

Welcome to the eighth **Citizen Helpdesks Bulletin!** The Citizen Helpdesks is a group of young volunteers we call Community Frontline Associates (CFAs) who gather and disseminate information on critical issues affecting Nepali citizens- to eliminate information gaps between the government, the media, donor organizations and communities; and improve collective decision-making.

## Questions

### **KHARANITAAR, NUWAKOT**

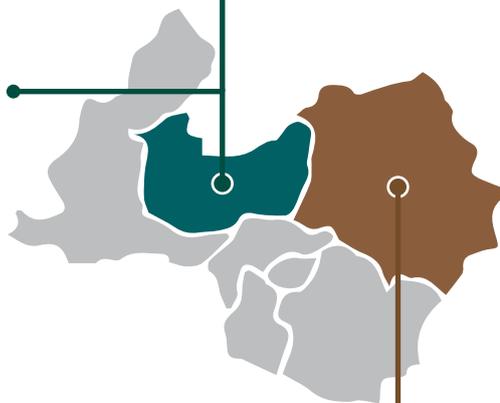
“I only realized that I was scammed by my agent after reaching abroad. Is it possible to file for an investigation process from abroad?”

### **BIDHUR MUNICIPALITY, NUWAKOT**

“Promising a suitable job in Macau, the agent took Rs 15 lakhs from me. However, it’s been 2 years and I am not in Macau nor have he returned my money. I do not have the evidence of payment as well except the bill from the bank through which I transferred the money to him. Although the agent is still in contact, he keeps on saying that he will return it but is never true to his words. What should I do?”

### **DHUWACHAUR, SINDHUPALCHWOK**

“Where should we go to file a complaint if are scammed by the manpower agency. What is the legal policy regarding this complaint submitting process?”



# Answers

If a person is a victim of fraud from manpower agency concerning foreign employment, the victim her/himself or the family members can file a complaint against the alleged agency within a year. Also, if an individual is a victim of an infringement of contract from an unauthorized agent or an agency who promised to send him/her abroad but didn't can file a complaint anytime.

After receiving the complaint, the Department of Foreign Employment (DoFE) will send a letter to the alleged agency to send them a response letter regarding the complaint within 7 days. And if the infringement was done by an individual then the DoFE will write an arrest warrant to the local police centre to arrest the alleged person. The victim has to submit the letter to local police centre of the area where the alleged person resides.

The DoFE tries to resolve the case with mutual understanding between the victim and the alleged agency by calling them in a particular date and playing a liaison's role. If the case is not resolved through mutual understanding then the case will gain legal status and it will be transferred to the tribunal of DoFE. The department's tribunal plays the role of the court of justice which looks after the cases relating to the foreign employment.

There are two types of cases regarding the foreign employment which are looked upon by different departments. Cases regarding the manpower sector, not sending abroad in a said date even after taking money and passport, not providing the job and salary as described in the job contract, taking more than the standard amount, contract infringement and so on are looked upon by the Department of Foreign Employment. And the cases such as unauthorized agent or agencies taking money and passport from the aspiring migrants saying that they will send them abroad, taking money from people to send them in a country that are restricted by the Nepal Government for work and so on are looked upon by the DoFE's tribunal.

In the tribunal, the government's lawyer fights the case from the government's point of view on the presence relevant witnesses. However, Nepal Government Ministry of Labour and Employment in collaboration with Safer Migration (SAMI) has been providing free legal services to the victims of foreign employment through an organization known as People's Forum. The services it provides in support of the victim are case registering, continuous follow-ups, witness based reporting, debate lobbying and compensations claiming following the final verdict of the court.

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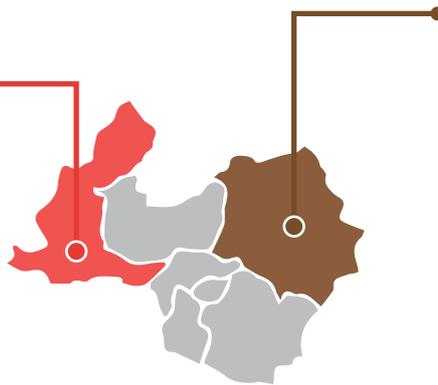
Foreign Employment Promotion Board

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## Questions

### DHUNIBESI, DHADING

“My son returned back home from foreign employment but with his legs paralyzed by the accident. I hear that the government provides financial assistance for such cases but I don’t know where to go.”



### CHAUTARA, SINDHUPALCHWOK

“When immigrating for employment, having an insurance is a must. Can we claim for the insurance amount after returning from abroad?”

## Answers

Each person immigrating for employment must have insurance under his/her name.

If insured, the insuring agency will be liable to help in following three situations:

- If a worker is a victim of an incurable disease, s/he can will be eligible for medical expenses.
- If a worker is crippled or physically affected in other ways, depending the type of situation, the insuring agency will provide compensations to that victim.
- Upon a worker’s death, his/her family will receive Rs 15 lakhs.

If the worker suffers from a deadly disease, then s/he will receive Rs 14 lakhs as a compensation that includes Rs 5 lakhs as per the policy, upto Rs 7 lakhs 50 thousand from the life insurance agency and Rs 1 lakh and 50 thousand from the Foreign Employment Promotion Board.

The policy to pay Rs 5 lakhs to the victim of a deadly disease is paid immediately as a separate medical expenses. However, the policy is only executable if the disease is identified by the doctor to fall among the 15 types of diseases mentioned in the insurance contract. The 15 types of diseases are cancer, kidney failure, primary pulmonary arterial hypertension, multiple sclerosis, major organ transplant, coronary artery bypass grafts, aorta graft surgery, heart valve surgery, stroke, myocardial infarction (first heart attack), coma, total blindness, paralysis, benign brain tumor and mental illness caused due to an accident (traumatic).

Also, please note that till date, the insurance contract period for workers in Middle East countries is 3 years and for Malaysia 4 years. The trend was to add 6 months more than the allowed working period in the insurance contract of the worker. The time has now been increased to a year.

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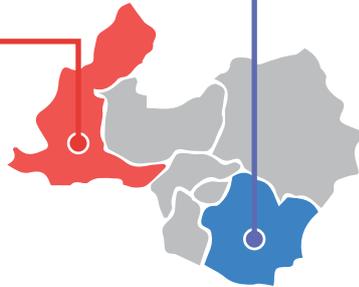
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# Questions

## DHADINGBESI, DHADING

“If we are scammed by an agent or a manpower company, do we have to come to Kathmandu to seek legal aid?”



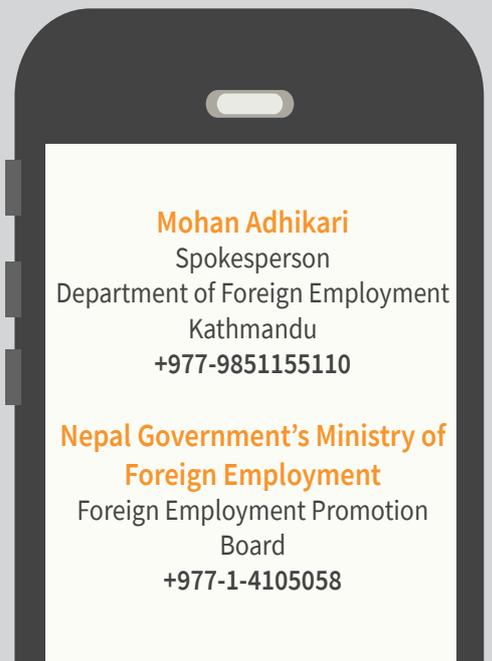
## PAACHKHAL, KAVREPALANCHOK

“It would be easier if the government could provide justice in the district itself where particular fraud cases related to foreign employment arise.”

# Answers

The victim of infringement of contract and frauds related to foreign employment can register a complaint to any of these government agencies - District and Regional Administration Offices, Department of Labour, Commission for the Investigation of Abuse of Authority, National Commission of Human Rights, Office of The Prime Minister and Council of Ministers, Ministry of Labour and Employment and National Vigilance Centre.

According to the foreign employment act 2007, only the Department of Foreign Employment is given the right to investigate on the cases related to foreign employment, provide compensations if necessary, rescue, punish the culprit, forward the cases to the tribunal department and so on. So all the grievances eventually has to reach the DoFE which is based in Kathmandu. Therefore, besides the registration of the grievance, the victim has to reach Kathmandu to receive legal aid.



# Insights

## Story from the Field



### **Brijlal Chaudhary** Dhadhawa, Bardia

Brijlal Chaudhary of Bardia was just 23 when he went to Saudi Arab with a dream to earn money for his wife and a son whom he had left behind at home. In Saudi, Chaudhary's work life in juice factory was going pretty well and as expected. One night, he returned to his bed from his night duty. Sadly, he did not wake up the next morning. He was found dead on July 4 on his bed.

The news stunned Chaudhary's family. Even worse, the dead body was in a foreign land but the mourning family wanted to see it. Chaudhary's brother in law, Tulsiram Chaudhary who worked in Kavre, Banepa then conveyed the case to one of the frontline associates of Citizen HelpDesks, Rojan Tamang who was based in Kavre. Following Chaudhary's request, Rojan gathered all necessary documents on Brijlal and his family members. The documents were then forwarded to an organization known as Centre for Migration and International Relations (CMIR) that worked for the rights of the immigrant worker and their family to perform the necessary process to bring back the dead body to Nepal. On August 1st 2017 somewhere around 8 at night, Etihad Airways taxied down the Tribhuvan Airport bringing with it the dead body of Brijlal. The casket was then carried to Kavre through a free ambulance service of Foreign Employment Promotion Board.

A month back, Brijlal's wife Pramila Chaudhary received the support amount of Rs 3 lakhs from the Promotion Board while the process of receiving the insurance amount is still underway with Rojan and CMIR's constantly following up on it.

Sadly, Brijlal's case is just one of the thousands. Due to lack of information about the right processes and channels, many families have not been able to bring back the dead body of their family member for months and sometimes even years. Also, nor have they been able to claim for the monetary assistance that they are supposed to receive from the government and insurance agencies.

## Know Before You Go - the latest Government Decisions

- Destination countries recognized by Nepal Government for work ([Link](#))
- Embassy helpline numbers and addresses for Nepali workers in distraught ([Link](#))
- List of authorized manpower agencies ([Link](#))
- Information to the family member of the missing immigrant worker ([Link](#))
- Complete guideline of grievances management related to reconstruction- 2017 ([Link](#))

The sources of information, rumours and issues presented here are collected from CFAs, community meetings, development agencies and face-to-face discussions in communities with over 497 people in 4 districts between 1st – 31st August 2017. The issues highlighted are chosen on the basis of prevalence and relevance. The information presented here is correct at the time of issue.

Citizen Helpdesks Bulletin is brought to you by **Accountability Lab** in collaboration with **Local Interventions Group**.

