International Labour Organization

Labour migration structures and financing in Asia

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Foreword

This report was prepared by the V.V. Giri National Labour Institute, India, and researchers in the Philippines and Sri Lanka, in collaboration with the International Labour Organization (ILO), and completed in 2015. The study benefited from stakeholder inputs at the Technical Meeting on Labour Migration Structures and Financing in Asia, held on January 31, 2014 in New Delhi, India.

The three countries studied in the report – India, Sri Lanka and the Philippines – have a long tradition of sending workers abroad and have developed, to varying degrees, legislation and a number of mechanisms to govern and regulate labour migration. To meet the policy objectives of protecting citizens working abroad and optimizing the benefits of labour migration to the relevant countries, the individual workers and their communities, adequate institutional capacity and inter-ministerial coordination is essential. This includes giving the management of labour migration due priority in overall development, foreign policy and the allocation of resources. In response to opportunities and challenges posed by international labour migration, governments are giving greater attention to the formulation and implementation of labour migration policies. Over the last two decades a number of specialized institutions have been created to address issues around foreign employment.

By presenting the legal and administrative framework (including human resources devoted to the managing of labour migration) in the three countries, the variety of services they offer their workers abroad, and, importantly, how governments finance this management and service provision, this study will be particularly useful in providing both a benchmark and guidance for countries in the region both those newly embarking on labour migration, and those engaged in it.

More research is needed on the effectiveness of services provided to migrant workers, and the financing and administration of labour migration. It is hoped that this publication will strengthen the knowledge base in this critical area, for the benefit of policy-makers and practitioners in countries of origin, as well as researchers generally.

Nilim Baruah

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Acronyms and abbreviations

ACTFORM	Action Network for Migrant Workers
BLES	Bureau of Labor and Employment Statistics [Philippines]
CFO	Commission on Filipinos Overseas
CSO	civil society organization
DFA	Department of Foreign Affairs [Philippines]
DOLE	Department of Labor and Employment [Philippines]
ECNR	Emigration check not required
ECR	Emigration check required
EPS	Employee Permit System [Republic of Korea]
EU	European Union
FWRC	Filipino Workers Resource Centre
ICWF	Indian Community Welfare Fund
ILAB	International Labor Affairs Bureau [Philippines]
ILO	International Labour Organization
IOM	International Organization for Migration
IT	Information technology
MGPSY	Mahatma Gandhi Pravasi Suraksha Yojana [India]
MOFE	Ministry of Foreign Employment [Sri Lanka]
MOFEPW	Ministry of Foreign Employment Promotion and Welfare [Sri Lanka]
MOIA	Ministry of Overseas Indian Affairs
MoU	memorandum of understanding
NORKA	Non-Resident Keralites' Affairs [India]
NRCO	National Reintegration Centre for OFWs [Philippines]

NRI	non-resident Indian
OCI	overseas citizens of India
ODEPC	Overseas Development and Employment Promotion Consultants [India]
OFW	Overseas Filipino Workers
OIFC	Overseas Indian Facilitation Centre
OLO	Overseas Labor Officer [Philippines]
OUMWA	Office of the Undersecretary for Migrant Workers Affairs [Philippines]
OWG	Open Working Group
OWWA	Overseas Workers Welfare Administration [Philippines]
PAOS	Post-Arrival Orientation Seminar
PBBY	Pravasi Bharatiya Bima Yojana [India]
PBD	Pravasi Bharatiya Divas [India]
PDOS	Pre-Departure Orientation Seminar
PEOS	Pre-Employment Orientation Seminar
PGE	Protectorate General of Emigrants [India]
PhilHealth	Philippine Health Insurance Corporation
PHP	Philippine peso [currency]
PIO	person of Indian origin
POEA	Philippine Overseas Employment Administration
POE	Protector of Emigrants [India]
POLOs	Philippine Overseas Labor Offices
PSA	Philippine Statistical Authority
RBI	Reserve Bank of India
SDG	Sustainable Development Goal
SLBFE	Sri Lanka Bureau of Foreign Employment

SLFEA	Sri Lanka Foreign Employment Agency
SSA	Social Security Agreement
SSS	Social Security System [Philippines]
TESDA	Technical Skills and Development Authority [Philippines]
TETV	Technical Education and Vocational Training
TOPIK	Test of Proficiency in Korean
UAE	United Arab Emirates
WWF	Workers Welfare Fund [Sri Lanka]

Executive summary

With labour flows showing increasing heterogeneity the world over, there is a renewed interest in managing labour mobility so as to enhance the developmental potential of migration. In this context, this research study attempts to enhance the knowledge base pertaining to three core issues: (i) organizational structures to manage labour migration; (ii) various migrant services being extended by the state; and (iii) financing of protection of migrant workers. The study adopts a comparative perspective and provides a detailed analysis of the core issues in relation to India, the Philippines and Sri Lanka, three major labour-sending counties. The conceptual framework of the study presumes that migration management in countries of origin consists of three domains: regulation and (in certain countries) promotion of labour migration and support services; administrative structures; and financing. The study acknowledges the importance of each of these domains while also stressing the interdependence among them.

Administrative framework

In India, the Emigration Act, 1983, specifies the legal framework of international labour migration. In the Philippines it is the Migrant Workers and Overseas Filipinos Act of 1995 (RA No. 8042), and in Sri Lanka, the Sri Lanka Bureau of Foreign Employment Act No. 21 of 1985 regulates international labour. In all three countries, the relevant act that protects migrant workers has been amended several times to meet emerging concerns. All three countries have, over time, developed dedicated institutions to manage labour migration—the Ministry of Overseas Indian Affairs (MOIA) in India, the Department of Labor and Employment (DOLE) in the Philippines, and the Ministry of Foreign Employment (MOFE) in Sri Lanka. Apart from the ministries there are several other state agencies providing specialized services to migrants. In the Philippines, the Philippine Overseas Employment Administration (POEA), Overseas Workers Welfare Administration (OWWA), and Commission on Filipinos Overseas (CFO) are the main agencies. In Sri Lanka, the Sri Lankan Bureau of Foreign Employment (SLBFE) and Sri Lanka Foreign Employment Agency (SLFEA) are the two important institutions that cater to labour migrants.

The human resources available to protect migrant workers and regulate labour migration is a key factor that determines how effectively labour flows are managed by a country. The SLBFE has a very comprehensive and structured cadre to manage migration. The MOFE encourages the continuous training of staff and provides different kinds of training programmes depending on specific requirements. In the Philippines, labour attachés and Philippine Overseas Labor Offices (POLOs) as well as the International Labor Affairs Bureau (ILAB) provide training to the staff.

In response to the existing and emerging challenges of labour migration management, several initiatives are underway in the three countries under consideration. In India, MOIA has proposed a comprehensive e-governance project to enhance the capacity of the administrative machinery to ensure the protection and welfare of migrants. In the Philippines, there are efforts to achieve coherence in the operation of multiple agencies managing overseas employment. The MOFE in Sri Lanka has taken initiatives to strengthen manpower to manage migration by establishing a special Regional Administration for district- and division-based welfare activities of migrant workers.

Migrant services

Information dissemination: In India, MOIA provides information on migration-related issues through print and electronic media, workshops/seminars, focus group discussions and awareness campaigns. In the Philippines, POEA, CFO, and OWWA are the key institutions mandated with spreading awareness and information on international migration. In Sri Lanka, SLBFE conducts grassroots-level awareness-building programmes targeting migrants, the general public, the police and community leaders.

Pre-departure orientation services: While pre-departure orientation is not mandatory in India for those migrating abroad for employment, there are limited attempts to offer pre-departure services at the provincial level. In the Philippines, three kinds of services are in place for migrants to prepare them for migration and to help them adjust at their destination: Pre-Employment Orientation Seminar (PEOS); Pre-Departure Orientation Seminar (PDOS); and Post-Arrival Orientation Seminar (PAOS). In Sri Lanka, the SLBFE is mandated to conduct pre-departure training and orientation programmes for migrant workers.

Skill development: The Swarna Pravas Yojana, being launched in India, proposes a skill development framework for migrants with standardized training, testing, and certification. In the Philippines, the Technical Education and Skills Development Authority (TESDA) is the main body responsible for training, assessment, and certification of skills/competencies, while for professionals the Professional Regulations Commission conducts regular board examinations. In Sri Lanka, comprehensive training focusing on skilled migration and enhancing the capacities of low-skilled workers is implemented with the technical support of the Ministry of Youth Affairs and Skill Development and the State and Non-State Technical Education and Vocational Training (TEVT) network.

Regulating recruitment: In India, as per the Emigration Act of 1983, only recruiting agencies possessing a registration certificate issued by the Protectorate General of Emigrants (PGE) can recruit people for overseas employment. In the Philippines, workers can obtain foreign employment through private agencies, the Government Placement Branch or name hires. The POEA is entrusted with the regulation of recruiting agencies hiring Filipinos for foreign employment. In Sri Lanka, recruitment for overseas employment is handled by the SLFEA and private recruitment agencies registered with the SLBFE.

Scrutinizing employment contracts: In India, all Emigration Check Required (ECR) passport holders have to obtain emigration clearance from the Protector of Emigrants (POE), if they are emigrating for employment to any of the 17 ECR countries. In the Philippines, the POEA is responsible for validating employment contracts. Overseas Filipino Workers (OFWs) need to register with the POEA and secure a POEA travel exit clearance before leaving the Philippines regardless of their visa status. In Sri Lanka, it is a legal requirement for all workers leaving the country for overseas employment to be registered with the SLBFE prior to departure. All employment contracts between the employer and employee also need to be validated by the SLBFE for exit clearance.

Welfare services, including insurance: Good practices emerging in the operation of different insurance programmes in the three countries include: the payment of premiums by employers in cases of certain vulnerable worker categories, like domestic workers; compulsory insurance cover for all workers who require clearance (such as those who require emigration clearance for overseas employment in India); and membership-oriented coverage for various benefits, including insurance (like the OWWA in the Philippines), as well as a provision for the membership contribution to be paid either by the worker or the employer.

Services at the destination: The Indian Community Welfare Fund (ICWF), which operates in countries that have a significant overseas Indian population, provides a variety of welfare services to migrants in desperate situations. In the Philippines, DOLE through its POLO network has supported the establishment of Filipino Workers Resource Centres (FWRCs) to provide on-site support and services to OFWs. In the case of Sri Lanka, the respective Sri Lankan diplomatic missions in labour-receiving countries are assigned the task of extending different services to migrant workers at destinations.

Re-integration services: In India, the financial services division of the MOIA provides various services to migrants (including returnees) wishing to make investments in the country. The Philippines has two major loan programmes through the OWWA to facilitate reintegration of migrant workers —the Livelihood Programme and the Groceria Project. In Sri Lanka, a training-of-trainers programme, to build the capacities of staff working on reintegration at the district and divisional levels, was launched by the SLBFE in cooperation with the International Labour Organization (ILO).

Cooperation between origin and destination countries: Considering that bilateral agreements and memoranda of understanding (MoUs) are important instruments that can improve the conditions of migrant workers in destination countries, India and the Philippines have signed several bilateral social security agreements; while in Sri Lanka the thrust has been more on signing MoUs/agreements wherein the social security of migrant workers is an important concern.

Financing migrant services

The structure in place to administer migration and the various services it offers is determined to a large extent by the financial resources at hand and the efficiency with which available resources are utilized. In India, vital areas of intervention to improve the migration outcomes of potential migrant workers, like pre-departure orientation and skill upgrading programmes, continue to receive a relatively low allocation of funds. In the Philippines, membership fees constitute the major source of income of the OWWA, while the organization's main expenditures are projects like social protection programmes, including disability, death benefits, and livelihood support to families of deceased OFWs. In the case of the POEA, a substantial proportion of expenditures go towards administrative services. For the CFO, a significant part of the expenditure is incurred on the various welfare programmes to migrants and the diaspora. In Sri Lanka, major sources of income for the SLBFE include recruitment fees and receipts to the Workers Welfare Fund (WWF), including the registration fees attached to contract agreements and job orders collected from foreign employers and recruitment agencies by the diplomatic missions in destination countries. The SLBFE's primary expenditure is the WWF and staff salaries. For the SLFEA, fees from Test of Proficiency in Korean (TOPIK) for the Employment Permit System (EPS) and migrants' insurance are the two main sources of revenue, while the largest item of expenditure is administration services.

Policy imperatives

- First and foremost, there is a need to develop a well-crafted international labour migration policy. It is necessary to have an overarching or lead institution to manage labour emigration. It is equally important for countries to ratify various Conventions and Recommendations on international migration, as well as to strengthen multilateral cooperation to promote migrant workers' welfare.
- It is essential to strengthen human resources to manage migration, both qualitatively and quantitatively, in countries of origin as well as destination. There is a need to equip the diplomatic missions abroad with appropriate numbers of officers, and to develop a manual for procedures (as done by Sri Lanka and the Philippines). Ancillary efforts must be made to strengthen policy coherence between different ministries/departments dealing with migration management, particularly the departments of labour, skill development, and health, as well as external and home affairs.
- Transparent policies, procedures and practices, which would render the functioning of institutions more effective, should be fostered. Having a (shared) platform for social dialogue among different stakeholders engaged with migration, such as informal meetings that include trade unions, civil society organizations (CSOs) and recruitment agencies is likewise crucial.

- Recognition that the pre-departure stage is a particularly important one and that it requires state intervention is vital. This is particularly important in countries like India that do not have mandatory pre-departure orientation programmes.
- Yet another urgent area of intervention is the regulation of recruitment, including monitoring the operations of recruiting agencies. Initiatives in Sri Lanka to grade recruiting agencies, thereby informing the public about the nature of the services one can expect, are commendable.
- Given the rising number of complaints relating to conditions of work, strengthening the welfare services in countries of destination is indispensable.
- Strengthening insurance programmes for migrant workers should be accorded top priority. Some good practices have emerged in the operation of different insurance programmes in the three countries, including employers paying the premiums in case of certain vulnerable worker categories, like domestic workers; compulsory insurance cover for all the workers who require clearance; etc. The countries need to initiate more such initiatives.
- All three countries have designed or embarked on skill development and certification programmes for potential migrant workers. Such measures should be sustained in order to improve migration outcomes.
- Reintegration programmes need to be modified according to the needs of migrant workers. While there are different models pertaining to reintegration, those which promote self-employment opportunities for overseas workers and families with limited investment capabilities (for example, by establishing cooperatives like the Groceria Project in the Philippines) are worthwhile options to be considered.
- Measures should be taken to ensure financial sustainability of migrant services. In this regard it is important that expenditure towards migrant services should be managed through sources other than committed government funds. The SLBFE's approach of augmenting its financial resources through recruitment fees is a practice worth emulating.
- There is a need to set priorities in budget allocation. It has been noted in the case of India that certain interventions to improve the migration outcomes of potential migrant workers, such as pre-departure orientation and skill upgradation programmes, continue to be allocated very meagre resources.
- Emphasis should also be given to generate revenue through sources other than government grants; these include recruitment fees, migrant workers' contribution to welfare funds, etc. The resources generated as part of welfare funds, though limited, should be invested optimally to ensure a steady flow of income and thus sustain different migrant services.

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We presented a draft report of this research study in a Technical Meeting held in January 2014 at the V.V. Giri National Labour Institute. We received constructive suggestions for improving the report during the deliberations of this meeting. We are thankful to each and every person who attended the meeting. We are also grateful to colleagues in our respective institutions for providing ungrudging support for this research work.

Rakkee, Sasikumar, Padmini and Alvin

Chapter 1: Introduction

1.1 The context

With labour flows showing increasing heterogeneity the world over, there is a renewed interest in managing labour mobility to enhance the developmental potential of migration. There exists a plethora of literature, both academic and policy-oriented, on the type and nature of services which are provided to migrants in countries of origin and in countries of destination to strengthen the migration–development nexus. However, little is known about the administrative structures required to regulate labour migration and provide services to migrants, or how these are financed. This study attempts to explore these interrelated issues by taking up the case of three major labour-sending countries in Asia: India, the Philippines, and Sri Lanka. Such a comparative analysis is expected to improve the knowledge base on labour migration administration and its financing from the perspective of a labour-sending country.

The three countries chosen for the study—India, the Philippines, and Sri Lanka—have successfully sent large numbers of workers abroad as an employment (and even development) strategy. Interestingly, these countries demonstrate several commonalities and distinctions with respect to international labour flows. Notable similarities include:

(a) In all three countries, labour migration was initiated and perpetuated under colonialism—in the cases of Sri Lanka and India as indentured labourers to plantation colonies, and in the Philippines under American rule;

(b) Migration has been largely driven by low- and medium-skilled workers;

(c) Gulf countries figure as a major destination for low- and medium-skilled migrants from all three countries;

(d) Foreign employment policy regimes in these countries are transforming from regulatory to state-managed and facilitated systems; and

(e) Existing administrative structures, migrant services, and financing have been mainly formulated to facilitate the needs of low- and medium-skilled workers from these countries, particularly those moving to the Gulf.

The major differences in the labour flows and migration management structures across these countries are:

(a) In comparison with India, the Philippines and Sri Lanka have more feminized labour flows (India has an age bar for domestic workers heading to certain countries);

(b) The Philippines and Sri Lanka have more elaborate administrative structures (at the central or federal government level) to regulate and support labour migration; and

(c) In the Philippines and Sri Lanka legal structures and migrant services are more attuned to the contemporary requirements of labour migrants. The Philippines and Sri Lanka have adopted a pro-migrant strategy, in rhetoric and reality, the latter through initiatives such as ratifying relevant international conventions on migration. Yet, it needs to be noted that in comparison to Sri Lanka, labour flows from the Philippines are more diversified. In addition, Sri Lanka has adopted a rights-based approach in facilitating migration.

There is no dearth of studies looking at migration processes from India, the Philippines, and Sri Lanka, for different categories of workers, moving to various destinations. However, only a few attempts have been made to situate the role of migration administrative structures—institutions as well as their governance and financial efficiency of their operations, so as to situate delivery of various migrant services and the modulation of labour flows in a better perspective. A study that deserves mention in this context was published by the International Labour Organization (ILO) (Abella and Abrera-Mangahas, 1997). This report provides policy and administrative insights for countries wanting to benefit from overseas employment. Similarly, studies by the International Organization for Migration (IOM) (2003; 2005) provide comprehensive analyses of migration policies and practices in major labour-sending countries[1] in Asia. An IOM (2011) review of good practices in Colombo Process member countries with regard to managing migration is likewise worth highlighting.

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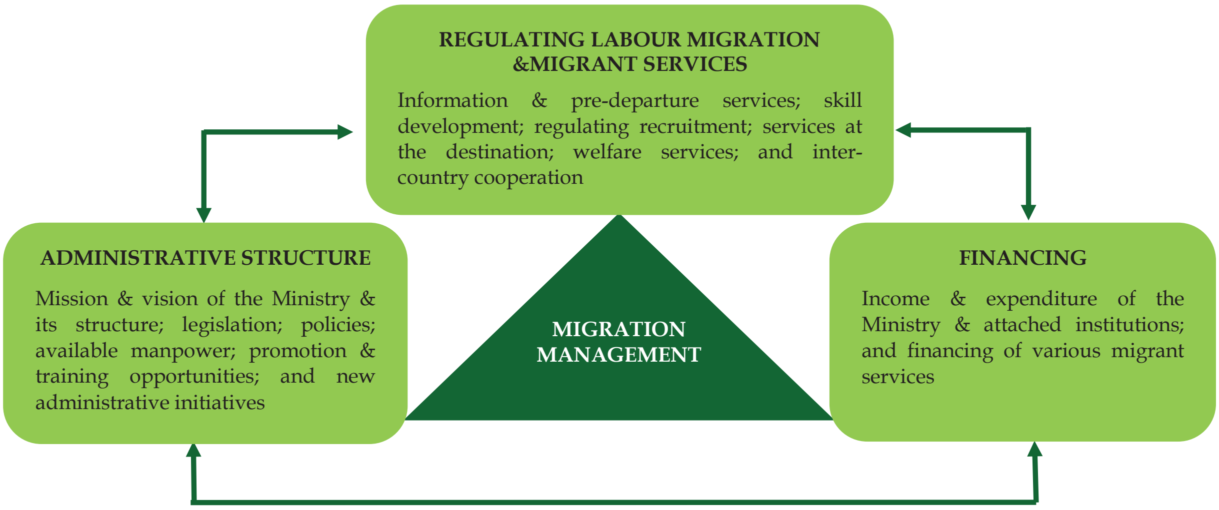
[1] Interestingly, significant research does exist on the question of having an appropriate administrative and migration policy for labour receiving countries. For details see *Böhning, 1996;* OSCE, et al., 2006. A study by Yoo, et al., 2004, provides empirical insights into managing migration from 10 labour-receiving countries in Asia (Japan, Republic of Korea, Singapore, and Taiwan (China)), Europe (France, Germany, Italy, and the United Kingdom), and North America (Canada and the United States).

It is in this context that the present research study aims to enhance the knowledge base pertaining to three core issues: (i) organizational structures to manage labour migration; (ii) various migrant services being extended by the state; and (iii) financing of protection for migrant workers. It is envisaged that this research will feed into policy advice formulated by the ILO in its technical cooperation projects as well as highlight lessons learned and good practices in this under-researched area.

1.2 Approach and data

The study is premised on the fundamental need to forefront the agenda of protecting the rights of the migrant workers and evolving effective and sustainable administrative structures to govern labour migration. While improving the positive outcomes of labour migration receives its fair share of focus, it is a fact that there are gaps in the existing knowledge of administrative structures required to manage mobility, the type and nature of migrant services to be provided, and the financing of migrant services. The conceptual framework of the study presumes migration management consisting of three domains: (i) regulation and (in certain countries) promotion of labour migration and support services; (ii) administrative structure; and (iii) financing. Figure 1.1 illustrates the relationship between these domains as well as the components in each one of them. The study envisages the importance of each of these domains, while also stressing the interdependence between each one of them. For instance, it would be logical to assume that a given structure of migration administration would modulate labour flows in a particular pattern. At the same time a particular trajectory of labour flow may also lead to modification of existing administrative structures or the emergence of new structures to ensure certain outcomes. In a similar pattern, although administrative structures offer a package of migrant services, the introduction of "new" services, often as a response to labour flows, may require upgrading the existing administrative machinery, which may in turn affect labour flows. Analysis of the financial efficiency in the operation of administrative structures and migrant services also become an indispensable part in this approach. A list of variables covered in each of the domains in the three countries under consideration is provided in Appendix I.

Figure 1.1: Conceptual framework of the study



At the outset it needs to be highlighted that data on international migration is quite limited in India, compared to the more developed data sources in the Philippines and Sri Lanka. The primary source of information on international migration from India is the data published by the Protectorate General of Emigrants (PGE) of the Ministry of Overseas Indian Affairs (MOIA). This annual data depicts the number of migrants in the emigration check required (ECR) category, that is, those migrants who must obtain clearance from the Protector of Emigrants (POE) to migrate abroad for employment. As per the existing provision, POE clearance is required for workers who have not completed matriculation and are migrating to the 17 countries[2] included on the ECR list. This data mainly pertains to low-skilled workers. Hence, it only provides partial information on labour outflows from India. Apart from publishing this data on an annual basis, the MOIA also provides in its Annual Reports information pertaining to the various services offered to the migrants, both persons of Indian origin (PIO) and non-resident Indians (NRIs).

In the Philippines, three sources of information on labour migration exist: the Philippine Overseas Employment Administration (POEA); the Commission on Filipinos Overseas (CFO); and the Survey of Overseas Filipinos conducted annual by the National Statistics Office.[3]

[2] Afghanistan, Bahrain, Indonesia, Iraq, Jordan, Saudi Arabia, Kuwait, Lebanon, Libya, Malaysia, Oman, Qatar, Sudan, the Syrian Arab Republic, Thailand, the United Arab Emirates, and Yemen.

[3] Initiated as a part of a household survey, the Survey of Overseas Filipinos is currently conducted as a rider to the October round of the Labour Force Survey every year. The Survey of Overseas Filipinos covers all those who are aged 15 years and above, and are working abroad. All those who are in the country on vacation, with a valid

In Sri Lanka, the Sri Lankan Bureau of Foreign Employment (SLBFE), which is under the Ministry of Foreign Employment (MOFE), is the key organization entrusted with the collection of various data related to labour flows.

Apart from the statistical information provided by the concerned ministries and affiliated institutions, this study also reviewed government documents (annual reports, policy documents, legislative frameworks on migration, etc.), reports by international organizations, and secondary literature, including academic studies. To substantiate the evidence, extensive consultations were conducted with experts and policy-makers engaged with international labour migration.

1.3 Outline of the report

After the presentation of the context of the study as well as the approach and objectives in the present chapter, Chapter 2 provides an overview of migration from India, the Philippines, and Sri Lanka; it links contemporary labour movements to their historical roots, examines the trends and patterns of migration, and analyses the impact of migration in these countries. Chapter 3 focuses on the administrative structures in these three sending countries that manage labour mobility, covering the legislative framework, available manpower within government agencies, and new responses to migration issues. Chapter 4 examines the various migration services offered by these government structures at different stages of the migration cycle. The financing aspect of administering migration, including extension of migrant services, is discussed in Chapter 5. Finally, the study concludes by outlining certain policy contours towards better managing international labour migration.

contract, and employed without a working visa are also covered. For details see, “Technical notes on the Survey on Overseas Filipinos (SOF)”, available at: https://psa.gov.ph/content/technical-notes-survey-overseas-filipinos-sof.

Chapter 2: International labour mobility: Regional overview

To comprehend and compare administrative structures to manage migration – their evolution, form, and nature; services offered at different stages of the migration cycle; and financing of such services – it is critical to examine the trajectories of labour flows from the countries under consideration: India, the Philippines, and Sri Lanka. Historical factors that initiated labour flows and contemporary factors that perpetuate them influence and determine how administrative structures have evolved, the types and nature of services they offer, and how they are financed. Interestingly, administrative structures, services, and financing for migration can also provide insights on how labour flows are modulated. To put the issue in perspective, this chapter provides a brief account of the historical conjunctures that have led to large-scale migration from India, the Philippines, and Sri Lanka; trends and patterns of current labour flows; and the importance of migration in shaping the development experience in these countries.

2.1 Contemporary labour migration in a historical perspective

India

The roots of large-scale labour migration from India can be traced back to the colonial era, when groups arrived as indentured workers in plantations and mines in the British colonies, particularly Sri Lanka, Myanmar, Malaysia, Singapore, Guyana, Jamaica, and Fiji (Sasikumar, 2001). With the poor working and living conditions of these migrant workers sparking off massive nationalist agitation, this system was abolished in 1916. The oil boom of the 1970s initiated the large-scale migration of Indian workers to the Persian Gulf. However, the oil glut in the early 1980s resulted in a reduction of development expenditure in several Gulf countries. As a consequence the demand for foreign labour diminished. Most of the Gulf countries initiated discussions on nationalization polices during this period. For instance, the Third and Fourth Saudi Plans included a commitment to reducing the number of unskilled foreign workers in the kingdom (Shah, 1986). At the same time the Qatari Government set the target of reducing the number of non-national workers by 10 per cent in 1985–86 (Owen, 1985). The situation was further worsened with the Gulf crisis of 1990, which forced nearly 160,000 Indians to return home from the warzone in distressed conditions (Varma and Sasikumar, 1994). However, the revival of economic growth in most Middle Eastern states and the accelerated growth of the service sector in many Gulf countries have considerably boosted migrant labour requirements in the Middle East during the last decade.

During the initial phase of migration, labour flows mostly involved male workers, but following a structural transformation, a considerable demand for women workers as medical/health-care personnel and as domestic workers was generated (Chammartin, 2005). Widespread poverty, unemployment at home, and low wages at home provided the necessary push for labour migration from India to the Gulf States. In the current phase, however, the movement of workers from India has diversified to include more medium- and high-skilled workers. As will be explained in Section 2.2, the destinations of contemporary labour migrants from India have also diversified from the Gulf countries, the United States, and the United Kingdom to new destinations like Australia and New Zealand as well as new destinations in Europe like Italy, Germany, Poland, and Spain.

Philippines

The culture of migration is deeply rooted in Philippine society, dating back to Filipinos migrating as seafarers to Mexico during Spanish rule in the eighteenth century. However, systematic migration from the country started during the American colonial regime, with Filipinos migrating to sugar plantations in Hawaii (Libut, 2013). At the end of the Second World War, the US Government instituted a national origin quota system,[4] to control Filipino immigration. Unable to migrate to the United States during the 1950s, Filipinos started to move to other Asian countries, primarily to American bases established in Vietnam and Thailand during the Indochina War. During the 1960s, the United States and Canada relaxed immigration regulations. Now allowing for family reunification, a significant increase in Filipino migration to North America occurred. This period also saw Filipinos migrating as nurses or domestic workers to Western Europe.

During the 1970s Philippine President Ferdinand Marcos institutionalized policies to encourage migration in order to stimulate the economy (IOM, 2013), including the establishment of POEA in 1982. The period witnessed political uncertainty, poor performance of the economy, high unemployment rates, and poor living standards. Combined with a government policy that encouraged emigration, conditions provided the ideal background for thousands of Filipinos to seek employment overseas.

[4] The national quota system was in place from 1921 to 1965 in order to restrict immigration. The quota was fixed based on the proportions of different nationalities in the US population.

Moreover, the period coincided with the emergence of the "Asian Tiger" economies (Hong Kong (China), the Republic of Korea, Singapore, and Taiwan (China)) (Gonzalez, 1998) and the re-emergence of the Gulf region as an attractive migration destination after the oil crisis. Following the worsening of the political situation after the assassination of Senator Benigno Aquino, Jr. in 1983 and two major economic crises that hit the country during 1997 and 2008, the Philippines has experienced an increase in the number of Overseas Filipino Workers (OFW)[5].

Sri Lanka

Sri Lanka's modern history of migration can be traced back to the repatriation of Indian Tamil plantation workers after the country gained independence from Britain in 1948. Labour migration from Sri Lanka slowly picked up, following the rise in oil prices and the development boom in the Middle East in the 1970s. However, large-scale labour migration from Sri Lanka in an organized form occurred only after the introduction of the free market economic policies of the United National Party, which came to power in 1977. The major components of the new liberalization programme focused on, among other things, dismantling the control system of private economic activity; opening up State monopolies to the private sector; and encouraging foreign private investment. The new economic policy also attempted to readjust prices by reducing State intervention, abolishing price controls, and phasing out subsidies. An immediate outcome of the withdrawal of State intervention regarding price regulation was high inflation rates, with the price of food items increasing by nearly 200 per cent; fuel and power by nearly 400 per cent; and miscellaneous items, including medicine, by about 138 per cent between 1977 and 1984 (Brochmann,1993). Despite liberalization, unemployment remained a major problem and the standard of living of the population further worsened with the withdrawal of the food subsidies. The relaxation of foreign exchange, favourable foreign travel policies, and encouragement of private sector participation in the recruitment process—pursued as part of the open economy reforms in the country—provided impetus to outmigration, mainly to the Gulf, which had a huge demand for labour.

It is also critical to note the factors that led to the feminization of labour flows from Sri Lanka. To begin with, the country had a high workforce participation rate among

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[5] The term "Overseas Filipino Worker" refers "to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a citizen or on board a vessel navigating the foreign seas other than a government ship used for military or non-commercial purposes or on an installation located offshore or on the high seas; to be used interchangeably with migrant worker", as noted in the Migrant Workers and Overseas Filipinos Act, 1995, as amended by Republic Act No. 10022.

women, with the majority engaged in plantations and Free Trade Zones (Brochmann, 1993; Kottegoda, 2006). Sri Lanka's vibrant, countrywide garment industry also played a role in boosting migration of women, as it was easier for trained women to find jobs in garment factories overseas. ——The predominance of women domestic workers in migration outflows could also be attributed to a number of other social, economic, and policy factors. For example, Ismail (1999) notes that the free market economic policies of the United National Party had an adverse effect on the women worker-dominated handloom and textile sectors. The female unemployment rate rose to 45 per cent, which later on propelled the migration of women on a large scale from the country. Although this movement of women migrants was initiated by Tamil Indians, it later diversified to accommodate different ethnic communities (Karunaratne, 2008). As will be discussed in the following chapters, Sri Lanka was foremost among South Asian countries to promote labour migration of both men and women in an organized manner.

2.2 International labour migration: Trends and patterns

This section provides an overview of the stock and flow of international labour migrants, characteristics of migrant workers, the nature of migration, and changes in it over the years, if any. Box 2.1 below gives a general glimpse at the development context of all three countries.

Box 2.1
Development context and labour migration

Demographic, economic, and labour market trends exert significant influence on the initiation and perpetuation of international migration. All three countries under consideration here are presently going through a significant phase of demographic transition. Currently the proportion of working age individuals (15–59 years) in the population is relatively high in all three countries, thereby implying a low dependency ratio. It signifies that a larger number of persons is either currently entering the labour market (as in the Philippines) or are expected to join the labour force in the short to medium term. It is critical to note that all three countries have registered impressive economic growth during the last three decades. The average growth rate in all three countries has been much higher than the average world growth rate. However, in all three countries there is a disconnect between economic growth and employment growth, in the sense that the high economic growth has not resulted in high employment growth. Such a demographic and employment situation is also leading to mounting unemployment, particularly youth unemployment and female unemployment. Given such an emerging scenario, international migration would continue to be an important option for livelihoods, particularly for the youth.

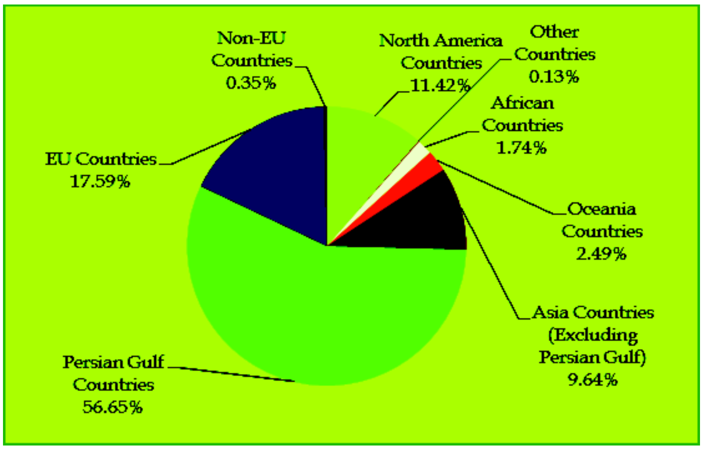
Selected demographic, economic & labour market indicators:
India, the Philippines and Sri Lanka

Description	India			Sri Lanka			Philippines		
Demographic Indicators									
Population (in thousands), 2012	1 236 687			21 098			96 707		
Population growth rate (in per cent per annum), 2010-15	1.24			0.81			1.71		
Population aged 15–59 years (as percentage of total population), 2010	62.1			58.9			63.1		
Economic and labour market indicators									
Per capita gross domestic product (GDP) (at current prices in US$), 2012	1 489			2 923			2 587		
Labour force participation rate (in per cent), 2012	55.5			55.0			65.2		
Employment to population ratio (in per cent), 2012	53.7			52.4			60.7		
Economic growth(in per cent), 2012	4.7			6.3			6.8		
Unemployment rate (in per cent), 2012	3.4			4.8			7.0		
Youth Unemployment (15–24 years, in per cent), 2012	**M**	**F**	**T**	**M**	**F**	**T**	**M**	**F**	**T**
	9.4	10.6	9.7	15.5	24.1	18.5	13.6	17.1	14.9

Source: UNESDA, 2012; World Bank, 2014b; IMF, 2014; ILO, 2014

2.2.1 The case of India

Figure 2.1: Breakdown of overseas Indian population by region, 2012



Source: MOIA, 2012b.

As indicated in the previous chapter, despite being one of the major labour-sending countries in the world, India only has limited information on labour flows. Trends and patterns drawn from scattered evidence indicate that the trajectory of labour flows from India is at an interesting juncture. The most preferred destinations for Indian emigrants continue to be countries in the Persian Gulf, North America, and Europe (figure 2.1).

At the same time, the emergence of new destinations, such as Australia, New Zealand, and certain countries in East and South-East Asia, is reshaping the landscape of migration from India.

Apart from providing estimates of the stock of Indian migrants, the MOIA collects data on the outflow of workers. As per the present provisions of the Emigration Act, 1983, those whose educational attainment is below matriculation and who wish to migrate to 17 selected countries (mainly countries in the Gulf region) require clearance from the state. As indicated in table 2.1, among the 17 destination countries that require migrant workers to secure an Emigration Clearance, the majority of labour flows are directed to Saudi Arabia, the United Arab Emirates (UAE), and Oman.

Table 2.1: Labour outflow from India by destination (in per cent)

Country	2008	2009	2010	2011	2012
Saudi Arabia	26.9	46.1	42.9	46.2	47.9
UAE	41.3	21.4	20.4	22.2	18.9
Oman	10.6	12.3	16.5	11.8	11.3
Qatar	9.8	7.6	7.1	6.7	8.4
Kuwait	4.2	6.9	5.9	7.2	7.5
Malaysia	2.5	1.9	3.2	2.9	2.8
Bahrain	3.8	2.9	2.4	2.3	2.7
Others	1.0	1.0	1.6	0.9	0.5
Total Labour Outflows	**847 994**	**610 270**	**641 355**	**626 565**	**747 041**

Source: MOIA, 2013a.

Apart from an increase noted in the magnitude of labour flows from India, an emerging trend is the variation in the skill composition of workers across destinations. For instance, labour migration from India to the Gulf countries started as a movement of low-skilled workers following the oil boom of the 1970s; while migration to developed countries in the West was associated with the outflow of health-care professionals during the 1980s and of information technology (IT) experts during the 1990s. In a significant turnaround, trends towards the end of the first decade of the twenty-first century indicate an increase in the share of medium- and high-skilled workers migrating to the Gulf, while labour migration to advanced economies in the West is marked by an increase in the share of low-skilled workers (Lum, 2012; Sasikumar and Thimothy, 2012). Interestingly, in certain occupational categories like health-care professionals, migration from India to European Union (EU) countries seems to be interlinked with labour migration from India to the Gulf.

Several factors are responsible for this picture. On the supply side, India's "demographic dividend", which is not complemented by appropriate labour market outcomes, provides the necessary push. A large proportion of the younger workforce finds wages and working conditions in the EU attractive. Social and religious networks also emerge as an important factor in perpetuating migratory flows. As evident in the literature, there is a consistent India to Europe flow of labour migrants from certain regions, religious communities, and occupational categories. An example is the large-scale international migration of health-care workers from Christian communities in the State of Kerala (Percot and Rajan, 2007). On the demand side, many EU countries have a high share of elderly in their populations, as well as native workers who find certain sectors to be unappealing avenues for employment. This fuels a persistent demand for low-skilled workers, primarily in certain sectors like care giving for both children and elderly, hospitality services, retail, cleaning and maintenance, as well as in agriculture and construction (Organisation for Economic Co-operation and Development (OECD), 2008). Native workers tend to find these sectors unappealing because they neither require high skills nor do they offer high wages. Further, it should be noted that the demand for low-skilled workers in many of these sectors is higher than what can be fulfilled by increased participation of the elderly and women in the native workforce, investment of capital equipment, or reorganization of production (OECD, 2008).

2.2.2 The case of the Philippines

In 2013, labour migration from the Philippines was estimated to be about 1.8 million (POEA, 2013). This is a huge increase considering that in 1972 outmigration was only about 14,000. During the last 40 years, labour outmigration has increased by an annual average of 15.5 per cent. Labour migration from the Philippines has several distinguishing features: firstly, the Philippines' record high share of sea-based workers or seafarers in labour outflows. Filipino seafarers are estimated to represent 25 per cent of total seafarers in the world. Out of the total deployed workers in 2012, 20.4 per cent were sea-based. Secondly, rehires outnumber new hires, constituting an average of 57 per cent of all labour migrants from the country.

As indicated in table 2.2, newly hired labour migrants are dominated by household service providers, which mainly include domestic helpers. Over the years this trend has only intensified. In terms of destination, the Gulf continues to be the major job provider, with Saudi Arabia on top followed by the United Arab Emirates and Qatar. More than half of the migrant workers move to the Middle East or West Asia, while East and South-East Asia (mainly Singapore, Malaysia, and Hong Kong (China)) together account for 27 per cent of all Filipino workers abroad. The balance of about 20 per cent is distributed between Europe, North America, Oceania, and Africa. Significantly, there are observable differences in the destinations of workers if they are classified according to newly hired or rehired. Most newly hired workers are headed to the Middle East, while the rehired workers move to both East Asia and the Middle East.

Table 2.2: International labour migration from the Philippines (in per cent)

Description	2008	2009	2010	2011	2012
Occupational category*					
Household service workers	36.3	47.0	55.8	62.5	62.1
Nurses	8.3	8.5	7.0	7.5	6.2
Cook, waiters, bartenders and related workers	14.3	11.2	7.6	7.7	8.5
Wiremen, electrical workers, plumbers and welders	18.4	15.3	12.7	11.8	12.0
Labourers and cleaners	15.5	11.9	11.5	6.1	6.9
Caregivers	7.3	6.1	5.4	4.4	4.2
Major destination**					
Saudi Arabia	28.3	26.7	26.1	24.0	23.0
United Arab Emirates	19.9	18.0	17.9	17.9	18.1
Singapore	4.3	5.0	6.3	11.1	12.0
Hong Kong, China	8.0	9.2	9.0	9.8	9.2
Qatar	8.7	8.2	7.8	7.6	7.3
Kuwait	4.0	4.2	4.7	5.0	5.2
Taiwan, China	4.0	3.1	3.3	3.2	2.9
Italy	2.3	2.1	2.3	2.4	1.8
Bahrain	1.3	1.4	1.4	1.4	1.6
Malaysia	0.6	0.7	0.9	1.3	2.7
Others	18.6	21.5	20.4	16.3	16.3

Note: *new hires only; **newly hired and rehired workers.

Source: POEA, 2013.

It is important to highlight the linkages between the educational qualifications of workers and their choice of destination. The majority of Filipino migrants in the Middle East, South-East and East Asia are engaged in low-skilled occupations. Further disaggregation of data indicates that production workers dominate movement to the Middle East and domestic workers to South-East and East Asia. Women in lower age groups mostly work in domestic/services kinds of occupations. Given the high educational attainment in the Philippines, they are likely to be overqualified for their current employment (IOM, 2013). There is anecdotal evidence that some of the Filipino domestic workers in Hong Kong (China) and Singapore were professional teachers in the Philippines prior to migration.

Figure 2.2A: Overseas Filipino Workers by sex (in per cent)

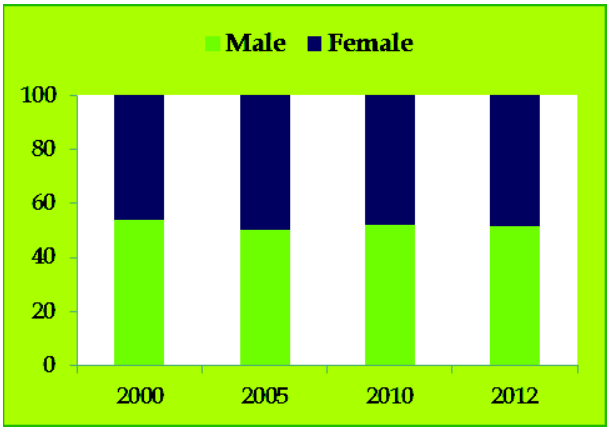
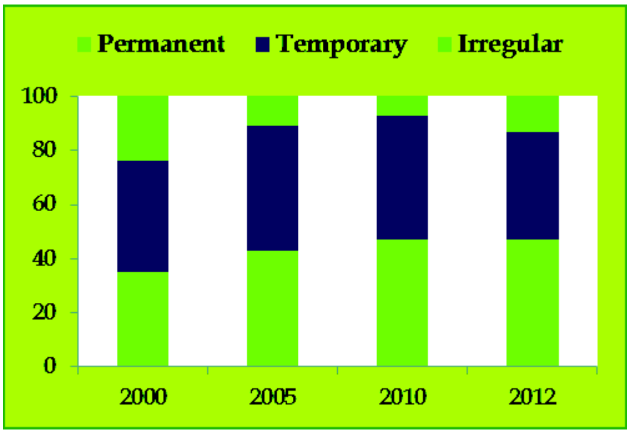


Figure 2.2B: Overseas Filipino Workers by migration status (in per cent)



Source: PSA, 2014; CFO, 2014.

As indicated in figure 2.2A, overseas workers are dominated by a high share of women. Interestingly, permanent migrants[6] dominate, but there also exists a high percentage of temporary and irregular migration as indicated in figure 2.2B. The largest share of irregular migration is directed to Malaysia – 447,590 individuals in 2011 (IOM, 2013). This may be linked to the proximity of Sabah, Malaysia, to the southern tip of Mindanao, the Philippines, as well as the similarities in the culture and tradition of the two countries due to historical connections. Other sought-after destinations of irregular migrants are the United States (260,335), Singapore (49,400), France (41,415), and Italy (34,820). About 80 per cent of permanent migrants go to the United States and Canada. The majority of them are professionals working in the health sector as nurses and doctors.

The results from the Survey of Overseas Filipinos conducted by the National Statistics Office (2010–2012) reveal that around half of Filipino temporary labour migrants are between the ages of 25 to 34 years. In addition, the survey provides interesting statistics concerning the numbers of men and women migrant workers: women outnumber males in all age groups below 40 years of age, while males constitute the larger segment among those groups over 40 years (IOM, 2013).

[6] "Permanent migrants" are legal permanent residents abroad and dual citizens, who have no work contracts. "Temporary migrants" consist of workers with contracts who are expected to return to their home country at the end of the contract. Students, trainees, businessmen, and family members who stay abroad for more than six months are sometimes included in this group. The number of irregular migrants – that is those who have no work permit, and/or those who are overstaying their visa – have been estimated. For details, see Commission on Filipinos Overseas, retrieved from the website <www.cfo.gov.ph> on 15.02.2014.

2.2.3 The case of Sri Lanka

In 2012, the total stock of Sri Lankan migrant workers was estimated to be around 2.8 million (SLBFE, 2012a). This signifies a considerable increase over the years, with annual labour outflows having grown from 14,456 registered migrant workers in 1986 to 282,331 in 2012 (SLBFFE, 2012a).[7] It is worth emphasizing that in 2009 a marginal decline was noted in the outflow. This marginal decline might be linked to the global economic recession, which recovered in the following years. The importance of international migration for the Sri Lankan economy can be gauged from the fact that 22.7 per cent of the country's labour force is estimated to be engaged in overseas employment. Moreover, according to one estimate, migration reduced the unemployment rate in the country by 5.4 per cent in 2012 (Ministry of Foreign Employment Promotion and Welfare (MOFEPW), 2012). The importance of international migration for the country's economy is further confirmed by a survey conducted by the Central Bank in 2003–04. The results indicate that, among the surveyed households, 60 out of 1,000 households had a member working overseas, while only 29 out of 1,000 households reported a member working as an internal migrant (Wickramasekara, 2010).

As indicated in table 2.3, registered entities, mainly licensed recruitment agencies, are the main medium for facilitating foreign employment from Sri Lanka, with about 56 per cent of migrant workers utilizing their services. It is estimated that there are 700 private recruitment agencies registered with the SLBFE as licensed recruitment agents, of which 397 are located in the Colombo district. That said, long-term trends indicate a decrease in dependence on licensed recruitment agencies. This may be due to errant recruitment practices followed by agents and/or the confidence migrants repose on finding employment through social networks like friends, relatives, or kinships ties that may be strong even in the country of destination (Thimothy and Sasikumar, 2012). This is corroborated by the fact that direct recruitment is more prevalent in the top destination countries for Sri Lankans: Saudi Arabia, Kuwait, the United Arab Emirates, and Qatar.

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7 An important reason for the massive increase in the number of migrant workers post-1995 could be better management of labour inflows and outflows from the country. To counter undocumented migration, SLBFE in 1996 made compulsory the registration of workers proceeding for foreign employment. This was made effective by linking various welfare packages for migrant workers and their family members to registration and also by opening special counters at international airports to monitor departure.

Table 2.3: International labour migration from Sri Lanka (in per cent)

Description	2008	2009	2010	2011	2012*
Migrants by sex					
Male	51.0	48.0	51.0	52.0	50.9
Female	49.0	52.0	49.0	48.0	49.1
Source of migration					
Registered sources	64.0	63.0	60.0	56.0	62.1
Direct sources	36.0	37.0	40.0	44.0	37.9
Skill composition of migrants					
Professional	1.1	1.2	1.1	1.5	1.6
Middle level	3.5	2.6	2.6	2.3	3.3
Clerical & related	2.7	2.7	3.0	3.8	5.7
Skilled	23.8	24.8	26.7	25.8	23.8
Semi-skilled	2.1	2.4	1.8	1.6	1.2
Unskilled**	23.7	20.3	22.6	24.1	22.3
Domestic workers	43.1	46.0	42.2	41.0	42.2
Major destinations					
Saudi Arabia	26.9	31.5	26.5	26.1	34.7
Kuwait	18.7	17.2	18.0	19.3	15.7
United Arab Emirates	20.4	16.0	15.8	15.0	13.5
Qatar	15.8	17.8	20.4	20.0	20.4
Others	18.2	17.6	19.3	19.7	15.7

Note: *provisional; **excluding domestic workers.

Source: SLBFE, 2011a; 2012a.

The Middle East, particularly the Gulf countries, remains the major destination for Sri Lankan migrant workers. In 2012, Saudi Arabia, Qatar, Kuwait, and the United Arab Emirates together accounted for 84.3 per cent of labour outflows from Sri Lanka. However, since the mid-1990s, the Republic of Korea has become an attractive destination for Sri Lankan youths, particularly technical trainees, and since 2003, for workers. The latter was the outcome of a Memorandum of Understanding (MoU) on the Employment Permit System (EPS) between the Sri Lankan Government and the Ministry of Manpower, Republic of Korea. Around 33,756 persons secured employment in the Republic of Korea during the period of 2006–12 (MOFEPW, 2012).

Low-skilled workers and domestic workers constitute the largest segment of migrant workers from Sri Lanka. The majority of Sri Lankan migrants are between the ages of 25 to 39. Like the Philippines, Sri Lanka has a feminized labour migration flow, with women constituting more than half of all migrant workers. This stands in sharp contrast with migration patterns during Sri Lanka's initial stages of international migration

(1986–87), when the share of women migrant workers was merely 24 per cent. A combination of factors, such as high demand for women domestic workers in the Gulf, and poor job opportunities coupled with low wages for women in Sri Lanka intensified the outflow of women workers from the country. But the fact that feminization is basically driven by the migration of domestic workers is definitely a matter of concern, considering that many domestic workers continue to face vulnerable working and living conditions in countries of destination. However, there has been a decline in the migration of women domestic workers post-2008, primarily due to a government policy that encourages skilled migration over low-skilled migration. In addition, the government initiated a higher minimum wage for women domestic workers and pushed to increase the awareness of safe migration paths following negative reports about harassment and ill treatment encountered by women workers (SLBFE, 2011a). Such recent steps have included restrictions on the migration of mothers with young children, which while well intentioned from family/children's welfare point of view, can be seen as gender discrimination and affecting freedom of movement.[8]

Table 2.4: Female departures as domestic workers, Sri Lanka (in per cent)

Country	2009	2011	Age group	2009	2011
Saudi Arabia	37.7	30.4	19 & below	1.9	0.2
UAE	10.4	8.3	20-24	11.0	9.4
Bahrain	3.1	2.6	25-29	17.0	15.0
Kuwait	27.6	32.6	30-34	17.8	18.2
Qatar	5.5	6.5	35-39	16.5	16.0
Jordan	4.7	8.8	40-44	17.2	17.5
Lebanon	4.8	4.3	45-49	11.7	14.0
Others	6.3	6.4	50 & above	5.2	7.9

Note: *provisional.

Source: SLBFE, 2011a.

Recent data on women domestic workers indicates some interesting trends, with the migration of older women, particularly those in the age group of 45 years and above, on

[8] Despite the fact that no restrictions per se on the migration of women domestic workers exist, the Government introduced precautionary steps such as the requirement for a worker to obtain a family background information report, certified by a grassroots level organization nominated by the Government, before being granted pre-departure approval from the SLBFE. The purpose of this requirement is mainly to ensure the safety of any children (under 5 years of age) of the women migrant worker; the SLBFE does not grant approval to depart if the women domestic worker has children below 5 years of age in order to reduce vulnerability.

the increase (table 2.4). In 2011 the highest number of women domestic workers left for Kuwait, followed by Saudi Arabia and the United Arab Emirates. As for the case of male workers, the highest number of departures in skilled, professional, middle level, clerical, and related grades was recorded for Qatar.

Apart from temporary migration, Sri Lanka has also registered a significant level of refugee migration, permanent migration, student migration, and irregular migration from Sri Lanka. Limited data indicates that ethnic conflicts in Sri Lanka prompted large-scale refugee and mixed flows, particularly from the northern and eastern parts of the country, to Canada, the United States, Norway, Sweden, and Switzerland. During 2000–07 Canada granted 26,411 resident visas to Sri Lankan nationals, while the United Kingdom granted 6,670 resident visas in the period of 2004–08 (IOM, 2008).

Given the limited number of higher education facilities and job opportunities in Sri Lanka, a growing trend among students to migrate overseas has been documented. Although there are significant data gaps on student migration, data published by the Institute of Policy Studies, Sri Lanka, indicates that the Canadian High Commission has issued 1,116 student visas to Sri Lankan students during the period of 2000–2007. The British High Commission has issued 14,427 student visas during the period of 2004–2008. The corresponding figures for the United States and Australia were 1,076 (in 2008) and 4,017 (in 2007), respectively. This trend of student migration adds to the concerns about “brain drain”, as the requirements to obtain permanent residency status have been considerably relaxed in host countries in order to attract skilled youths (MOFEPW, 2013).

In recent years Sri Lanka has taken several steps to curb irregular migration and the trafficking of persons. In 1996 the SLBFE implemented compulsory registration of all migrant workers before departure, and linked welfare packages to registration. In addition, the State has taken actions to raise awareness among the public and government officers to prevent irregular migration. It established a legal framework and created a special task force on the prevention of trafficking in persons to implement appropriate programmes for that purpose.

2.3 Development impacts of migration

The flow of remittances from migrant workers is one of the most important impacts of migration on labour-sending countries. In many labour-sending countries there has been a curious disconnect in policy-making in terms of enhancing the development impacts of migration. This is particularly evident with respect to remittances. Remittances, which are private funds, make significant developmental contributions both at the macro and micro levels, depending on their magnitude and effectiveness of use.

Figure 2.3A: Workers' remittances: inflows, India Philippines, and Sri Lanka (in US$ million)

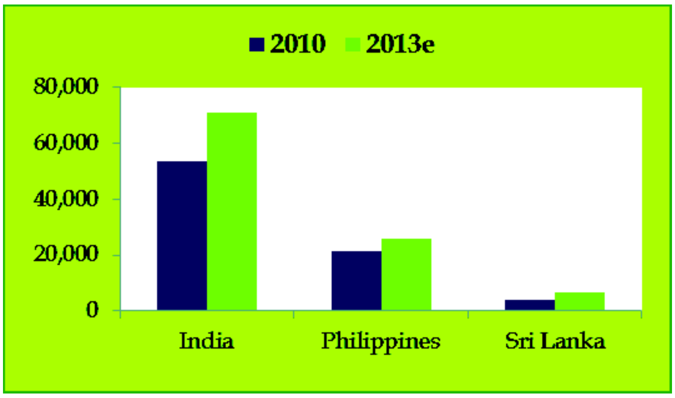


Figure 2.3B: Distribution of remittance inflows to India by source region (in per cent)

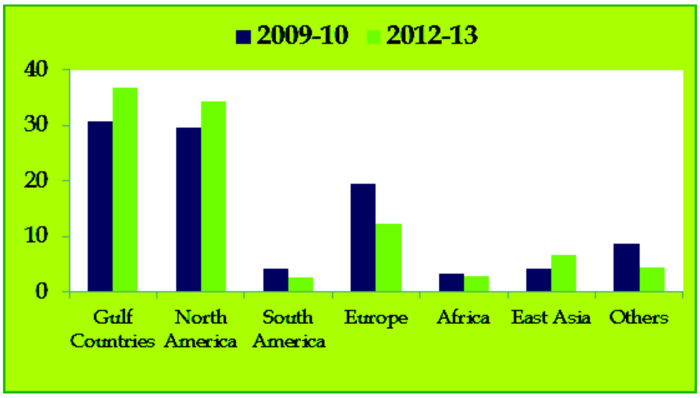


Figure 2.3C:Distribution of remittance inflows to Sri Lanka by source region (in per cent)

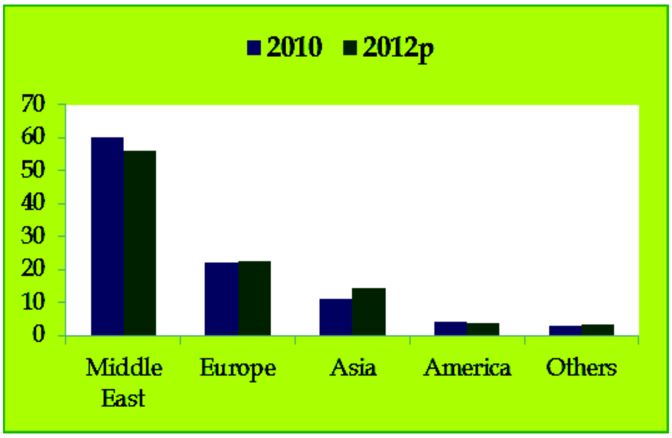
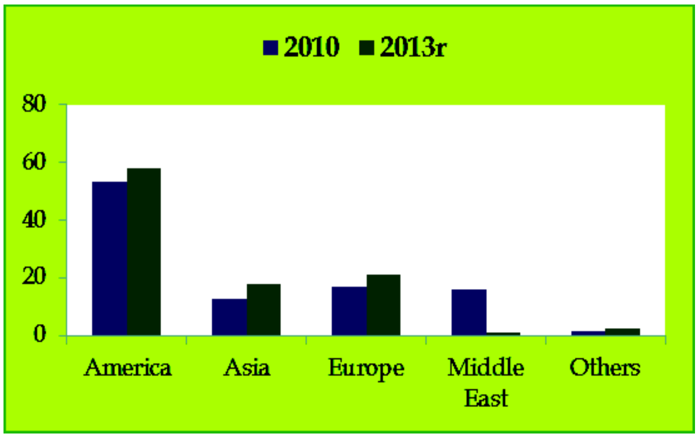


Figure 2.3D: Distribution of remittance inflows to the Philippines by source region (in per cent)



Note: e-estimated; p-provisional; r-revised.

Source: World Bank, 2013; Reserve Bank of India (RBI), 2013; Central Bank of Sri Lanka, 2013; Bangko Sentral NG Pilipinas, 2014.

Remittances are of immense significance for India, the Philippines, and Sri Lanka, as they provide much needed foreign exchange reserves. India was the largest recipient of remittances ($70 billion) in the world in 2013, with the Philippines ranking third ($25 billion) (World Bank, 2014a). However, as a percentage of GDP, remittances are more significant for the Philippines and Sri Lanka, where remittances account for 10 per cent of the GDP, in both countries (World Bank, 2014a).

As indicated in figure 2.3, while for India and Sri Lanka, migrants in the Middle East are the major senders of remittances, in the case of the Philippines, major part of the remittance flows are reported to be from North America.[9] Over the years there has been no major change in the regions which provide the largest remittance flows.

Official data on remittances capture only part of the phenomena, as overseas migrants tend to transfer a significant share of their savings through informal channels and by hand (such as personal baggage, duty free allowances, or cash carried by returnees or the personal network of migrants). As indicated in figure 2.4A, a swift/electronic wire is the most popular form of remittance transfer. Although this may not be cost-effective for small transactions, minimizing the time needed for the transaction may be a major incentive (RBI, 2013). The Reserve Bank of India, the central bank of the country, has formulated several promotional and regulatory measures to monitor financial flows and to counter fund transfers through informal channels (Varma and Sasikumar, 2005). Apart from the cost factor noted, a sizable share of migrants prefer to transfer their savings through informal systems because they are speedier, more accessible, and more flexible. This situation calls for appropriate policy responses, first in terms of administrative changes that remove hindrances encountered by migrants using formal systems, and second, by offering migrants and their families financial literacy training.

[9] This information needs to be interpreted with caution. It is a well-known fact that bulk of the remittances are originating from the Middle East. However, as most of the correspondent banks are based in the US, accounting records would indicate origin of the remittances as North America.

Figure 2.4A: Instruments used for remittance transfer, India, 2013 (in per cent)

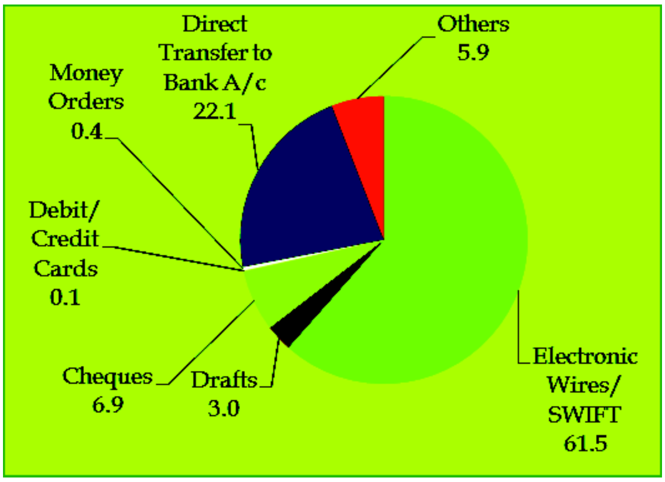
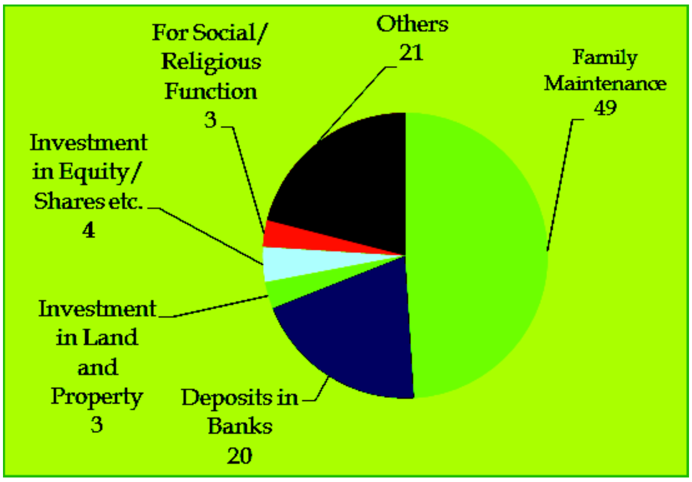


Figure 2.4B: Utilization pattern of remittance, India, 2013 (in per cent)



Source*:* RBI, 2013.

Recent surveys on remittance utilization in India shows that in 2013 a predominant portion of remittances were utilized for family maintenance, i.e., to meet the requirements of migrants' family needs like food, education, health, etc. (RBI, 2013). As far as saving and investment behavior is concerned, nearly one-fifth of total remittances were deposited in banks, whereas a relatively smaller portion of total remittances were being channeled into investments.[10] In addition to the economic and financial impacts of remittances, overseas migration also generates social and cultural impacts (box 2.2)

[10] It is important to note that a critical percentage (about 20 per cent) of remittances were used for purposes indicated as "others". Though disaggregated information on "others" is not available, based on discussions with remittance-receiving households, we understand that a substantial portion of those within the category of "others" could be for settling loans borrowed to finance outmigration.

Box 2.2
Non-economic impacts of migration

The social and cultural impacts of labour migration are still less documented and analysed than the economic consequences of migration (Brochmann, 1993). The components of non-economic remittances include the ideas, behaviours, identities, and social capital that flow from receiving countries to sending country communities (Levitt and Jaworksy, 2007). Technical remittances refer to knowledge, skills, and technology associated with migration, while political remittances encompass the transformation in political identities, discourses, and practices associated with migration (Kunz, 2009).

Increased consumption and consumerist behaviour of migrants, returnee migrants, and their dependents has been a defining feature of "Gulf migration" in the three countries under study. The accumulation of economic and symbolic resources through this behaviour helps the upward social mobility of the migrants in their home society (Osella and Gardner, 2004; Osella and Osella, 2000; Watkins, 2004). In India, Gulf migration has also strengthened the practice of ostentatious marriage celebrations, dowry being an integral part of it (Osella and Osella, 2000). The empowering effect of male migration on Indian women has been documented, with even the extended family facilitating new gender roles for women (Gulati, 1993).

Developments due to women migration have only recently received attention. For women migrants from India and Sri Lanka, migration is associated with the prospect of improved social status and affiliated wedding prospects. It has been documented that unmarried women put aside the money earned abroad towards their wedding celebration and related expenses (Percot, 2006; Kottegoda, 2006; Thangarajah 2004). Among the many matrilineal Hindus and Muslims in Sri Lanka, acquisition of property, including houses, tends to enhance the prestige and position of women in society. Returnee women migrants also possess sophisticated knowledge in running a house; handling household equipment; decorating the interiors of their houses; and taking care of primary health care needs; etc. (Thangarajah, 2004.). Women migrants from the Philippines view their experience of working in a foreign land positively and many of them returned home with a new perspective of the world (Meißner, 2002). However, it is often argued that such redefinitions of gender roles are short-lived: upon return, Sri Lankan women tend to passively reassume their traditional role of the housewife (Korale, 1983; 1986).

Reliance on trustworthy family members – mothers, sisters, or in-laws, etc. – for the safekeeping of remittances has been the usual practice of Sri Lankan women migrants. However, in recent years many women migrants have opened individual bank accounts and remit money directly into their own accounts (Kottegoda, 2006).Research by Tullao and Rivera (2008) indicates that migrant families in the Philippines increase their human-capital enhancing expenditures, like tertiary education, in response to the income effect and the culture of migration. This also seems to be true with respect to health expenditure (Tullao, Cortez and See, 2007).

The analysis of the development impacts of migration could be a beginning in establishing efficient administrative structures, services, and financing for migration. At the same time trends and patterns of migration point towards a lack of comprehensive data on critical aspects of migration such as sex composition, destination, skills, and occupation, as well as resource positions, investment capabilities, and investment plans of the return migrants – information that is vital to create plans to maximize the development potential of migration.

Chapter 3: Managing labour mobility: legal and administrative framework

The purpose of this chapter is to shed light on the administrative structures in place to manage labour migration, the human resources deployed, and the training imparted to accomplish the various functional needs. To introduce the topic, the chapter reviews the existing policy and legal frameworks. It is argued that an appropriate policy and legal framework is pivotal for efficient functioning of the migration management system. Yet, effective implementation also depends on the human and financial resources mobilized and the strategies adopted to enhance their functional efficiency.

3.1 Statutory framework to manage labour migration

This section provides an overview of statutory structures that govern labour mobility in India, the Philippines, and Sri Lanka, approaching the issue from a legislative and policy perspective. It also documents good practices that have had a positive impact on migrants and their families.

3.1.1 Legal framework

India

The Emigration Act, 1983, specifies the legal framework of international labour migration from India. The enactment of the Emigration Act, 1983, could be traced to the boom in migration to the Middle East during the mid-1970s, which exposed the limitations of the Emigration Act, 1922, in safeguarding the interests of Indian migrant workers. The period witnessed a massive increase in the number of private recruitment agencies involved in the deployment of Indian nationals to the Middle East. As there were literally no controls over these agents, many of them charged exorbitant fees for their services, employed exploitative recruitment practices, and frequently did not fulfill contractual obligations. Additionally, a large number of illegal agents entered the scene, and were chiefly responsible for encouraging clandestine migration.

It was against this back drop that steps were initiated for repealing the Emigration Act, 1922. The basic consideration that governed the enactment of Emigration Act, 1983, was to facilitate recruitment of Indian workers abroad on the best possible terms and conditions of employment. It was also felt that during the migration process the selfrespect and dignity of workers, as well as the prestige and honour of the country, should in no way be compromised.

The operation of the Emigration Act, 1983, has had significant implications for the outflow of migrant labour from India during the last three decades. To begin with, the Act has put in place definite structures for regulating the flows of unskilled and semi-skilled labour. As per the provisions of the Act (Section 22), all Indian citizens migrating for employment must obtain emigration clearance from the Protector of Emigrants (POE) of the MOIA. While granting the clearance, the POE is required to examine the employment contracts to ensure that the terms and conditions are neither discriminatory nor exploitative and that provisions for travel, wages, and working and living conditions are in conformity with the prescribed norms. With the facilitation of free movement of manpower for overseas employment in mind, several categories of workers have been exempted from the requirement of obtaining emigration clearances. These migrants were placed in the "emigration check not required" (ECNR) category. In fact, in recent years the emphasis has been to considerably liberalize the emigration clearance system, with more and more migrants being categorized as ECNR. For instance, as indicated in Section 1.2, ECNR is applicable only to persons who have not passed the matriculation examination and are migrating to 17particular destination countries. Such a policy has two intended benefits: one, using the available structures and resources to address the requirements of more vulnerable categories of migrant workers; and two, facilitating the free flow of skilled and professional manpower. The Emigration Act, 1983, has been amended several times to make suitable modifications. It was last amended by the Emigration (Amendments) Rules, 2009. This amendment introduced provisions to control the functioning of recruiting agents, such as increasing the amount of the bank guarantee to be furnished by agents as well as revising the service charges that could be levied on migrant workers.

The MOIA has also undertaken preparatory work to introduce the Emigration Management Bill in Parliament to repeal the existing Emigration Act, 1983. It is intended that the enactment of this Bill will facilitate more legal migration, discourage irregular migration, enhance protection and welfare of migrants, encourage ethical recruitment practices, enable market-friendly regulations of recruiters, and provide for more deterrent penalties against crimes such as human trafficking. If enacted, this bill would bring about a paradigm shift in migration management in India.

Philippines

The roots of the statutory framework to manage labour migration in the Philippines can be traced back to the Labour Code, 1974. The Code in a way institutionalized overseas labour migration and made the Government solely responsible for the recruitment and placement of workers. However, when government agencies failed to meet the growing global demand for Filipino workers, an amendment to the Labour Code opened the door for private recruitment and placement of workers. The Bureau of Employment Services was created to regulate the private sector and to develop labour market information, among other responsibilities. However, it was the Migrant Workers and Overseas Filipinos Act of 1995 (RA No. 8042) that first stated the public commitment of the Philippine Government to protect the rights and promote the welfare of the OFWs in unequivocal terms. The Act was subsequently amended (RA 9422in 2007). This amendment repealed the sections concerning deregulation. Under the amended law, POEA regulates private sector participation in the recruitment and overseas placement of workers by setting up a licensing and registration system. It also formulates and implements when necessary, and in coordination with appropriate entities, a system for promoting and monitoring the overseas employment of Filipino workers, taking into consideration worker welfare as well as domestic manpower requirements. Yet another amendment (RA 10022 in 2010), strengthened the protection and promotion of the welfare of migrant workers, their families, and overseas Filipinos in distress. The amendment aimed to accomplish this through measures such as deploying OFWs only to countries that provide protection, fighting illegal recruitment, pushing for joint liability between employer and recruiter, and making insurance mandatory. Apart from the Migrant Workers and Overseas Filipinos Act of 1995, there are several other legislations that aim to protect and promote the rights of labour migrants from the Philippines.[11]

Sri Lanka

In Sri Lanka, the first comprehensive law relating to the regulation of international labour migration was the Foreign Employment Agencies Act No. 32 of 1980.Under this

[11] For instance, the Anti-Trafficking in Persons Act (RA 9208), 2003, aims to eliminate trafficking in persons, especially women and children. This was enacted after the Philippines ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons in 2002, and entered into force in 2003. To facilitate the participation of overseas Filipinos in national elections, the Overseas Absentee Voting Act (RA 9189) was adopted in 2003. The Citizenship Retention and Re-acquisition Act of 2003 (RA 9225) made easier the reacquisition of Filipino citizenship for those who had lost it because of naturalization requirements in another country. In terms of employment regulations, the 2002 and 2003 Revised Rules of the POEA on Land Based and Seafarers were adopted. Resolution No. 38 in 2003 also prescribed guidelines on matters concerning Overseas Workers Welfare Administration (OWWA) membership, coverage, contributions, and benefits.

Act the Foreign Employment Division of the Department of Labour was established to regulate recruitment and related aspects of foreign employment.[12] Considering the vast changes in the magnitude, nature, direction, and composition of labour flows, a new law – the Sri Lanka Bureau of Foreign Employment Act No.21 of 1985 –was passed. The Act was further amended in 1994 and 2009, and now also provides for regulation and monitoring of recruiting agencies. In addition, the Act addresses issues of abuse and exploitation of migrant workers.

Given the existing problems and conflicts encountered by migrants, as well as public attention to some high profile abuse cases, Sri Lankans are calling for better protection of workers. For instance, criticism has been levied that existing legislation does not reflect the requirements of International Conventions.[13] Yet another point of criticism voiced is the lack of gender sensitivity within the SLBFE Act. The Human Rights Commission of Sri Lanka suggested in a 2005 report that the SLBFE Act should be amended to include provisions for applying gender-sensitive criteria in policy formulation related to labour migration. The *United Nations Common Country Assessment*, 2006, for Sri Lanka noted the need for the Government to address problems of human rights violations and exploitation faced by migrant workers, both prior to departure and in receiving countries (Wickramasekara, 2010). Given such responses, the Government has been discussing ways to amend the existing Act with appropriate modifications to meet emerging challenges with respect to labour migration in Sri Lanka. A draft has now been formulated and submitted to the Legal Department for their comments. Some of the key features of the new draft Act are:

(a) Converting SLBFE into the Sri Lanka Employment Migration Authority;
(b) Covering all types of departures for foreign employment, including apprenticeships, internships, or training with foreign employers as a part of higher educational programmes outside of Sri Lanka;
(c) Establishing the Sri Lanka Employment Migrants Foundation for providing welfare services to Sri Lankans abroad;
(d) As the present SLBFE Act does not adequately cover the role and responsibility of sub-agents who are involved in the migration

[12] Prior to this, the administration of labour migration was governed by Fee Charging Employment Act No. 37 of 1956, which empowered the Commissioner of Labour to supervise agencies involved in recruiting workers for local and foreign employment.
[13] Mainly the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families ratified in 1996.

process, the proposed Act intends to recognize these sub-agents by introducing legally binding provisions with recruitment agents to promote ethical recruitment practices;

(e) Promoting investments of Sri Lankan emigrants; and

(f) Establishing special welfare facilities for the above categories.

3.1.2 National policies on migration

Apart from the legislative framework, some of the major labour-sending and receiving countries have also formulated a labour migration policy articulating their government's vision on emigration and immigration, as well as policy measures that shall manage mobility.[14] Several countries have likewise showed efforts to establish coherence between migration policy and other sectoral policies, such as employment or health policies at the national level.

While being major labour-sending countries, India and the Philippines do not have a stated national policy on promoting overseas employment. In most cases the existing legislative framework and various amendments made to it, along with government notifications, are treated as the policy contours on labour migration. For instance, it is clear from the Philippine legislative framework that the Government has created a comprehensive structure to regulate, protect, and promote overseas employment. The Government has also taken several measures to safeguard against any compromise or violation of the dignity and fundamental human rights and freedoms of Filipino citizens working abroad.

The situation is different in Sri Lanka, where the MOFE with the technical assistance of the ILO developed the National Policy on Labour Migration in 2009. The policy broadly addresses three themes: governance of migration; protection and empowerment of migrant workers and their families; and linkage of migration and development. The major features of the policy include:

(a) Recognition that the possession of skills is a key element to enhancing the protection of migrant workers;

(b) Emphasis on the formulation of policies and programs that empower migrant workers in exercising the right to informed

[14] The ILO has supported this process in Sri Lanka, Cambodia, and Nigeria.

decision making and in securing the full enjoyment of all rights, privileges, and benefits of migration;

(c) Stress on measures to prevent all forms of irregular migration, trafficking, and human smuggling; and

(d) Entering into circular migration agreements, addressing the reintegration of returnee migrant workers, and establishing linkages with transnational communities.

To attain the above objectives, the policy further endorses its commitment to principles of good governance establishing policies, laws, regulations, and administrative procedures; recognizes the contribution of recruitment agencies (state and private) as key stakeholders in the process; properly equips Sri Lankan diplomatic missions to provide protection and welfare; and stresses the role of bilateral agreements and MoUs between Sri Lanka and various destination countries.

Apart from the National Policy on Labour Migration, several other policies in Sri Lanka tend to bring synergy between labour migration and related issues. The National Migration Health Policy (2012) aims to promote a long-term vision and commitment to safeguard the health of all migrants. The National Human Resource Development Policy (2012) recognizes the need for special, targeted programmes to protect and assist migrant workers and to develop their skills in order to promote safe migration, proposing appropriate strategies to meet the objectives.

3.2 Administrative structures

Dedicated ministries/departments that deal with issues related to international labour migration are in place in India, the Philippines, and Sri Lanka. In India and Sri Lanka, prior to the establishment of a separate ministry dedicated to overseas migration, international labour migration was handled by the Ministry of Labour (currently called the Ministry of Labour and Employment in India). In the Philippines international labour migration has always been dealt with by the Department of Labor and Employment (DOLE).

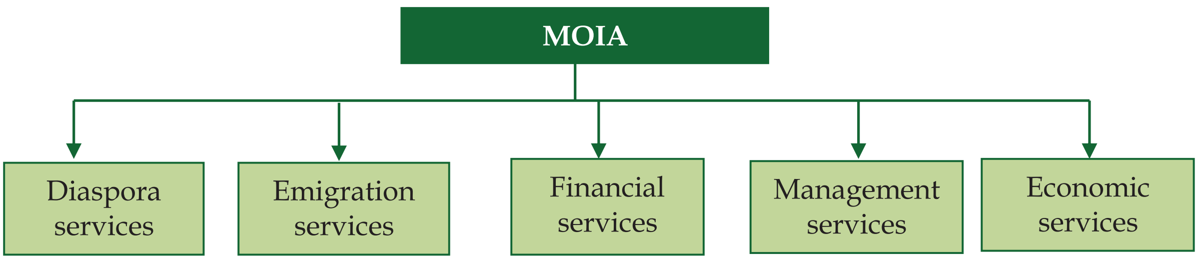
Table 3.1: Vision and mission statements of ministries dealing with international migration

Ministry of Overseas Indian Affairs, India	**Vision:** Proactively engage with overseas Indians to meaningfully serve India. **Mission:** Establish a vibrant institutional framework based on three value propositions: through multi-skilled market-driven entities promoted by the Ministry and managed by knowledge partners; policy coherence in strategic engagement with overseas Indians; and enlisting the states as partners in emigration management and overseas Indian-related initiatives.
Department of Labor and Employment, the Philippines	**Vision:** Every Filipino worker attains full, decent, and productive employment. **Mission:** To promote gainful employment opportunities, develop human resources, protect workers and promote their welfare, and maintain industrial peace.
Ministry of Foreign Employment, Sri Lanka	**Vision:** To be the leading policy-maker and implementer in the creation of gainful foreign employment opportunities while protecting the rights of migrant workers and ensuring their welfare. **Mission:** Realizing the importance of the contribution of labour migration to the national economy, to convert the entire sector into a demand-driven process and make it highly competitive by introducing required structural changes, together with undertaking the necessary promotional and welfare activities to meet the international market challenges.

Source: MOIA, n.d.; DOLE, 2013; MOFEPW, 2014.

In India, the Ministry of Non-Resident Indians' Affairs, established in May 2004 took over from the Ministry of Labour the responsibility of addressing matters related to international labour migration. This Ministry was subsequently renamed to MOIA in September 2004. Until 2007 the Ministry of Labour governed labour migration in Sri Lanka. The Ministry was amalgamated with the Ministry of Foreign Affairs in 2010, but during the latter part of 2010, it was re-established as the MOFE. In the Philippines, the DOLE has been in charge of international labour migration since 1933. The vision and mission of the ministries/departments in charge in the three countries are presented in table 3.1. It is evident from these statements that the provision of decent and productive foreign employment opportunities, along with the protection of rights, assumes paramount significance. To meet such objectives requires the operation of an efficient migration structure as well as the provision of innovative migrant services. That said, these ministries cannot act in isolation, and their aims can be realized only through cooperation among a range of stakeholders, including other government departments, migrant associations, international organizations, and other agencies involved in facilitating migration process.

Figure 3.1: Key functions of the MOIA, India



Source: MOIA, 2013a.

India

Depending on the kind of services provided, the activities of the MOIA can be divided into five broad categories as indicated in figure 3.1. Diaspora Services deals with matters relating to overseas Indians, comprising persons of Indian origin (PIOs), overseas citizens of India (OCIs), and non-resident Indians (NRIs). Emigration Services deals with policy-related matters like the proposition of legislative changes, emigration management, formulation of welfare schemes, and promotion of bilateral and multilateral cooperation with/between destination countries. Financial Services aims to help overseas investors benefitting from opportunities in India. The division provides guidance and services through knowledge partners to allow for an enhancement of the knowledge and financial expertise of overseas Indians. Management Services is responsible for managing the official matters of the officers and staff of the Ministry. Economic Services works towards providing economic and analytical inputs to those in charge of formulating policies by conducting empirical research and surveys.

Apart from the MOIA, the Ministry of External Affairs and Ministry of Home Affairs also provide different services to migrants. The Consular, Passport and Visa Division of the Ministry of External Affairs offers passport, consular, and visa services to foreign nationals and Indians residing overseas. Immigration formalities at international airports are handled by the officials of the Bureau of Immigration of the Ministry of Home Affairs. Regional level offices within India also contribute to facilitating migration (box 3.1).

Box 3.1
Initiatives at the regional level to facilitate migration in India

Commendable efforts have been initiated at the regional level, particularly in high migration pockets in India to facilitate labour migration. Efforts made by the governments in Kerala and Andhra Pradesh, two states with high levels of outmigration, deserve special mention.

In Kerala, the Overseas Development and Employment Promotion Consultants (ODEPC) Limited is a recruitment agency set up in 1977 by the Government of Kerala. ODEPC aims to promote foreign employment through better job matching and provides guidance on education as well as information on visa formalities and travel regulation to the prospective migrants. To ensure the welfare of non-resident Keralites, the Government of Kerala set up the Non-Resident Keralites' Affairs (NORKA) Department in 1996. NORKA-Roots, the field agency of the Department of NORKA, was set up in 2002 to act as an interface between non-resident Keralites' and the Government of Kerala. The primary activities carried out by NORKA-Roots include conducting pre-departure orientation programmes, recruiting workers, facilitating the upgrading of skills, attesting the educational certificates of migrant workers, and resettling and reintegrating return migrants.

The Overseas Manpower Company Andhra Pradesh (OMCAP) Limited is a recruiting agency launched by the Government of Andhra Pradesh, to provide training to workers in line with international standards, facilitate skill testing and certification, and extend pre-departure orientation programmes to familiarize workers with overseas working conditions.

Source: ODEPC, 2012; NORKA, n.d.; OMCAP, n.d.

Philippines

In the Philippines, there are at least six agencies involved in the management of labour migration. In general they extend three major functions: deployment of temporary workers (training and skill assessment, employment facilitation, and regulating recruitment); social protection of workers (protection services including repatriation, delivery of welfare benefits, and policy guidance for the Department of Foreign Affairs (DFA) towards coordinating the protection of workers' rights); and reintegration (counseling and training). Table 3.2 summaries a broad range of functions extended by key migration management agencies in the Philippines – DOLE, the POEA, the Overseas Workers Welfare Administration (OWWA), and the CFO. In most cases the same agency would be extending more than one function.

Table 3.2: Functions of key agencies dealing with migration in the Philippines

DOLE	• Develop strategies to respond to emerging socio-political and economic challenges while keeping as a primary concern the protection and promotion of local workers and OFWs; and • It serves more than 40 million workers comprising the country's labour force, covering those in the formal and informal economies, private and public.
POEA	• Issue licenses to engage in overseas recruitment and manning of private recruitment agencies and ship manning companies; • Hears and arbitrates complaints against recruitment and manning agencies, foreign employers, and overseas workers for violation of POEA rules and regulations, except for money claims; • Implements system of incentives and penalties for private sector players; • Sets minimum labour standards; • Monitors overseas job advertisements on print, broadcast, and television; and • Supervises the government's programme on anti-illegal recruitment.
OWWA	• Protect interest and promote welfare of OFWs in recognition of their valuable contribution to the overall development effort; • Facilitate implementation of the provisions of the Labour Code concerning the responsibility of the government to promote the well-being of OFWs; • Provide social and welfare services to OFWs, including insurance, social work assistance, legal assistance, cultural services, and remittance services; • Ensure the efficiency of collection and the viability and sustainability of the fund through sound and judicious investment and fund management policies; • Undertake research for the enhancement of OFWs' social, economic, and cultural well-being; and • Develop, support and finance specific projects for the welfare of OFWs.
CFO	• Provide assistance to the President and the Congress of the Philippines in the formulation of policies and measures concerning Filipinos overseas; • Serve as a forum for preserving and enhancing social, economic and cultural ties of Filipinos overseas with the motherland; and • Liaise on behalf of Filipinos overseas with appropriate government and private agencies in the transaction of business.

Source: DOLE, 2013; POEA, 2008; OWWA, n.d.; CFO, n.d.

Box 3.2
Agencies involved in migration management in the Philippines

Apart from DOLE, OWWA, POEA, and CFO, several other agencies are involved in the management of migration in the Philippines. The Department of Social Welfare and Development has institutionalized a system of providing social welfare services to Filipinos abroad pursuant to the Migrant Workers Act of 1995. Its specific objectives are to implement comprehensive and appropriate social welfare services to OFWs and their families; establish a network among welfare agencies and service providers for OFWs; strengthen partnership and coordinative work with DFA, DOLE, and OWWA in addressing issues of migrant workers; and provide technical assistance – along with social welfare – to NGOs and other governmental organizations in relation to the welfare of OFWs. These services include counseling, critical incident stress debriefing, assistance to individuals in crisis situation, referrals to appropriate agencies, and repatriation assistance, among others.

The Office of the Undersecretary for Migrant Workers Affairs (OUMWA) under the DFA is yet another key agency created by the 1995 Migrant Workers Act. The OUMWA is primarily responsible for the provision and coordination through Foreign Service Posts (Philippine embassies/consulates)of all Assistance to Nationals and legal services to all overseas Filipinos in distress and their families. The OUMWA coordinates with other government agencies such as the DOLE, POEA, OWWA, and bonafide civil society organizations (CSOs) to facilitate and maximize the services provided to OFWs in distress and their families.

Another relevant agency is the Bureau of Immigration under the Department of Justice. The Shared Government Information System for Migration, co-chaired by the DFA and DOLE as per the Republic Act 10022, acts as a coordinating mechanism amongst agencies.

Other important agencies include the Technical Skills and Development Authority (TESDA), which provides training and skills upgrading and certification for workers, and the National Reintegration Centre for OFWs (NRCO), which provides opportunities for returning workers to re-join the local workforce. The network of Philippine Overseas Labor Offices (POLOs) provides assistance and support to workers abroad. These offices are handled by the International Labor Affairs Bureau (ILAB) of DOLE. ILAB offers policy guidelines and staff support to POLO offices around the world. POLOs ensure adequate protection of OFWs through verification of employment documents, provide on-site welfare services through the Filipino Workers Resource Centers (FWRCs), and actively seek out new employment opportunities for OFWs. Additionally, multiple other agencies are in charge of social protection, such as the Social Security System, Pag-Ibig Fund for Housing, PhilHealth, or the National Health Insurance System.

Source: DSWD, n.d.; IOM, 2013.

The DOLE is the national government agency mandated to formulate and implement policies and programmes, and serve as the policy-advisory arm of the Executive Branch in the field of labour and employment. Through its agencies the DOLE ensures that labour and social welfare laws in destination countries are fairly applied to OFWs whenever applicable (Commission on Audit, 2008). The POEA is the country's first migration-related organization, created in 1982 to regulate overseas employment and its private sector players, and protect overseas workers. Established in 1977, OWWA[15] works with the mandate to promote the welfare of the OFWs and their families. Its primary tasks are education and training, insurance and loans, and repatriation. These two agencies are situated under DOLE, forming the backbone of the Government's official mechanism to manage overseas employment. Established in 1980, the CFO, under the Office of the President, is yet another prominent agency in Philippines tasked with issues relating to international migration. The Commission aims to strengthen ties with Filipino communities overseas, and promote and uphold the interests of Filipino migrants and permanent residents abroad. In recent years it has been spearheading the Remittance for Development Council together with the Bangko Sentral NG Pilipinas and CSOs and other development partners. In addition, a number of other government agencies play smaller, but still important roles in managing international migration from the Philippines (box 3.2).

Table 3.3: Key functions of migration-related agencies in Sri Lanka

MOFE	• Formulate policies, programmes, and projects related to labour migration; • Provide public services under the purview of the Ministry; • Promote the welfare of expatriate Sri Lankans and migrant workers; • Regulate and supervise foreign employment agencies; • Offer guidance for foreign employment; and • Supervise organizations under the purview of the Ministry, including the SLBFE and the Sri Lanka Foreign Employment Agency (SLFEA).
SLBFE	• Regulate the foreign employment industry and their activities; • Provide protection and welfare for migrant workers and their family members; • Promote and develop foreign employment opportunities/markets for Sri Lankans; • Conduct specialized training and orientation programmes to facilitate foreign employment; • Establish and maintain an Information Data Bank to monitor the flow of Sri Lankans for employment outside of Sri Lanka and their return after such employment; and • Undertake research into employment opportunities outside Sri Lanka.
SLFEA	• Explore foreign employment opportunities for Sri Lankans; • Recruit Sri Lankans for foreign employment and train them; and • Implement insurance scheme for Sri Lankan migrant workers.

Source: MOFEPW, 2014; SLBFE, 2013; SLFEA, 2013.

[15] Until 1980 it was known as Welfare and Training Fund for Overseas Workers.

Sri Lanka

In Sri Lanka, the MOFE, SLBFE, and SLFEA are the three most important institutions that cater to labour migrants. The MOFE has three departments—administration, finance, and regional administration. Established in 1985 and under the purview of the MOFE, the SLBFE[16] is the regulatory authority for the foreign employment industry in Sri Lanka. The SLBFE operates through 27 divisions, and its mandate includes the formulation and implementation of foreign employment policies and promotional programmes. Established in 1996, the SLFEA is the State recruitment agency, and also operates under the purview of the MOFE and SLBFE. Table 3.3 presents the key functions of each of these institutions.

Other major agencies involved in labour migration in Sri Lanka include: (a) the Sri Lanka Foreign Employment Agency, which was established in 1996 with the purpose of directing youth towards foreign employment; and (b) the Association of Licensed Foreign Employment Agencies, set up under the provisions of the SLBFE Act 21 of 1985 with the objective of ensuring and enforcing the best ethical practices for the foreign employment trade by strict disciplinary control of all stakeholders.

In addition various other ministries have important roles in migration governance and management. For instance, the Consular Affairs Division of the Ministry of External Affairs handles consular matters related to Sri Lankans with the assistance of the overseas missions. They also look into cases of death, compensation, blood money, and the repatriation of human bodies. Formulating bilateral agreements/MoUs with foreign countries also falls under their purview. The Ministry of Labour and Labour Relations is an active partner in the formulation of labour migration policies. Further, several labour welfare officials are appointed in overseas missions from the Department of Labour. The Department of Immigration and Emigration, under the Ministry of Defence, issues travel documents to Sri Lankans and entry permits/visas for persons of other nationalities. The Ministry of Youth Affairs and Skill Development plays a major role in developing human resources for labour migration, conducting vocational training programmes for prospective migrant workers, and handling certification and accreditation of vocational skills. Other relevant agencies include the Ministry of Child Development and Women Empowerment, which has special programmes for women who have returned to the country after suffering harassment, and the National Child Protection Authority, which looks into the issues of children in migrant families.

[16] Established under the provisions of the Parliament Act No. 21 of 1985, which was later amended by Act No. 4 of 1994 and Act No. 56 of 2009.

Internal organization of key agencies

The organogram of the relevant ministry in each country provides insights into its functioning. In India, the MOIA is headed by a Cabinet Minister, who is assisted by the Secretary (see Appendix II). The Secretary is in turn assisted by Joint Secretaries who take care of the various functions of the Ministry. A very important wing within the emigration services is the PGE, who administers the national legal framework of emigration from India and has field offices in different parts of the country. The Secretary and Joint Secretaries and the PGE are appointed from the Indian Civil Service.

In the Philippines, the Secretary (equivalent to a Cabinet Minister) heads the DOLE, assisted by department Secretaries and Under Secretaries (see Appendix III). Although the POEA and OWWA are directly under the supervision of the Labor Secretary, both of agencies have their own organizational structure owing to their specific tasks (see Appendices IV and V). Meanwhile, the CFO is an agency that is under the Office of the President (see Appendix VI).

In Sri Lanka, the MOFE is headed by the Minister, under whom there is the Secretary, who is assisted by the Additional Secretary and senior staff (see Appendix VII). Senior officials are appointed by the Sri Lanka Administrative Service/ Sri Lanka Planning Service and Accountant Service. The SLBFE is a public corporation with over 800 employees governed by a Board of Directors and a Chairperson (see Appendix VIII). The chief executive is the General Manager, who is assisted by three Additional General Managers. In addition to the head office, there exist 23 branch offices, seven regional offices, and training centres. Furthermore, the SLBFE has Labour Divisions in the Sri Lankan diplomatic missions in destination countries. The SLBFE has 10 Deputy General Managers overlooking its operations. The Board of Directors of the SLBFE is comprised of representatives from key ministries like the MOFE, Ministry of External Affairs, Ministry of Finance and Planning, Ministry of Women Affairs and Child Development, and representatives of the licensed foreign employment agents, to ensure better coordination amongst their operations. The SLFEA is governed by the Board of Directors and a Chairperson, with the General Manager as the chief executive officer. The SLFEA consists of an Administration Division, Human Resources Division, Recruitment Division, Finance Division, and Insurance Division (see Appendix IX).

3.3 Human resources to manage migration

The human resources available to protect migrant workers and regulate labour migration are a key factor that determines how effectively labour flows are managed by a country. Though the section above acknowledges the efforts a wide variety of government agencies in regulating labour migration, the discussion in this section focuses only on the staffing patterns of the main ministries and affiliated institutions in charge of international labour migration.

3.3.1 Staffing Situation

India

The staffing situation in the MOIA and its subordinate offices presents a mixed picture, as indicated in table 3.4. Of the total number of approved posts for officers and staff, nearly one-third have remained vacant. While three–fourths of the sanctioned number of officers are in place, only two-thirds of the clerical positions are currently filled. And while senior-most officials' positions are occupied, a significant percentage of middle-management positions remain vacant. There is no doubt that so many vacant positions in a relatively new Ministry will adversely affect its optimal functional efficiency.

Table 3.4: Staff strength of MOIA, India, 2012

Grade of post	No. sanctioned	Employees in position
Officers		
Secretary	1	1
Joint Secretary	4	4
Director	7	6
Deputy Secretary	11	3
Under Secretary	17	11
Supervisor- Gazette	30	26
Total Officers	**70**	**51**
Staff		
Supervisor – Grade 1	29	20
Supervisor – Grade 2	3	3
Clerical	48	20
Attendant	37	35
Total Staff	**117**	**78**
Grand Total	**187**	**129**

Source: MOIA, 2013b.

Philippines

In the Philippines, the DOLE has 16 regional offices. The OWWA has 17 regional offices based in each of the regional administrative capitals. The POEA has four regional extension offices and six satellite offices spread throughout the country. The regional offices of the DOLE and POEA are supported by the Public Employment Service Officers that are affiliated with local government units throughout the country. The staff position at different levels in charge of managing migration is mostly centred at DOLE and its affiliated agencies, as indicated in table 3.5. DOLE's POLOs– known as a Foreign Worker Resource Centres (FWRCs) are each supposed to be staffed by four personnel as follows: a foreign service officer from the Department of Foreign Affairs, a welfare officer from the OWWA, a centre coordinator from the OWWA, and an interpreter, if necessary. They are headed by the labour attaché. Data from the Commission on Audit (2008) revealed, however, that on average there are actually nearly twice as many staff in each FRWC, with 230 overseas labour personnel manning the 34 POLO offices spread across 27 countries (for details see Appendix X). About 1,000 Public Employment Service Officers are affiliated with the DOLE and POEA. The OUMWA of the DFA also complements this personnel lineup, with about 134 staff located at both the central level and at various overseas posts.

Table 3.5: Manpower of the Philippine migration agencies, 2007*

	Central office	Regional office	Overseas office	Total
DOLE- POLO	-	-	230	230
POEA	425	21	-	446
OWWA	137	165	39	341
DFA-OUMWA	49	-	85	134
Total	**611**	**186**	**354**	**1 151**

Note: *As of 30 June 2007

Source*:* Commission on Audit, 2008.

Sri Lanka

In Sri Lanka staff positions have been created at the Ministry level (policy-making body), SLBFE (implementing body), and the Labour Divisions in diplomatic missions. The MOFE has a staff strength of 881 at the head office as well as regional and district training centres, as indicated in table 3.6.

Table 3.6: Staff strength of the MOFE, Sri Lanka, 2012

Grade of Posts	Approved Posts	Existing Cadre
Secretary	1	1
Additional Secretary	1	1
Senior Assistant Secretary	1	1
Chief Accountant	1	1
Accountant	1	Vacant
Assistant Secretary	1	1
Deputy Director/ Assistant Director	1	1
Internal Auditor	1	Vacant
Administrative Officer	1	Acting
Co-coordinating Secretary to the Secretary	1	1
Development Assistants	14	13
Public Management Assistant	16	12
Still Cameramen	1	1
Video Cameraman	1	1
Assistant Video Cameraman	1	1
Office Assistant Service	14	12
Driver	12	8
Receptionist/ Telephone Operator	1	1
Regional Development Officers	1182	825
Total	**1252**	**881**

Source: MOFEPW, n.d.

Sri Lankan and local staff of the Labour Divisions in the Sri Lankan diplomatic missions are likewise under the direct supervision (and on the pay roll) of the SLBFE. Table 3.7 provides an idea of the distribution of Sri Lankan officers in diplomatic missions. One concern is that an adequate number of Labour Welfare Officers has not been approved in some countries that have a considerable presence of Sri Lankan migrant workers. The absence of such office-holders definitely affects the efficiency of the Labour Divisions in these destination countries.

Table 3.7: Labour Division officers in diplomatic missions, Sri Lanka

	Appointed by SLBFE	Appointed by Labour Department
Abu Dhabi	1 (3rd Secretary)	1 (1st Secretary)
Dubai	1 (Counsellor – E&W)	1 (2nd Secretary
Israel	1 (1st Secretary) and 1 (2nd Secretary)	-
Jeddah	1 (1st Secretary)	1 (Attaché)
Japan	1 (Labour Welfare Officer)	-
Jordan	2 (Counsellor – E&W and 3rd Secretary)	-
Kuwait	2 (1stSecretary & Counsellor) and 2 (3rd Secretary)	2 (Minister Counsellor & 1st Secretary)
Lebanon	1 (Counsellor – E&W)	1 (2nd Secretary)
Malaysia	1 (2nd Secretary)	-
Maldives	1 (3rd Secretary)	-
Oman	1 (Counsellor & 3rd Secretary)	1 (Attaché)
Qatar	1 (Counsellor E&W) and 2 (3rd Secretary)	-
Riyadh	1 (Counsellor) and 2 (3rd Secretary)	1 (Minister Counsellor)
Singapore	1 (Counsellor – E&W)	-
Republic of Korea	1 (Counsellor – E&W) and 2 (3rd Secretary)	-

Source: SLBFE, n.d.

In 2012, the MOFE recruited 1,182 graduates with the goal of creating a new division named Regional Administration. This new division helped expand SLBFE programmes and activities at the grassroots level (with the participation of SLBFE district level staff). MOFE is a newly created ministry and its limited staff strength is compensated for by the staff numbers of the SLBFE.

The SLBFE has a most comprehensive and structured cadre to manage migration, with positions at both the technical and non technical levels (see Appendix XI). Of the 892 approved posts, nearly 93 percent are permanent and are currently occupied. Apart from that, the Bureau also hires contract staff who particularly function as non-technical management assistance. This comprehensive staff structure is vital for the SLBFE, as the staff are engaged in a host of activities ranging from pre-departure orientation to providing various welfare services. The SLBFE is complemented by the SLFEA, which is the recruitment arm of the Bureau (see Appendix XII).

3.3.2 Training for officials and administrative staff

India

In India, the most senior officials, who are drawn from the Indian Administrative Service and Allied Services, undergo training at different stages of their career—induction, mid-career, and advanced career training. The subjects covered in these training activities encompass the entire governance structure as these officials are transferred from one Ministry and state to another. One potential disadvantage of these training efforts is that migration is only one of the themes addressed, as the training is not customized to focus on migration governance. Officials within the supervisory and clerical cadre undergo primarily secretarial training at the induction and mid-career levels. One of the major thrusts of training activities offered to officers, as well as staff, has been towards making governance more technology-centred. In fact, as shown later in this Report, the e-governance project of the MOIA is considered a major initiative to amend and improve the outcomes of migrant welfare services as well as to reduce transaction costs and thereby improve compliance of those engaged in providing recruitment services.

Philippines

In the Philippines, ILAB provides policy direction, set guidelines, and operating procedures for POLOs. ILAB also offers capacity building, including financial and administrative training for POLOs. On a broader scale, various international scholarship opportunities, coordinated by the Foreign Affairs Department, are available for technical staff involved in migration. Local scholarship opportunities are made available through the Civil Service Commission.

Table 3.8: Training of migration administrators in Sri Lanka

	Mandatory	Optional
MOFE		
(i) Senior staff belonging to Sri Lanka Administrative Service, Sri Lanka Planning Service, Sri Lanka Accountants Service	• Induction training for new entrants • Mid-career training • Language skills and information technology	• Overseas training courses • Post graduate courses
(ii) Clerical and allied grades	• Induction training for new entrants • Language training (English and Tamil) • Computer literacy	• Accounting systems and auditing • Government procurement procedures • Public relations and customer care

(iii) Graduates/ Development Officers	• Induction training • Special training on labour migration management	
SLBFE		
(i) Staff Grade Officers	• Induction training for new entrants • Mid-career training	• Conciliation and counseling • Public relations and customer care • Legal officers training • International relations and diplomatic training • Foreign language training • Computer literacy • On-site training at diplomatic missions • Professional improvement opportunities to enroll in postgraduate/PhD programmes with financial assistance from the SLBFE
(ii) Labour Welfare Officers	• Induction training • International relations and diplomatic training • Language and computer literacy • Mid-career training on grievance handling, market promotion, and on manual of procedures	

Source: MOFEPW, n.d.

Sri Lanka

In Sri Lanka, the MOFE encourages the continuous training of staff and provides different kinds of training programmes depending on the specific requirements. Apart from entry-level training for staff, the Ministry provides mid-career training for officers promoted to junior executive and manager levels. The staff of the Ministry belong to the All Island Public Services, such as the Sri Lanka Administrative Service, Sri Lanka Planning Service, Accountants Service, Clerical and Allied Grades, and subordinate services that follow the common public service recruitment schemes and therefore must provide mandatory induction training and mid-career training. Training is provided at the Sri Lankan Institute of Development Administration, the Public Service Training Centre, and the National Institute of Business Administration.

The training available for the MOFE and SLBFE as well as the different topics covered during training can be found in table 3.8. Training on a variety of aspects is available, including training for specialized tasks such as enforcement of the SLBFE Act and other legal matters like dealing with human trafficking and smuggling. The Ministry facilitates employees to pursue higher education, including at the PhD level, to enhance the professional capacity of staff. Legal Division officers are encouraged to participate in national and international workshops.

To keep Labour Welfare Officers up to date while they serve in diplomatic missions in labour-receiving countries, periodic training on new developments in regulations, welfare services, and financial procedures is provided. Table 3.9 summarizes training options available to Labour Welfare Officers in Sri Lankan diplomatic missions.

Table 3.9: Training programs for Labour Welfare Officers in Sri Lankan diplomatic missions

Programmes	Duration	Organizers	Content
Certificate Course on Labour Migration and Operational Procedures in Sri Lanka diplomatic missions in labour-receiving countries	3 months	• MOFE • SLBFE • Ministry of External Affairs • Diplomatic Officers Training Institute. (Bandaranayake International Diplomatic Training Institute, Colombo)	• International labour migration in historical and contemporary perspective • Socio-economic impacts of migration • Rights of migrant workers and international Conventions on labour migration; diplomatic practices and protocols • Strategies for promoting labour migration and migrant services
Special training for selected Labour Welfare Officers to familiarize them with the functions and procedures	2–3 weeks	• Ministry of External Affairs • Consular Affairs Division, MOFE • SLBFE	• Functions and responsibilities of Labour Welfare Officers • Migrant workers grievance handling mechanism • Familiarize with duties and responsibilities of the SLBFE and the Consular Affairs Division of the Ministry of External Affairs • Special training on Manual of Procedure of the Labour Divisions of Sri Lankan diplomatic missions
Continuous capacity-building programmes for Labour Welfare Officers while in service	2–3 Days	• MOFE • SLBFE	New developments related to labour migration, manual of procedures, etc.

Source: SLBFE, Foreign Relations Division, n.d.

3.3.3 Professional appraisal and promotional avenues

India

In India, the performance of the senior government employees is evaluated on the basis of annual confidential reports prepared by the employees themselves and graded by their reporting officers. This grading is an important factor in determining eligibility for promotion. It may be noted that the postings to different ministries in India are made from a pool of civil service officers. There is quite frequent turnover, particularly with the senior-most officials. The usual term of posting for an Indian civil servant ranges from two to three years. Many times a transfer takes place that coincides with promotion. However, at the clerical level there are relatively longer tenures in one position/location.

Philippines

The Philippines generally follow a Merit Promotion Plan under Resolution No. 010114 of the Civil Service Commission.[17] For higher-level positions, additional executive and managerial competence requirements are set in place. The promotion process is established by a Personnel Selection Board chaired by the head of office where the vacancy is located, and includes the division head, a human resource officer, and two representatives from the rank and file. All qualified next-in-rank are automatically considered candidates for promotion. For the diplomatic corps, a qualifying examination called the Foreign Service Officer Examination must be passed before one can be considered for foreign posting.

For specific posts in migration-related agencies, it is important to note that there are no specific positions requiring knowledge in migration. Besides, as the DOLE is a large bureaucracy, competent labour officers are often moved to work on multiple aspects of labour, including international migration. Nonetheless, the DOLE has a corps of overseas labour officers (OLOs) who are appointed to specific ranks (labour attachés, assistant labour attachés, welfare officers, and administrative assistants).OLOs have a definite tenure of duty abroad of three years with possible extension of another 3 years depending on need and performance. When an OLO completes their tenure of duty, the officer returns to the Philippines for a home assignment of at least two years before being assigned to another foreign service post. In preparation for such an assignment,

[17] The Resolution mandates an equal employment opportunity and non-discrimination concerning gender, civil status, disability, religion, ethnicity, or political affiliation provided that the staff member meets the minimum requirements of the position.

the DOLE provides comprehensive pre-departure training for first-time OLOs. One component of the training is taught by the Foreign Service Institute of the DFA.

Sri Lanka

Apart from normal promotions as per the Sri Lankan Government's Schemes of Recruitment, several assessment and promotional schemes and incentives have been put in place to motivate SLBFE staff. These include a system to evaluate and motivate staff by using appropriate indicators of quality, quantity, cost efficiency, and timeliness. Through this process, the best employee is selected in each quarter. While approval from the MOFE is required for initiating such incentive schemes, the SLBFE is in charge of implementation. Another method of motivating employees is to select the best performing officers for service in diplomatic missions. The Ministry also permits the SLBFE to provide several welfare services to staff members, including attendance allowances, end-of-year bonuses, encashment of medical leave, insurance coverage, low interest personal loans, daily transportation of staff from their home towns to the SLBFE head office, supply of uniforms for the staff using SLBFE funds, etc.

3.4 New responses to protect migrant workers and facilitate mobility

To respond to the existing and emerging challenges related to managing labour migration, several initiatives are underway in the three study countries. This includes making appropriate changes in the present legal and administrative structures.

India

In India, the MOIA is proposing to undertake a comprehensive e-governance project to enhance the capacity of the administrative machinery to ensure protection and welfare of outbound migrants. Implementation of the project is expected to simplify various processes in the emigration cycle and improve their effectiveness. The project will create an electronic platform to bring together recruitment agents, the contract attestation system, emigration clearance system, and complaint management system, while also enabling the evaluation of their services. Linking of Indian missions abroad, insurance companies, and state governments, etc. in a phased manner has also been envisaged. This project is expected to reduce corruption, malpractices, and irregular migration, and thereby facilitate legal and orderly migration.

Considering the heterogeneity of international labour mobility from India, the Government is committed to promoting systematic research on international labour migration. In 2008 the MOIA established the India Centre for Migration, formerly known as the Indian Council of Overseas Employment. The India Centre for Migration undertakes empirical, analytical, and policy-related research; documents good practices; and assists in the capacity building of stakeholders at the sub-national level. The mandate of the Council is to devise and execute medium-to long-term strategies to enable Indian migrant workers to move up the value chain and to position India as a major source country for skilled human resources. The MOIA has also initiated other schemes to promote research on international migration. For instance, it has set up a research unit on international migration at the Centre for Development Studies, Kerala. The purpose of the unit is to undertake studies on the dynamics of migration, the socio-economic impact of migration in different states of India, labour migration, remittances, investment, and development.

Philippines

In the Philippines multiple agencies are engaged in managing overseas employment. This led to a lack of coherence, particularly in terms of data generation and the use of data. The creation of the Philippine Statistical Authority (PSA) via Republic Act 10625 in September 2013 was an essential step towards dealing with this incoherence. The PSA is now the central statistical authority of the Philippine Government. The PSA has absorbed the Bureau of Labor and Employment Statistics, which was formerly located under the DOLE. In Section 10 of the PSA law, the importance of labour migration statistics is underscored by the creation of the inter-agency committee on migration.

Sri Lanka

The Government of Sri Lanka has taken several initiatives, which can be broadly grouped under: i) initiatives to improve the management of labour migration from the country; ii) initiatives to strengthen manpower to manage migration; and iii) initiatives to raise the operational efficiency of administrative structures. An important initiative by the MOFE to augment its manpower is the establishment of a special Regional Administration for district- and divisional-based welfare activities for migrant workers. The Regional Administration's purpose is to assist the district- and divisional-level SLBFE officers in extending the services provided to migrant workers and their family members. New posts have been created to deliver effective services. This includes the post of the Additional General Manager, who is in charge of local affairs.

Initiatives introduced at the SLBFE include:

(a) Increasing the existing number of divisions in order to handle the expanding workload (Marketing Division, Recruitment Division, Foreign Relation Division 1 and 2);

(b) Establishing a networking system with Sri Lankan overseas missions to build sound operating procedures; establishing regional offices in seven districts in Sri Lanka;

(c) Formulating written policies and manuals of procedures for local divisions and for labour divisions in diplomatic missions in labour-receiving countries to standardize and institutionalize key operations;

(d) Establishing Migrant Resource Centres at the district level with the technical assistance of the IOM;

(e) Introducing the Citizen Charter to generate awareness among the public about the services of the SLBFE; and

(f) Obtaining ISO 9001:2008 certification and implementing a quality management system.

The Sri Lankan Government plans to develop a coherent institutional framework led by the MOFE, and encompassing other key ministries and institutions, to implement the National Labour Migration Policy. Towards this objective, a National Advisory Council on Labour Migration has been established with the participation of all major stakeholders, such as the Ministry of Labour and Labour Relations, Ministry of Youth Affairs and Skills Development, Ministry of External Affairs, Ministry of Women Affairs and Child Development, Ministry of Justice, Ministry of Social Services, Ministry of Defence (Department of Immigration and Emigration),and Ministry of Finance and Planning. In addition the National Advisory Council comprises representatives from the employers, trade unions, recruitment agencies, civil society organizations, and international organizations.

All three countries have over a period of time developed dedicated institutions to manage labour migration. Considering that migration is highly dynamic, efforts to transform institutions and structures to respond to the challenges that come with change are also being made. It is also evident that deployment of special staff, particularly in overseas destinations as well as in migrant training centres at home, can contribute significantly towards improving the outcomes of migration policies. It is pertinent to note that increasingly migrant management structures are being integrated with other related institutions and structures. It is also very critical to highlight the degree to which migration is considered to be central to the overall development framework of migrant-sending countries. Although there has been a surge in labour outflows from all the three countries, this has not been matched by an expansion of human resources in charge of managing migration. This is where the role of technology in administering and governing migrant structures becomes extremely relevant. Given that the scope for expansion in government positions is limited, there is also a need for greater synergy between government institutions dealing with migration and migrant associations and other social partners. Likewise it is important to recognize the crucial role that professional training could play in up-scaling the functional efficiency of officials working on migration management. In this regard it may be useful for governments to partner up with international organizations like the ILO and the IOM in order to impart the requisite training, as such efforts can disseminate information on new and innovative migration management practices currently being adopted around the world.

Chapter 4: Migrant services

Labour migration administration and its associated structures are mainly attuned to providing protection to migrant workers and promoting their employment and labour market outcomes. This is primarily achieved through sets of regulations and the provision of support services. This chapter deals with the various migrant services extended by the concerned ministries/departments in India, the Philippines, and Sri Lanka to international labour migrants (both in destination countries and upon return) and their family members. The purpose of the chapter is to provide a description and analysis of the range of services that the structures and financing in the three countries enable.

4.1 Information dissemination

India

In India, the MOIA provides information on migration related issues through print and electronic media, workshops/seminars, focus group discussions, and awareness campaigns. Advertising campaigns alert migrants to the risks of migration through illegal channels. They also inform potential migrants about legal routes for migration, the formalities associated with regular migration, and helpline numbers where authentic information can be obtained. Campaigns primarily focus on labour migration to the Gulf, as this is where the majority of labour abuses take place. Apart from conventional forms of advertising, other methods of information dissemination relied upon include a 24-hour helpline; Migrant Resource Centres (MRCs) functioning in Kochi (Kerala), Hyderabad (Andhra Pradesh), and Panchkula (Haryana); and walk-in counselling facilities operated by the Overseas Workers Resource Centre.

Philippines

The Philippines has a good track record in disseminating requisite information on migration (ILO, 2006). As outline above, the POEA, CFO, and OWWA are the key institutions mandated with spreading awareness and information on international migration. To illustrate their performance, in 2011, the POEA assisted 150,831 individuals (97,058 walk-in and 53,746 phone-in) with migration-related queries. The POEA granted 258 interviews to print media, television, and radio networks, through live studio streaming and phone-in interviews. The number of visitors who logged into the POEA website in 2011 was 6,180,160, with a daily average of 16,978 (POEA, 2011).Customized radio programmes are also broadcast in the Philippines to spread awareness about migration. For instance, in 2011, the POEA aired 48 episodes on the radio programme *Hatid Sundo* (Bring To and Fetch) broadcast over DZRM.[18] Events such as the annual celebration of Migrants' Day also indirectly become a platform for spreading awareness on migration.

Box 4.1
Expanding outreach in migrant communities

Governments also partner with CSOs to disseminate information on migration. Such partnerships seem to be the most formalized in the Philippines, particularly in relation to organizing pre-departure orientation programmes. In Sri Lanka the role played by several NGOs in the dissemination of information on migration deserves special mention. For instance, the American Centre for International Labor Solidarity in Colombo was instrumental in setting up the Migrant Services Centre in 1994. The Migrant Service Centre is committed to advocating, lobbying, and campaigning among migrant workers. The Action Network for Migrant Workers (ACTFORM) also publishes and distributes handbooks and a vernacular quarterly newsletter; organizes events on migrants' human rights; prints informational posters; and runs press and electronic media campaigns (Gamburd, 2010). Such interventions, although limited at present, are of great significance in countries like India where pre-departure orientation programmes for migrants continue to be sporadic.

Sri Lanka

In Sri Lanka the SLBFE conducts grassroots-level awareness-building programmes to inform not only prospective migrants and their families but also the larger population in the locality, the police, and the community leaders, on the prospects, problems, and coping strategies related to migration. Other innovative measures in Sri Lanka include: establishing a helpline to provide information on various migrant services, procedures to assist migrants, and important contact numbers. Advertisement messages in Sri Lanka are relatively comprehensive as they provide information on safe migration, selecting jobs/good employers/recruiting agents, the services available at the SLBFE/MOFE/Ministry of External Affairs/diplomatic missions, etc. Another player in the dissemination of information are CSOs who operate in partnership with the Government (box 4.1).

[18] DZRM is a Radyo Magasin AM station owned and operated by the Philippine Broadcasting Service.

4.2 Pre-departure orientation services

India

In India, pre-departure orientation is not mandatory for those migrating abroad for employment. Still, at the provincial level, limited attempts to provide pre-departure information to prospective migrants are in place. These orientation programs exist primarily in states like Kerala or Andhra Pradesh that send large numbers of migrants overseas. But similar services offered by state-sponsored agencies or CSOs are sporadic and do not reach the most needy segments of prospective migrants. The MOIA has developed Country Manuals that provide useful information for prospective migrant workers and officers of the POE and Indian missions abroad; however, for the majority of labour migrants these manuals remain inaccessible. The absence of pre-departure orientation services that provide information about the nuances of migration to various destinations is a critical lacuna adversely affecting migrant workers. It also needs to be noted that the provision of pre-departure orientation services does not figure into the Strategic Plan of the MOIA (MOIA, n.d.).

Philippines

In the Philippines three kinds of services are in place for migrants to prepare them for migration and to help them adjust at their destination: a Pre-Employment Orientation Seminar (PEOS); Pre-Departure Orientation Seminar (PDOS); and Post-Arrival Orientation Seminar (PAOS). Interestingly, the Philippine Government and CSOs provide a joint platform to extend these services. Aimed at adequately preparing prospective migrants to make informed decisions about overseas employment, the PEOS provides information about labour and employment conditions, migration realities, and other facts about overseas employment. The POEA is involved in information dissemination at the grassroots-level through its PEOS and organizes job fairs at the local level in coordination with local government units. The job skills-matching portal *PhilJob.net* is part of the PEOS system.

Since 1983 it has been mandatory for Filipino migrant workers to attend a one-day PDOS. Though originally administered by the POEA, PDOS is now handled by the OWWA. A prescribed syllabus developed by the OWWA is followed during the PDOS. Agencies providing the training must have accreditation. The number of PDOS conducted, the number of participants who attended, and data concerning other orientations provided are indicated in table 4.1. The topics covered in the PDOS include: code of conduct for OFWs, destination country profile, employment contracts, social security, travel procedures, financial literacy, and health and safety. The CFO also conducts PDOS to ease the adjustment of emigrants in their destination countries. At present, the POEA and OWWA are finalizing steps to harmonize and rationalize the PEOS and PDOS. The idea is to compress the topics in PDOS and transfer selected modules to an expanded PEOS where they are more relevant. The PDOS will be shortened to half a day. A more convenient online PDOS option for professionals and skilled workers is currently being discussed. The PDOS for household service workers will remain under the supervision of the OWWA. The IOM is involved in developing the online PEOS and in improving the content of the PDOS.

Table 4.1: Pre-departure services of the OWWA, the Philippines

Item	2010	2011	2012
PDOS			
Number of PDOS conducted by OWWA	208	594	-
Number of participants	6 012	12 413	35 177
Number of PDOS conducted by registered providers	3 041	-	-
Number of participants	478 814	517 173	603 397
Language and Cultural Familiarization Training			
Number of Language Trainings conducted	898	1 704	3 134
Number of participants	95 246	127 165	156 452
Basic Life Support First Aid Training			
Number of participants	1 728	1 898	911

Source: BLES, 2013.

The PAOS aims to reinforce information provided in the PEOS and PDOS, and to provide migrants with support in the country of destination. It is conducted by diplomatic missions and/or in cooperation with Filipino community organizations in selected destination countries. In contrast to the PDOS, the PEOS and PAOS are not compulsory, do not have a specific syllabus, and those providing it do not have to undergo an accreditation process.

Table 4.2: Training programmes for prospective Sri Lankan migrant workers

Training course	Target group	Age limit (yrs)	Duration (Days)	Fees (US$)^
Domestic Housekeeping (Sinhala & Tamil Medium)	Female workers to Middle East	21–45	21	57*
Domestic Housekeeping & Care Giving	Male and female workers departing for Cyprus who can speak English	21–45	30	69*
Domestic Housekeeping & Care Giving	Female workers departing for Singapore or Hong Kong(China) who can speak English	21–45	30	69*
Training Programme for Experienced Domestic Sector Workers	Female workers who can speak Arabic (Middle East) and Greek (Cyprus)	21–45	07/63	46
Care Giving	Male and female health-care workers departing for Israel	21–45	25/28	27
Care Giving	Male and female experienced health-care workers departing for Israel	21–45	15	46
Literacy Training (Sinhala & Tamil Medium)	Illiterate migrant workers	21–45	18	19
Special English Literacy Training	Migrant workers departing for Cyprus who cannot read, write, or speak English**	21–45	18/180	23
Special Training Programme for Oversees Job Seekers other than domestic housekeeping	First time migrant workers (male/female) departing for the Middle East, the Maldives or Malaysia	18–45	21	57*

Note: *Inclusive of National Vocational Qualification fees of US$19; **Anybody who wishes to leave for Singapore or Israel can also attend; ^ As per the average exchange rate of USS$1 being equal to 130 Sri Lankan rupees (LKR).

Source: SLBFE, 2014.

Sri Lanka

In Sri Lanka, the SLBFE is mandated to conduct pre-departure training and orientation programmes for migrant workers. All expenses incurred in training and orientation are covered by the Workers' Welfare Fund (WWF). From 1996 on, pre-departure training has been made compulsory for domestic workers and a training certificate is mandatory to register with the SLBFE. Depending on the target groups, significant variations in the duration of programmes and fees charged exist, as indicated in table 4.2. The main topics covered by the training programme for domestic workers include: domestic housekeeping, cleaning methods, operating household appliances, preparing food, table arrangements and serving of food, language skills, caring for the elderly and children, financial literacy, laws and customs of host countries, safe migration, migrant workers' rights and responsibilities, and arrangements for family left behind. Recently, the domestic housekeeping training programme conducted by the SLBFE was upgraded to National Vocational Qualification Level 3.After the completion of training, an evaluation test is conducted to assess the trainees, and a certificate is issued jointly by the SLBFE and the Tertiary and Vocational Education Commission.

Table 4.3: Number of participants who attended training at SLBFE Centres, Sri Lanka, 2012

Middle East	Non Middle East	Israel	Singapore	Rep. of Korea (ROK)		For other than Domestic Work
				Pre departure for ROK	Korean Language	
35 645	1 858	1 595	320	4 410	518	45 304

Source: SLBFE, 2012a.

Apart from the 23 training centres operated by SLBFE, 15 training centres are run by licensed recruitment agents. In addition, CSOs like Caritas Sri Lanka and ACTFORM provide training. The National Trade Union Federation also conducts a training programme for women domestic workers under the supervision of the SLBFE. Data on participation in training provided at SLBFE centres is presented in table 4.3. Migrants attending Middle East and non-Middle East trainings are mainly women domestic workers/housekeepers seeking jobs in the region. The Singapore training programme is meant for female domestic workers migrating to Singapore and Cyprus. The SLBFE also provides training in Korean language (Test of Proficiency in Korean [TOPIK]) for workers bound for Republic of Korea under the EPS. The Ninth EPS TOPIK programme conducted by the SLBFE was chosen by the Republic of Korea as a best practice programme in 2011. In addition, pre-departure orientation programmes are provided to workers migrating to the Republic of Korea.

Several concerns have been voiced regarding the pre-departure orientation programmes conducted in both the Philippines and Sri Lanka. It is argued that implementation of the PDOS in Philippines has become very uneven, and has deviated from its original purpose and design (Asis and Agunias, 2012; Anchustegui, 2010). There are also criticisms about the timing and period of delivery of the PDOS, and its tendency to overwhelm migrants with information. Similar criticisms have come up in Sri Lanka, where assessments indicate that pre-departure programmes provided to women domestic workers are not fully preparing the workers to perform their expected tasks nor protecting them from harassment and abuse. In response to this, the ILO has provided technical assistance to the SLBFE to improve pre-departure training that targets low-skilled workers. The IOM has assisted the SLBFE to develop training curricula for selected occupations like caregiver and housekeeping, and to gear up training courses to international standards. The IOM have also facilitated setting up a multimedia language laboratory to teach English with the help of computer mediated courseware. This will be extended nationally in a phased manner.

4.3 Skill development

India

Skill development that enables Indian workers to move up the value chain is receiving increasing attention in policy-making related to international migration. This is very significant, considering that most of the skill development programmes to this point have not kept pace with skill development needs as they have emerged in various destination countries. One of the most important new initiatives for Indian migrant workers is the Swarna Pravas Yojana, which proposes a skill development framework with standardized training, testing, and certification. The scheme aims to train 5 million youth over the next 10 years starting in 2014–15 (MOIA, 2013a). The project will be implemented with a total financial support of $27 million (MOIA, 2012a).

Philippines

In the Philippines the Technical Skills and Development Authority (TESDA) is the main body responsible for training, assessment, and certification of skills/competencies. Meanwhile, for professionals, the Professional Regulations Commission conducts regular board examinations for selected professions including education, engineering, and the sciences. Likewise, in preparation for the Association of Southeast Asian Nations (ASEAN) 2015 integration, the Government has recently passed Executive Order No. 83 of 2012, which institutionalizes the Philippine Qualifications Framework. The Qualification Framework is expected to help improve the quality of training provided to OFWs. TESDA is to take the lead in the implementation of training. As of March 2013, about 2,500 accredited TESDA testing centres were in place. While there is sporadic growth in the number of training institutes, the nature of training provided vis-à-vis the actual demand for certain jobs has been criticized (Asis, 2005). Moreover, most of the training centres are concentrated in Manila. Certain categories, like caregivers, performing artists/entertainers, data encoders, computer technicians, customer electronic mechanics, heavy equipment workers, etc. must also go through skill testing. Other skill development programmes are conducted by the OWWA, and include the Skills-for-Employment Scholarship Program for one-year technical and six-month vocational courses reflecting the technical skill requirements of overseas jobs.

The OWWA also provides IT training to its members abroad through the FWRCs, as well as to the families of migrants in the Philippines. A separate programme called the Seafarer's Upgrading Programme caters to seafarers. It aims to augment the expertise of Filipino seafarers in accordance with technological advancements and international maritime standards.

Sri Lanka

In Sri Lanka, comprehensive training focusing on skilled migration and enhancing the capacities of low-skilled workers is implemented with technical support from the Ministry of Youth Affairs and Skill Development and the State and Non-State Technical Education and Vocational Training (TEVT) network. Support is primarily geared towards developing the National Vocational Qualification for different categories of migrant workers and to equip training centres with what is needed to skill these workers. Such standardized training programmes would help upgrade the existing skill training to internationally recognized levels. The Marketing Division within the SLBFE is charged with promoting employment opportunities by identifying skill needs in destination countries. To identify market demands with respect to skills, a Market Intelligence Report is prepared. Other initiatives in Sri Lanka include: liaising with private recruitment agents authorized to conduct training programmes; collaborating with state TEVT institutions; and signing a MoU with the Open University of Sri Lanka to conduct a degree programme for nursing and care giving.

4.4 Regulating recruitment

India

In India, as per the Emigration Act of 1983, only recruiting agencies possessing a registration certificate issued by the PGE can recruit people for overseas employment. The certificate is granted after reviewing, among other things, the recruiting agent's financial soundness, trustworthiness, adequacy of premises, and experience in the field of handling manpower export, and after the agent obtains a bank guarantee of $36,757.[19] Presently there are 1,439 recruiting agencies who have been issued a registration certificate by the PGE. Recruiting agents are required to obtain a demand letter from a foreign employer, a specimen contract, and Power of Attorney before placing a job advertisement. Furthermore, the registration certificate number of the recruiting agent has to be included in the advertisement to help forestall any unscrupulous activities.

[19] As per the average exchange rate for 2012–13: $1 being equal to 54.41 Indian rupees.

Migrants falling in the ECR category also need to get their employment contracts attested by the POE. In fact, the entire emphasis of the implementation machinery of the Act is geared towards the licensing procedures. In this process, addressing problems encountered by the migrants during the recruitment process, like overcharging and cheating by sub-agents, has taken a back seat.

A key provision of the Emigration Act is the ceiling imposed on recruitment fees. In 2012–13 the maximum amounts a recruiting agent could charge were $37 for unskilled workers, $55 for semi-skilled workers, $92 for skilled workers, and $184 for other categories. Such limits are set primarily to keep the cost of migration, especially for low-skill workers, within reasonable limits, and to protect workers from excessive rent-seeking propositions by recruiting agents. Both of these objectives have not been realized for a variety of reasons. To begin with, the existing recruitment fees are not in conformity with the demand and supply of workers, and are affected by non-market factors like the *Kafala* sponsorship system widely used in the Gulf States. For instance, it is well known that in many labour receiving countries, especially in the Gulf region, the pool of potential overseas workers outstrips the demand. On top of that, despite the law, recruiting agents are required to make payments to destination country employers if they want to secure placement orders (Sasikumar and Hussain, 2008). The amount demanded by employers could vary according to the number of workers demanded, salary offered, and relative supply conditions and so on. Such increases in the expenditure of recruiting agents are directly transferred to the prospective migrants. Under the existing provisions of the Emigration Act, 1983, sub-agents/commission agents are prohibited within the migration system. Still, it is very common to find a sub-agent or a set of sub-agents involved in connecting prospective migrants with registered recruiting agents. The ILO Private Employment Agencies Convention, 1997 (No. 181), the applicable international standard, clearly states that fees and costs should not be charged directly or indirectly to workers, other than in exceptional and agreed upon cases.

Table 4.4: Actions taken in complaints against recruiting agents, India

	Status	2010	2011	2012*
Registered Agents	Show cause notice issued	145	212	234
	Registration certificate --suspended	10	20	37
	Registration certificate --cancelled	29	44	15
	Dropped/settled/revoked	82	94	36
Unregistered Agents	Cases referred to State Government/POE for action	166	225	240
	Prosecution sanctions sought	10	9	14
	Prosecution sanctions issued	10	9	14

Note: *up to October.

Source: Lok Sabha, 2012.

In India, the PGE is authorized to deal with the complaints of migrant workers. Complaints against registered recruiting agents are handled with the help of POEs and concerned Indian diplomatic missions. Complaints against unregistered agents are referred to the concerned provincial governments for investigation and to take appropriate action. As indicated in table 4.4, there has been an increase in the number of complaints against recruiting agents – both registered and unregistered. Complaints against foreign employers are taken up by Indian diplomatic missions, and if need be, the employer will be blacklisted.

Philippines

In the Philippines workers can obtain foreign employment through private agencies, the Government Placement Branch, or name hires.[20] Placement through private agencies involves of a contract between the foreign employer and the Filipino worker. Employment agencies (for land-based workers) and manning agencies (for seafarers) are responsible for over 90 per cent of the deployment of OFWs. As of November 2012, there were 1,283 agencies (853 for land-based workers and 380 for sea-based workers) in the Philippines (IOM, 2013). Placement through the Government (handled by POEA) generally covers employment within a government-to-government arrangement and involves the following procedures: interview and selection, referral to medical examination, processing of contracts, assistance in securing of passport and appropriate

[20] 'Name hires' refers to workers who have obtained employment without the intermediation of a recruitment agency or the POEA Government Placement Branch. This occurs when the worker has succeeded in searching and negotiating for an employment contract directly, or was referred by a friend or relative to the employer, and subsequently was given an employment contract and a visa sponsorship.

visas, pre-employment orientation, pre-departure orientation, and travel arrangements. Deployment of OFWs through the Government Placement Branch has been limited mostly to the Republic of Korea, Japan, and Germany. Placement as name hires requires submitting the employment contract to the POEA; a valid passport; an employment visa, work permit, or equivalent document; a certificate of medical fitness; and a certificate of attendance to the required employment orientation/briefing.

The POEA is entrusted with the mandate to regulate recruiting agencies hiring Filipinos for foreign employment. It is mandatory for agencies to disclose to prospective migrants all the terms and conditions, to negotiate the best terms and conditions of employment, and to deploy at least 100 workers within the first year. The agency must furnish 1 million Philippine pesos (PHP) as an escrow deposit to respond to claims from workers and replenish this reserve when depleted. The agency also has the responsibility to send workers to TESDA for skills testing and to clinics authorized by the Department of Health for medical examinations. In order to strengthen the protection of OFWs, compulsory insurance coverage[21] has been required for agency hires since 2010. This insurance coverage is to be paid for by the recruitment agency. It has to cover accidental and natural death, permanent total disability, repatriation costs, subsistence allowance benefits, money claims, compassionate visits, medical evaluations, and medical repatriation. Workers must receive a copy of the contract, which must be in conformity with the standard contract for that particular occupation, and documentation fees must be paid to the POEA. The minimum conditions to be included in an OFW's work contract include: guaranteed wages for regular work hours and overtime pay—which cannot be lower than the minimum wage in the country of destination; free transportation to and from the worksite; free food and accommodation; and just/authorized causes for termination of the contract.

Foreign employers who intend to hire Filipino workers must go through an accreditation procedure and officially engage a POEA-licensed Philippine recruitment agency. Employers can register their request with the local POLO and choose from the list of available agencies. It is the duty of the POLO to verify the business license, the job order, and the terms of the contract as part of the accreditation process. If there is no local POLO, then the foreign employer—through its chosen Philippine recruitment agency—must approach the POEA to initiate the accreditation procedure. In the Philippines, despite an elaborate institutional mechanism to provide information and

[21] This is distinct from the $25 membership fee paid to the OWWA by members, which, among other things, provides basic insurance coverage.

pre-departure orientation, and to control recruitment, the total number of illegal recruitment cases handled during the 2007–11 period is fairly significant. The number of cases remained almost at the same level in each successive year (table 4.5).

Table 4.5: Status of illegal recruitment cases, the Philippines

Indicator	2007	2008	2009	2010	2011
Pending cases, Beginning	1 154	1 285	1 358	1 427	1 365
Cases received	470	402	252	221	135
Total cases handled	1 624	1 687	1 610	1 648	1 500
Number of cases acted upon/disposed	339	329	183	283	153
Disposition rate (%)	20.9	19.5	11.4	17.2	10.2
No. of persons arrested	25	98	74	12	2
No. of establishments closed	9	10	6	6	2
Cases pending at the end of the year	1 285	1 358	1 427	1 365	1 347

Source: IOM, 2013.

Apart from illegal recruitment, other issues encountered by migrants include: excessive placement fees, contract substitution, delayed payment/underpayment/non-payment of wages, long working hours, violence or sexual harassment, among other things. Table 4.6 indicates the cases handled by the National Labor Relations Commission and the POEA. Here again the number of cases registered is fairly significant; yet, it is important to note that the disposition rate is high, thereby indicating that the workers are the major beneficiaries.

Table 4.6: Adjudication of overseas employment cases, the Philippines

Indicator	2007	2011
National Labour Relations Commission		
Total cases handled	6 133	7 622
Cases disposed	4 671	6 213
Disposition rate (%)	76.2	81.5
Cases won by Labour	3 236	4 650
Cases won by Management	1 435	1 563
POEA		
Cases handled	5 236	7 818
Cases disposed	3 087	3 861
Disposition rate (%)	59.0	49.4
Cases pending	2 149	3 957

Source: IOM, 2013.

Sri Lanka

With recruiting agents being recognized as one of the main pillars facilitating the labour migration process in Sri Lanka, considerable efforts have been made to regularize their operation to ensure transparent and legal recruitment practices. This is evident from the number of licenses issued: The number of recruiting agencies has not increased phenomenally, as shown in figure 4.1A. Although recruitment by agencies exhibits an increasing trend, a significant gap in the number of vacancies notified and actual recruitment exists, as noted in figure 4.1B.

Figure 4.1A: Number of registered recruiting agencies in Sri Lanka

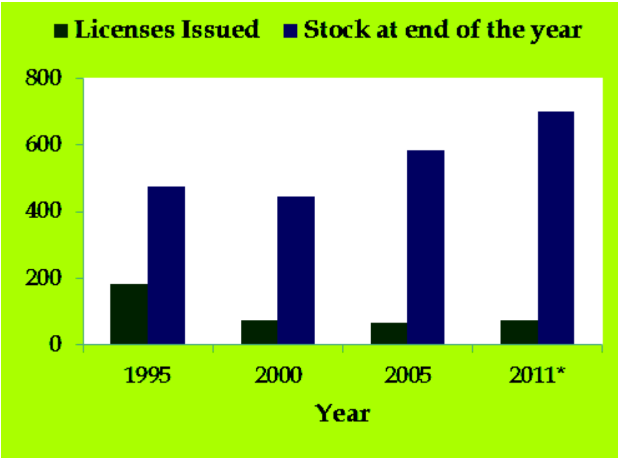


Figure 4.1B: Number of job vacancies and departures through registered agencies, Sri Lanka

Note: *provisional.

Source: SLBFE, 2011a.

In Sri Lanka, recruitment for overseas employment is handled by the SLFEA — a subsidiary of the SLBFE—and private recruitment agencies registered with the SLBFE. All registered foreign employment agencies are subjected to supervision by the SLBFE. Legal provisions of the SLBFE Act, 1985, specify the terms and conditions of issuing licenses to agencies, and set standards for negotiating employment contracts and formalizing recruitment agreements with relevant foreign authorities (employers/ employment agencies), as well as to ascertain the authenticity of documents issued to Sri Lankan recruits. Further, the Act stipulates that recruiting agents must furnish bank guarantees and enter into a bond arrangement with the SLBFE. The licenses of recruiting agents are renewed annually on submission and inspection of relevant documents. The Act also specifies the maximum fee that can be charged by the agents. Any advertisement for foreign employment can only be published after seeking approval from the SLBFE. Guidelines for the monitoring of recruiting agencies have also been provided. Any officer authorized by the SLBFE can enter and inspect the premises of a foreign employment agency at the time of issuing a new license, during the license renewal process, after an agency changes locations, or a after receiving a public complaint.

All prospective job applicants are interviewed to verify their suitability for the job and to determine compliance with the employer's requirements. Whenever required by the employer, trade tests are conducted by accredited independent organizations, and acceptable certificates are issued. Prospective candidates are required to undergo a medical examination to determine their physical and mental fitness. Moreover, a background check of their candidate is carried out by the Sri Lankan police.

Several schemes exist to improve the functioning of recruiting agents. For example, providing recruiting agents with opportunities to participate in government-sponsored overseas employment promotional programmes. In 2011 and 2012 a number of programmes were organized by the SLBFE and MOFE in countries such as Bahrain, Cyprus, Iraq, Jordan, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates. Recruitment agencies can also post free job advertisements on the SLBFE website for two weeks. They are also provided password access to the SLBFE website and can view details of jobseekers on the website. The Code of Ethical Conduct has been recently adopted to enhance the professionalism of the industry.

Several innovative steps have been introduced to make the recruitment process more efficient. The SLBFE has implemented the Web-based Recruitment System to facilitate online transactions in the Job Order Approval process, Employment Contract Registration process, and the Complaint Management System. The MOFE has also introduced a system of grading licensed recruitment agents as an incentive to improve their functioning. The performance of agencies is assessed through a points-based grading system specially designed to evaluate their overall performance during the selected year. Thirty-five criteria, which include the number of recruitments and categories of workers recruited (professionals, skilled, low skilled), cooperation with the SLBFE in complaint handling, seeking new markets for labour migrants, dispute settlement, maintenance of register/office, migration awareness programmes, qualification of agency staff, and so on, are elements of this evaluation. In 2012, out of the 800 recruiting agencies, 317 (all of which recruited 100 persons or more for the overseas job market during 2010–11) were selected for assessment. Table 4.7 illustrates the various grades the agencies received. None of the agencies were able to qualify for a five star grade, and nine agencies were disqualified as their performance was found to be below the cut-off/passing mark. The grading system intends to encourage and promote ethical and performing recruiting agencies by recognizing and awarding grades based on professional and ethical recruitment practices.

Table 4.7: Grading of recruiting agents, Sri Lanka

Grade	4 Star	3 Star	2 Star	1 Star
Number	9	58	173	63

Source: SLBFE, 2012b.

In Sri Lanka, the SLBFE is the key institution handling the complaints and grievances of migrant workers. The Conciliation Division of the SLBFE has a web-based complaint-handling mechanism equipped with the latest computer facilities to register and record complaints, refer complaints to Sri Lankan missions overseas, and manage data for the speedy resolution of migrant workers' issues.

The SLBFE Act provides legal authority to Bureau officials not only to conduct inquiries into migrants' complaints but also to award compensation for such complainants. This compensation has to be made by the recruitment agencies. If an award granted by a Bureau's Conciliation Officer has not been honoured by a recruitment agency, the Bureau has the power to institute legal action against the agency to recover said award. A significant recent amendment with regard to the powers vested with a SLBFE officer categorically states that officers' decisions on complaint settlements cannot be challenged in a court of law (Section 60d of SLBFE Amendment Act No.56/2009).

Table 4.8: Nature of migrants' complaints, Sri Lanka

Complaint	2008			2010			2012		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
Non-payment of agreed wages	345	1 352	1 697	563	2 312	2 875	333	1 508	1 841
Lack of communication	56	1 209	1 265	90	1 599	1 689	72	1 050	1 122
Sickness	87	763	850	162	1 675	1 837	124	1 491	1 615
Harassment (physical or sexual)	33	1 154	1 187	76	1 997	2 073	43	1 478	1 521
Death –natural	120	75	195	151	76	227	125	94	219
Death – accident/homicide/ suicide	52	37	89	65	39	104	42	24	66
Not sent back after completion of contract	34	593	627	85	712	797	114	892	1 006
Breach of employment contract	984	1 087	2 071	1 091	2 067	3 158	499	1 069	1 568

Premature termination	43	7	50	79	17	96	195	37	232
Others	186	1 442	1 628	439	1 409	1 848	115	754	869
Total	**1 940**	**7 719**	**9 659**	**2 801**	**11 903**	**14 704**	**1 662**	**8 397**	**10 059**

Source: SLBFE, 2011a; 2012a.

Apart from the Conciliation Division, there are three main divisions in charge of settling migrant workers' grievances at the SLBFE. The Foreign Relations Division deals with cases related to migrant workers' deaths, repatriation, compensation due from abroad, and police, courts, and prison matters faced by migrant workers overseas. The Division liaisons closely with the Ministry of External Affairs and Sri Lanka missions abroad to deal with migrant workers' issues. The Welfare Division mainly handles issues of a personal nature, such as repatriation of workers due to family needs (not related to the job abroad). The Investigation Division handles pre-migration issues confronted by prospective migrant workers, such as cheating, false promises, excessive fees demanded by recruitment agents, etc. The highest numbers of complaints are registered for non-payment of wages and breach of the employment contract, as indicated in table 4.8. Harassment, sickness, and lack of communication also figure in prominently. It clearly emerges from the data that women migrants register the highest number of complaints.

4.5 Scrutinizing employment contracts

India

As per the provisions of the Emigration Act, 1983 no citizen of India shall emigrate for any work unless they obtain emigration clearance from the POE, if they are an ECR passport holder or emigrating for employment to any of the 17 ECR countries. Recruiting agents are required to obtain a demand letter, power of attorney, and a specimen employment contract from the foreign employer in order to recruit a worker and obtain emigration clearance. The specimen employment contract lays down the basic terms and conditions of employment, including salary, accommodation, medical cover, transport, etc. For vulnerable categories of workers—i.e., unskilled labour and women emigrants—the employment documents are required to be pre-attested by the Indian diplomatic mission concerned and the migrant workers need to show that they have insurance coverage. In particular instances additional conditions may be imposed by the Government. For the deployment of domestic workers to Kuwait, for example, an advisory has been issued to all the POEs to grant emigration clearance only after ensuring that domestic work visa holders are actually willing to work at the residence of the sponsor, and that such persons have been duly warned and sensitized that if they violate the conditions of their visas, they will face jail time or deportation.

Some innovative methods have been adopted to improve or at least attempt to improve the emigration clearance process. For instance, the Government of the United Arab Emirates and the Government of India have jointly envisaged a common system of documentation validation through a web-based attestation procedure. This will facilitate foreign employers to file manpower requirements online. In addition, the PGE and the POE can access this database through authorized user IDs and passwords. The attestation procedure includes registration of employers, online filing of demands, online receipt of documents from Indian Missions, filling out details of the employees selected, and finally, emigration clearance by the POE. The procedures will not only provide employer data, verification of attestation by the POE, and utilization of a model employee contract, but also provide a system of grievance redress and resolution of labour disputes. A protocol to this effect was signed between the United Arab Emirates Ministry of Labour and the MOIA in 2012, but it has not yet been implemented.

Other recent changes introduced by the MOIA concerning emigration clearance include repealing the requirement of "ECR Suspension". This has enabled ECR passport holders to travel on a tourist visa without obtaining any clearance from the POE. This has eliminated a major avenue for rent-seeking and harassment in the system. The new Emigration Act contemplated by the Government proposes to replace emigration clearance with registration of emigrants. This would not only improve data on migration but would also alleviate malpractices in recruiting to a large extent.

Philippines

In the Philippines, the POEA is responsible for validating employment contracts. The minimum provisions of the employment contract specified by the POEA include: guaranteed wage for regular work hours and overtime pay as appropriate[22]; free transportation to and from the worksite, or offsetting benefits; and free food and accommodation, or offsetting benefits. Any employment contract or agreement (other than the approved POEA Employment Contract) entered into between an employer and a worker that includes a stipulation that the worker has agreed to receive a salary lower than what is mandated under the Philippine laws, is considered null and void and will

[22] The guaranteed wage shall not be lower than the prescribed minimum wage in the host country, not lower than the appropriate minimum wage standard set forth in a bilateral agreement or international convention duly ratified by the host country and the Philippines, or not lower than the minimum wage in the Philippines, whichever is highest.

constitute a violation of POEA rules and regulations. In such a case the worker must be advised to file a complaint against the employer.

OFWs need to register at the POEA and secure a POEA travel exit clearance before leaving the Philippines, regardless of their visa status. The travel clearance comes in the following forms: Overseas Employment Certificate, issued during manual processing; E-receipt, issued for computerized processing; or a Multiple Travel Exit Clearance. A travel exit clearance can be used for at least three exits within the validity period of the existing contract with the same employer, with a duration of not less than 12 months from the date of application for travel clearance. A Multiple Exit Travel Clearance shall strictly be used for travel to the worker's jobsite.

The travel exit clearance of the POEA serves multiple purposes: as a travel exit pass for OFWs at the airports; as an exemption certificate from payment of travel tax and airport terminal fees; and as a worker's guarantee that they are covered by government protection and benefits. Travel exit clearances are issued at the POEA main office/regional centres/regional extension units/satellite offices; Labour Assistance Centres at international airports; and POLOs.

Sri Lanka

In Sri Lanka as indicated above, under the SLBFE Act, 1985, and its amendments, it is a legal requirement for all workers leaving the country for overseas employment to be registered with the SLBFE prior to departure. The SLBFE maintains two administrative divisions for managing recruitment: First Approval Division and Final Approval Division. The Final Approval Division is further divided into two sections: (a) for those who found their jobs through recruitment agencies; and (b) for those who found their jobs through private arrangements or by themselves. In addition to local arrangements, the Sri Lanka diplomatic missions in major labour receiving countries maintain Labour Sections with a set of labour attachés. These labour attachés handle the registration of recruitment agencies/companies that wish to hire Sri Lanka nationals and clear their job orders.

Irrespective of the category of employment, all employment contracts between overseas employers and Sri Lankan employees are to be validated by the SLBFE for exit clearance. The employment contract of women domestic workers and garment factory workers have to be validated not only by the SLBFE but also by the concerned Sri Lanka diplomatic mission in the receiving country. Model contracts have also been developed for women domestic workers migrating to Jordan and Hong Kong (China).

4.6 Welfare services, including insurance

India

The Government of India has two insurance schemes to extend social security to its ECR category migrants: Pravasi Bharatiya Bima Yojana (PBBY) and Mahatma Gandhi Pravasi Suraksha Yojana (MGPSY).

Introduced in 2003, PBBY provides social security and health coverage to Indian migrant workers. This is a compulsory insurance scheme for all Indians aged 18–60 years seeking migration clearance for the purpose of overseas employment. The insurance policy is valid for a period of two years or the actual period of the employment contract, whichever is shorter. The key features of the scheme are:

(a) Insurance cover of a minimum sum of $18,379[23] payable to the nominee/legal heir in the event of death or permanent disability. Insurance will also take care of the cost of transporting home a worker's remains in the event of death overseas;

(b) Medical insurance cover of a minimum of $1,378 for hospitalization of the insured worker for accidental injuries or sickness occurring during the period of insurance, whether in India or in the country of employment;

(c) One-way airfare if the emigrant worker is not received and taken into employment, if there is any substantive change in the job offer, or if the employment is prematurely terminated during the contract period for no fault of the emigrant; and

(d) Provision to extend maternity benefits to women migrants and health insurance cover for workers' spouses and two dependents staying in India.

The MGPSY is a pension and life insurance fund scheme with the objective of promoting savings among migrant workers upon their return, resettlement, and old age, and to obtain life insurance cover against natural death during the period of coverage. In contrast to the PBBY, the MGPSY is a voluntary scheme and covers the age group of 18-50 years. The government contribution available under the MGPSY is for a

[23] As per the average exchange rate for 2012–13: $1 being equal to 54.41 Indian rupees.

period of five years or until the return of the respective worker, whichever is earlier. The main features of the scheme are:

(a) Government contribution of $18 per annum for all MGPSY subscribers who save between $18 and $221 per year in the National Pension Scheme;

(b) An additional government contribution of $18 per annum for women workers who save between $18 to $221 per year in the National Pension Scheme; and

(c) A contribution of $17 by the Government for return and resettlement of migrant workers who save $74 or more per annum.[24]

Apart from insurance schemes, the MOIA also provides welfare measures like scholarships to migrants' children, which are essentially funded from the Ministry's financial grants. Among the new initiatives by the Government of India is the issuance of Smart Cards to first-time migrants. The Smart Card contains passport details, work contract data, insurance details, etc.

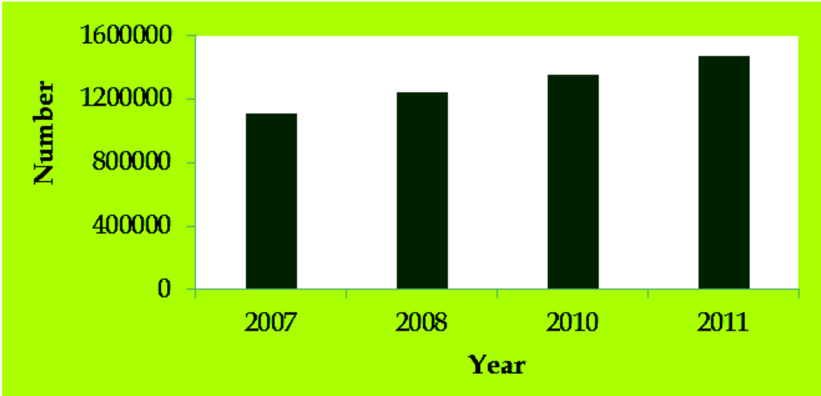
Philippines

In the Philippines, the OWWA is the major government agency that extends various welfare services to migrants. The OWWA, however, is a membership institution. Thus, coverage of its benefits requires that an overseas worker be a member. Membership can be achieved in two ways: by signing up upon the processing of a contract at the POEA or by voluntary registration of an overseas worker at the job site abroad. The membership contribution of $25 is most often paid by the migrant but can also be paid by the employer. The benefits covering health, disability, and death are available during the duration of the contract (Holzmann and Pouget, 2010). As of 2012, the OWWA has some 1.6 million members. Trends in membership of the fund are presented in figure 4.2. OWWA also provides supplemental insurance coverage for death and disability/dismemberment to its active members. The death benefit is $4,713 for accidental death and $2,356 for death by natural causes (with an additional $471 for burial expenses). The maximum disability benefit is $2,356 for permanent total disability.[25] One of the major concerns relating to the scheme is the relative low number of insurance claims among eligible migrant workers, indicating that those who are entitled to benefits are not making optimum utilization of their entitlements. It is only

[24] As per the average exchange rate for 2012–13: $1 being equal to 54.41 Indian rupees.
[25] As per the average exchange rate for 2013 of $1 being equal to Philippine peso 42.44.

through more focused advocacy programmes highlighting the need for availing of entitlements that such a situation can be overcome (Agunias and Ruiz, 2007).

Figure 4.2: OWWA membership, the Philippines



Source: IOM, 2013.

Meanwhile a compulsory insurance policy that covers all migrant workers was mandated by Republic Act 10022. This requires that the employer or the recruiting agent pay a certain fee for the policy. The insurance policy will be effective for the duration of the migrant worker's employment contract. The recruitment agencies have the responsibility to disclose all information regarding the insurance policy to the migrants. A certificate of cover provided by an insurance company licensed and certified by the Insurance Commission must be presented before the POEA for an Overseas Employment Certificate or exit clearance to be issued. For seafarers, other proofs of insurance coverage may be accepted if their vessel is covered by protection and indemnity insurance that is equal to or above the minimum mandated by the Act. The insurance cover provides: payment of at least $15,000 for accidental death; $10,000 for natural death; $7,500 for permanent total disability; the repatriation cost in case of death or invalid dismissal; $100 a month for up to six months as a subsistence allowance if the worker files suit abroad; the value of a monetary award or compromise settlement in cases before the National Labor Relations Commission; the travel cost of a compassionate visit paid by one relative in case of a worker being hospitalized for at least one week; and the cost of medical evacuation and medical repatriation, among other things.

The second insurance scheme that covers all migrant workers is the Philippine Health Insurance Corporation (PhilHealth), a government-owned and government-controlled corporation. In addition, the Social Security System (SSS) introduced in 1995 covers all documented OFWs. The first layer of the SSS programme aims to provide OFWs with a source of income after retirement. However, as other uncertainties are not covered, the SSS introduced a supplementary scheme in 2001—the SSS Flexi-Fund Programme — which provides members with a pension and savings plan. The membership to this supplementary programme is voluntary. In 2002, it was adopted as the National Provident Fund for OFWs.

The Pag-IBIG, a Home Development Mutual Fund established in 1978, provides a national savings programme and facilitates access to affordable housing loans for the average Filipino worker. In 2009 Congress passed a law providing universal coverage, thereby expanding coverage to all Filipinos, including OFWs. The main attraction of Pag-IBIG is access to low-interest loans and portability of savings under it. Upon proof of permanent residency, an OFW can withdraw their total accumulated savings if they choose to. They may also continue their membership in the fund, even after they become permanent residents in another country.

The OWWA is actively involved in extending repatriation benefits to OFWs. Various kinds of services extended by the OWWA are indicated in table 4.9. Furthermore, the OWWA also provides assistance for disability, death benefits, burial benefits, and family assistance loans. Various scholarships at school, college, and university levels for the dependents of OFWs, even in cases where the OFW is deceased, are likewise offered by the OWWA. For instance, the Education and Livelihood Assistance Programme extends scholarships to survivors of deceased OFWs amounting up to $118 for elementary school, $188 for high school, $236 for college (per school year), and livelihood assistance of $353 for the surviving spouse.[26]

Table 4.9: Number of OFWs who availed themselves of OWWA's repatriation assistance, the Philippines

Repatriation Programme	2006	2007	2008	2009	2010
On-site repatriation assistance	12 000	9 419	8 026	9 252	6 992
Emergency repatriation programme (ticket)	6 834	1 466	571	1 903	2 294
Airport assistance	11 759	5 597	5 538	6 962	6 719
Halfway home accommodation (in OWWA Home Office)	5 030	1 821	1 924	2 231	2 870
Medical referral	284	45	79	93	7
Domestic transportation	6 945	307	761	973	1 162

Source: IOM, 2013.

[26] As per the average exchange rate for 2013 of $1 being equal to PHP42.44.

Sri Lanka

In Sri Lanka, the Welfare Division of the SLBFE is mandated with the implementation of welfare programmes in collaboration with relevant divisions and main stakeholders. Apart from specific programmes for migrant workers at the destination and upon return, a number of welfare measures for migrants' family members are likewise in place. Upon registration with the SLBFE before departure, migrant workers (irrespective of their job category and destination country) and their immediate family members automatically become beneficiaries of the welfare programmes offered by the WWF.

Other major schemes by the SLBFE include:

(a) Videsha Rakia (Foreign Employment Insurance formerly known as Sahana), introduced in 1995 to cover medical expenses of migrant workers and dependents, death of migrant workers and dependents, and even partial and full disability;

(b) Voluntary insurance programme for domestic workers bound for Saudi Arabia (premium to be paid by the employer); and

(c) Compulsory insurance programme for Jordan-bound women domestic workers (premium to be paid by the employer).

The existing insurance schemes are supplemented by various social protection schemes for migrants and their family members. They include but are not limited to:

(a) A scholarship scheme started in 1996 for children of migrant workers when they qualify for Grade 5 scholarships, for General Certificate of Education (Ordinary and Advanced Levels),and for higher studies at university or state technical colleges;

(b) Distribution of school equipment to children of migrant workers;

(c) Vocational training programmes for children of migrant workers;

(d) Special welfare assistance for needy persons such as transport fare, medical treatments, food and accommodation, financial assistance to transport dead bodies, funeral expenses, etc.;

(e) Payment of hospital bills of returned migrant workers;

(f) Building houses for disabled migrant workers; and

(g) Subsidized loans for migrant workers towards housing and self-employment.

4.7 Services at the destination

India

In 2009 the MOIA established the Indian Community Welfare Fund (ICWF) in countries that have a significant overseas Indian population. The ICWF is administered by the heads of diplomatic missions, and it provides boarding and lodging to distressed workers in household/domestic sectors and unskilled labourers; extends emergency medical care; covers airfare for stranded overseas Indians in need; offers legal assistance and expenditure on incidentals and burial in the case of death. Currently, the ICWF operates in 43 countries and the operating costs are met from government funds. In 2012–13, the ICWF benefitted about 28,000 overseas Indians, incurring a cost of over $6,800,221 (MOIA, 2013a).Yet another means to address issues of Indian migrants is through the labour attachés that are located in the Indian Embassy/Consulate in foreign countries. As indicated in table 4.10, a significant number of complaints are received by Indian missions, the largest numbers were received in Saudi Arabia and Kuwait.[27]

Table 4.10: Complaints received by Indian missions in Gulf countries

Country	2010	2011	2012	2013
Bahrain	1 386	1 158	825	110
Kuwait	4 373	2 854	3 399	185
Maldives	180	226	484	79
Oman	2 151	2 766	2 310	132
Qatar	3 034	3 186	3 087	-
Saudi Arabia	5 250	3 656	4 292	563
UAE	1 036	1 588	491	-

Source: Lok Sabha, 2013a.

Philippines

Several agencies from the Philippines are involved in providing on-site services to OFWs. The DOLE through its POLO network has supported the establishment of FWRCs. These are directly under the supervision of the labour attachés in several major destination countries to extend on-site support and services to OFWs. This includes requests for assistance on OFWs' whereabouts, psycho-social counselling, conciliation, airport assistance, hospital/prison/work camp visitations, and legal assistance to OFWs who wish to pursue labour/welfare cases in the courts of the host country. Repatriated OFWs are given airport assistance, temporary shelter in a halfway home, psycho-social

[27] Further inquiry is needed to look at the nature of the complaints and manner of redress.

counselling, stress debriefing, and provision of transport services or fares for their onward travel to their provinces. Based on data provided by the OWWA, as of June 2012, the OWWA is present in 32 sites in 25 countries and territories. From January 2005 to September 2009, the OWWA advanced air tickets to 1,150 distressed overseas workers and facilitated the return of the remains of 249 deceased workers. The details of various welfare services provided by the OWWA are indicated in table 4.11.

Table 4.11: Status of on-site welfare cases, the Philippines

Indicator	2007	2008	2009	2010	2011
Worksite visits					
Worksite visits conducted	-	-	-	776	178
Workers reached	-	-	-	14 454	8 884
Prisons/deportation centre visits					
Visits conducted	-	864	622	1 316	887
Workers reached	1 714	3 896	2 368	5 525	4 216
Hospital visits					
Hospital visits conducted	-	562	359	1 284	849
Workers reached	747	1 060	744	1 388	1 072
Case management					
New cases handled	121 083	85 564	77 424	66 653	25 348
Cases resolved	100 601	80 607	68 883	61 312	20 125
Workers served	-	-	-	79 999	9 753

Source: IOM, 2013.

The POLO's work in partnership with the relevant Philippine Government agencies, host governments, Filipino communities, and NGOs includes monitoring and assisting OFWs in different destinations. The agency is represented in 34 countries around the world: 11 in Asia, 13 in the Middle East, seven in Europe, and three in the America. A POLO is headed by a labour attaché who supervises labour corps personnel at the post and manages the operations of the FWRC. The key functions undertaken by the POLO in order to promote and protect the welfare of Filipino workers abroad include:

(a) (As the representative abroad of the POEA) serving as the marketing agent of the DOLE upon request, with the authority to enter into contracts with foreign employers as established in the negotiating rules of the POEA;

(b) Promoting understanding and support between the host government and the Philippines, and between Filipino workers and the management in the country of assignment through, among others, information dissemination concerning Philippine policies and programmes on labour and employment; and

(c) Assisting in implementing the foreign exchange remittance program of the Government, from OFWs to their respective families/beneficiaries in the Philippines.

Sri Lanka

In the case of Sri Lanka, the Sri Lankan diplomatic missions in labour-receiving countries are assigned the task of extending a variety of services to migrant workers. Sri Lankan labour attachés are present in 13 major labour-receiving countries. Sri Lankan labour attachés have been entrusted with the responsibility of dealing with host country authorities (other than employers and foreign recruiting agencies) in order to establish the due rights of Sri Lankan workers, especially with regard to various complaints such as non- or under-payment of wages, forced labour, non-repatriation after contract completion, non-granting of the contracted employment, substitution of the job agreement, overwork, physical and sexual harassment, etc. Labour attachés also provide legal assistance, medical assistance, counselling, and sheltering facilities to destitute workers and workers who have fled their place of work; arrange the, repatriation of stranded workers and those who fled their workplace; and coordinate the transportation of the remains of deceased workers (where Consular Officers are not available). It is reported that an average of 750–1,000 workers who have fled their place of employment, of whom the majority are women domestic workers, are housed at any given time at shelters maintained by the Sri Lankan Embassy in labour-receiving countries. The number of repatriations handled by labour attachés during 2012 is reported to be about 1,200. Conducting various welfare and recreational programmes especially created for migrant workers is also a major duty of labour attachés; community activities, religious, cultural and national celebrations fall under this agenda. Labour attachés also collect labour market information; interact with factory owners, authorities, and trade chambers to gain information on employment opportunities; and facilitate Sri Lankan recruitment agents in their search for jobs. The SLBFE has also formulated a Manual of Procedure for Sri Lanka Diplomatic Missions, which is actively followed. This manual complements the operations manual for labour welfare officers.

4.8 Re-integration services

India, the Philippines and Sri Lanka have formulated several programmes and policy measures to enhance the welfare of return migrants. Discussions with an Indian official[28] in charge of operating such programmes indicated that the lack of requisite data, particularly those relating to skills, as well as the lack of funds dedicated to these programmes act as an obstacle to the effective implementation of proper measures. One of the potent ways to tackle such limitations is to encourage voluntary registration of details by migrants who intend to avail themselves of the benefits of these services. Likewise it is crucial that such voluntary registration be done on a continuous basis rather than in an ad hoc manner.

India

In India, the Financial Services Division of the MOIA provides various services to migrants, including returnees, wishing to make investments in India. The Division provides a range of services, including advice and hand-holding services, through market-driven knowledge partners. In addition, the Overseas Indian Facilitation Centre (OIFC), a non-profit trust, in partnership with the Confederation of Indian Industry, provides investment facilitation and a knowledge network for overseas Indians. With the help of the OIFC, the Financial Services Division offers information and guidance on a variety of subjects concerning investment policies, emerging investment opportunities, and other financial services. The Government of India has also initiated several measures to facilitate and reintegrate migrant workers that have had to return due to unexpected events at the destination, like the *Nitaqat* issue in Saudi Arabia (box 4.2).

[28] Interview held with Mr P.R. Devi Prasad, former Economic Advisor, MOIA, on 10 Jan.2014.

Box 4.2
India's response to *Nitaqat*

A new wave towards nationalization was initiated by Saudi Arabia in 2011 by the implementation of *Nitaqat*, a national "Saudization" policy that sought to replace migrant workers with Saudi nationals. The policy was primarily aimed at reducing dependence on foreign workers and resolving rising unemployment among Saudi nationals. Other motivations that led to the introduction of *Nitaqat* include: curtailing irregular migration, curbing the outflow of remittances, and attempting to reduce the burden on subsidized utility services like infrastructure.

Contrary to public opinion in India, available evidence indicates that *Nitaqat* only had an impact on Indian workers who were working without valid documents. Indeed, Saudi Arabia had provided a grace period option that allowed workers without valid papers to have their status regularized. In the two grace periods that ended in July and November 2013, many Indian workers took advantage of the opportunity. According to one estimate, Saudi Arabia has regularized 4 million immigrants by July 2013, of which 1.4 million were Indians. About 434,667 of these regularized Indian workers transferred their services from non-*Nitaqat*-compliant business units to compliant units; 481,233 changed their profession; 470,000 renewed their *iqama* (job permits); and 141,301 Indians used the grace period and returned to India. The Government of India was also proactive in providing Emergency Certificates to enable affected Indian workers to come back to India, and introduced special reintegration packages for returnees. For instance, the Government of Kerala, a province which sends large numbers of migrants to the Persian Gulf, initiated several measures to integrate the return migrants, beginning with creating a database of returnees and offering loans at a subsidized rate to setup business ventures, among other things.

Source: Hussain, 2014 and Lok Sabha, 2013b.

Philippines

Reintegration programmes in the Philippines work on the premise that reintegration should begin even before a worker leaves the Philippines. During the pre-departure phase, the reintegration programme guides each worker and their family in setting a common goal to be achieved while the worker is abroad. It also supports them in defining the role of each family member in mitigating the negative effects of separation, establishing a support system, and optimizing the migrant's earnings. In the host country, overseas workers are provided access to programmes that will help them adjust to life in that country and to prepare for their eventual return to the Philippines. Upon a worker's return, the reintegration programme encourages productive and sustainable economic activities that emphasize wealth creation and help stimulate economic activities in the worker's community.

Several programmes are in place that address the economic and social concerns of returning migrant workers. The OWWA provides psycho-social counselling, stress debriefing, value formation, and organization of Family Circles (consisting of overseas workers' family members and returnees) to address their social concerns. The economic needs of the returnees are addressed through livelihood projects or community-based income-generating projects, skills training, and credit lending. The two major loan programmes of the OWWA include: (a) the Livelihood Program designed to improve workers' access to entrepreneurial development opportunities and to provide credit to overseas workers, their families, and overseas worker organizations; and (b) the Groceria Project that aims to promote self-employment opportunities for overseas workers and their families by helping them to establish cooperative grocery stores nationwide. The Groceria Project offers an interest-free loan assistance package extended in the form of merchandise goods worth $1,177[29] per qualified Family Circle or overseas worker organization. Certain indicators of the functioning of re-integration programmes are indicated in table 4.12.

Table 4.12: Performance of re-integration programmes in the Philippines

Item	2010	2011	2012
OFW Groceria Project			
Number of projects maintained	100	1 970	-
Total amount released/collected (US$)	5 387	1 417 560	-
Number of members/beneficiaries	-	-	-
OWWA-NLSF Livelihood Development			
Number of projects approved	203	267	169
Amount of loans released (US$)	628 247	896 610	650 386
Total number of beneficiaries	585	697	524

Note: Based on average peso-dollar conversion rates for 2010, 2011, and 2012.

Source: BLES, 2013.

Other major programmes that provide loans to returnee workers include the following: (a) the 2 Billion-Peso Reintegration Fund for enterprise development; (b) the Balik-Pinas, Balik Hanapbuhay (Return to the Philippines, Return to Work) programme for displaced/distressed workers; and(c) a micro-credit programme to meet credit needs of aspiring and existing entrepreneurs by utilizing established NGOs as partners in lending and technical assistance.

To reintegrate deported and undocumented OFWs into their families and communities, the Department of Social Welfare and Development provides a variety of services.

[29]As per the average exchange rate for 2013 of $1 being equal to PHP42.44.

These include livelihood assistance through the Self-Employment Assistance Kaunlaran Program, transportation allowances, basic business management training, skills upgrading, house repair, livelihood skills training, provision of school supplies and uniforms for children, and burial and medical assistance.

Reintegration preparedness activities, such as skills training classes and business forums, are also arranged for workers at their foreign worksite. The business forums inform workers of business and investment opportunities available to them back home in the Philippines. For instance, in 2008, 1,797 skills and livelihood training sessions, which included entrepreneurship and financial literacy training, were conducted for workers overseas and for Family Circle members in regional welfare offices within the Philippines. A Model OFW Family of the Year Award is also given to the family that exemplifies the best in terms of managing the impact of overseas employment in family life and optimizing their gains through the generation of employment opportunities for others (Go, 2012).

In 2007, the National Reintegration Centre for Overseas Filipino Workers (NRCO) was established as a "one-stop centre" for all reintegration services for workers, their families, and communities. It is also a "service networking hub" that coordinates and facilitates service delivery for all participating service providers. The NRCO has three programme components: personal reintegration, economic reintegration, and community reintegration. With regard to personal integration, in the first half of 2009 the NRCO set up counselling services on re-entry planning and preparation, business counselling, as well as skills and entrepreneurial training to overseas workers. These counseling services were provided to workers in the host country through the POLOs. NRCO's economic reintegration programme consists of four services: counselling on re-entry options; skills training, retooling, and upgrading; wage employment; and livelihood, economic, and social enterprise development. In addition to working with several government agencies (such as the OWWA, POEA, and TESDA), the NRCO has partnered up with banks and NGOs to deliver these services. In the community reintegration component, which is a new policy thrust, programmes have been designed to encourage workers to contribute to the development of their communities by sharing their skills, expertise, and savings, and thus convert the "brain drain" often associated with migration into "brain gain". Currently the NRCO and OWWA are working closely together to manage these reintegration programmes.

During the global financial crisis in 2009, the Philippine Government took several measures to strengthen reintegration services and also formulated ad-hoc measures designed to specifically address the immediate needs of workers who might be displaced. This included mapping countries that (still) have labour demand; helpdesks to match skills of retrenched or aspiring overseas workers; airport assistance to provide information on redeployment; retraining or livelihood assistance options to displaced overseas workers; providing legal assistance;[30] referrals to agencies for redeployment;[31] and training and scholarships.[32] A livelihood support fund worth $5.3 million was set aside from the OWWA Fund for livelihood support.[33]

Sri Lanka

Reintegration of returnee migrant workers is an important component of the National Labour Migration Policy in Sri Lanka. Evidence from a study that was conducted to capture the various facets of return migration highlight the need for a better focus in the domain of reintegration (ILO, 2013). To improve the situation, a training of trainers programme was launched by the SLBFE in cooperation with the ILO to build the capacities of staff who work on reintegration at the district and divisional levels. The SLBFE has also initiated a programme to promote self-employment in three high-migration districts (Ampara, Kurunegala, and Badulla), with the plan to cover other districts in a phased manner. Around 300 returnees were educated on entrepreneurship development and financial assistance. Soft loans were arranged through a village-level banking chain called the Samurdhi Bank.

To augment the country's reintegration programme, in 2010 the MOFE launched Rata Viruwo (Heroes of the Country) to strengthen services to return migrant workers and their families. A network was also set up to coordinate the initiatives implemented by the SLBFE at the stage of pre-departure, while the migrant is at work overseas, and after return to the country. The main objectives of the programme are to:

(a) Enhance the information base on international labour migration;

[30] As of August 2009, 1,127 displaced overseas workers had sought refunds for plane tickets and placement fees and legal assistance for other issues. Of them, 852 cases were settled, amounting to $32,957 (based on 2009 average conversion rate of $1 being equal to PHP47.64), while the rest remain in conciliation proceedings (Go, 2012).

[31] As of August 2009, the POEA had referred 2,646 overseas workers to various agencies for redeployment (Go, 2012).

[32] As of October 2009, the TESDA had provided skills training assistance to 2,157 overseas workers, while the OWWA provided training on information technology through its Microsoft-Tulay (Bridging) programme and scholarships through its Skills for Employment Scholarship Program (Go, 2012).

[33] As of October 2009, the OWWA reported that 3,012 displaced overseas workers had availed themselves of the fund, amounting to requests for $313,392, with 408 pending applications amounting to $42,824 (based on 2009 average conversion rate of $1 being equal to PHP47.64) (Go, 2012).

(b) Improve the financial literacy of migrant workers;
(c) Provide financial services to current migrants and returnees to better equip them for financial management;
(d) Provide assistance for migrant workers to build houses;
(e) Provide vocational training avenues for migrants' children;
(f) Provide legal support;
(g) Enhance reintegration;
(h) Improve the health and safety aspect of families of migrant workers;
(i) Help to resolve family issues of migrant workers;
(j) Enhance service provision through SLBFE; and
(k) Provide legal support.

Under this programme a special MoU was signed to establish better coordination between the SLBFE and the Samurdhi authority (State Authority for Poverty Alleviation Programmes) to assist migrant workers in obtain housing loans, as well as consultations and technical support while building a house.

Other migrant worker reintegration initiatives in Sri Lanka include:
(a) Establishment of an e-ombudsman in 2011 with assistance from the IOM. The e-ombudsman operates around the clock from the SLBFE head office;[34]
(b) Opening of a 24-hour assistance centre by the SLBFE under the name Sahana Piyasa (Relief Centre) in close proximity to Colombo's international airport to provide welfare assistance, including shelter facilities, medical support, and transport assistance to destitute returnees;
(c) Provision of financial assistance to transport the bodies of deceased migrant workers;
(d) Organization of the International Migrants' Day celebration on 18 December 2011 with the theme "Let's Appreciate Our Migrant Workers, the Heroes of Our Country";
(e) Initiation of a prize in 2012 in appreciation of migrant workers who lead a successful life after returning to Sri Lanka; and

[34] Numbers of complaints received by the e-ombudsman in 2012 are as follows: 2,027 complaints by email, 3,846 complaints via Skype, and 68,600 via telephone.

(f) Signing of a MoU by the SLBFE with the country's Immigration Department to overcome the data gap on returnee migrants.

4.9 Cooperation between origin and destination countries

Awareness of the importance of inter-country and international cooperation in promoting well-managed labour migration has increased (Tunon and Baruah, 2012). Cooperation is also required within the country, among government and other concerned stakeholders. In addition to regional integration agreements and international human and labour rights Conventions, bilateral agreements and MoUs address diverse issues, depending on the national laws and regulations in each country. Bilateral social security agreements (SSAs) have become an important component of negotiations. They allow for the portability of pensions and benefits to which migrant workers have contributed, i.e., the transfer of the pension from the country of origin to the destination.

India

The MOIA has several operative bilateral SSAs and is currently in the process of ratifying such agreements with many countries, as indicated in table 4.13. Negotiations are currently underway with several countries in Europe, North America, and the Asia-Pacific region. While bilateral SSAs have definitely addressed several concerns with respect to social security for migrant workers, particularly portability of benefits, there are several issues that require critical attention. First, the majority of these bilateral agreements are signed with countries that are not major destinations for Indian workers. It is equally important to have SSAs with countries where social security tax deductions are made from workers' salaries, the benefits of which are not received by the migrants, particularly those with a temporary status. Second, the scope of bilateral SSAs may vary significantly, affecting their efficacy, as noted by Mei (2013) in the case of India's SSAs with Belgium and the Netherlands. Third, the case of social security provisions for low-skilled workers in the informal sector needs further research and policy attention.

Table 4.13: Status of bilateral SSAs signed by India

Signed and operative	Signed but not ratified	Draft finalized
Belgium (2006), Denmark (2010), France (2008), Germany (Social Insurance) (2008), Germany (Comprehensive) (2011), Hungary (2013), Luxemburg (2009), Netherlands (2009), Republic of Korea (2010), Switzerland (2009)	Austria (2013), Canada (2012), Czech Republic (2010), Finland (2012), Japan (2012), Norway (2010), Portugal (2013), Sweden (2012)	Quebec

Source: Compiled from MOIA, 2014a.

Apart from bilateral SSAs, the MOIA has finalized several MoUs[35] with the major destination countries of Indian emigrants. For instance, MoUs have been signed with the United Arab Emirates (2006), Kuwait and Qatar (2007), Oman (2008), and Malaysia and Bahrain (2009). Efforts are underway to sign MoUs with Jordan, Saudi Arabia, and Yemen. In September 2011 a revised MoU on labour was signed with the United Arab Emirates. Over the years, the Joint Working Group of origin and destination countries has emerged as an important platform to resolve bilateral labour issues. For instance, such an arrangement successfully resolved a work contract format problem with Kuwait. Similarly, a model labour contract is being finalized by the Indo-Malaysia Joint Working Group. Apart from bilateral agreements and MoUs, the Government of India also cooperates with countries on developing Agreements on Human Resource Mobility Partnership to enhance overseas employment avenues (box 4.3).

[35] MoUs/Agreements aim to improve bilateral cooperation in the field of manpower exchange/hire and occupational training needs; accept the rights and welfare needs of migrant workers and establish the best recruitment practices to minimize reported exploitations and abuses in the deployment process; put emphasis on a written contract between the employer and employee including standard terms and conditions such as contract period, wages, leave, social protection, and employer's and employee's obligations towards to each other; and accept the need to respect laws and values at the destination. Signatory parties in the MoUs/Agreements commit to constitute a Joint Committee, which will meet annually, with senior officials of both governments to review, evaluate, and introduce necessary amendments, if any.

Box 4.3

Labour Mobility Partnership Agreement between India and Denmark

The MOIA signed a bilateral Labour Mobility Partnership Agreement with Denmark in 2009 that provides for labour market expansion and employment facilitation between the two countries. The agreement also aims to facilitate legal migration by removing undue barriers and securing labour market access; combating and preventing all forms of irregular migration; and enhancing the protection and welfare of migrants. The agreement is aimed at promoting direct contact between employers in Denmark and state-managed or private recruiting agencies in India without intermediaries. It will also protect the welfare of all categories of Indian workers under Danish labour laws and other legislation. The Danish Embassy in New Delhi has set up a Work in Denmark Centre, which provides a window for Danish companies to tap the Indian labour market directly. The centre is also helping Indian professionals with work permit- and residence permit-related issues. The labour agreement will provide the framework for a larger Indo-European Union mobility partnership that will address skilled labour shortages in EU countries facing a demographic shift and ageing workforce.

Source: MOIA, 2014b.

Philippines

The Philippines has been very active in entering into bilateral negotiations and agreements. As of September 2009, the Philippines had forged 44 bilateral labour agreements with 22 countries on employment, welfare, and general labour cooperation, as well as 44 agreements on the recognition of seafarers' certificates (Go, 2012). Significantly, the Philippines have also signed nine social security agreements, and is in the process of ratifying and finalizing such agreements with several countries, as indicated in table 4.14. The Philippine Government also strives to forge special agreements to address the grievances of Filipino migrant workers. For instance, a special communication channel was established between the Philippine Embassy and the Singapore Ministry of Manpower for cases involving Filipino domestic workers (Villalba, 2002).

Table 4.14: Status of bilateral SSAs signed by the Philippines

Signed and operative	Signed but not ratified	Draft finalized
Austria (1982), Belgium (2002), Canada (1997), Canada, Province of Quebec (1998), France (1994), Netherlands* (2003) United Kingdom (1989), Spain (1989), Switzerland (2002)	Denmark (2012), Germany (2014), Israel* (2009), Republic of Korea (2006)	Greece (2009), Portugal (2010)

Note: *The SSA of the Philippines with the Netherlands, merely "outlines the guidelines for administrative cooperation and assistance in validating documents, monitoring and verifying Dutch pensioners residing in the Philippines and SSS pensioners in the Netherlands", and so it only just has minimum standards of an SSA. Similarly, the scope of the SSA with Israel is limited only to hospitalization, maternity and family benefits, and work injury insurance (Center for Migrant Advocacy, 2010).

Source: IOM, 2013.

Sri Lanka

The Government of Sri Lanka has signed an SSA only with the United Kingdom. However, a number of MoUs/Agreements have been signed with labour-receiving countries where the social security of migrant workers is also a concern, as indicated in table 4.15. For example, the MoU signed with the Republic of Korea Government included the provision of an insurance policy, including an end-of-service award based on accumulating contributions of the worker and the employer. The Korean social security programme benefitted 25,000 workers recruited under the EPS to the Republic of Korea.

Table 4.15: MoUs/Agreements signed by Sri Lanka

MoU	Agreement
Bahrain (2008), Italy (2011), Jordan (2006), Kuwait (2012), Libya (2007), Republic of Korea (2005), Saudi Arabia (2014), Seychelles (2012), UAE (2007)	Qatar (2008)

Source: MOFEPW, 2012; 2013.

A host of services are being extended to Indian, Filipino, and Sri Lankan migrant workers and their families during different stages of the migration cycle. Various approaches are utilized to ensure effective delivery of services in all three countries. The main features of these migrant services in terms of their coverage and target groups have been elaborated in this chapter. Though we have not attempted to evaluate the performance of each of these services, there are certain insightful conclusions that can be drawn about the operationalization of the services and the lessons that can be learned from them.

Increasing deployment of modern information and communication technology is becoming integral towards ensuring wider coverage and efficiency of service delivery. In this context, the preferred means of information dissemination on various aspects related to emigration has been through operationalization of dedicated helplines and websites. A significant increase has been registered in the number of people who are availing themselves of these telephone and online facilities. For instance, nearly 17,000 visitors on average log in daily to the website of the POEA to obtain information and seek clarification. This is critical considering that it ensures a wider outreach covering all parts of the country.

Pre-departure orientation/training continues to be one of the most effective means to prepare workers for migration and also to respond to challenging situations. Evidence from the three countries clearly indicates that mandatory provision of pre-departure orientation, particularly for low-skilled workers, is an effective means to counter the insecurities they are facing. Organizing pre-departure programmes provides a platform to establish effective synergy between concerned stakeholders, including migrant workers, government, international organizations, recruiting agencies, and migrant associations. Establishing coherence between these agencies also results in an optimization of financial and physical resources.

One critical area of migrant services that has received little attention is skill training/development of potential migrants. In most cases the existing efforts are sporadic and have not been effectively integrated with the existing vocational development and training structures. Given that the demand for skills in destination countries is transforming in a dynamic manner, proper assessments of such trends and the imparting of skills to match destination country needs is an important service that should be extended to maximize the developmental potential of migration.

Regulating recruitment and validating employment contracts are two essential services being offered to the migrants. Effective regulations in these two areas have considerably reduced recruitment abuses over time. However, one area of concern are the existing redress systems, which are not adequately responding to all recruitment abuses/employment contract violations. There is a strong need to develop grievance redress systems that can deal with all the cases arising out of recruitment and overseas employment. On the other end of the spectrum, it is evident that there is considerable merit in not just addressing violations when they happen, but also in incentivizing safe and efficient recruitment practices (as in Sri Lanka) in order to eliminate fraudulent recruitment practices.

The provision of insurance services to migrants serves two crucial objectives: one, protecting the interest of migrants in terms of exigencies; and two, augmenting the financial resources for offering welfare measures to the migrants. Some of the good practices emerging from the operation of different insurance programmes in the three countries include: a premium being paid by employers in cases involving certain vulnerable categories of migrants, like domestic workers; compulsory insurance cover for all workers who require clearance based on stipulated criteria (like those Indian migrants who require emigration clearances for overseas employment); membership-oriented coverage for various benefits, including insurance (like the OWWA in the Philippines); and a provision for the membership contribution to be paid either by the worker or the employer.

Several bilateral agreements have been signed or are in the process of being signed between the three sending countries and a host of recipient countries, chiefly to provide for the portability of social security benefits. This is significant considering that return is increasingly becoming an integral part of the contemporary migration flows. Among Asian countries, the Philippines and India seem to be most successful in signing bilateral agreements on social security with key receiving countries in Europe and North America (Asia Pacific Migration Network, 2013). However, it is concerning that such bilateral agreements are mainly being entered into with developed countries, where the number of beneficiaries is relatively low. The expansion of the profile and outreach of such bilateral agreements is urgently needed. In particular, ratification of such bilateral agreements should be pursued with the Gulf States, which host a majority of the migrant workers from these three sending countries. It also needs to be highlighted that the ILO's Maintenance of Social Security Rights Convention, 1982 (No. 157), which is specifically aimed at enhancing the portability of social security benefits, has been ratified by only three states—the Philippines, Spain, and Sweden. Multilateral approaches to enhance portability seem to lack sufficient backing to make them effective, with the notable exception of within the EU.

Chapter 5: Financing migrant services

This chapter deals with income and expenditure pertaining to migration-related administrative structures and migrant services. The structure in place to administer migration and the various services it offers are determined to a large extent by the financial resources at hand. At the same time, the functioning of the relevant ministry/ department and its affiliated institutions, and the various migrant services they deliver, also depend on the efficiency with which available resources are utilized. This chapter will analyse the income and allocation of resources across different migrant services by the state in India, the Philippines, and Sri Lanka.[36]

5.1 The case of India

The following analysis is primarily based on the non-plan expenditure of the MOIA. The budget estimate for 2013–14 is around $17.72 million, which is lower than the budget estimated for the previous year. Significantly, estimates for 2012–13 show huge differences between the budgeted, revised, and actual expenditures: the revised estimate for 2012–13 was only $15.62 million, as opposed to the budgeted expenditure of $21.09million, as indicated in figure 5.1A.

[36]The Philippine Commission on Audit (2008) recommends criteria like effective regulation of recruitment, deployment readiness of workers, and responsive welfare services for workers to evaluate efficiency of migrant services. However, considering the differences in the structure and status of migration policies and programmes and the level of data availability in the three countries under consideration, here the framework is limited to analysing expenditure for various programmes.

Figure 5.1A: Non-plan expenditure of the MOIA, India (in US$ million)

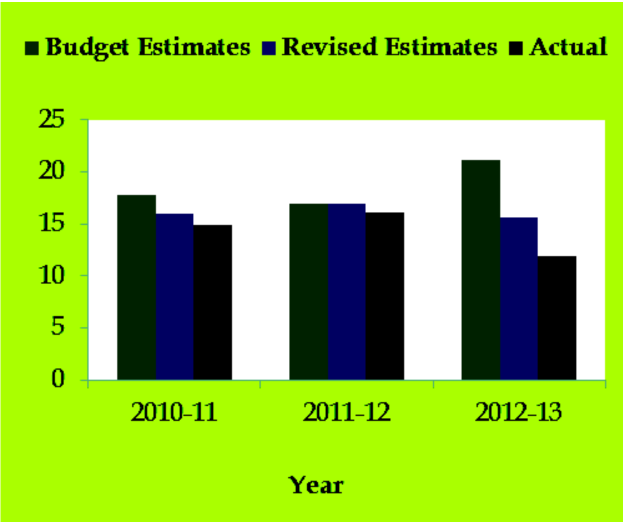
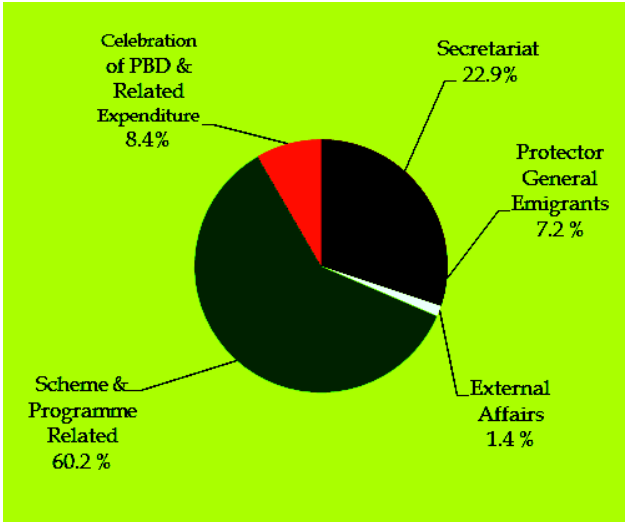


Figure 5.1B: Non-plan revenue expenditure of the MOIA, India, 2013–14 (budget estimate)



Note: Actual as of 31 Jan 2013 for 2012–13.

Source: MOIA, 2013b; 2013c.

The majority of revenue expenditure, about 60.2 per cent, is spent on various schemes and programmes of the Ministry. An item that occupies a significant share of expenditure is the organization of annual events like Pravasi Bharatiya Divas (PBD – see box 5.1), as noted in figure 5.1B. Increases in expenditures by the PGE section can be mainly attributed to the new e-Governance project initiated by the Ministry. Detailed analysis of the various schemes and programmes of the Ministry indicates that grants-in-aid and awareness campaigns account for a large share of expenditure, followed by scholarship schemes for diaspora children and overseas facilitation centres. It is concerning, however, that important areas of interventions to improve the migration outcomes of

Box 5.1
Pravasi Bharatiya Divas (PBD) in India

This flagship event of MOIA is celebrated every year on January 9 to mark the contribution of the overseas Indian community to the development of India. The event brings together overseas Indians, providing them with a platform to engage with their homeland. Likewise, it encourages the development of a network for Indians residing overseas for mutually beneficial activities. The theme for PBD in 2014 was "Engaging Diaspora: Connecting Across Generations", stressing the need to foster partnerships between young Indians in the country and those working overseas in industry and social sectors to create jobs and bring prosperity. During the event, individuals of exceptional merit are honoured with the prestigious Pravasi Bharatiya Samman Award to appreciate their role in India's growth. The event also provides a forum to discuss key issues concerning the Indian diaspora.

potential migrant workers – like pre-departure orientation and skill upgrading programmes – continue to receive a lower allocation of funds, as indicated in table 5.1.

Table 5.1: Schemes and programmes of the MOIA, India (in US$ million)

Scheme or programme	Actual 2011–12	Budget estimates 2012–13	Revised estimates 2012–13	Budget estimates 2013–14
Grants-in-aid	0.86	1.38	0.74	2.12
Overseas Citizenship of India	0.19	0.27	0.81	0.39
Know India Programme	0.19	0.92	0.55	0.65
Scholarship Scheme for Diaspora Children	1.14	0.92	0.92	1.24
Promotion of Cultural Ties with Diaspora Children	0.16	0.15	0.09	0.08
Awareness Campaign/Media Plan	1.80	1.73	1.69	1.63
India Development Foundation	0.24	0.37	0.00	0.33
Overseas Indian Facilitation Centre	0.94	1.29	0.96	1.14
Overseas Workers Resource Centre	0.22	0.18	0.10	0.20
Labour Mobility Partnership	0.00	0.01	-	0.01
Pre-departure Orientation and Skill Upgradation of Emigrant Workers	-	0.01	-	0.01
Overseas Indian Centres	0.67	0.43	0.55	0.65
India Centre Migration	1.04	1.29	1.10	0.81
Legal Assistance to Women Facing Problems in NRI Marriages	0.00	0.14	0.12	0.12
Total	7.46	9.07	7.63	9.39

Source: MOIA, 2013b.

5.2 The case of the Philippines

Considering that the Philippines has one of the most extensive administrative structures to manage migration, including a set of schemes and programmes to provide migrant services at different stages of the migration cycle, it is important to analyse how different government agencies utilize their funds. Table 5.2 provides an overview of the expenditure and income patterns of the three main government agencies engaged with international migration from the Philippines – the OWWA, POEA and CFO. As the services of the OWWA are larger in scale and scope, they also tend to incur a higher expenditure than the other two agencies. To get a better perspective a detailed analysis of the financial performance of each of these three agencies is presented separately below.

Table 5.2: Income and expenditure of migration managing agencies in the Philippines (in US$ million)

Year	OWWA		POEA		CFO	
	Income	Expenditure	Income	Expenditure	Income	Expenditure
2010	-	-	6.28	6.86	-	1.00
2011	49.80	30.81	8.05	7.65	-	1.14
2012	52.06	31.28	-	-	-	1.29

Source: Department of Budget and Management, Philippines.

Table 5.3 indicates the income and expenditure pattern of the OWWA.[37] Membership fees constitute the major source of income of the OWWA, while its main expenditures are programmes and projects. Membership fees constitute about 70 per cent of the total income, while the other 30 per cent come from the interest on investments. The bulk of the OWWA's expenditures went into programmes and projects. The OWWA maintains personnel and recurring expenses at manageable levels, thereby allowing it to report an income over expenditure of about 38 per cent. Among the various programmes, social protection programmes including disability and death benefits and livelihood support to families of deceased OFWs account for a sizable share, as indicated in table 5.4. A significant share of expenditure is also devoted to on-site programmes and services, family support and development, pre-departure programmes, and education programmes. OWWA membership reached about 1.3 million individuals in 2010 with an average growth of 9 per cent per year since 2007. It is therefore estimated to have reached about 1.8 million members in 2013.

[37] All dollar amounts in Chapter 5 related to annual income and expenditures of Philippines government agencies are based on PHP to US$ conversation rates as follows: 2010 – US$1 = PHP45.10; 2011 – US$1 = PHP43.30; 2012 – US$1 = PHP42.22; and 2013 –US$1 = PHP42.45.

Table 5.3: Statement of income and expenses of the OWWA, the Philippines (in US$ million)

Item	2011	2012
(A) Income		
(i) Membership fees	34.79	37.12
(ii) Interest income	14.88	14.71
(iii) Other income	0.13	0.23
Total income	49.80	52.06
(B) Expenses		
(i) Personal services	9.01	9.69
(ii) Maintenance &other operating expenses	6.31	5.54
(iii) Financial expenses	-	0.80
(iv) Programme expenses	15.49	15.25
Total Expenses	30.81	31.28
Net Income	**18.98**	**20.78**

Source: OWWA, 2011; 2012.

Table 5.4: Detailed expenditure of the OWWA towards social protection and welfare services, the Philippines (in US$ million)

Item	2011	2012
Regional offices		
Family Development Support Programme (organizing and community based activities/enterprise)	0.35	0.40
Capacity building	-	0.12
Learning Support Mechanism for Scholars	0.06	0.05
Overseas offices		
On-site programmes and services	0.74	0.63
Social protection benefits		
Disability and death benefits	6.43	6.88
Livelihood support for families of deceased OFWs	-	0.29
Medical and Health Care Programme	-	-
Health Programme	0.49	-
Rehabilitation Programme	0.03	-
Institutional support activities		
Migrant Worker's/Araw ng Pasasalamat	0.18	0.13
OFW Family Day	0.07	0.08
Model OFW Family of the Year Award	0.07	0.07
Pamaskonghandog (Christmas gift)	0.02	0.02
Institutional and socio-cultural activities	0.03	0.04
Social welfare services		
24/7 operations centre	0.02	0.02
Education and Information Programme		
Pre-departure Orientation Seminar	0.13	0.14
Language Training and Culture Familiarization	0.34	0.33
Information and Education Programme	0.07	0.05
Repatriation Programme		
Provision of airfare/tickets	0.96	0.33
Post-repatriation-related services		
Airport assistance and other services	0.06	0.06
Temporary shelter	0.07	0.07
Medical/transport assistance	0.03	0.03

Psycho-social counseling/critical incidence stress debriefing of OFWs and families	0.03	0.02
Short-term courses		
Skills for Employment Scholarship Programme	1.77	1.27
Seafarer's Upgrading Programme	1.49	2.21
Mariner's Dugtong Aral Programme	0.10	-
Top Cadetship Programme	0.05	-
Information Technology Literacy Programme	0.27	0.27
Degree courses		
Education for Development Scholarship Programme	0.62	0.64
OFW Dependents Scholarship Programme	0.52	0.85
Mariner's Study Now, Pay Later Programme	0.07	-
Educational Support for Children of Deceased OFWs	0.42	0.23

Source: OWWA, 2011; 2012.

In the case of the POEA, a substantial proportion of the expenditure goes towards salaries/wages and other administrative services, followed by life and retirement insurance contributions and PhilHealth, as indicated in t able 5.5.The POEA serves its stakeholders in various ways. The number of accredited foreign employers increased by 35 per cent (to 30,805) during 2010–11. Over the same period, the number of processed contracts increased by 12.5 per cent, to 1.8 million. The POEA conducted 1,320 job fairs nationwide. Its website garnered about 6.1 million hits and assisted 150,831 inquiries. The agency also approved a total of 352 recruiting licenses. Finally, although the number of organized PEOS decreased from 882 to 774, the number of participants increased to 107,000, which is mainly due to the active participation of local government units.

Table 5.5: Financial statement, POEA, the Philippines (in US$ million)

	2010	2011
Income	6.28	8.05
Expenditure		
Salaries, wages, and other expenses	3.53	4.08
Life and retirement insurance contributions	0.33	0.37
PAG-IBIG contributions	0.01	0.01
PhilHealth contributions	0.03	0.03
ECC contributions	0.01	0.01
Other expenses	2.94	3.15
Total expenditure	6.86	7.65

Source: POEA, 2010; 2011.

Table 5.6 indicates the major expenditures incurred by the CFO. It is evident that a significant part of total expenditure is incurred through the various welfare and related programmes for migrants and the diaspora, such as promoting diaspora investment, supporting Philippine schools overseas, presidential awards recognizing professional contributions and/or support of national development, etc. The newly introduced Information System Strategic Plan, aimed at improving the communication and technological support to the CFO mandate, also accounts for a considerable amount of expenditure.

Table 5.6: Expenditure pattern of the CFO, the Philippines (in US$ million)

	2010	2011	2012	2013
General administration and support services	0.30	0.29	0.31	0.39
Policy formulation, coordination, and plan implementation of the Filipinos Overseas Programme	0.70	0.61	0.68	0.89
Information System Strategic Plan	-	0.23	0.30	0.43

Source: Department of Budget and Management, Philippines.

5.3 The case of Sri Lanka

The financing of administrative structures and migrant services in Sri Lanka can be analyzed based on the financial statements of the MOFE, SLBFE, and SLFEA. The SLBFE is a self-financed organization. The financial statement of the SLBFE noted in table 5.7 indicates that recruitment fees and receipts to the Workers Welfare Fund (WWF), including the registration fees attached to contract agreements and job orders collected from foreign employers and recruitment agencies by diplomatic missions in destination countries, are the two major sources of income for the Bureau. Its primary expenditure is the WWF and staff salaries.

Table 5.7: Income and expenditure of the SLBFE, Sri Lanka (in US$)

Item	2005	2010	2011	2012
INCOME				
Recruitment Fees				
(a) Agency	2 133 040	3 215 109	2 973 586	3 763 558
(b) Individual	1 800 528	4 450 529	4 936 927	4 161 944
Facilities fees	342 548	407 038	403 484	434 658
License fees	48 061	6 505	57 244	21 726
Cess income	62 658	224 423	156 496	219 572
Korean Programme				
(a) Administration fees	551 740	147 567	205 305	157 439
(b) Korean training fees	341 862	39 953	522 254	425 003**
Foreign aid/grants and contributions from international organizations	21 666	13 970	19 902	1 603
Workers Welfare Fund				
(a) Interest from investment	79 492	3 983 092	4 721 327	3 163 611
(b) Re-imbursement of expenses	1 251 531	3 025 948	2 842 471	4 068 692
Foreign currency exchange gain	8 142	21 742	55 196	1 649 525
Interest from staff loans	18 516	71 967	73 189	78 185

Others*	62 879	116 844	338 417	368 345
Total income	**7 438 095**	**16 084 266**	**17 305 802**	**18 696 879**
EXPENDITURE				
Staff cost	1 328 872	3 171 550	3 602 906	3 884 931
Establishment charges	580 207	1 274 985	1 346 243	1 577 051
Operational costs	1 343 038	1 129 326	1 276 217	1 600 728
Advertisement and publicity	85 658	382 286	365 808	379 950
Business promotion	177 003	82 937	503 945	782 472
Workers Welfare Fund	3 184 680	5 585 932	5 570 603	6 958 391
Total Expenditure	**6 699 458**	**11 611 711**	**12 665 722**	**15 183 523**

Note: * Commission received by air ticketing unit, profit from sale fixed assets, and sundry income.
**Re-entry, Korean fee, documentation, and system maintenance

Source: SLBFE, 2006; 2011b; 2012c; 2013.

As indicated in table 5.7, there are two types of recruitment fees:

(a) Agency fees paid by the recruitment agency on behalf of the workers. These recruitment fees are based on the salary of the migrant worker as per the employment contract. Seventy per cent of this fee is paid back to the recruitment agency after the departure of the migrant worker; the SLBFE retains 30 per cent;

(b) Individual fees paid directly to the SLBFE by a Sri Lankan labour migrant according to their salary as stated in the employment contract. Individual fees are paid in the event that the migrant does not utilize a recruitment agent or the SLBFE to secure their overseas position.[38]

As revealed by the data in table 5.7, individual fees constitute the majority share of the total recruitment fees collected by the SLBFE. Out of the total recruitment fee an amount of USD 1.50 (the so-called facilities fee) is credited to SLBFE account.

License fees are paid by prospective recruitment agencies to obtain an initial recruitment license from the SLBFE as well as by established recruitment agencies to obtain an annual renewal of their license. Cess income is paid by recruitment agencies out of the commission received by them from their foreign counterparts. Fees from the Korean Programme consist of two components: (a) an administration fee paid by migrant workers departing for the Republic of Korea; and (b) a Korean training fee paid by the Republic of Korea-bound migrant worker to finance the pre-departure training programme.

[38] The fee structure is demarcated under three categories: domestic female housekeeping assistants ($59); domestic female housekeeping assistants returning to the same employer ($25); and all other workers ($78).

Aside from the above categories, receipts to the WWF consist of contract registration fees, job order approval fees, and registration fees collected by Sri Lankan missions from foreign recruitment agencies, companies, and individual employers. All of these collected fees have been registered under the re-imbursement of expenses, and all expenditures incurred with respect to labour welfare work have been debited as expenditure of the WWF.

Analysis of the WWF provides interesting insights. Apart from providing insurance coverage, the WWF is engaged in other migrant services, as noted in table 5.8. A significant share of expenditure is accounted for by Sahana, an insurance scheme for migrant workers and their families. It needs to be noted that Sahana operates with reasonable gap between the total premiums received and the compensation provided. For instance, while the total premiums received by the SLBFE in 2005 came to $970,000, the compensation disbursed was $860,000. Likewise, in 2011, the premiums received amounted to $1.80 million, while compensation disbursed was $1.46 million. This pattern stands in sharp contrast with the insurance provided by the OWWA in the Philippines, which is a big drawback of the fund. Another service provided to migrants is the operation of the Seeduwa Welfare Assistance Centre (Sahana Piyasa) located near the Colombo international airport to assist migrant workers in need.

Table 5.8: Expenditure of the Workers Welfare Fund, Sri Lanka (in USS)

Description	2005	2010	2011	2012
Training activities	329 954	331 774	193 867	214 879
Expenses of Overseas Welfare Fund	1 254 523	3 025 948	2 842 471	4 068 252
Cost of insurance for migrant workers	949 111	1 639 722	1 611 419	1 674 721
Interest on migrant workers contribution	1 658	4 164	3 526	3 862
Interest subsidy of bank loans	42 038	6 157	5 707	3 318
Conciliation and other welfare works abroad	63	6 893	66 036	16 390
Project expenses (UNCF/UNAID/ILO)	2 006 933	6 700	16 544	850
Foreign travel for overseas audits	-	17957	-	29 716
Instructors' training programme	-	318	-	207
Study tours	-	43 836	14 084	54 658
Other migrant services				
a) Scholarships & distribution of school books to migrants' children	411 984	286 113	295 739	524 817
b) Welfare Assistance Centre (Sahana Piyasa)	58 147	137 257	127 669	140 215
c) Re-integration programme	-	1 227	-	1 448
d) Social Welfare Programme for Migrant Workers	78 570	33 964	27 598	77 590
e) Welfare facilities for migrant workers	7 330	-	3 418	2 007
f) Housing Programme for Disabled Migrant Workers	-	15 691	18 929	22 196
g) Socio-economic development of migrant workers' family members	-	272	-	
h) Special Award Scheme for Funeral Expenses	8 724	3 099	1 148	688

i) Migrant workers' uniforms and travelling bags	19 898	-	-	
j) Payment of medical bills of migrant workers	-	874	2844	916
k) Payment of VAT and NBT on account of registration fees paid by domestic sector migrant workers	-	32 018	206 381	75 566
l) Children's Programme (Daru Diriya)	-	6 605	10 338	8 690
m) Providing bus fare & refreshments to complainants	-	5 039	1 126	968
n) Children's Programme on Talent Development	-	6 605	22 592	11 170
o) Medical Camps for migrant workers and their families	-	5 039	-	8 014
p) Child Protection &Up-Lifting Programme	-	9 931	600	918
q) Decentralisation Programme expenses	3 434	3 037	-	
r) International Migrants Day expenses	-	-	89 221	342 853
s) Expenses on natural disasters and relief work	3 887	-	9 635	-
t) Expenses of Raisyiru Project	-	-	-	30 627
u) Pre-departure Orientation expenses	-	-	-	5 975
Total Expenditure	**3 184 680**	**5 585 932**	**5 570 603**	**7 320 674**

Source: SLBFE, 2006; 2011b; 2012c; 2013.

Table 5.9 indicates the number of complaints received from Sri Lankan migrant workers and the status of those complaints. The percentage of complaints settled in 2012 is almost 85 per cent, which represents a 20 per cent improvement on 1995.

Table 5.9: Number of complaints received and compensation paid, Sri Lanka

	1995	2000	2005	2010	2012*
Complaints received	5 228	7 284	9 930	14 704	10 220
Complaints settled	3 439	6 620	7 335	13 927	8 667
Compensation paid (LKR)	586 305	4 703 029	5 027 285	23 872 073	14 995 757

Note: *provisional.

Source: SLBFE, 2011a; 2012a.

The income and expenditure of the SLFEA is presented in table 5.10. The Korean Programme and migrants' insurance are the two main sources of revenue, while the largest item of expenditure is administration services.

Table 5.10: Income and expenditure of the SLFEA, Sri Lanka (in US$)

Item	2011*	2012**
INCOME		
Korean Programme	556 619	360 989
Recruitment fees	71 631	32 360
Migrants' insurance	-	247 521
Miscellaneous income	823	1 239
Investment income	28 700	40 475
Rent income	9 184	-
Profit on disposal of vehicle	22 669	-
Gratuity over provision	10 503	-
Total income	**700 129**	**682 585**
EXPENSES		
Administrative expenses	661 373	413 822
Business promotion	21 559	19 851
Transport	22 466	14 222
Financial costs	593	109
Total expenses	**705 991**	**448 005**
Company net profit/(Loss) before tax	**(5 862)**	**234 580**

Note:*Covers the period from Jan.–Dec., audited and finalized; **Covers the period Jan.—Sept., unaudited with provisions.

Source: MOFEPW, 2012.

India is primarily relying on the State budget for migrant protection services. In the cases of the Philippines and Sri Lanka it is a mix of state and private sources (that is, fee-based services). The OWWA in the Philippines is financed entirely through fees paid by migrants or employers. The same is true for the SLFEA in Sri Lanka, which also retains a portion of recruitment fees collected from agencies or individual migrant workers.

There is no doubt that the Philippines and Sri Lanka both provide a wider range of services. This study has provided some indication of the effectiveness of the services and schemes. However, more research is needed in this area, including on the perceptions of migrant workers and employers, from whom fees are charged. In particular, the impact of recruitment fees in Sri Lanka needs assessment, as the international standard is to not charge migrant workers any placement fees.

Also, ensuring that the administrative cost of operating various welfare funds is kept within reasonable limits is fundamental to ensuring the long-term sustainability of such funds. Optimum investment of financial resources collected under migrant workers' welfare funds and the interest income subsequently generated can also provide a substantial contribution towards ensuring a steady flow of income to welfare funds and thereby enhance their sustainability.

Chapter 6: Policy implications

With labour flows showing increasing heterogeneity and scale, there is a renewed interest in managing labour mobility to enhance the developmental potential of migration. While literature on migration policy, regulation, and impact is more readily available, less is known about the administrative structures required to regulate labour migration and provide services to migrants, or how these are financed. This study explored these interrelated issues by taking up the cases of India, the Philippines, and Sri Lanka. Such a comparative analysis will improve the knowledge base on labour migration administration and its financing in countries of origin. Some of the salient recommendations of the study are as follows.

Migration policies and legal and administrative frameworks

- There needs to be more of a shared understanding that migration can be a key enabling factor for equitable, inclusive, and sustainable development. This is indeed underway as reflected in both the High-Level Dialogue on International Migration and Development and current discussions on setting Sustainable Development Goals.[39]

- Administrative structures need to respond promptly to the transformations in the migration landscape. A first step towards this is to develop a well-crafted migration policy. Currently, in two of the countries studied (India and the Philippines), a single piece of migration legislation is regarded and interpreted as the main policy document on migration. Such an approach is likely to provide partial solutions. A well-crafted migration policy should capture the contemporary and future strategies of the country on labour mobility, and serve

[39] The theme of the 2013 High-level Dialogue on International Migration and Development was to identify "… concrete measures to strengthen coherence and cooperation at all levels, with a view to enhancing the benefits of international migration for migrants and countries alike and its important links to development, while reducing its negative implications." The High-level Dialogue published an eight-point agenda (*Making Migration Work*) for the 2013 meeting which synthesizes the principal points.
The Open Working Group (OWG) was tasked by the UN to prepare recommendations for the post-2015 Sustainable Development Goals (SDGs) to be adopted by the UN General Assembly in September 2015. In the introduction to the SDGs, the OWG highlights that sustained and inclusive economic growth, social development, and environmental protection should benefit all people "without distinction of any kind such as…*migratory status*." The OWG's proposal contains 17 suggested SDGs, out of which four explicitly address migration: Goal 8.8 (rights protection and working environments especially for women and those in precarious employment); Goal 10.7 (orderly, safe, regular, and responsible migration and mobility supported by planned and well-managed migration policies); Goal 10.c (transaction costs of remittances); Goal 17.18 (migration data). Apart from those specific goals, the issue of migration cuts across several aspects of human development outlined in the SDGs.

as a document to reform the administrative structure and legal framework of migration. Towards this end, it is necessary to have an overarching or lead institution to manage labour emigration. This indeed is the case in the three countries studied. In addition it is crucial to have a clear-cut organizational framework for coordination across pertinent ministries, as migration is a continuum of processes across time, sectors, and locations. It is equally important for countries to ratify various international Conventions and Recommendations on international migration as well as strengthen multilateral cooperation to promote migrant workers' welfare.

- It is essential to strengthen human resources both qualitatively and quantitatively to manage migration both in the countries of origin and destination. Those involved in developing and implementing various migrant services require service orientation and appropriate and varied levels of skills, as they deal with issues that affect migrants in various stages of the migration cycle from pre-employment to re-integration. Orientation programmes on migration-related issues (ranging from skill development to health, for instance) should also be designed for officers in other ministries/departments to establish coherence in the administrative arrangement in place to manage migration. Another key step is to equip the diplomatic missions abroad with appropriate numbers of officers, and to develop a manual for procedures (as has been done in Sri Lanka and the Philippines). Ancillary efforts must be made to strengthen policy coherence between different ministries/departments dealing with migration management, particularly the departments of labour, skill development, and health as well as external and home affairs.

- An e-governance project has been recently introduced in India to enhance the capacity of the administrative machinery to ensure protection and welfare of emigrants. It is expected to facilitate legal and orderly migration. Its impact and replicability would be important to assess.

- Transparent policies, procedures, and practices that would render the functioning of institutions more effective should be fostered. Having a (shared) platform for social dialogue among different stakeholders engaged with migration, such as informal meetings that include trade unions, CSOs, and recruitment agencies, is likewise crucial.

- Targeted labour market policies can play an important role in enhancing the linkages between migration and development. Policies on issues such as vocational and skills training, educational programmes, and job search assistance aimed at prospective and returning migrants are likely to produce positive developmental effects.

- There is a need to create institutionalized systems that would provide inputs on a continuous basis for making migration policies more evidence-based. In this regard it is worthwhile to note that the Government of India has established an institution, the India Centre for Migration, under the MOIA to undertake empirical, analytical, and policy-related research and also to document good practices and assist in the capacity building of stakeholders at the sub national level.

Migrant services

- Compared to India, the Philippines and Sri Lanka have more services to facilitate safe migration. Recognition that the pre–departure stage is a particularly important time, and that it requires state intervention, is crucial. This is particularly important in countries like India that do not have mandatory pre-departure orientation programmes. A number of good practices are evident in countries like the Philippines, which conducts a variety of orientation programmes for migrant workers.

- Yet another area of urgent intervention is the regulation of recruitment, including monitoring the operations of recruiting agencies. Initiatives in Sri Lanka to grade recruiting agencies, thereby informing the public about the nature of the services one can expect, are commendable.

- Given the rising number of migrant worker complaints related to working conditions, it is indispensable to strengthen welfare services in countries of destination. This seems to be a pressing need for all three countries under consideration.

- Strengthening the insurance programmes for migrant workers should be accorded a top priority. Some of the good practices emerging from the operation of insurance programmes in the three countries include: premiums for certain vulnerable categories of migrant, like domestic workers, being paid by employers; compulsory insurance cover for all workers who require migration clearance based on stipulated criteria (like those Indian workers who require emigration clearances for overseas employment); membership-oriented coverage for various benefits including insurance (like the OWWA in the Philippines);and a provision for the membership contribution to be paid either by the worker or the employer.

- All three countries have designed or embarked on skills development and certification programmes for potential migrant workers. Such measures should be sustained in order to improve migration outcomes.

- Reintegration programmes need be reformed to be in line with the needs of migrant workers. Though there are multiple models pertaining to reintegration, those that promote self-employment opportunities for overseas workers and their families – particularly workers/families with limited investment capabilities – by establishing cooperatives are worthwhile options to be considered. An example of such an initiative can be found in the Groceria Project in the Philippines.

Financing migrant services

- Measures should be taken to ensure the financial sustainability of migrant services. State budget allocation should provide sufficient resources for the protection of migrant workers.

- Equally important is the need to look at priorities in the allocation of budget. As noted in the case of India, interventions to improve the migration outcomes of potential migrant workers, such as pre-departure orientation, continue to be allocated less than adequate resources.

- Funding drawn from the state budget to finance agencies dealing with international migration may need to be augmented by tapping into other funding sources. In this regard, fee-based services (to migrants and employers) are an important source of income in the Philippines and Sri Lanka. However, there should be clear principles and guidelines for charging of fees, and the effectiveness and use of fees should be routinely and independently monitored.[40]

[40] We would like to thank Nilim Baruah who brought this to our attention.

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Appendices

Appendix I

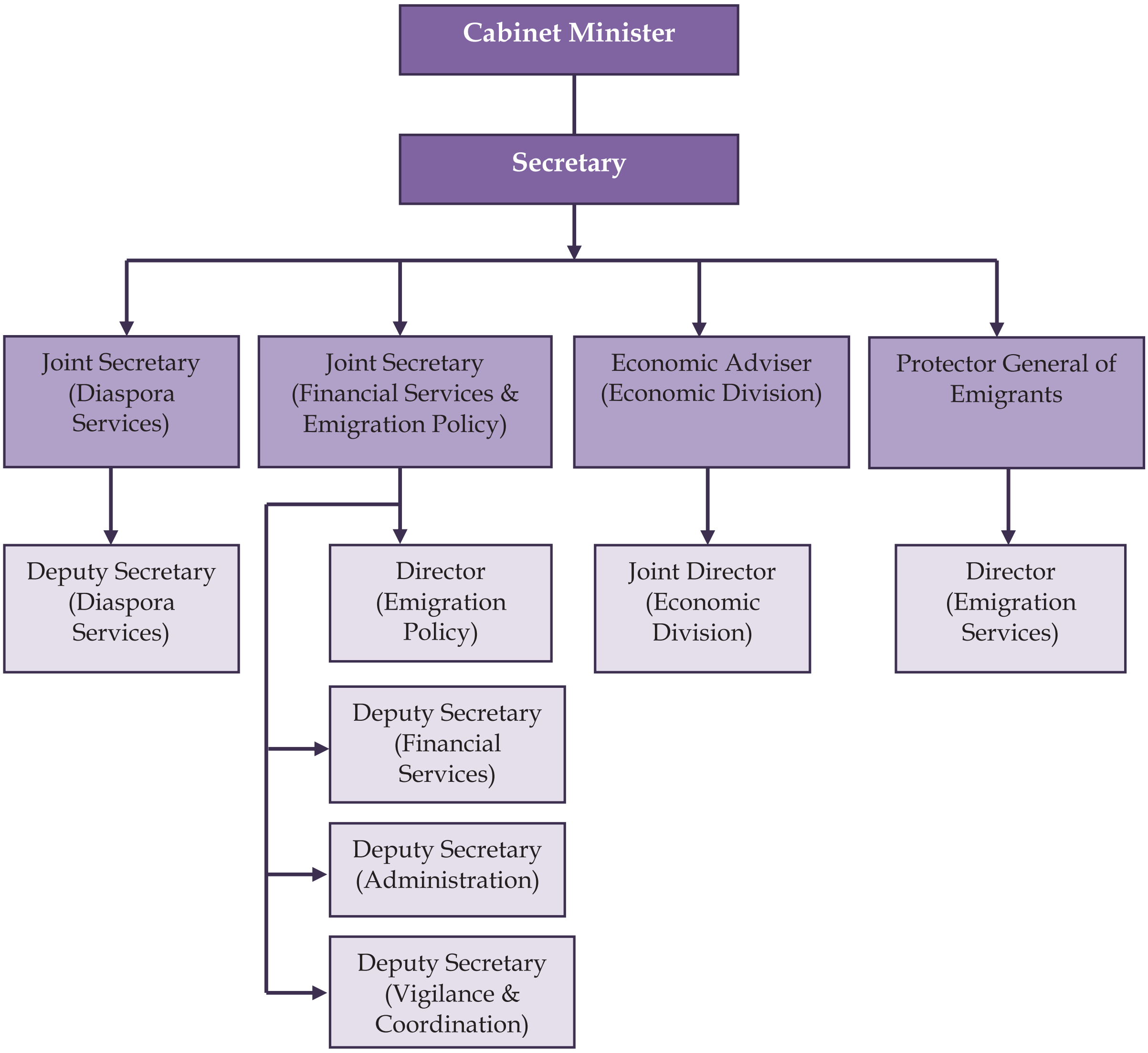
Managing labour migration in India, the Philippines, and Sri Lanka: An overview

Indicators	India	Philippines	Sri Lanka
Administrative structure			
Legal framework	Emigration Act (1983) last amended in 2009 A new Emigration Management Bill is being prepared	Migrant Workers and Overseas Filipinos Act of 1995 (RA 8042), last amended in 2010	Sri Lankan Bureau Foreign Employment Act, No. 21 of 1985, last amended in 2009 Draft of new Act under preparation
Ministry/department	Ministry of Overseas Indian Affairs (MOIA), Ministry of External Affairs, Ministry of Home Affairs	Department of Labour and Employment (DOLE), Department of Foreign Affairs (DFA)	Ministry of Foreign Employment (MOFE)
Major attached agencies	Protector General of Emigrants (PGE),India Centre for Migration, Overseas Indian Facilitation Centre (OIFC), Overseas Workers Resource Centres (OWRCs)	Philippine Overseas Employment Administration (POEA),Overseas Workers Welfare Administration (OWWA), Commission on Filipinos Overseas (CFO)	Sri Lanka Bureau of Foreign Employment (SLBFE), Sri Lanka Foreign Employment Agency (SLFEA)
Policy on migration	—	—	National Labour Migration Policy for Sri Lanka (2008)
New responses to improve administrative services	e-Governance project to make migration management efficient	Creation of the Philippine Statistical Authority (PSA) is expected to improve data on international migration	Increased manpower, improved administrative efficiency, established Regional Administration for district- and divisional-based welfare activities

Indicators	India	Philippines	Sri Lanka
Migrant services			
Information dissemination	Print and electronic media, 24-hour helpline, walk-in counseling at OWRCs	Print and electronic media, 24-hour helpline	Print and electronic media, 24-hour helpline, partnering with CSOs
Pre-departure orientation	Not mandatory	Compulsory Offers customized pre-departure programmes for different categories of migrants. Also provide Pre-Employment Orientation Seminar (PEOS) and Post-Arrival Orientation Seminar (PAOS)	Compulsory Offers customized departure programmes for different categories of migrants
Skill development	Skills Training Initiative for North Eastern States; propose to implement Swarna Pravas Yojana	Training, assessment, and certification provided by Technical Education and Skills Development Authority (TESDA); OWWA also conducts specialized programmes like Skills-for-Employment Scholarship Programme and Seafarer's Upgrading Programme	Skill development programmes conducted with technical support from the Ministry of Youth Affairs and Skill Development and the state and non-state Technical Education and Vocational Training (TEVT) network
Regulating recruitment	Licensing recruitment agencies, granting of emigration clearance, and verification of contracts	Monitoring operation of recruitment agencies, facilitating recruitment, and validation of employment contracts	Regulating and monitoring operation of recruiting agencies, and providing clearance to migrant workers.
Key programmes to assist migrant workers and their families at the country of origin	Pravasi Bharatiya Bima Yojana (PBBY) and Mahatma Gandhi Pravasi Suraksha Yojana (MGPSY), education loans and scholarships for children, reintegration services like OIFC	Philippine Health Insurance Corporation (PhilHealth) and Pag-IBIG, Education and Livelihood Assistance Programme, Livelihood Programme, Groceria Project, National Reintegration Centre for Overseas Filipino Workers	Videsha Rakia and other voluntary and compulsory insurance schemes, operation of Seeduwa Welfare Assistance Centre

Indicators	India	Philippines	Sri Lanka
Key agencies that provide migrant services at destination	Indian Community Welfare Fund (ICWF) and labour attachés functioning within Embassy/Consulate	Filipino Workers Resource Centre (FWRC)	e-ombudsman operating from the SLBFE office, Sahana Piyasa
Cooperation between countries of origin and destination	Signed several bilateral social security agreements, MoUs, Labour Mobility Partnership Agreement	Singed several Bilateral Labour Agreements	Signed a number of MoUs/ Agreements, initiated a social security programme for workers migrating to Rep. of Korea
Financing services			
Major items of expenditure	MOIA – various programmes and schemes for migrants, and organizing Pravasi Bharatiya Divas (PBD)	OWWA – social protection programmes, including disability and death benefits and livelihood support to families of deceased OFWs. POEA – salaries/wages and other administrative services and PhilHealth CFOs – various welfare programmes for migrants	SLBFE – Workers Welfare Fund and staff salaries. SLFEA – administration services
Major source of revenue	Mainly government funds	Mainly government funds In the case of OWWA, significant revenue is generated through membership fees and interest income from investments	Mainly Government funds In the case of SLBFE, significant share of revenue is generated through recruitment fees, receipts to the Workers Welfare Fund, registration fees on contract agreements and job orders collected from the foreign employers and recruitment agencies In the case of SLFEA, through Korean Programme and migrants' insurance

Organizational structure: Ministry of Overseas Indian Affairs, India



Appendix III

Organizational structure and staff strength: Department of Labour and Employment, the Philippines

Office of the Secretary Proper
- Office of the Department Secretary (1)
- Offices of the Department Undersecretaries (3)
- Offices of the Department Assistant Secretaries (3)

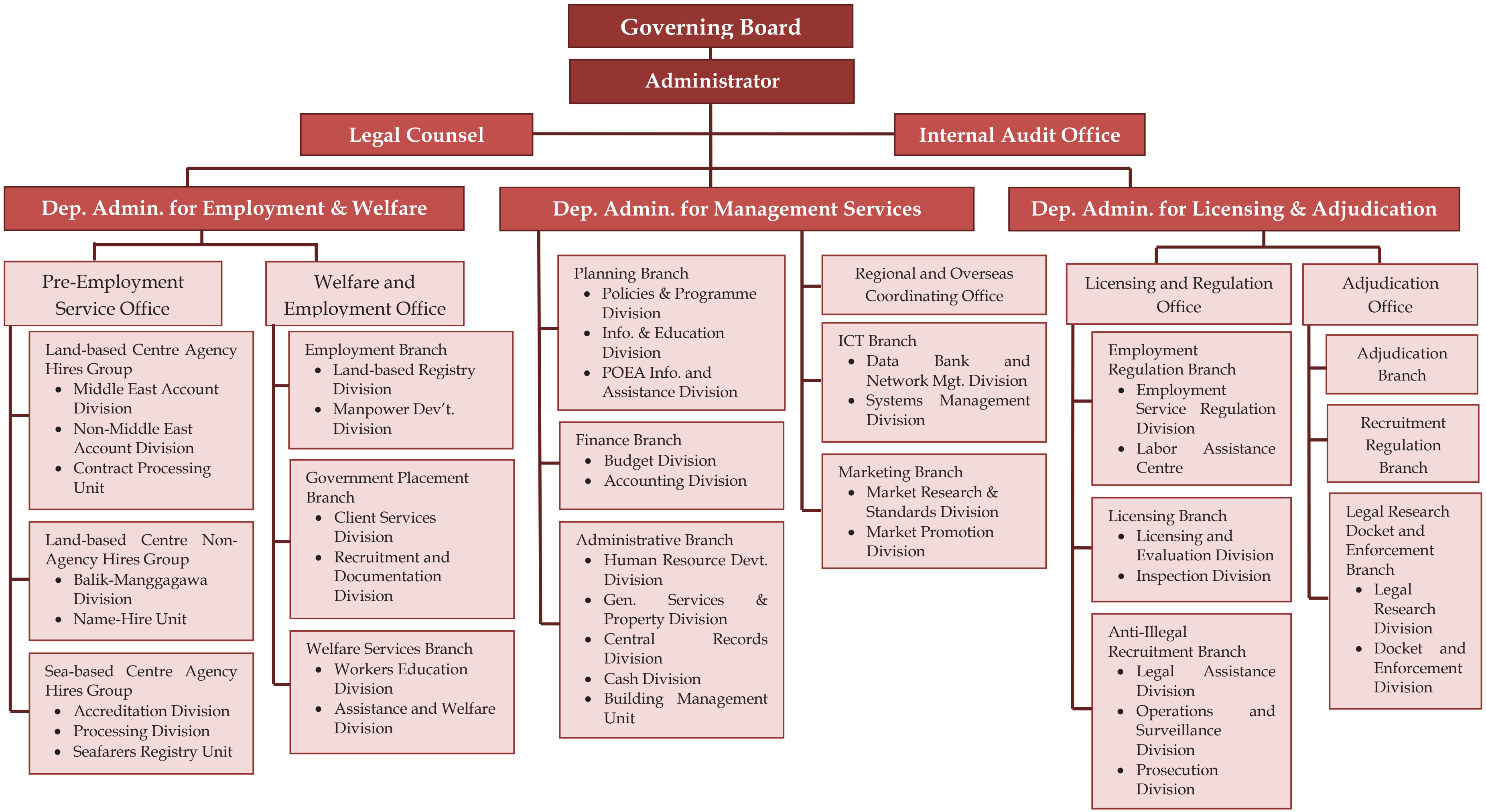
- **Services**
  - Planning
  - Administrative
  - Financial Resource Development
  - Information and Publication
  - Legal
- **Bureau of Labour and Employment Statistics (OIC – Director IV)**
  - Employment and Manpower Statistics Division
  - Labour Standards Statistics Division
  - Labour Relations Statistics Division
  - Programme Management and Technical Support Services Division
- **Bureau of Labour Relations (OIC – Director IV)**
  - Policy and Programme Development Division
  - Union Registration and Workers' Empowerment Division
  - Programme Management and Technical Support Services Division
- **Bureau of Local Employment (Director IV)**
  - Employment Planning Division
  - Employment Services and Labour Market Information Division
  - Programme Management and Technical Support Services Division
- **International Labour Affairs Bureau (OIC – Director IV)**
  - International Relations Cooperation Division
  - Asian and Pacific Affairs Division
  - American and European Affairs Division
  - Middle Eastern and African Affairs Division
- **Bureau of Workers with Special Concerns (OIC – Director IV)**
  - Workers in the Informal Sector Development Division
  - Women Workers Development Division
  - Programme Management and Technical Support Services Division
  - Workers Social Amelioration and Development Division
- **Bureau of Working Conditions (Director IV)**
  - Policy and Programme Development Division
  - Programme Management and Technical Support Services Division
  - Labour Standards and Appeals Review Division
- **16 Regional Offices (Director III & IV and OIC - Director III & IV)**
- **Philippine Overseas Labour Offices (Labor Attaché I & II and OIC Welfare Officer)**
- **Attached Agencies/ Corporation**

Attached Agencies: (1) Institute for Labour Studies; (2) Maritime Training Council; (3) National Conciliation and Mediation Board; (4) National Labour Relations Commission; (5) National Maritime Polytechnic; (6) National Wages and Productivity Commission; (7) Overseas Workers and Welfare Administration; (8) Philippine Overseas Employment Administration; (9) Professional Regulations Commission; and (10) Technical Education and Skills Development Authority

Attached Corporation: (1) Employees Compensation Commission; and (2) Occupational Safety and Health Centre

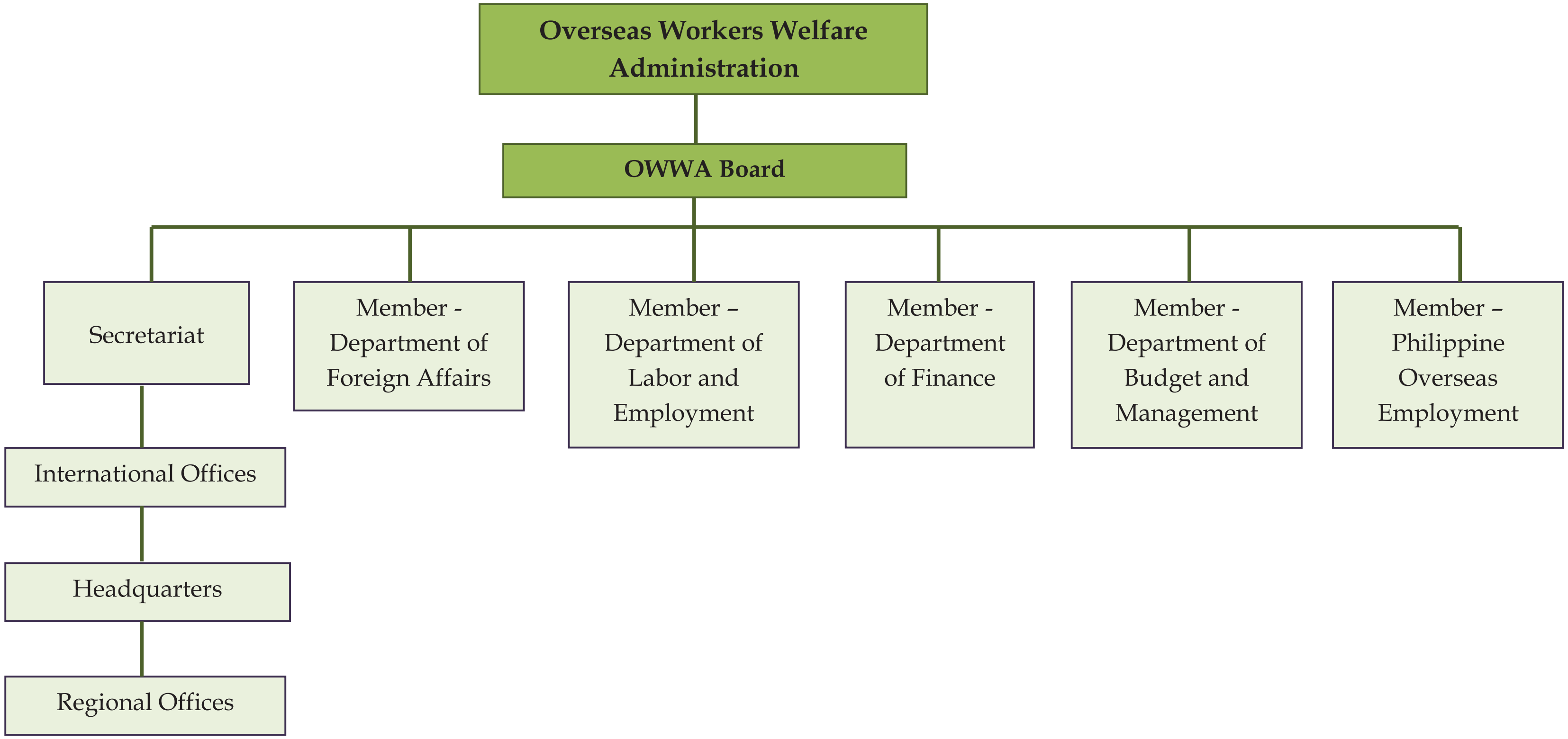
Appendix IV

Organizational structure: Philippine Overseas Employment Administration (POEA), the Philippines

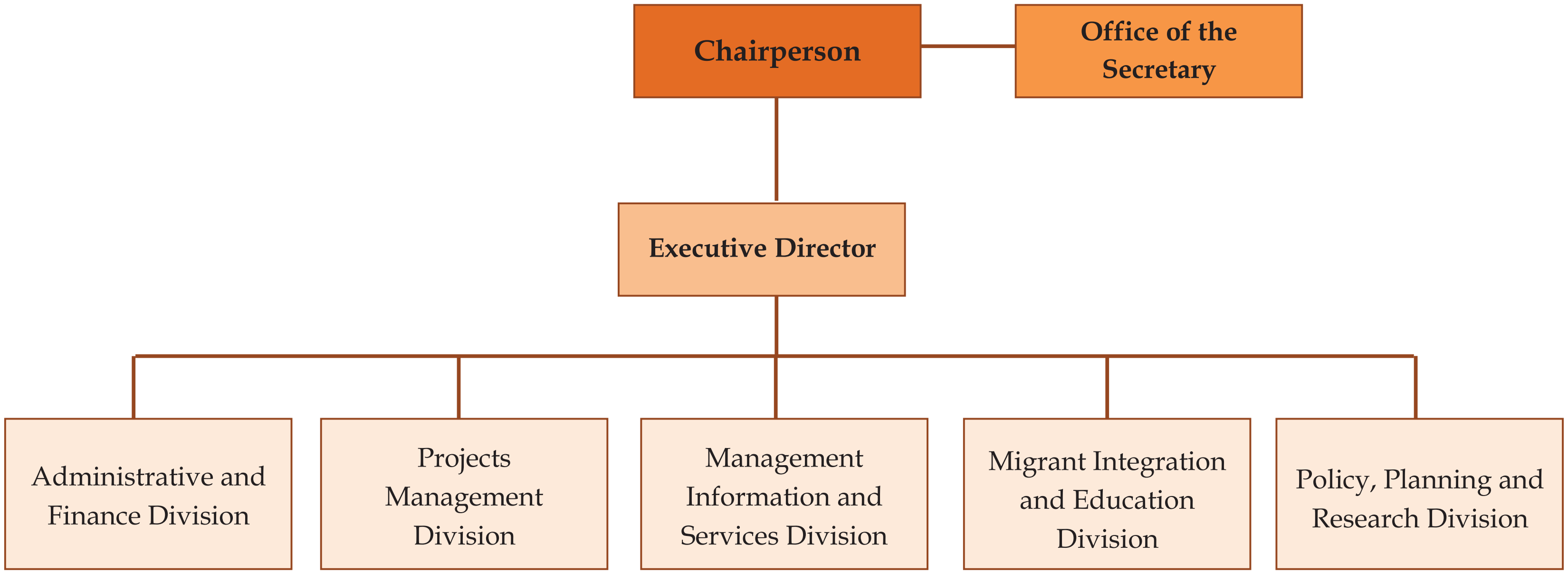


Appendix V

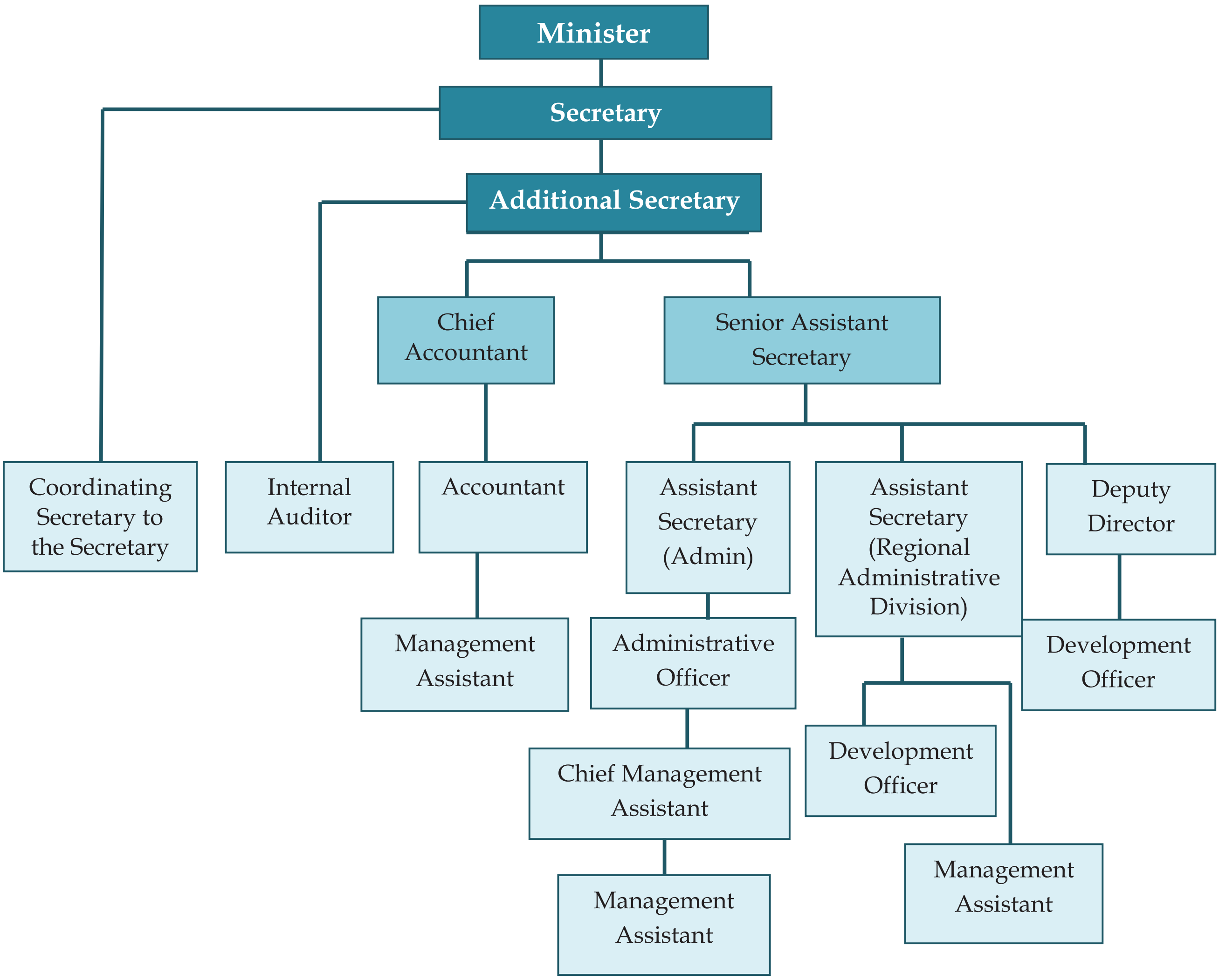
Organizational structure: Overseas Workers and Welfare Administration (OWWA), the Philippines



Organizational structure: Commission of Filipino Overseas (CFO), the Philippines

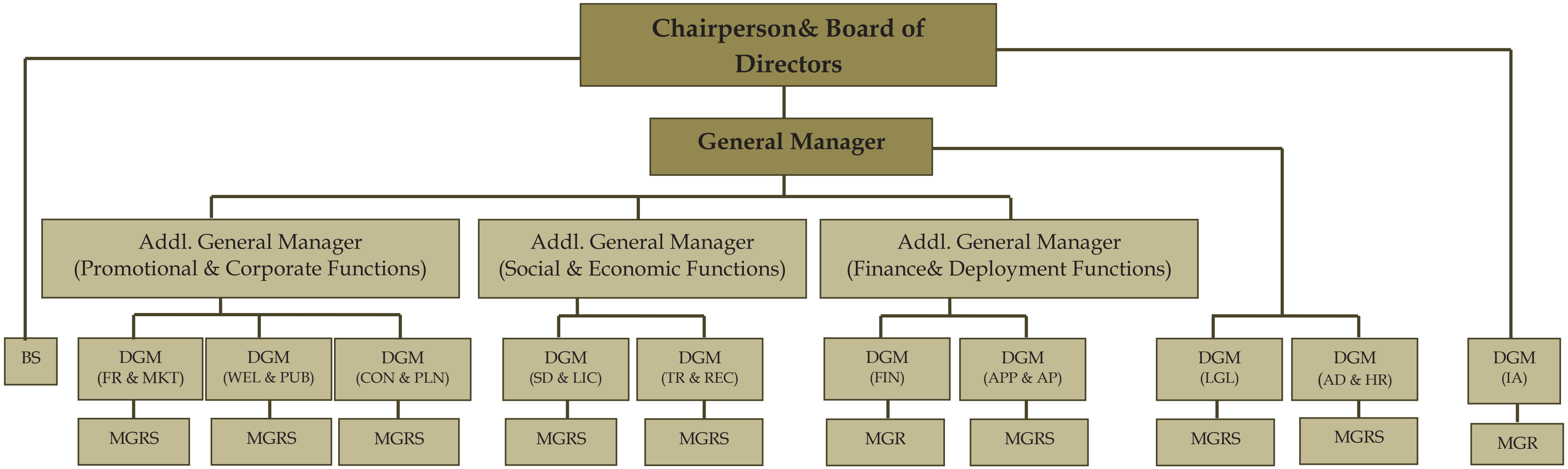


Organizational structure: Ministry of Foreign Employment, Sri Lanka



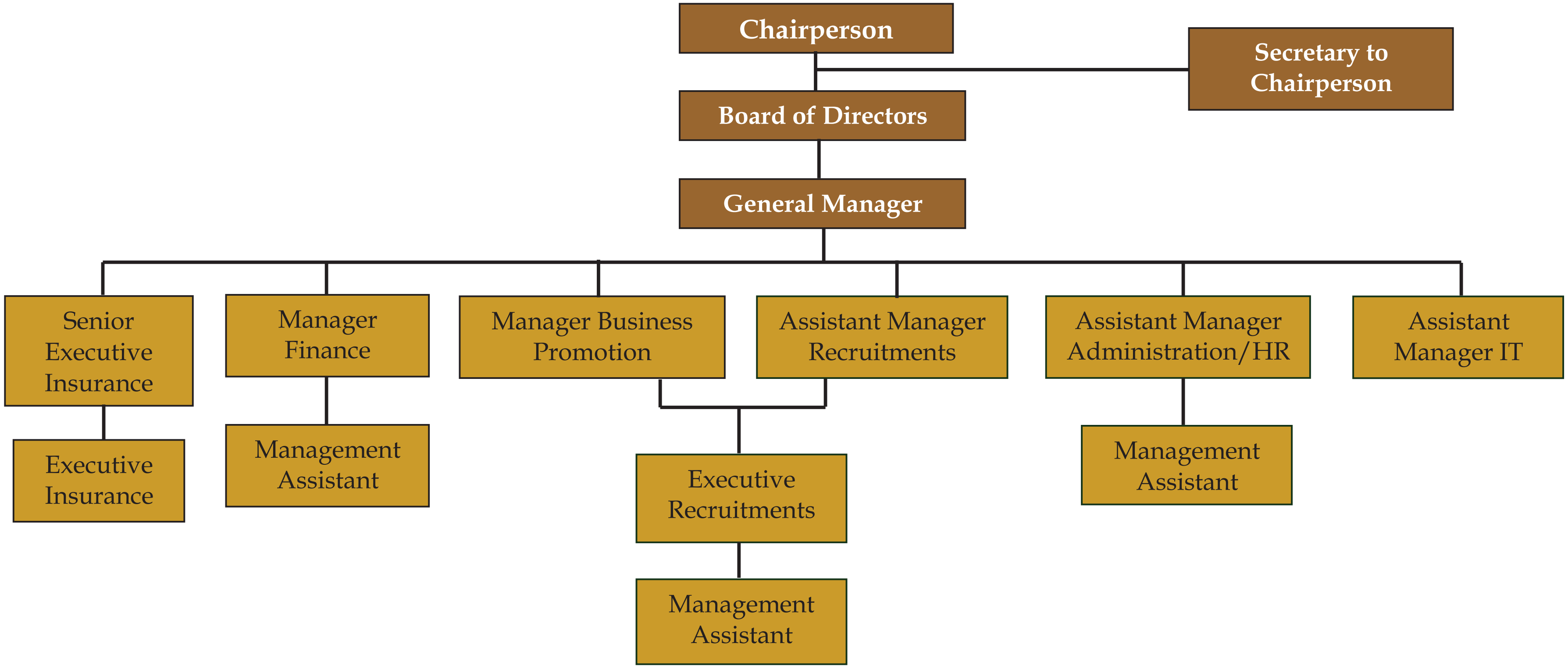
Appendix VIII

Organization structure: Bureau of Foreign Employment (SLBFE), Sri Lanka



DGM – Deputy General Manager; AD & HR – Administration & Human Resources, Procurement, Maintenance, Transport & Regional Office; SD & LIC – Licensing, Housing, Reintegration & Sociology; CON & PLN – Conciliation I & II, Planning, Research; FR & MKT – Overseas Administration & FR, Foreign Relations II, Marketing; FIN – Finance; IA – Internal Audit; APP & AP – First Approval, Final Approval, Contract Registration, Airport Unit –Katunayake & Mattala, Sahana Piyasa, Pre-departure Orientation; LGL – Legal & Investigation; TR & REC – Training (Domestic & Non Domestic) & Recruitment; WEL & PUB – Welfare & Publicity; BS – Board Secretary; MGRS – Managers

Organizational structure: Foreign Employment Agency (SLFEA), Sri Lanka



Appendix X

Staff strength: Philippine Overseas Labour Offices (POLO), the Philippines

Country	With FWRC	Personnel
Bahrain	No	6
Belgium	Yes	2
Brunei Darussalam	No	8
Canada	Yes	2
Greece	No	3
Hong Kong(China)	No	15
Israel	Yes	4
Italy	Yes	10
Japan	Yes	7
Jordan	No	5
Republic of Korea	No	7
Kuwait	No	18
Lebanon	No	6
Libya	No	5
Macau (China)	Yes	2
Malaysia	No	6
Northern Mariana Islands (Saipan)	No	5
Oman	No	6
Qatar	No	5
Saudi Arabia	No	50
Singapore	No	8
Spain	Yes	3
Switzerland	Yes	2
Taiwan (China)	No	19
United Arab Emirates	No	21
United Kingdom	Yes	4
United States	Yes	1
TOTAL	**20**	**230**

Source: Commission on Audit, 2008.

Appendix XI

Staff strength: Bureau of Foreign Employment (SLBFE), Sri Lanka

Grade	Designation	Approved cadre	Existing cadre				
			Permanent	Actg. App	Contract	Secondment	Assignment
M-I	General Manager	1	1				
M-II	Additional General Manager	3	2				
M-III	Deputy General Manager	10	8	8			
M-IV	Manager	38	33	13		1	
M-V	Assistant Manager	50	39	20			
M-VI	Executive Officer (Administrative Officer/Accounting Officer/Marketing Executive/Maintenance Officer/ Research	140	133		1	13	
S-I-S IVAI	Management Assistant (Non-Technical)	451	437		182	1	
	Management Assistant (Technical)	21					
	Plant Operator	1			2		
	Plumber	1			1		
	Electrician	1			1		
S-II – S-I-V	Driver	45	45		32	1	
S-V & S-VI	Office Aide	130	127		15		
	IT Consultant				1		
	Arabic Language Translators				13		
	Air Travel Executive				2		
	Public Relations Officer				1		
	House Keeping Trainer				1		
	Air Ticketing Assistant				1		
	Driving Assistant				1		
	Confidential Secretary to the Chairperson						1
	Consultant						2
	Total	**892**	**825**	**41**	**254**	**16**	**3**

Staff strength: Foreign Employment Agency (SLFEA), Sri Lanka

Existing cadre	**No.**
Chairperson's Office	
Chairperson	1
Acting Secretary to Chairperson	1
Office Aid	1
General Manager's Office	3
General Manager (Acting)	1
Recruitment Division	
Manager - Promotions & Publicity	1
Asst. Manager - Recruitment	1
Executive - Recruitment	1
Management Assistant	3
Administration Division	
Asst. Manager - Administration	1
Management Assistant	1
Driver/Messenger	5
Field Assistant	1
Receptionist	1
Finance Division	
Manager - Finance	1
Management Assistant	2
Insurance Division	
Senior Executive - Insurance	1
Executive - Insurance	1
Information Technology Division	
Asst. Manager - Information Technology	1
Total	**28**

Labour migration structures and financing in Asia

With labour flows showing increasing heterogeneity the world over, there is a renewed interest in managing labour mobility so as to enhance the developmental potential of migration. In this context, this research study attempts to enhance the knowledge base pertaining to three core issues: (i) organizational structures to manage labour migration; (ii) various migrant services being extended by the state; and (iii) financing of protection of migrant workers. The study adopts a comparative perspective and provides a detailed analysis of the core issues in relation to India, the Philippines and Sri Lanka, three major labour-sending counties. The conceptual framework of the study presumes that migration management in countries of origin consists of three domains: regulation and (in certain countries) promotion of labour migration and support services; administrative structures; and financing. The study acknowledges the importance of each of these domains while also stressing the interdependence among them.

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