departing migrant workers, 8% did not bother to know the results of their physical and medical examinations.

especially domestic workers. On-site testing for pregnancy is also done. When found positive, pregnant women are dismissed from work and sent home immediately.

#### ***Mandatory Testing for HIV/AIDS***

Mandatory testing for HIV/AIDS is currently required in many countries from the Gulf (e.g. Saudi Arabia, United Arab Emirates) and in Asia (Malaysia, Singapore). Despite prohibitions on mandatory testing contained in local laws, migrant workers have no choice but to submit in order to fulfil the application requirements.

Furthermore, the conduct of the testing is fraught with violations. In the Philippines for example, despite the enactment of the National AIDS Law, migrant workers who undergo the test

I did not go through the post-test (counseling). They just handed me the results, just like that. "Read it", he said. When I read it... I had no idea on HIV issues, I was not bothered when I saw it was "positive", "positive-reactive"... So it was not in my mind. I was still relaxed, but when the doctor talked to me, he told me with this result "you cannot go out of the country anymore".

-- Ernesto, former OFW in Saudi Arabia

Going to Japan, I knew already. I still braved it out. I auditioned. I was accepted but I had to go through medical (test) again. So I did not push through. I am really frustrated with that medical (testing) process. I am still capable of working but because of these medical tests, I get limited... The medical exams deprive us of what we can and should do. Just because they have detected that we have (HIV)... We know that we can do the job.

-- Maganda, former Filipino entertainer in Japan

(excerpts from focused group discussions conducted by ACHIEVE/CARAM Philippines, 2001)

are not provided pre- and post-test counseling. The results of these tests are divulged by the testing centers to the recruitment agencies without the person's prior consent and without maintaining confidentiality. Many times, the report reaches the recruitment agencies and from there to the migrant worker's community, village or home town thus subjecting him/her to further discrimination and marginalisation.

In some countries, medical testing of migrant workers is another avenue for corruption. There have been reports of migrant workers who did not pass the medical examinations and yet managed to have fitness certificates by bribing the testing centers. However, these testing centers have been fined for issuing "fit" certificates.

(When) the doctor said that I could not go out of the country anymore, all my future endeavors for my relatives, my family ended. So I encouraged my sister to talk to the doctor, if we could bribe him, to cover that up. But the doctor said, "we cannot do anything about it. Because we already had a lesson when we paid a fine of US \$800." So when I found out, my (options) were closed... it was that point in my life when I really cried... I said I was useless.

-- Ernesto, former OFW in Saudi Arabia

(excerpts from focused group discussions conducted by ACHIEVE/CARAM Philippines, 2001)

### **VULNERABILITIES IN RECRUITMENT**

While most violations and abuses happen on worksites, the vulnerability of migrant workers actually begins at the pre-departure stage. Migrants can be misinformed or cheated in many ways. The migrant worker is a novice, having little or limited information about the recruitment process and so becomes an easy prey of recruitment agents. Exorbitant fees are charged forcing migrants to incur huge debts often at very high interest rates. For falsifying documents, additional bribes have to be paid to a host of new stakeholders - medical laboratories, visa processing centers and travel agents. This further increases the debt burden.

Regardless of influences and deciding factors, many migrant workers possess a certain degree of resoluteness when making the decision to work abroad. However, once the actual process of application begins, other players take over and control the process. This reduces the migrant worker's role to that of a hopeful and passive applicant, eagerly awaiting the results and processing of his/her job application. This lack of control in the recruitment process signals the beginning of the migrant worker's disempowered, vulnerable state.

Pre-departure is a critical stage where some prospective migrant workers knowingly or unknowingly go through illegal channels, pay

A returning domestic worker narrates her ignorance when she went abroad, at the age of 17.

Q: How did you consider (going to) Qatar? What did you know about Qatar?

R: I didn't know anything. All I knew was that I was going abroad. I would earn dollars.

Q: You were not made to choose which country you would go to?

R: No, I was not made to choose. I went straight away.

Q: That was assigned to you? Or were you told that there was an opening in Qatar, like that?

R: No, The owner of the house we were staying in said, "if you want to go abroad, this place offers high salaries".

Q: Did you know how much you would be earning?

R: I knew, but I did not bother anymore. I let it be. All I knew was that I could leave. My salary, according to my contract was 200 US dollars. It was stated there.

Q: Did you read your contract before you left?

R: I did, but I didn't pay attention to it.

Q: Did you understand it when you read it?

R: No, I did not understand.

-- Riza, former Filipina domestic worker in Qatar, Malaysia and Dubai

(excerpts from interviews conducted by ACHIEVE/CARAM Philippines, 2001)

for falsified documents in the hope that these moves will hasten their employment abroad and are more likely to become illegal or undocumented workers thus increasing their vulnerability. In many instances, the type of job that the migrant has applied for is itself fraudulent.

Riza's case is not unusual. In the present system of recruitment, prospective migrant workers are often in the dark even about basic information concerning their application for overseas work. Many are deliberately not informed about proper procedures and processes and thus, they end up getting cheated at every step. Whether it is a product of cultural upbringing or a result of being submissive and docile due to their lack of education, migrant workers are conditioned from the very beginning to refrain from being critical or asking questions.

Often, due to lack of information on the application and employment process, and lack of protective policies for recruitment including monitoring of recruitment agencies, many job seekers are misled and cheated. Women are especially subjected to being trafficked or sold into sex industry in foreign countries or are provided with low skill, informal jobs of domestic workers, entertainers etc. Many migrants are given fraudulent papers and they travel on either tourist or social visit visa. Thus the workers lose their legal status in the



eyes of law and are forced to become undocumented and overstay to earn money for repaying debts and savings.

Prospective migrant workers are expected to undergo a battery of medical tests to satisfy requirements of receiving countries regarding the 'fitness' of the migrant workers. Mandatory HIV testing, however, is the most glaring example of how prospective migrants become increasingly vulnerable. No consent is obtained before the testing which itself is a human rights violation, and rarely is pre and post test counseling offered. Confidentiality norms are abused when results are divulged directly to the recruiting agents. If the migrant worker has been diagnosed HIV positive, he/she is provided no counseling or referral services and declared unfit to work. The HIV positive diagnosis thus leaves the migrant worker bewildered and isolated, faced with the prospect of an aborted migration as he tries to come to terms with the diagnosis.

***Risk Assessment/Checklist for Potential or Current Migrant Workers***

1. Country of Destination: Political situation, Culture and Tradition, Geography, Facilities.
2. Job Category: What does the job entail? Is it legal or illegal in that country? Are the terms and conditions in the contract clear?
3. Background of Recruitment/ Foreign Placement Agency/Principal: What is the legal status of the recruitment agency? How reliable or credible is the recruitment agency/recruiter?
4. Role of the Middleman/Intermediary: What role does the middleman perform in the application process? Is he/she authorized to transact business? How reliable or credible is he/she?
5. Background of the Employer: Name and address of the employer? What is his/her track record in the enforcement of the employment contract?
6. Economic Cost: How much does it cost to migrate? How much is the placement fee? How will it be recovered?
7. Migration Realities (on-site): What adjustments need to be made with regard to relationship with employers and co-workers? Is the language difficult to understand? What words or phrases must

be learned in order to survive or to get by? What communication systems are in place?

8. Coping and Support Systems: In what ways can loneliness or homesickness be dealt with and managed? How will sexual needs be met and realized? What medical/health services are available, accessible and affordable? What kinds of support are available to migrant workers?
9. Household Management: For women migrants with children, whether they are married or not, who will take care of the household/children? For married men migrants, will their roles change in the household? Will their spouses take the primary responsibility of managing the household? How will decisions on family matters be made?
10. Effect on the Children: How will the children cope with the absence of one or both parents? How will migrant parents maintain their parental roles given their day to day absence in the lives of their children? How often will they communicate?

A study conducted by NOVA (Network Opposed to Violence Against Women Migrants) on domestic workers in the Philippines reveal that they were not provided with any information about the amount of salary or contract duration, and sometimes, not even the name and address of the employer. Majority of the respondents said they were not informed fully as to the amount and



duration of deductions from their salary as payment for their placement fees and other indebtedness incurred prior to deployment. Furthermore, migrant workers are not provided with crucial information like legal grounds for their termination, their rights as migrant workers, and their benefits and entitlements like insurance, health benefits, holidays or off days. Without this information, it is not unusual that when the migrant workers find themselves in problematic situations abroad, they do not know what to do or what their rights are. (NOVA, Rating Government Protection for Overseas Filipino Workers).

In countries such as Bangladesh, where the recruitment process is predominantly facilitated by middlemen or agents who go to

"Del's cousin had told him about the bad experiences he had had coming via Thailand. This was raised with Mostafiz, the recruiter and the middleman. Of course, Mostafiz promised Del a direct journey to Malaysia. In Malaysia, Del would work in a construction company where he would be paid RM25 per day as wages. Coming from a rural area there was no way to verify the information provided by the middleman/agent. Given no choice, Del trusted the middleman/agent." (Del, Bangladesh)

the villages, deception or fraudulent transactions are very rampant owing to the difficulty of verifying information. And, in Indonesia, where there are 187 officially recognized agencies and more than 600 illegal agencies, illegal recruitment is more common than believed.

Majority of Indian migrant workers are cheated by private agencies. In many cases, they found their application was made for a particular job, but once they reached the receiving country, they were made to do other work. Some did not go through training. Their jobs did not come with social security. Indian girls who came from poor families were married to wealthy persons from overseas who come to India to take them as their wives. However, once the girl gets to his home, he forces her to live a life of abuse and slavery. (SAARC Migration Yearbook, 2000)

In Bangladesh, a good number of recruitment agencies are owned or patronized by persons involved in policy making. Another practice carried out by the recruiting agencies is that when they recruit a migrant they charge a huge amount of money, which is four to five times higher than the actual fee fixed by BMET. They do not give any document or receipt against this large amount. Rather, they ask migrant workers to state that they have given BMET a fixed fee if they enquire about this. About 80% of the recruiting agencies have their own travel agencies. (Bangladesh report on Preparatory Meeting for the Regional Summit on Pre-Departure, Post-Arrival and Reintegration of Migrant Workers, Dhaka 2000)

**COMMON LOOPHOLES OR VIOLATIONS IN THE RECRUITMENT PROCESS**

Application process	Inadequate, incorrect or misleading information; fake documents (police clearance, passports, visa); and, overcharging of processing fees.
Tests including mandatory testing	Fake results; unnecessary tests; overcharging of testing fees; and, non-compliance with standards regarding HIV/AIDS testing (confidentiality, pre and post-test counseling).
Pre-departure training/information by recruiting agencies	Non-conduct of training; fake certificates of completion; training fees not included in placement cost; on-the-job training that is unrelated to the job category applied for; and, inadequate information on migration realities, health issues .

It is clearly apparent that migrant workers are ready to meet any cost or rationalize all difficulties when given the "option" to migrate. This inevitability of migration for most people must be factored in when developing intervention programs for migrant workers.

Because of the sheer numbers of migrant workers going abroad and the equally large number of recruitment agencies, monitoring by government bodies of the practices and violations remain minimal.

**Illegal Recruitment and Undocumented Workers**

During the recruitment process, many vulnerabilities described earlier lead the prospective migrant knowingly or unknowingly towards being illegally recruited or become undocumented with little understanding of the resultant far-reaching



implications. Contractual obligations, access to information, health care services and sending remittances back home from the host country are affected by the status of the migrant worker, resulting in further vulnerability.

**What is illegal recruitment? Illegal recruitment is the canvassing, procuring, promising, contracting or transporting of workers to other countries by non-licensed agencies.**



Unregistered or unlicensed groups or individuals collude with foreign employers, charging high rates from workers promising high salaries, only to land them in low paying, and sometimes, illegal jobs. Other bogus recruiters run off with the worker's placement fees without actually sending them abroad, or sending them off, without any employer waiting for them.

Undocumented workers who go through formal or informal channels are among the most vulnerable among migrant population groups. Borders between Cambodia and

In the Philippines, the Migrant Workers Act of 1995 (RA 8042) stipulates that illegal recruitment is not only about non-licensed entities undertaking recruitment but also includes malpractices of licensed agencies. These include: charging exorbitant fees; withholding or denying travel documents from applicant workers before departure for monetary considerations; and, failure to actually deploy without valid reason.

Vietnam as well as Burma and Thailand witness the undocumented movement of people -- and this situation poses a bigger challenge. Here, community-based interventions are most needed, as there are no formal channels where pre-departure information can be disseminated or discussed.

In the southern part of the Philippines, scores of migrant workers beat the "normal migration path" by going out as unregulated and undocumented workers. Boatloads of them travel treacherous seas, braving pirates and bandits that roam the seas of Celebes and Sulu. Many are transported to the island of Sabah (Malaysia) and from there they are transferred to other cities and places to work as illegal migrants. Some of the men end up working in plantations and women end up as domestic workers, entertainers in clubs or sex workers in brothels.

Many recruiters take advantage of young women who run away from their homes and lure them with jobs abroad. In the Philippines, girls below the majority age of 18 are able to go abroad using fake identification papers. Most of them end up working in the service sector or as entertainers. In countries like Kuwait, domestic workers must at least be 21 years old. However, the violations against this requirement continue to happen.

Recruitment agencies, middlemen, agents, brokers and placement agencies often abscond from responsibility and are quick to pass the blame on to the migrant workers or other parties whenever problems regarding recruitment surface. While they are the ones



#### ***Types of Illegal or Undocumented Status***

Getting hired through an illegal recruiter and having gone through the process using falsified documents;

Leaving for work abroad but carrying a tourist visa;

Finishing the contract and the expiration of the working visa, but instead of getting it renewed or going back home, stay in the country of work as an illegal alien;

Seeking employment elsewhere even without a contract upon termination of services by the employer; and,

Being unemployed pending the results of a case she/he had filed against the employer.

raking in the profits and earnings out of the migrant workers' sweat and toil, they exert little effort to ensure that the workers they process are protected from abuses and discrimination.

## PRE-DEPARTURE STAGE 3 : PRE-LEAVING

**T**he pre - leaving stage refers to a signed contract, finalization of travel documents and attending the mandatory pre-departure orientation seminar. This also includes all other processes leading up to the actual departure for one's country of destination, e.g. saying goodbye to one's loved ones, preparing personal items to be carried abroad and going through airport procedures, checking in and boarding the plane.

### ***Issues at Pre-leaving***

#### ***Waiting/Transit Time***

The actual departure date of migrant workers and the period beginning the formal commencement of processing until the signing of the contract, entails a considerable amount of waiting. Often, migrant workers, especially those applying for the first time, wait for weeks or even months before their papers are processed and even then, they are still

uncertain, until the very last minute, of their actual departure.

Thus, all those who come from villages and small towns and have to get their papers processed in big cities, end up staying there. This transit period is also critical for migrant workers as they are faced with a lot of uncertainty about their application.

In Bangladesh, the test, called "sink test", is very popular among the medical centers. It means collection of migrant workers' blood and urine sample and issuing 'fitness' certificate without proper medical tests. Rather, according to the rumors, the samples are collected only to be dumped in the sinks or basins of those diagnostic centers. One of the main reasons behind such malpractice is the lack of proper medical equipment in those diagnostic centers. Secondly, after giving commission to different quarters, those medical centers seldom make any profit. In many host countries, the migrant workers have to undergo another series of medical test. Many of the migrant workers with their phony sink test certificates find themselves unfit and are repatriated. The medical centers bear no responsibility. Only the naive migrant workers suffer, lose their money and on many occasions their lifetime's savings, and are devastated.

S.M.Morshed, HIV/AIDS Counseling and Education Program for Migrant Workers

Furthermore, it compounds their economic woes. If they go back to the villages, their papers may end up not moving. If they decide to stay in the city, they would have to find ways to survive.

Having gone through the mandatory testing and having received a fitness certificate, migrant workers may not know that they will be tested again on pre-flight and arrival and may have unsafe sex, contract STD or in the case of a woman may get pregnant. In such cases, they are not allowed to board the plane or immediately repatriated on arrival, losing their money and status.

#### ***Confirming the Contract and Travel Documents***

As yet, there has been no international standard for employment contracts for Asian workers going abroad. Only a few countries like the Philippines have imposed standard contracts for its workers in certain countries like Malaysia, Hong Kong, Japan, and most parts of the Middle East.

The existence of a contract is not a guarantee that they will not be subjected to abuse, discrimination or ill treatment. Violations of contracts are rampant. It starts even before the migrant worker has left the country of origin. Contract substitution or the replacement of the original contract that was signed and agreed upon is done just hours prior to one's departure. In some instances, this happens when a person is about to board the plane. Because everything has been paid for and the migrant worker has prepared for this trip, it is highly unlikely that he or she will think of backing out.



Besides the contract, travel documents such as passport and working visa are also very important for migrant workers as they determine the legality or illegality of their stay in the foreign country. Unfortunately, these documents are, sometimes, confiscated by brokers or employers upon their arrival in the receiving country. It is thus very important for migrant workers to have/leave photocopies of vital documents: passport, working visa, contract, and insurance certificates with their families or guardians in home country.

#### *The Pre-departure (Pre-leaving) Training Program*

The pre-departure training refers to the training program given to departing workers in sending countries prior to their departure. This is aimed at helping them adapt and get familiar with the work situation, socio-

cultural environment, laws and legal system as well as health care system and STD/HIV/AIDS risks they will encounter or are likely to encounter in labor importing countries. In addition, the pre-departure program is also meant to share information, with the prospective foreign migrant, about available support mechanisms that they can access in the host country.

A range of training programs are available across the region having their own limitations and advantages, details of which have been outlined, later in this chapter. Government agencies, recruiting agencies and NGOs are involved with differing orientations and differing issues. No concerted effort has however been made to streamline the issues, monitor and influence the content of the programs so that they reflect current needs of migrant workers in the region.



### **Issues related to families and spouses left behind**

Apart from dealing with loneliness and being away from their husbands, spouses have the additional burden of lone parenting. They become solely incharge of seeing the day to day operations of the household. The wife who is left behind is expected to provide emotional support and guidance as well as ensuring family solidarity and harmony. The wife may get pregnant when the husband comes on leave and give birth when he is away. She has to go through the pregnancy without the support of her husband, and children grow up without the father's physical presence, thereby making them emotionally distant from the fathers.

It is difficult to accept his coming and going but what can we do? The kids are growing too - we spend for their education and we have projects too. So these are valid reasons for him to go.

-- Jojie, Filipino spouse of a seafarer (Sanga, 2000)

The first time he left, although I felt sad, I put in mind our dream of having our own house. So I told myself that others may feel lonely but I am not. That is the reason why I am putting up with his allotment to projects so that the pain of separation will be worth it.

-- Julie, Filipino spouse of a seafarer (Sanga, 2000)

## DEVELOPING PRE-DEPARTURE STRATEGIES AND INTERVENTIONS

To develop appropriate interventions, we have to understand migration and mobility as a process in time and place, to know where and when interventions may be successful. (Wolffers, 2001) At the moment, the initiatives are mostly coming from sending countries but the main problem is that a lot of the violations happen in the receiving countries. In the face of the irreversibility of migration, it is important to note that many of the efforts are meant to prevent migrant workers from being placed in further harm or danger. These include:

- regulation of recruitment agencies, enforcing of memorandum of understanding (in the absence of bilateral relations), selective deployment and pre-departure training (Fernandez, 2000)

But more than just regulation of the recruitment process, what is needed is a holistic understanding of vulnerabilities and a comprehensive pre-departure program with strategies and interventions through the different stages of decision making, recruitment and pre leaving that reflect the concerns of the migrant workers.

To empower migrant workers, interventions need to include community based activities, mass-based activities (that includes information dissemination on a large scale), advocacy with stakeholders, research as well as training/orientation. A closer look at currently

### ***Migrant Workers' Vulnerabilities***

- Lack of appropriate, realistic information
- Exploitation from recruiters
- Loans and debts for meeting migration related expenses
- Family and social pressures to migrate
- Fear of unknown and denial of possible risks
- Ignorance regarding employment, working conditions
- Ignorance regarding migration realities and process
- Lack of information regarding human rights and legal redressal
- Ignorance of sexually related risks and abuse
- Trauma of HIV testing and fitness certification
- Lack of knowledge of host country's culture, laws and health access
- Lack of knowledge regarding remittances and communication
- Ineffective training programs which focus on image of country and not on vulnerabilities of migrant workers

available pre- departure training programs indicate an emphasis on the pre-leaving stage heavily influenced by recruiting agencies. All pre-departure stages i.e. decision making, recruitment and pre-leaving influence interventions and strategies adopted.

**Community - based activities** are available but limited, sporadic and require to be strengthened. They play a crucial role during the entire process of pre-departure. Migrant

workers and their families' involvement in community based activities at decision making, recruitment and pre-leaving stage is critical. Involving returning migrants as peer educators is an effective strategy when the prospective migrant worker goes through the decision making process as they provide first hand experience of migration realities and problems in the recruitment process. During the recruitment process, community-based activities also forewarn families and migrant workers of fraudulent activities and inform about requirements and procedures. At pre-leaving stage, family involvement clarifies how communication and remittances are to be managed.

**Mass-based activities** play a useful role in dissemination of information that empowers migrant workers during pre-departure process.

Pamphlets, posters, television and radio as well as call-in facilities have been established by the government and NGOs to inform prospective migrant workers about the implications and requirements of migration with a view to protect them from exploitative commercial entities.

Currently, the interventions at the recruitment and pre-leaving stages are predominantly driven by recruiting agencies that reflect their own agenda (usually economic). Pre-departure training programs are available at the pre-leaving stage and although most recruiting agencies conduct them, some examples are available of NGOs and government initiatives. Pre-leaving programs in some countries are



Bangladesh government, on occasions, publishes public notices in the mass media that warn people against frauds, as well as that advise them to properly verify the validity of offers they may be receiving.

In Sri Lanka, the Migrant Services Center places a number of public notices in the print media warning migrants against smuggling and trafficking.

directly handled by the relevant government bodies/departments or contracted out to other agencies.

The following sections describe various aspects of community-based interventions, as well as some of the current strategies and limitations, available at pre-leaving training programs. As mentioned earlier, most pre-departure training programs are at the pre-leaving stage and address those concerns. The section concludes by describing a framework for the development of comprehensive pre-departure programs that address all three stages of pre-departure, involve a variety of stakeholders and address emerging realities.

**Community-based interventions** can play a critical role in empowering migrant workers and their families to respond to concerns raised at every stage of the migration process - pre-departure, post-arrival and reintegration. These interventions become

more meaningful and sensitive with the involvement of returnee migrants, formation of support groups and response to personal, family and cultural-specific needs of migrant workers.

In pre-departure, community-based interventions can influence migrant workers so that decisions to leave are made rationally by providing relevant, accurate and realistic information related to migration, host country, eligibility and recruitment. Such information also ensures that migrant workers do not fall prey to unscrupulous middlemen and brokers. At the community level, interventions can also sensitize families to migration realities, having realistic expectations, dealing with emotional and sexual needs and managing the additional responsibilities of home, finance and the upbringing of children.

Returnee migrants play a pivotal role in anchoring migrant workers and their families regarding expectations, migration realities and that of reintegration back into the communities.

Community-based interventions also contribute to supporting families of migrant workers left behind in managing emotional, financial and communication issues. They can play an important role in sensitizing families, communities and women migrant workers on gender specific vulnerabilities. Women migrant workers need to be specially informed about eligibility, recruitment and employment requirements which are gender specific and their vulnerability to abuse, sexual exploitation, trafficking and difficult working conditions which can push them into illegal and undocumented status thereby making them more vulnerable. Wives of male migrants

SHISUK, an NGO working with migrant workers in Bangladesh, has been working with the Bangladeshi Overseas Migrant workers on “Migration and HIV/AIDS” issues since 1995 with the support of National AIDS Control Program, UNDP, IOM, HASAB, CARAM Asia and other partners. SHISUK’s interventions of information outflow, documentation, media campaigning and policy advocacy, counselling, pre-departure orientation programs, community-based interventions, mobilization of spouse groups, peer educator programs, are key strategies for meeting the following objectives:

*Developing and strengthening migrants’ perspective*

*Ensuring safe migration with respect to rights of migrants*

*Ensuring safety and security of migrant workers’ spouses and family members*

*Supporting the right to stay and reintegration in the country*

*Contributing towards successful implementation of the National HIV/AIDS Prevention, Support and Care Program*

**Main components of the program for meeting the above objectives:**

*Pre-Departure orientation: SHISUK, in collaboration with UNDP, provides pre-departure orientation in four recruiting agencies.*

*HIV test counseling and education program: SHISUK, with the support from HASAB, has initiated provision of HIV/AIDS counseling at two selected diagnostic centers to ensure rights-based HIV testing, with consent and confidentiality. SHISUK is also simultaneously carrying on with the advocacy and lobbying for banning of mandatory testing as a recruitment policy for migrant workers.*

*Support for People Living with HIV/AIDS: SHISUK is also providing support to migrants, diagnosed as HIV positive, in the counseling centers.*

*Necessary support is provided to them including networking with other NGOs and PLWHA networks.*

*Community-based interventions: As a pilot program, SHISUK, along with CARAM Bangladesh, has initiated interventions with the communities in rural areas. Most migrants are from these areas, and need to be informed on the migration processes and issues before they take any decision. This program is being carried out with support from CARAM Asia and UNDP, Bangladesh.*

*Spouse Program: One of the bigger challenges for SHISUK has been the mobilization of the spouse group to address health and survival issues. The income generating program is helping in institutionalization of group activities and also supporting their livelihood for economic empowerment.*

*Information Campaign: There is a general dearth of information on migration and related issues in Bangladesh. SHISUK has been publishing newsletter on a quarterly basis nationally and regionally. SHISUK also intends to publish a guidebook for migrant workers. The information campaign is being done in partnership with other NGOs such as the Grameen Bank, Government non-formal education program etc.*

also need to be sensitized on their possible risk of contracting STD/HIV through returning spouses and the need to develop effective negotiating skills for safe sex.

Various income generation activities, soft loan systems etc. need to be introduced for the migrants and their families to plan for managing

economic resources after the migrants leave for the host country; as well as for reintegration. An example of the need to network with various stakeholders as well as interconnectedness of interventions such as preparing for the tests, counseling, orientation and recruitment, and help of peers and families for sensitization is presented below:

Children of migrant workers have special needs and problems that these interventions can help highlight and address. In cultures where migration is still not looked at favorably, children of migrant workers are ostracized or subjected to ridicule and shame because of their parent's absence. This is true for Bangladesh. In the Philippines, because overseas employment is often equated with material comfort and benefits, children of migrant workers are envied. Whether the treatment is positive or negative, children are invariably affected by the realities of migration. Many migrant workers, particularly women, entrust the responsibility of childcare or child

#### ***Effect of migration on children needs more understanding***

Several studies have been made to determine the effects of migration on children. Among the problems that have been noted are delinquency, pre-disposition to drug use, and incest (in the case of father, left behind). While there is no conclusive data on this, there is now a growing concern to address the specific needs of children of migrant parents. In the Philippines, it is believed that children are likely to suffer less when fathers migrate than when mothers do. This is primarily because women are supposed to be the primary caregivers and child-rearers. (Beltran, Samonte and Walker, 1995)

"Ever since I got married, I stayed with my in-laws, because their youngest was the man I married. So I left when their son fooled around, my mother-in law helped me to leave. So, my children grew up with my in-laws..."

-- Cora, former Filipino domestic worker in Hong Kong

(excerpts from focused group discussions conducted by ACHIEVE/CARAM Philippines, 2001)

rearing to their spouses or partners, other siblings, extended families or even close friends. However, some of these people are also busy working or may have little time or patience to look after the children left behind by the migrant worker.

Migrants who bear children while abroad have a different set of problems. Women migrants come home with children often as a result of unwanted sex/rape or failed relationships. In Indonesia, there is a village with a large population of children of Arab descent borne by women who worked as domestic workers in the Middle East. In the Philippines there are NGOs addressing the issue of children born of Japanese fathers. Having children of mixed-race parentage is but one of the many consequences of migration.

Involvement of returning migrants in community-based activities, supported by information, focus group discussions and migrant worker groups are powerful tools to educate and assist prospective migrants and their families through all stages of the migration process.



## **Pre-departure (Pre-leaving) Training Programs**

*Current Scenario:* As mentioned earlier, most pre-departure training programs are offered at the pre-leaving stage. Unfortunately, many countries still do not provide adequate pre-departure orientations, if they are provided at all. For instance, 85% of Bangladeshi migrants in Malaysia have not gone through a pre-departure program, and 91% say they did not receive information on health or HIV/AIDS. ('Vulnerable' by Tenaganita, 2000)). Migrants who are given pre-flight orientations, like those in Sri Lanka and the Philippines, say they receive very little information about migration realities. This information is also given close to the day of departure when the worker has so

many other things to think about that are of immediate concern. Indonesian migrants say the briefings they receive focus more on increasing their skills and protecting the image of their country by showing good behavior while at work.

Depending on the country's policy on labor migration, the pre-departure trainings are done differently and by various agencies. Some of these pre-departure programs are conducted by private recruitment agencies, which place little or no emphasis on issues concerning migrant's health, legal, and human rights. Furthermore, most pre-departure programs are employer-centered. Migrant workers are oriented and conditioned to adjust and accept the conditions of employment, regardless if these are abusive or dehumanizing. There is very little emphasis on rights or empowerment of migrant workers in the receiving countries.

Pre-leaving Programs have different orientations: 'who trains decides the what'

Trainer	Orientation	Probable Emphasis
Recruitment Agencies	Employer-related	Employment- job requirements, skills needed; Host country- positive image portrayed; Health and HIV information; Language training- job and skills related
NGOs	Rights-based and empowering	Employment- breach of contract, working conditions, abusive employers, legal redressal; Host country- migration realities; Health and HIV- sexual and reproductive health, safe sex practices, health access; Language training- life skills and survival related; Gender vulnerabilities
Government	Reflect current government practices	Enhancing country's image, Emphasis on laws and procedures





In Vietnam and Cambodia, the pre-departure training is conducted by private recruitment agencies or labor service contractors. In Bangladesh, the Philippines, Indonesia and Sri Lanka, both government and recruitment agencies are involved in the trainings. The same countries also accredit some migrant-support NGOs to also conduct the pre-departure training. In Vietnam, labor export agencies have

"What happens is that some governments try to add up documentary controls to substitute for lapses in pre-departure orientation. My office, the POEA, is now fighting the idea that having more time in preparing the worker to decide whether or not to work abroad is bureaucratic. We can loosen up on the documents but engage more quality time for an integrated pre-departure orientation." (Casco, Regional Summit on Pre Departure, Post Arrival and Reintegration, organised by CARAM Asia, Malaysia, 2000)

the responsibility of providing mandatory pre-departure training programs for migrant workers.

In the Philippines, there is a direction towards strengthening and expanding existing pre-departure programs in the hope that this will enable migrant workers to make better decisions about migrating for overseas work.

#### **Contents of Vietnam's Pre-departure Training**

Civil laws, labor laws, criminal laws, immigration regulations of both countries.

Information about country's history and customs, employer-employee relationship in receiving country, communication skills.

Contents of contracts between Labor Export Agencies and foreign side and between employer and employee.

Mutual responsibilities between employer and employee.

Industrial labor discipline and manners, labor security.



Demonstration in use of a washing machine given by Instructor to a group of prospective Migrants prior to Departure Migrant Worker Association Dehiwala

<b>Current PEOs Content in the Philippines</b>	<b>CARAM Pre Employment Education Program</b>
Overview of overseas employment	Framework on migration (globalization); trends (feminization, irregular migration, privatization); migration realities; who is the migrant worker; who are the key players and stakeholders? Who benefits, who suffers?
Benefits and pitfalls of an overseas job	Concrete gains vis-à-vis social, psychological and emotional costs, impact on self, family and community; vulnerable situations; cost of migration versus expected economic gains.
Procedures and documentary requirements for application	Procedures and documentary requirements for application; payment schemes
Licensed agencies	List of licensed agencies and recruitment agencies convicted or with pending cases of illegal recruitment
Modus operandi of illegal recruiters	Modus operandi of illegal recruiters and illegal/irregular methods of legal recruitment agencies
Detection of illegal recruitment activities	What to do when illegally recruited
Government services available to overseas job applicants and hired workers.	Migrant workers' rights (health, legal, human rights); support services from government and non-government sector

**Limitations of Current Pre-departure Orientation Programs or Pre-leaving briefings**

**Content**

“What we had in the seminar were the techniques on how to put a pillow case, how to fix the bed, how to use the vacuum cleaner, how to operate the washing machine, that's what we had in the seminar. Nothing about HIV/AIDS.”

-- Cora, former Filipina domestic worker in Hong Kong (excerpts from focused group discussions conducted by ACHIEVE/CARAM Philippines, 2001)

The first thing that can be said about existing pre-departure programs is that they are limited in their capacity to provide sufficient pre-departure information to migrant workers. Existing pre-departure programs see migrant workers as economic tools for productivity and not as human beings with

social, emotional and sexual needs. Thus, the trainings are focused on the mechanics and requirements of the job; the process of earning and sending money back home; and, the adjustments that need to be made by the migrant worker. Some training modules include brief discussion on migration realities or conditions in receiving countries; but these are not enough.

Other pre-departure programs include language training or skills training but these are often related to the job and not about enhancing the migrant worker's survival or life skills. Thus, most of the trainings are employer- rather than worker-centered. For instance, almost all pre-departure trainings for domestic workers teach them how to do proper housework, e.g. correct use of electrical appliances or "proper way" of making the bed, but they do not impart strategies or tactics in dealing with abusive employers.

The trainings are sorely lacking in gender, health, sexuality and human rights perspectives. Trainings for women do not take into consideration the specific conditions and vulnerabilities that women migrant workers face. In some countries, while there is an orientation about laws in receiving countries, e.g. Vietnam and the Philippines, there are no discussions about the human rights of migrant workers and the redress mechanisms they can avail of (if any), in case something wrong happens to them.

Most of the trainings are very weak on health issues, especially in the area of sexual and reproductive health. Aside from short lectures or video showings on HIV/AIDS, there are no or very little discussions or inputs on crucial sexual health information such as taking care of oneself, safe sexual practices, contraception, pregnancy, reproductive health, etc. Further, the critical period of adjustment, a listing of resources or support services and networks and strategizing on potential problems that migrants must face -- all these need to be integrated as well.

Such gaps in the content are being addressed mostly by NGOs working with migrant workers who are involved in the conduct of pre-departure trainings.

For instance, CARAM-Cambodia undertakes STD/HIV/AIDS and health training for departing Cambodian domestic workers and garment factory workers. CARAM Vietnam also provides a similar training for departing Vietnamese domestic and factory workers.

In the Philippines, the NGO PDOS Forum is a group of six migrant support NGOs implementing the pre-departure orientation seminars.

### ***Trainer Orientation***

Pre-departure trainings often highlight or give emphasis on the interests and concerns of the institution or agency that provides it. NGOs are more inclined to emphasize issues relating to migrant rights and realities. Recruitment agencies are wont to downplay or disregard discussion on negative aspects of migration. They also accommodate the interests of allied sectors such as banks, real estate agents, insurance groups and even

duty free shops. Governments also conduct pre-departure programs although most are slanted in stressing the need for migrants to uphold the image of the country.

Vietnam's pre-departure program which includes topics such as civil laws, labor laws and criminal laws are deemed “too technical and complicated” by Vietnamese migrant workers. (Telling It Like It Is: CARAM Asia and VU Amsterdam 2001)

Currently, there are attempts to improve and/or change the content of such trainings, but in the Philippines experience, for example, the challenge of integrating the migrant worker's perspective and the sustainability of such a program remains to be seen.

#### **Emerging Issues**

Pre-departure programs have traditionally addressed employment-related procedures and requirements. The changing trends in migration, better understanding of the migration process and acceptance of the rights of migrant workers has led to an urgent need to address emerging issues of regional coordination, involvement of new stakeholders and providing a human face to migration.

#### **Policies and Regional Coordination**

Pre-departure programs need to adopt a regional approach wherein sending countries can work together, rather than compete, in the implementation of pre-departure programs.

#### **What does a Pre-leaving program address?**

Information about employment, working conditions, culture of receiving countries  
Information on survival skills

Information on vulnerabilities to HIV/AIDS, sexuality, safe sex

Information on health care and access

Lists of support/liasing organizations in receiving countries

Information on rights of migrant workers

Overview on issues of return and reintegration into home country

Discussion on how gender affects all the above

It must be realized that being long and experienced in the "migration trade" is not a guarantee for success. The experience of the Philippines and other pioneering sending countries like Indonesia and Sri Lanka shows that despite long history of involvement in the process, migration remains difficult to manage and regulate.

The fundamental limitation of any policy from the sending country is its inability to control the nationals of other countries. The only way to protect the rights of its workers is to negotiate for a bilateral or multi-lateral agreement with receiving countries.

Dialogue between countries will promote the adoption of healthy migration policies and procedures. The focus of all policies must be in the context of protection of the rights of migrants at all stages of migration. Policies are needed to-

- strengthen bilateral agreements that protect migrant workers' rights and welfare



- standardize and regulate recruitment, employment and working conditions of migrants,
- advocate against mandatory HIV testing policies and
- promote health insurance and other protective policies.

Migration policies need to be comprehensive, humane and responsible - formulated not in response to crises and restricted understanding of the migrant and the migration process, but as a response to the vulnerabilities and rights of the migrant worker.

#### ***The Human Face in Pre-departure Programs***

Official policies on overseas employment and/or contract migration have tended to treat the phenomenon merely as an economic one. The migrant worker is not just a commodity and the migration process is not just about the deployment of labor force. In reality, migration has become a social phenomenon. This is suggested by the emergence of social networks among private institutions involved in overseas deployment, i.e. recruiters and workers associations, as well as support groups and NGOs located in various countries where workers are concentrated.

In the 1980s, most concerns and problems of overseas workers were woven around what the placement fees should be, the system for remitting dollars across the banking

system and less formal conduits, and the salary standards and benefits that should be negotiated on their behalf. Today, the concerns have assumed deep social colors.

Several decades after the first migrant workers went abroad, developing countries are now feeling the impact of migration-related problems, mostly stemming from the migrant workers' lack of control over the entire process.

Migration for overseas work is no longer a matter of choice, but a matter of survival. The human rights approach to migration is based on the belief that everyone has the right to life and the right to work. The right to life must mean a right to life with dignity. The right to work must therefore guarantee proper conditions for work and "an adequate standard of living" for workers and their families. Such rights need to be immediately recognized at the pre-migration and pre-departure stage.

#### ***Broadening of Partners***

Migration has given rise to the emergence of new stakeholders and allied industries. Apart from recruitment and placement agencies, there are many others who stand to gain and profit in this business, e.g. remittance centers, banks, insurance and travel agencies, airlines, testing centers, training centers, even telecommunications companies and duty free shops. Migration is a multi-million dollar industry being held together by the hardships and toil of migrant workers. These agencies need to be involved in the pre-departure process in a more meaningful and liberal way.

## INTERVENTIONS AND STRATEGIES

**M**igration is a process and interventions at pre-departure need to reflect the three sub-stages: decision making, recruitment and pre-leaving. Decisions can be rationally made only when information about recruitment procedures, cost benefit of migration and personal loneliness and family problems are discussed. Similarly, recruitment related interventions must give a true picture of the types of jobs available and the difficulties faced along with the problems of returning home. Pre-leaving also must address not only issues related to employment in the receiving country but also about remittances and family related problems back home. Interventions need to be at various levels.

1. Pre-departure programs, which are community-based and involve returning migrants and families of potential migrants, are important to provide information and clarify doubts regarding recruitment, health testing, post arrival issues, emotional preparedness of family and migrant and cost issues. An example of existing programs have been described in earlier sections.

2. Media and information updates about policy changes, visa requirements, recruitment

trends and patterns are essential for informed decision making.

3. Monitoring of recruiting agents and ensuring that blacklisted agencies do not lure migrants is important. Medical laboratories certification which ensures that migrant workers are counseled and informed is also necessary.

4. Rights of migrants vis-à-vis health care, testing and counseling need to be promoted and preserved.

5. Promotion of bilateral agreements and their proper enforcement are other interventions required to protect the rights of migrant workers.

6. Policy advocacy to ensure that policies of recruitment and redressal, including the protection of human and health rights is necessary at a regional level. Existing fora in the region and the translation of international conventions into strategies and interventions are important first steps.

7. A pre-departure program is most effective if it can address all the stages and provide an integrated approach and involvement of all stakeholders. The framework outlined below is an indicative list of activities and is not exhaustive.

## FRAMEWORK FOR PRE-DEPARTURE PROGRAM

Broad Areas: Rights-based policies, formulation and implementation; empowerment of migrant workers and their families

Facilitation of enabling environment; networking and collaboration

Stage	Strategies	Core Content/Issues	Partners
Decision making	<ul style="list-style-type: none"> <li>• Community based</li> <li>• Involvement of returnee migrants</li> <li>• Involvement of potential migrant, family, spouse</li> <li>• Mass dissemination of information</li> </ul>	Information on host country and post arrival issues; Expectations of migrant workers; Migration realities; Need for emotional support; Cost of recruitment; Arrangements at home; Type of recruiting agencies; Recruitment policies; Managing remittances; Maintaining communication with family; Reintegration issues; Focus on rights and health issues especially related to sexuality	<ul style="list-style-type: none"> <li>• NGOs</li> <li>• Migrant worker groups</li> <li>• Family</li> <li>• Government</li> </ul>
Recruitment	<ul style="list-style-type: none"> <li>• Advocacy</li> <li>• Licensing and accreditation of recruitment agencies</li> <li>• Information sharing Programs</li> </ul>	Contracts; List of licensed agencies; Processing fee; Medical tests; Mandatory testing and counseling needs; Job requirements; Cost of living abroad; Waiting period	<ul style="list-style-type: none"> <li>• Government regulatory Bodies</li> <li>• NGOs</li> <li>• Ministry of Labor</li> <li>• Recruitment agencies</li> <li>• Medical centers</li> <li>• Counseling centers</li> </ul>
Pre-leaving	<ul style="list-style-type: none"> <li>• Training program that is simple, Participatory, empowering and conducted well before possible departure</li> </ul>	Information on host country (culture, social environment, policies including health notification and deportation); Reintegration issues; Remittance policies and communication; Health and hygiene; HIV, STIs, safe sex, condom; Basic English or host country language training; Skills for specific jobs; Rights of migrant workers mechanisms of redressal; Contractual and employer obligations; Travel documents management; Transit arrangements; Laws of receiving countries; Emotional/social/sexual needs and coping mechanisms; Assertiveness training and negotiation skills; Support agencies in receiving countries; Arrival procedures	<ul style="list-style-type: none"> <li>• Relevant government departments of sending and receiving countries</li> <li>• Passport Office</li> <li>• Police personnel involved with Processing of travel Documents</li> <li>• Airline and travel Companies</li> <li>• Family</li> </ul>

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