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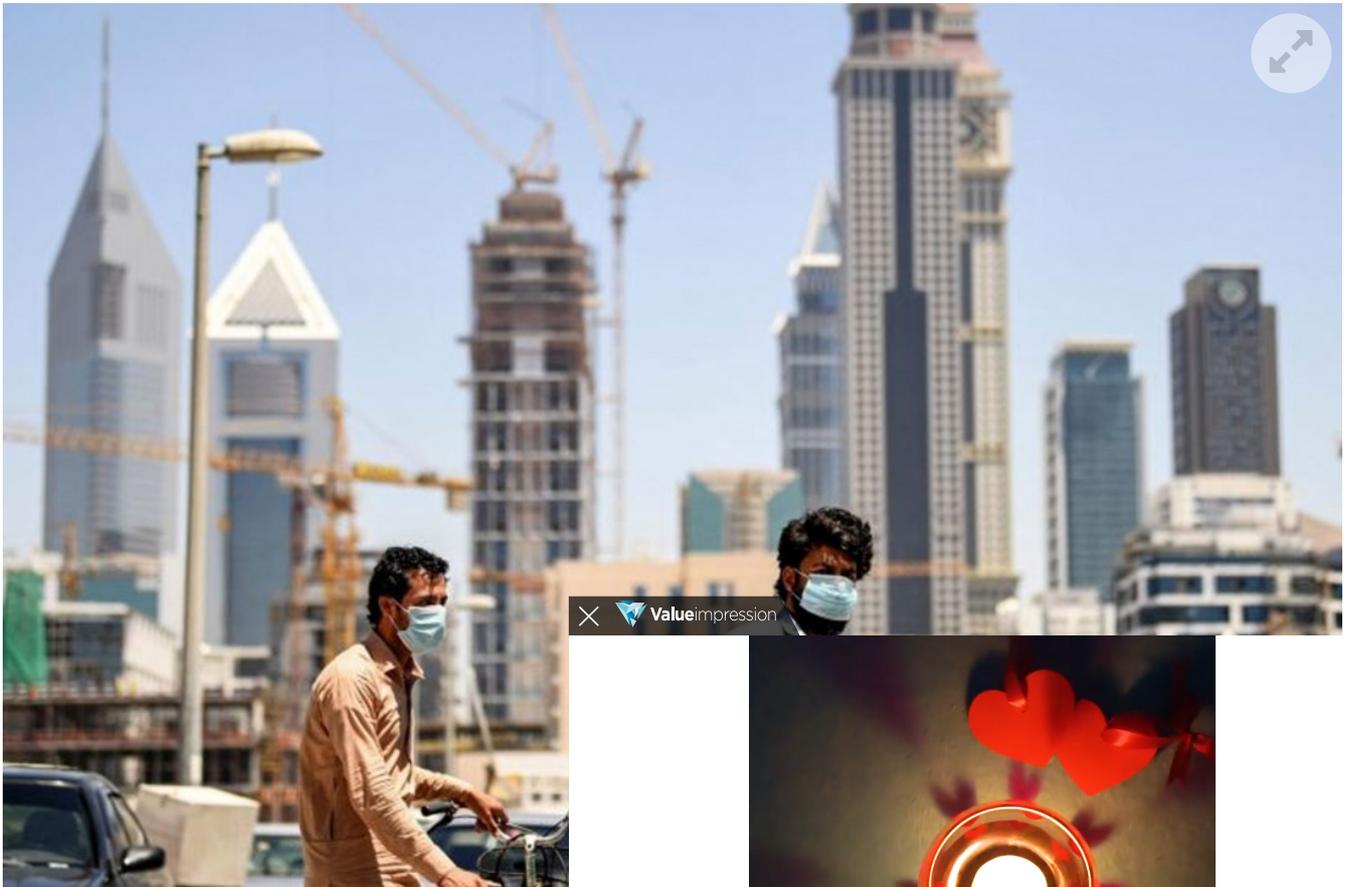
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## Covid-19 And Migrant Workers: Planning the return and reintegration of forced returnees

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Migrant workers in Dubai. Photo: AFP

C R Abrar

During the pandemic, forced return of migrants has become a major issue of concern for intergovernmental bodies and the global civil society engaged in migration issues. The United Nations Network on Migration (UNNM) has urged states "to suspend forced returns during the pandemic, in order to protect the health of migrants and communities, and uphold the human rights of all migrants, regardless of status". UNNM has called for a halt to arbitrary expulsions and reiterated that their "protection needs must be individually assessed; and that the rule of law and due process must be observed". It reminded the states that these obligations under international law "can never be put on hold and are vital to any successful approach to combatting Covid-19 for the benefit of all".

In separate memos to the governments of six Gulf states, a coalition of civil society organisations and trade unions, including Amnesty International and Human Rights Watch, urged those states to "refrain from arbitrary deportations of migrant workers... as a means to contain Covid-19". Closer to home, five leading civil society organisations including Migrant Forum in Asia have noted that "the repatriation procedures have been undertaken hastily by countries of both origin and destination, without any proper redress mechanism... This is a gross violation of labour rights on a large scale".

Expressing concern that some destination countries are exerting pressure on the origin countries to take back the latter's nationals, the Bangladesh Civil Society for Migrants in a memo implored the UN Secretary General "to appeal to those destination countries (of the Gulf region) to refrain from pursuing such a policy at this critical juncture".

There are legal, moral and ethical issues with the way the forced returns are being pursued by the Gulf states. It has also been noted that forced returns can intensify public health risks for everyone. With overstretched public health systems, almost all these countries have little capacity to protect the returnees and their communities through testing, self-isolation and institutional quarantine.

In all likelihood, despite the pleas and supplications, most countries of origin (CoO) of migrant workers including Bangladesh, Nepal, India, Sri Lanka and the Philippines will experience large scale return of their migrant workforce once the flights resume. Therefore, it has become imperative that concerned authorities of the CoO, including Bangladesh, develop strategies to competently negotiate return with the Countries of Destination (CoD). A collective initiative by the CoO, perhaps under the aegis of the Colombo Process, is likely to yield better outcomes than bilateral negotiations. The origin countries also need to frame the reintegration policies for forced migrants. Documenting the returnees is one of the first tasks in such a process.

The core element in any repatriation negotiation between the CoO and CoD should be upholding the rights and dignity of migrant workers. All those concerned with repatriation (labour, health, immigration authorities) must guarantee and verify that



no worker is deported without receiving compensation, pending wages and other dues, testing and treatment for Covid-19, identity papers and other related documentation. If clearance of outstanding dues is not possible due to prevailing conditions, CoD should commit to ensuring that employers will settle all outstanding claims as soon as the situation permits. As the primary frontline stakeholder, missions of CoO have particular obligations to ensure compliance of labour and international standards of the concerned CoD.

While negotiating return, Bangladesh should insist that CoD declare amnesty to those who are in irregular status and allow applications for visa extensions for the workers who could not apply on time due to Covid-19 to facilitate their return to home countries. The cases of workers who were forced to be in undocumented status (by their *Kafeels* or other reasons) should be investigated and the concerned workers be provided due redress before they are repatriated.

Bangladesh should ensure that all migrant workers be tested for Covid-19 free of charge, regardless of visible symptoms prior to departure or embarkation (as has been negotiated by Sri Lanka). Only those workers should be permitted to return who test negative. The CoD should ensure that the migrant workers have access to quarantine facilities during the period in which test results are under process. Due care must be taken so that workers remain protected and are not exposed to possible infection or transmission in such holding areas.

The cases of detained migrants should be dealt on a case-by-case basis with due diligence by Bangladesh Missions and the Labour Department of the concerned CoD. Their irregular status should not be in the way of accessing testing and treatment of Covid-19 prior to their return.

The Bangladesh missions should establish a mechanism to register returning migrants. Among other things, it should record personal details of the worker, name and address of the employer, type of work, skill level and outstanding claims of wages and end of service or other benefits (if any). Ideally, if there are outstanding claims or unresolved labour disputes that the worker is involved in, the missions may secure a power of attorney from the worker so that those could be pursued by the missions in his/her absence in future.

While transporting the workers, Bangladesh should insist that either the concerned employer or the government should be made to bear the costs of air travel. In no instance should forced deportees be made liable to pay for their return flight. Both parties are to ensure strict compliance of the World Health Organisation's guidelines pertaining to air travel including seating allocation, handling of cases suspected during flight, reduction of exposure and limiting transmission, availability and use of personal protective equipment and air recirculation system.



Upon arrival in Bangladesh, all returning migrant workers should be obliged to undergo Covid-19 tests, as tests conducted prior to their departures may provide false results (a practice that the Philippines has introduced). Appropriate messages targeting the returnees and members of their families should be developed so that they adhere to the mandatory 14 day home quarantine. Tracing and tracking mechanisms should be in place so that the government can monitor if the returnees adhere to home quarantine rules. Suitable institutional quarantine facilities should be established for those who show symptoms of infection when they arrive. Those placed in such facilities should be provided with food and water, appropriate accommodation including sleeping arrangements and clothing, protection for baggage and other possessions, and suitable medical treatment. They should be given the opportunity to contact their families and be treated with respect, maintaining their dignity, human rights and fundamental freedoms and minimising any discomfort or distress.

Effective reintegration policy necessitates that the government develop a comprehensive policy that addresses stigmatisation of returnees as carriers of virus through disseminating appropriate social messages. It should also encompass developing a database of returnee workers with information on their personal profile, skills and language competence, so that those could be linked with potential employers both at home and abroad; creating opportunities for re-skilling of migrants commensurate with potential demands, both within the country and outside; encouraging banks and other financial institutions to extend loans to returnee migrants at low interest and providing them with financial literacy and basic book-keeping, and help establish mechanisms to market their products.

The reintegration policy should also have provisions for social protection of migrant workers and members of their families who are severely affected by the pandemic, drawing upon contributions of the government, insurance programmes and Wage Earners' Welfare Fund. The special needs of women returnee migrants should also receive due consideration. Needless to say, the prime stakeholder, the migrants, and the civil society should be engaged from the very start of the process of charting out a reintegration policy.

Despite a lot of good intentions and a plethora of policies, laws and institutions, migrant workers of Bangladesh have largely remained unprotected and underserved. Covid-19 has provided an opportunity to rectify the situation. Planning a comprehensive return and reintegration strategy for migrant workers can be the beginning of such redemption.

**C R Abrar is an academic. He is the Coordinator of Refugee and Migratory Movements Research Unit (RMMRU). He acknowledges the insights gained from "Between Peril and Pandemic: MFA Policy Document 3" and deliberations of the**



## RMMRU eSymposium "Migrant Workers of South Asia: Experiences of Return, Repatriation and Deportation" on June 24.

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