



Migration Governance Snapshot: Federal Democratic Republic of Nepal

August 2018

In 2015, the International Organization for Migration (IOM) developed a [Migration Governance Framework \(MIGOF\)](#) to help countries define what “well-managed migration policy” might look like at the national level. The Framework was welcomed by IOM Member States in the same year. The Migration Governance Indicators (MGI) were developed to assist countries operationalize the MIGOF by using a standard set of approximately 90 indicators that could be applied across six key policy domains.

The MGI is a tool based on policy inputs, which offers insights on policy levers that countries can use to develop their migration governance. The MGI is not intended to function as a measurement of outcomes related to migration policies and institutions. Instead, it operates as an input-based benchmarking framework that offers insights on policy measures that countries can use to strengthen migration governance. The MGI is not meant to rank countries in the assessment of the comprehensiveness of their migration policies, or to identify gaps and areas that could be strengthened. The MGI aims to assist countries while advancing the conversation on migration governance by clarifying what “well-governed migration” might look like in the context of the [Sustainable Development Goal Target 10.7](#), “Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.”

This country snapshot presents a summary of well-governed areas of the Federal Democratic Republic of Nepal’s (hereafter referred to as Nepal) migration governance structures, as well as the areas with potential for further development, as assessed by the MGI.¹

¹ The MGI initiative is a policy-benchmarking programme led by IOM and implemented with the support of the Economist Intelligence Unit. Funding is provided by IOM’s Member States.

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Key findings

I. Adherence to international standards and fulfilment of migrants' rights

I.1. International conventions ratified

The table below follows a standard format and looks at the ratification of specific international conventions. The list of conventions covered is by no means exhaustive.

Convention name	Ratified
International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97)	No
United Nations Convention relating to the Status of Refugees, 1951	No
United Nations Convention relating to the Status of Stateless Persons, 1954	No
United Nations Convention on the Reduction of Statelessness, 1961	No
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	No
United Nations Convention on the Rights of the Child, 1989	Yes (1990)
United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990	No

In addition to the above, Nepal has ratified several other relevant international instruments, including: (a) the United Nations Convention against Transnational Organized Crime; (b) the ILO's Worst Forms of Child Labour Convention, 1999 (No. 182); and (c) the Constitution of the World Health Organization and the International Health Regulations. Nepal has also ratified the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combatting Trafficking in Women and Children for Prostitution.

I.2. Migration Governance: Examples of well-developed areas

Most immigrants have equal access to government-funded health care as nationals. The new [Constitution of Nepal \(2015\)](#) recognizes health care as a fundamental right and states that every citizen has the right to basic health services free of charge. Immigrants with any type of visa pay the same fees as nationals at government-run/private hospitals and health clinics. Access to government-funded health services for immigrants without legal status is not clearly regulated.

Article 39 of the [Constitution of Nepal](#) guarantees every child the right to education and health care. Immigrants with any type of visa can send their children to government-run schools and pay the same fees as nationals.

Family reunification visas are available for families of immigrants on work, student, non-tourist, non-residential and residential visas, as well as for individuals who have businesses in Nepal. The Government considers husbands, wives, fathers, mothers and dependent children as "family", and does not impose any limitations related to personal characteristics (for example, restrictions based on gender).

I.3. Areas with potential for further development

The [2015 Constitution](#) protects access to social security for senior citizens, single women, people with disabilities, children and citizens of endangered ethnicity in an economically poor, incapacitated or helpless state. However, there are no specific provisions for non-nationals working in Nepal to access social security.

Not all immigrants with temporary legal status are entitled to apply for an indefinite residence permit. Indefinite residence permits, called Residential Visas, are only available to specific types of immigrants based on outstanding contributions to the economic, social and cultural development of Nepal (such as an

investment of USD 100,000 or more in an industrial enterprise). The path to citizenship is not guaranteed for permanent residents, but after 15 years of residence in Nepal, immigrants can apply to become citizens.

Obtaining a work permit in Nepal may involve authorization from multiple government agencies. However, there are guidelines for management of labour permits for non-nationals (dating from 2014), and this process is also regulated by the 2017 Labour Act.

Nepali citizens cannot vote from embassies or consulates abroad. In order to vote, they must be permanently settled and registered in the constituency in which they intend to cast their vote. Only Nepali citizens have voting rights in Nepal.

2. Formulates policy using evidence and whole-of-government approach

2.1. Migration Governance: Examples of well-developed areas

Following the promulgation of a new Constitution in 2015, Nepal has shifted from a unitary to a federal system, with substantial devolution of functions and resources to provincial and local governments in 2018. The reorganization of the existing administrative structures, with substantial decentralization of power to the provinces and local level units, will be the most challenging aspect of implementing Nepal's new Constitution in the coming years.

The [Department of Immigration](#) is the principal authority for executing and implementing the immigration laws of Nepal. Under the Ministry of Home Affairs, it is tasked with monitoring, controlling and regulating entry, exit and stay of immigrants in Nepal. The Department of Immigration also oversees the arrival and departure of Nepali citizens to and from Nepal. The Ministry of Labour, Employment and Social Security, however, formulates, plans, implements, monitors and evaluates labour- and employment-related policies.

The Ministry of Home Affairs (and the [Ministry of Foreign Affairs](#)), as well as the diplomatic missions, are the government entities responsible for enacting emigration policy and engaging the diaspora. The [Ministry of Foreign Affairs](#) also has a dedicated division for diaspora engagement to organize diaspora-related activities. The Department of Consular Services (under the Ministry of Foreign Affairs), diplomatic missions and the Non-Resident Nepali Association also provide necessary support to the diaspora communities and organize several diaspora-related activities abroad. One of the programmes for facilitating diaspora engagement includes the issuance of Non-Resident Nepali (NRN) Citizen cards for 10 years, with the possibility of renewing them. (Cardholders do not need to obtain visas and can receive many similar benefits as citizens in social, cultural and economic aspects, except political rights.) The Economic Diplomacy Programme established by the Ministry of Foreign Affairs encourages foreign investments, including those from diaspora members.

The main regulating framework for managing immigration is the [Immigration Act 2049 \(1992\)](#), and the subsequent [Immigration Rules \(1994\)](#), [Immigration Manual \(2008\)](#) and the Labour Act (2016). The [Foreign Employment Act \(2007\)](#) and Regulations (2008) manage labour-related emigration, promoting safe migration and the rights and interests of emigrants. The Foreign Employment Policy (2012) was formulated to give direction for the effective management of foreign employment, and to make the process of migration safe and accessible in addressing problems related to foreign employment. The Foreign Employment Policy promotes use of resources acquired abroad for investments in Nepal through a favourable policy environment, promoting investment of workers' remittances in the industrial sector, community development projects and local infrastructure development programmes, with co-financing and investment from the Government of Nepal. In addition, the NRN Act (2008) and NRN Regulations (2009) set out provisions for Nepali nationals residing abroad so they can participate in Nepal's development process.

The National Census Office conducts a census every 10 years, containing in-depth information on absent population per geographical location. Similarly, there are ministry and local government reports that include information on movement of people, including displaced population. The [Department of Foreign Employment](#)

tracks and maintains data on regular migrants. Annual Labour Migration for Employment Status reports are available on the Department of Foreign Employment's website. (A two-year status report for Nepal was published for the period July 2015–June 2017.)

2.2. Areas with potential for further development

The 2015 Constitution of Nepal, in its paragraph 51 (i) on “Policies relating to labour and employment”, includes provisions to encourage the mobilization of the capital, skills, technology and experience gained from foreign employment in productive sectors in the country. The Fourteenth Development Plan (fiscal years 2016/2017–2018/2019) - the national development plan of Nepal - has addressed foreign employment, its contribution to the economy and development of the country, internal and cross-border movement, private sector engagement in broader areas of economic development, the role of the diaspora in the promotion of Nepali products, and economic diplomacy. However, there is no single comprehensive government plan specific to migration.

Migration governance and policymaking are often spread across several ministries and departments. The Council of Ministers, headed by the Prime Minister, and Parliament, are platforms where issues of common concern are discussed. Similarly, several technical working groups and committees are formed when required to discuss specific issues related to foreign employment. However, there is a lack of a separate formal coordination mechanism on migration issues.

There is limited coordination across levels of government on migration issues, as there are no formal arrangements for consultations with decentralized levels of government.

3. Engages with partners to address migration and related issues

3.1. Migration Governance: Examples of well-developed areas

Nepal is a major labour-sending country and ranks fourth in the world in terms of remittances as a percentage of the gross domestic product (28.3% of gross domestic product in 2017, according to the World Bank). Each day, more than 1,000 people leave the country to work overseas. According to Nepal's Department of Foreign Employment, more than 380,000 migrant workers left from July 2016 to June 2017. More than half of all Nepali households have at least one migrant family member currently abroad or living in Nepal as a returnee. Migration is an important livelihood strategy for many people in both urban and rural areas of Nepal. Overseas migration and remittances have been instrumental in poverty alleviation as well as for improving the living standards. Young people are most affected by unemployment and underemployment, which has led to an ongoing trend of increasing outmigration of young Nepalis.

Nepal plays an active role in regional labour migration processes in order to advocate for its migrant workers. It currently chairs the [Colombo Process](#), a Regional Consultative Process on the management of overseas employment and contractual labour for countries of origin in Asia. It also plays a key role in the Abu Dhabi Dialogue – a ministerial-level regional consultative process on migration between the Gulf States, Malaysia and the Colombo Process countries. Nepal is part of, and active in, the [Bali process](#). It is also a Member State of the [South Asian Association for Regional Cooperation \(SAARC\)](#), which has adopted a plan of action for regional cooperation on matters relating to labour migration.

The Government of Nepal has signed bilateral agreements with seven major destination countries – Qatar (2005), the Republic of Korea (2007), the United Arab Emirates (2007), Bahrain (2008), Japan (2009), Israel (2015) and Jordan (2017).

The country formally engages civil society organizations and the diaspora in agenda-setting, discussions on migration issues, and implementation of migration-related policies.

3.2. Areas with potential for further development

Despite efforts by several regional consultation processes, there is no intra-regional migration and cross-border labour mobility agreement in the region. Accordingly, Nepal is not yet part of a regional agreement promoting regional labour mobility.

There is scope for more formal engagement of the private sector in agenda-setting and policy implementation regarding broad migration issues. So far, there has been engagement of private sector agencies in labour migration, economic development and post-disaster reconstruction issues.

4. Advances the socioeconomic well-being of migrants and society

4.1. Migration Governance: Examples of well-developed areas

The country promotes gender equality for migrants in the labour force, starting from the Constitution. The Foreign Employment Policy 2012 outlines multiple relevant objectives, including using a gender lens to analyse existing laws, acts and policies, and a requirement to add special provisions to the bilateral agreements and memorandums of understanding to ensure the safety of female migrant workers, provide preferential loans to aspiring female emigrant workers from economically disadvantaged groups, and add female labour attachés and welfare officers to assist female migrant workers. The country has developed mechanisms to protect the rights of nationals working abroad through provisions in bilateral agreements and memorandums of understanding with destination countries. For example, in 2015, the National Human Rights Commissions (NHRCs) of Nepal and Qatar signed a memorandum of understanding which, among other action points, includes appointing a contact person in respective human rights agencies for the effective exchange of information, and providing training to foreign employment agencies and the NHRC. The agreement also promotes legal support of Nepalese workers in Qatar.

The Ministry of Labour, Employment and Social Security has developed a procedure for the management of a national honour and award for returnee migrant entrepreneurs, to the returnee migrants to utilize their skills, capital and experience in productive sectors.

Nepal has formalized criteria for recognizing foreign college and university degree accreditation. Students with degrees from colleges and universities outside of Nepal can obtain degree equivalence certificates from Tribhuvan University's Curriculum Development Centre.

4.2. Areas with potential for further development

The Department of Labour and Occupational Safety is responsible for keeping track of labour demand and supply in the country. However, Nepal is yet to develop information tools on demand for foreign workers in the country. Similarly, Nepal could further develop programmes for managing labour immigration based on labour market demand, for example, considering the need of specific skills.

International students can access universities in Nepal, although they may need to pay higher fees than nationals in public institutions. There are no specific schemes that allow them to work during or after their studies.

5. Effectively addresses the mobility dimensions of crises

5.1. Migration Governance: Examples of well-developed areas

Nepal's diverse geo-climatic system renders the country particularly vulnerable to natural disasters affected by climate change. An increase in floods, landslides and droughts, changes in monsoon patterns, and glacial lakes outbursts have been reported in recent years across the country, with increased intensity and impact on the lives and livelihoods of the people in Nepal. Nepal is among the countries in the world that are most vulnerable to climate change. Globally, it is ranked fourth, eleventh and thirtieth in terms of vulnerability to climate change, earthquake and flood risks respectively.

Nepal is still recovering from devastating earthquakes that occurred in April and May 2015, the worst of their kind in more than 80 years. More than 8,000 people were killed, a further 20,000 were injured, and millions of people were displaced internally. Three years later, efforts are still being made not only to restore lives, but also to rebuild the country.

In September 2017, Nepal passed the comprehensive Disaster Risk Reduction and Management Act, which deals with the entire disaster risk management cycle. It provides overarching guidance for the management of disasters.

The [Ministry of Home Affairs](#) established the [National Emergency Operation Centre](#) at the national level in 2010 as the coordination and communication focal point for information during a disaster across Nepal. The Centre coordinates with government line agencies and other response and recovery stakeholders, such as the Nepal Red Cross Society, United Nations agencies, and international and national non-governmental organizations. At the district and regional level, there are 49 District Emergency Operation Centres and 5 Regional Emergency Operation Centres, which collect and coordinate disaster-related information, response, immediate relief and humanitarian assistance.

A Disaster Risk Reduction (DRR) portal collects, analyses and disseminates information. The portal is updated on a daily basis and stores information about disaster risks and damages, including flood maps, incident maps and relevant policies. There is a Disaster Response focal person within each ministry listed in the DRR portal.

National development strategies include measures regarding displacement. The Fourteenth Development Plan considers safe and secure settlement development, internal movement and resettlement issues, as well as training and technical assistance for entrepreneurship among returnee migrants. The National Reconstruction Authority has guidelines on integrated settlement development, vulnerable settlement relocation and rehabilitation, and post-earthquake reconstruction programmes.

5.2. Areas with potential for further development

Humanitarian services are provided to all nationals and displaced populations in crisis and emergency situations, irrespective of their status. However, there are no specific provisions for migrants in the DRR Strategic Action Plan. Similarly, the DRR and Management Policy, which was newly adopted in 2017, does not explicitly address the displacement impacts of disasters. However, the Disaster Risk Reduction and Management Act mentions relocation of displaced populations in the context of disasters by identifying safe locations.

Communications systems in the event of crisis do not take into consideration the specific vulnerabilities immigrants face. For example, while the landing page of the Government of Nepal [DRR portal](#) is in English, the majority of the documents available are presented in Nepali only.

The country has no formal measures to make exceptions to the immigration procedures for immigrants whose countries of origin are experiencing crises.

6. Ensures that migration takes place in a safe, orderly and dignified manner

6.1. Migration Governance: Examples of well-developed areas

Nepal and India share a long open border, formalized by the treaty of 1950, which provides equal opportunities for the citizens of both countries to cross the border without having to produce official documents. The open and porous border allows thousands of people to cross this border every day and enter either country for various purposes – such as trade, employment and travel – through five major crossing points. India is the most popular destination for international migrants from Nepal, but its share has been decreasing with the rise of labour migration to other destination countries, namely Gulf Cooperation Council countries and Malaysia, in the last decade.

The [Department of Immigration](#) under the [Ministry of Home Affairs](#) makes immigration rules publicly available, with a list of visa types and information for visitors to Nepal. The website offers information in five languages: Nepali, English, Chinese, Spanish and French.

Nepal does not have a single apex agency responsible for developing strategies to counteract human trafficking, but different ministries – such as the [Ministry of Women, Children and Senior Citizens](#); the [Ministry of Home Affairs](#); [Ministry of Foreign Affairs](#); and the Ministry of Labour, Employment and Social Security – are all actively involved in human trafficking prevention. Every 10 years, the [Ministry of Women, Children and Senior Citizens](#) develops a “National Plan of Action for combatting and controlling human trafficking, especially of women and children”. In terms of monitoring human trafficking activities, reports and publications are released periodically. The [Ministry of Women, Children and Senior Citizens](#) and the [National Human Rights Commission](#) publish a national report on human trafficking annually, and the Nepal Police collects data on incidents of human trafficking and publishes annual reports on organized crime and human trafficking.

The [Ministry of Home Affairs](#), through the Nepal Police and the [Department of Immigration](#), handles border control and security issues. The Border and Immigration Administration Division of the [Ministry of Home Affairs](#) is responsible for policy issues and coordination. Where there is no active presence of Department of Immigration staff, the Nepal Armed Police ensures border control.

6.2. Areas with potential for further development

There is no centralized technology system to monitor visa overstays. However, the [Department of Immigration](#) is responsible for tracking visa holders and non-tourist visa overstays through their employers and sponsors. The [Immigration Act, 2049 \(1992\)](#) stipulates that tourist visa holders must report to the nearest police station within three days of visa expiration.

There are no formal government programmes for attracting Nepalese nationals who have emigrated to return or to facilitate the reintegration of returnees. However, policy efforts in this regard include the NRN Act (2008), with regulations on social, cultural and economic rights of the diaspora, and the Fourteenth Development Plan, with provisions supporting entrepreneurship for returnee migrants.

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