

Ensuring Protection of Returnee Migrant Workers' Rights: A Critical Analysis on Bangladesh Perspective

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Abstract: Each year almost 1 million people migrate overseas for work opportunities and more than 80,000 returns. Besides, the returnee migrant workers return with advanced skills and knowledge having experiences in working with modern technologies which are mostly available in the destination countries. Despite having advanced knowledge and skills, the return and reintegration of the migrant workers to their home country is not so rewarding since the opportunities are either limited or they do not have the knowledge to access those opportunities. On the fringes, these opportunities are being considered as their right to reintegration stated by the relevant national policy documents. Therefore, the study from the perspective of Bangladesh focuses on identifying the legal challenges and their implications as well as addressing those challenges through policy recommendations towards the establishment of a sustainable rights protection mechanism for the returnee migrant workers. Key Informant Interviews (KIIs) were conducted among 13 respondents on the relevant stakeholders from the private sector and among migrant workers from Bangladesh, India, and Pakistan. The study found a number of challenges in the legal documents in terms of accessing the rights of a migrant worker and has suggested several measures in line with those findings.

Keywords: Returnee migrant worker, Female returnee migrant Worker, Challenges of reintegration, Overseas Employment, opportunities.

1. Introduction

In recent years in Bangladesh, the notion of returnee migrants' rights in their home country has been introduced and addressed. As the rate of migration and return migration increased rapidly, these rights are becoming an important issue of the legal framework. As migration is viewed as a cycle, many migrants return home for various adverse reasons, including work pressure, job termination, a lack of complaint procedures, physical and mental torture, sexual abuse, inability to adapt to a new culture, substandard living conditions, and language barriers. COVID-19 exacerbated this scenario further and adversely affected the labor migration industry, with many of them losing their jobs, being sent back to Bangladesh in deplorable conditions, etc. As a result, the inflow of remittances dropped significantly, leading to a number of negative socioeconomic consequences for migrant workers, including their families. Bangladesh struggled

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to cope with the issue of forced returnee migrants. According to the Ministry of Expatriates' Welfare and Overseas Employment, in 2020, a total of 408,000 migrant workers returned to Bangladesh, and their economic reintegration has become a challenging task for the country in this crisis scenario (MoEWOE, 2021). The returnee migrants are facing grim economic prospects and extreme uncertainties. Despite attempts by the policymakers, non-government entities, and individuals, it has not been possible yet to bring visible development in the lives of the forced returnee migrants who returned due to COVID-19. Gender-sensitive issues are also making this situation worse. There has been a general absence of a specific structure for assisting returnee migrant workers in reintegrating back into society. The United Nations Migrant Rights Convention of 1990 guarantees rights to both regular and irregular migrants and male and female migrants. Migrant workers and their families' human rights are also universal, indivisible, linked, and interdependent. CEDAW may be effective in defending the rights of migrant workers, particularly in the event of reintegration programs. The Overseas Employment and Migrants Act, 2013 aims to regulate migration and protect migrant rights. It upholds the principle of non-discrimination and provides for the immediate repatriation of migrants in the event of a crisis in the destination country. The social and economic reintegration of migrants upon their return home is also an important concern of the Overseas Employment Policy (OEP), 2006 (Sheed, 2015). Therefore, as a signatory state of ICRMW and CEDAW, it is high time to analyze the present legislation on the relevant sector and ensure the protection of the rights of returnee migrant workers, such as – the right to information, right to a safe return, right to file a civil suit and seek for compensation, and right to reintegration. Easy access to justice must be prioritized, particularly focusing on gender balance. Migrant workers are key to maintaining remittance inflow and contribute largely to the national economy. Moreover, to achieve SDG goal 8.8, it is now mandatory to focus on this issue. This paper addresses the legal challenges and their implications and recommends a protection mechanism for the returnee migrant workers from Bangladesh's perspective.

The study aims to reveal a broader perspective on returnee migrant workers' rights in their country of origin connected to their needs and the rights they are currently entitled to. The specific objectives of the study are as (a) to highlight the rights of returnee migrants guaranteed by Bangladeshi regulations; (b) to assess the measures required in national legislation to ensure compliance with ICRMW; (c) to identify some sustainable solutions for ensuring the rights of returnee migrant workers.

2. Conceptual Framework

Concept of Migrant Worker

In the context of Bangladesh, the meaning of migrant worker indicates any citizens of the country migrate for work or is in the arrangement procedure to migrate for work or employed in a business or occupation in a destination (foreign country for work) country or return from destination country after the completion or without the completion of the employment contract. That means this definition includes returnee migrants. According to International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990 a migrant worker is the person who is affiliated or involve or to be affiliated in a rewarding or salaried or paid economic activity in a foreign country where the person is not a citizen (OCHCR, 1990).

Concept of Return Migration

Return migration refers to the return of migrant workers from a country of destination back to the home country where he originally migrated from and has citizenship status. Returnee migrants are-

“Persons returning to their country of citizenship after having been international migrants (whether short-term or long-term) in another country and who are intending to stay in their own country for at least a year”.

Return migration can be classified into two different types of distinctions. They are namely-

- a. **Voluntary Return:** Despite of having legal basis for living in the host country for the purpose of work, when one person makes the decision to his own free will to return to the origin country is referred to as voluntary return. Right to return home is protected under section 29 of Overseas Employment and Migrants Act 2013 in Bangladesh. Though this right is not only related to the normal cases of voluntary return but also applicable to return voluntarily in case of detention or strand, or from any distress situation. This right is also protected under Article 8 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990. And Bangladesh ratifies this as a signatory country of this convention in 2013.
- b. **Forced Return:** If the returning process take place against the will of the migrant or he faces such situation where he is bound to return before the completion of the employment contract then it is known as forced return. It often violates the right to information of a worker which is secured by national and international laws and policies. Most of the time the migrant workers face expulsion without any notice or prior notice from the corresponding authorities. This also works as a determinant for return migration.

Concept of Reintegration

There is no uniform definition for reintegration. But it refers resettlement of returnee migrant workers in their social, cultural, economic, and political life in the country of origin after returning from the destination country. Even in domestic law there is no definite definition of reintegration. But when migrant workers return to their home country, they need successful resettlement for the betterment of their life as well as for the welfare of the economy of the country of origin. By ensuring effective reintegration the origin country can build skilled human resources. Apart from economic reintegration, social, cultural, political, and even psychological reintegration are critical for a returnee migrant's reintegration into his or her nation of origin. Because he spends a significant amount of time in the destination country as a migrant worker, he creates a chasm between himself and his home country. On the other side, for those who have been subjected to physical or psychological abuse, psychological reintegration is a vital step. Article 67(2) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990 also recognized this right. One of the Agenda of SDG is to ensure the right of migrants to return to their country of citizenship and recalling that States must ensure that their re-turning nationals are duly received. In recent years safe return and successful reintegration is treated as part of the whole migration cycle.

Theoretical Framework

'Push-Pull' Theory

Everett Lee's '**push-pull**' theory clearly explains the case of migration and, consequently, the case of reintegration. People migrate for a variety of reasons, including economic, social, political, geographical, and environmental considerations. There are generally two sorts of factors that lead to migration: push and pull factors (Lee, 1996). Push factors such as poverty, unemployment, natural disasters, political instability, and religious intolerance all contribute to individuals migrating from their homes. In Bangladesh, the primary cause of migration is economic advancement. As a result, when they are unable to find work in Bangladesh that meets their aspirations, this becomes a driving factor in their relocation process. On the other hand, pull factors such as higher living standards, career opportunities, democratic government, and thriving economies entice people to relocate. Their return to Bangladesh is influenced primarily by certain 'push factors' rather than 'pull' ones. Many returnees are being forced to return to Bangladesh as living and working conditions deteriorate in their destination nations. Forced return may be driven by work pressure, job termination, a lack of complaint processes, physical and emotional torture, sexual abuse, failure to adapt to a new culture, poor living conditions, a lack of enough food, and language hurdles, among other factors. And, more recently, this pandemic crisis has acted as a magnet for their return. Homelessness, personal difficulties such as divorce or a broken family, and child-related affairs can all act as pull factors.

3. Methodology of the Study

To achieve the objectives of the study, the study follows a mixed research approach. This paper is based on data from both primary and secondary sources. The study relies heavily on secondary sources, such as textbooks, newspapers, journals, articles, and reports published in an electronic database. Besides, it reviews relevant national laws, international hard laws, and soft laws. The detailed activities that have been pursued are as follows:

- a. Desk Study
- b. Key Informant Interviews (KIIs)

In-depth interviews were conducted to gather primary data aligned with the research objectives and questions. KIIs were conducted on a total of 10 migrant and returnee migrant workers working in the Gulf countries. This method focuses on certain features of a group. Migrant workers and their families were also included in the interview process. The author also interviewed three experts working on the reintegration of migrant workers.

4. Existing Legal Regime towards the Rights of Returnee Migrant Workers in Bangladesh

The contribution of the migrant worker to the economy surpasses all the odds against the presumption of negative shocks in foreign reserves as well as COVID-19-related impacts. Over the course of time, the migrant workers are contributing at a large scale in terms of increasing the foreign exchange reserve, which is an important macroeconomic component to manage the liquidity supply of the economy, stabilize the country's inflation rate or trade financing. In short, it provides leverage to avoid an economic downturn, which can, to a long extent, may lead to political or social unrest in the country's economy. Besides, remittance has the largest share of total foreign exchange reserve. On the contrary, those who are contributing to building up a resilient macroeconomic framework are rather neglected in terms of their woes and sufferings, their rights to information, harmonization of their abroad-home lifestyle, and so on. According to RMMRU, more than 408000 migrant workers have returned to Bangladesh either by force or

voluntarily due to COVID-19 (Siddiqui, 2021). Most of these migrants have lost their jobs and have returned forcefully with no savings and have received no wages from their employers. Hence, the economic and social reintegration as well as counseling these migrants, were the necessary issues to address.

4.1 The Constitution of the People's Republic of Bangladesh

The Constitution of Bangladesh guarantees equal opportunities and equal protection for all citizens without discrimination. Part 3 of the constitution includes the fundamental rights of the citizens. They are enforceable in nature. The rights given in Articles 27, 28, 29, and 31 of Part 3 are applicable to this situation. According to Articles 27 and 31, all citizens are equal before the law and are entitled to equal protection of the law. By enforcing those Articles, returnee migrant workers can exercise their right to file a civil suit. Returnee migrant workers can exercise their right to reintegration by executing article 29. According to this article, all citizens have equal opportunity according to their qualifications regarding employment or office in the service of the republic. Even the state has the authority to establish special provisions in favor of any backward section of citizens. Provision for female returnee migrants is permissible in this circumstance. Under Article 28 of the Constitution, special legislation for women is also permissible (Government of the People's Republic of Bangladesh, 1972). The Constitution already recognizes their rights in general. Now is the time to put this constitution into effect.

4.2 Overseas Employment and Migrant Act, 2013

The Act was formulated to encourage foreign employment possibilities and to develop a secure and fair migration system, as well as to protect the rights and welfare of migrant workers and their families. Additionally, by enacting this Act and repealing the emigration ordinance, 1982 Bangladesh ratified the International Convention on Rights of All Migrant Workers and Members of Their Families (ICRMW). However, regrettably, this Act can only deal with the migrant workers and their migration process, including the guidance on accessing their entitled rights. Besides, the recruitment of agents, licenses, registration of migrant workers, employment contracts, rights of migrant workers, offenses, penalties, and trial process are the major highlighted issues of this Act. The Act does not draw attention to the returnee migrant workers. In chapter seven of this Act, the rights of the migrant worker have been discussed, which includes their right to information, legal aid, right to file civil suit, right to return home, financial and other welfare programs (MoEWOE, 2013). But those provisions have flaws. For example, under section 18, the affected migrant worker has the right to get compensation from the concerned recruitment agent or Government if that agent's license becomes cancelled and for that reason that affected migrant worker is forced to return. However, it is very unfortunate that the provision has not been mandated as compulsory. Considering the COVID-19 impact and shock in the global labor market, it is high time that the policymakers should include the rights of returnee migrants under this legislation to ensure their development.

4.3 Wage Earners Welfare Board Act, 2018

After drafting this Act in 2017, Bangladesh finally adopted this legislation in 2018 to rectify ICRMW and other humanitarian Conventions and Treaties. For fulfilling the purposes of this Act, a wage earners welfare board was founded under the MoEWOE. Under section 8(3), the function of this board is explained with detailed illustration where, at first, the idea of the reintegration of the migrant worker has been highlighted. The section explains that- the board

may fulfill the purpose of this Act which is to reintegrate the migrant worker economically and socially. However, the reintegration and its related factors have not been recognized as their rights under this section (MoEWOE, 2018).

Meanwhile, in recent times some positive steps have been taken by the board regarding the reintegration of the migrant workers. Of which, in terms of Mujib 100 years, some of the programs have been conducted— **Returnee Migrant Workers Reintegration Loan Policy, 2020**, **Returnee Migrant Workers Reintegration & Rehabilitation Programme (2020-2023)**, **Women Returnee Migrant Workers Rehabilitation Programme (2021-2022)** are noteworthy (MoEWOE, 2021). On November 22, 2021, the Bangladesh government recently adopted two special policies: The **Self-employment Loan Policy, 2021** and **The Woman Migrant and Women Reintegration Loan Policy, 2021**. The latter falls under the umbrella of the **Women Entrepreneur Loan Policy** (PKB, 2021). This is an excellent endeavor by the government. However; these are only programs and policies effective for short-term objectives rather than long-term implementable programs targeting migrant workers.

4.4 Probashi Kallyan Bank Act, 2010

This law was formulated during the establishment of PKB in 2010 with one of the focuses to provide reintegration loans among the returnee migrants to some specific economic sectors to ensure their economic and social reintegration (GoB, 2010). In line with that, the government declared a total of BDT 700 crore package as a special reintegration loan with a subsidized interest rate. The package was initially declared BDT 200 crore and further bolstered by BDT 500 crore. For the subsidized loan packages, the response from the migrant workers is poor due to the complexities in the loan condition or eligibility criteria for availing the loan. From September 2020– till 25 May, the bank could disburse BDT 209 crore to 9,215 returnees, which is only 2.26 per cent of the total migrant returnees of 40, 08,000 as reported (Siddiqui, 2021). The poor disbursement rate can be explained by the borrowers and banker's demand and supply. Infrastructural weakness, lack of skilled human resources, illiteracy among the migrants, and the complex process of taking loans seemed difficult to the migrant workers, delaying the smooth implementation of this package for the successful reintegration of the migrant workers.

5 Cross Country Experiences to Ensure the Rights of Returnee Migrant Workers

5.1 Returnee Migrant Rights -Related Practices in the Neighboring Countries

Most of the time, developing and underprivileged countries send their personnel to developing countries. Before COVID-19, there was a check and balance on the ratio of return migration to migration. However, given this unique situation, policymakers in the country of origin are confronted with numerous obstacles and are taking measures to enhance the system. A cross-country review of the legal framework was conducted to understand better and identify alternative perspectives. Among these countries, the Philippines has a relatively robust framework for returning migrants' repatriation and reintegration. The National Reintegration Center for Overseas Filipino Workers provides a range of services, including assessment of psychological and financial requirements, psychosocial counseling, medical care, and assistance with economic and social integration.

5.1.1 India

The preferences of the migrant workers of India regarding their destination countries are akin to its other neighboring countries (i.e., Bangladesh, Pakistan, Afghanistan, Indonesia, Philippines, etc.). Gulf countries have been recruiting workers from these countries for their varied (high-skilled, low-skilled, medium-skilled) job positions. In this regard, India facilitates every job tier of the Gulf countries, preferably highly skilled workers. Thus, the reintegration process in India is a setback compared to the neighboring countries as the high-skilled workers are financially solvent and can adapt to adverse impacts. Besides, highly skilled workers receive a higher return and work in a well-furnished environment. These workers have been working mostly as non-production staff and even holding management positions, including CEOs of different organizations. In addition, India focuses solely on remittance and sending workers to the destination countries rather than their reintegration. Therefore, the reintegration process has less priority in India. On the other hand, the reintegration process has drawn little attention from the government as the migration process is temporary for which the country does not have any policies in place. However, civil societies and NGOs have been working on this issue with the help of development organizations. Kerala state has been considered the pioneer of the reintegration process due to having a dedicated wing for the reintegration of migrant workers with various Kerala government support packages. The state government of Kerala is well-established and has an organized framework regarding the reintegration of its migrant workers. The state contacts the local government to instigate the reintegration program-related activities and identify the beneficiaries to contribute and monitor the program. Referring to the support packages, most of the reintegration mechanisms are economic, with which financial loans are the popular tools to apply. Financial loans vary based on the time, size, and equity ratio as the government pays subsidized capital loans. The loan can be availed for both short and long term, whereas long-term loans are subsidized on the capital amount. A development organization named NORKA provides financial loans to entrepreneurs among the returnee migrants with a 15 percent capital subsidy and a 3 percent interest subsidy for timely repayment. This program has received wider attention due to wider access through its 5800 branches from 16 financial institutions. Apart from the loan support, the organization also provides entrepreneurship training and prepares documents relevant to the project. Additionally, deceased migrant workers' families can receive one-time financial support subject to their legal residency status in the place where they have passed away. Furthermore, the returnee migrant workers can receive support for health treatments, marriage purposes, funeral purposes, combating disability, and purchasing any physical aid-related goods or products subject to their annual family income, not more than 1.5 Lakh INR (CIMS, n.d.). Despite having a better migration governance system, the Kerala government does not promote GO-NGO collaboration for the reintegration of migrant workers. Besides, the Kerala government has lacked the manpower to support a large number of migrant workers in Kerala (4 million)(RMMRU, 2021). However, the first government-funded reintegration mechanism has been introduced to the victims of human trafficking and those who have been physically abused.

5.1.2 Pakistan

Similar to Bangladesh, Pakistan has a long history of overseas migration with similar kinds of preferences in terms of their destination countries. The nature and characteristics of migrant workers are also no different between these two countries. However, in terms of the legal framework for ensuring the protection of the rights of these migrant workers, this neighboring

country is way ahead of Bangladesh. This is very likely as the country has been encouraging the formal migration process since 1971, when 11 million workers have migrated officially, which is highly remarkable. The preferences behind the Gulf countries can be explained by the bilateral relationship of Pakistan with that of the destination countries, where the country itself is a major part of OIC. It has contributed largely to the country's labor force and the betterment of those migrant workers in the destination countries by choice.

Table 1: Comparison of the Level of Migration intensity in Gulf Countries

Parameter	Indicators	Pakistan		Bangladesh	
		Number	Percent	Number	Percent
Total worker migrated	Since 1971/1976	11 million	n/a	12.89 million*	n/a
	In 2019	625203	100	700,159	n/a
Gulf Destination Countries	Saudi Arabia	332,713	53.2	399,000	56.99
	UAE/Qatar*	211,216	33.8	50292*	7.18
	Oman	28,391	4.5	72,654	10.4
Skilled or Unskilled	Skilled Workers	285,932	n/a	279,869	n/a
	Unskilled Workers	249,075	n/a	377,102	n/a
Remittance received in US\$ billion	FY2016	19	n/a	14.9	n/a
	Remittance in FY2019 (US\$ in billion)	21.84	n/a	16.4	n/a

Source: Author's representation from the data based on (ILO, 2020), Bangladesh Bank, and BMET; **Note:** *Denotes that the figure for Bangladesh is from 1976, and Qatar since UAE has bans on recruiting male workers from Bangladesh.

The legislation related to overseas migration has been in place for several decades and is being legally governed to promote the labor migration process. In this connection, the Emigration Act of 1922 has been replaced by The Emigration Ordinance of 1979 as a supreme legal guideline for all forms of migration. This Ordinance, with all the rules and regulations, deals strictly with every migration process. Over time, with the changing paradigm in globalization, 11 amendments have been made, and 101 immigration rules have been implemented (ILO, 2020). On the contrary, despite having a strict Ordinance, the country has no formal emigration policy, which is a major barrier to implementing those legal guidelines to address the real problems. Without the policy document, it is difficult to ensure accountability and protection of the rights of migrant workers in the long term. In this regard, the country has attempted several times to prepare a draft policy paper targeting migrant workers and their reintegration process. Recently, the country's Ministry of Overseas Pakistan and Human Resource Development (MOPHRD) has prepared a draft policy under the facilitation of ICMPD, focusing on three priority areas. Firstly, overseas migration and recruitment; secondly, the welfare of those workers in the destination countries, and finally, smoothing their return and reintegrating those migrant workers into society. In line with the existing guidelines, from the survey, it has been found that Pakistani migrant workers do not have prior knowledge about the amenities provided by the government to which they are entitled. In addition, the government does not train or disseminate knowledge

among the migrant workers in this regard. Therefore, the overseas migrant workers and those who decide to return or be sent back to their home countries forcefully have become more vulnerable with an even lower capacity to raise their voices to avail their rights. Compared with other countries, Pakistan is still at the preliminary stage of the reintegration process as the country's migrant workers are no different in terms of their illiteracy in legal knowledge as well as lack of financial literacy when returning to their home country.

5.1.3 Philippines

The reintegration of the returnee migrant worker in the Philippines is governed by the Migrant Workers and Overseas Filipinos Act of 1995, which is regarded as the principal legislation (ILO, 1995). The Overseas Workers Welfare Administration supports social services for the family members, including the migrant workers, for their welfare and protection. Additionally, the reintegration process of the Philippines is a continuous process as the government oversees their issues as policy priorities in line with the issues of the overseas migrant worker. The administration oversees it partly and provides various services related to the reintegration of returnee migrant workers (Go, 2012). Unlike neighboring countries, the Philippines has a psychological reintegration system in line with economic reintegration. For economic reintegration, the administration facilitates two loan packages for their livelihood and socio-economic development through cooperative grocery stores nationwide. The loan facility of livelihood development had been designed to develop entrepreneurship capacity and opportunities for the returnee migrant worker, migrant worker, their families, and migrant worker unions. Previously, the administration had a different loan package, though the rate of non-performing loans was very high, increasing the individual and group level ceiling. On the other hand, the loan package for improving the socio-economic condition of the migrant workers and their families is interest-free, not cash but in-kind (trade goods) worth 50,000 pesos per family or worker union. In addition, the administration also aids regarding the repatriation to distressed migrant workers. The assistance includes shelter, health, and counseling-related services through its 38 foreign offices (Go, 2012). The government works together with banks, financial institutions, and NGOs to train migrant workers and their families to develop their entrepreneurial skills as well as explore opportunities to help them achieve their socio-economic well-being. As recognition, the government rewards the entrepreneurs who have become successful. Besides, the award is also given to the family that can manage the impact of migration of the earning member and develop themselves through business activities, including creating job opportunities for others. The Philippines government has a well-structured reintegration policy among the Asian countries. The Philippines has been considered the pioneer of the reintegration process of migrant workers. Based on the example set by the Philippine government, development, and donor organizations have been working on the origin countries to make the reintegration process smoother.

5.2 Approaches Undertaken by the Neighboring Countries During COVID-19

5.2.1 India

During the epidemic, the difficulties faced by migrants increased. High-skilled workers have returned to their home countries, including India. Many migrant laborers returned to their home countries with minimal available capital. As a result, the Indian government has implemented the "**Swadesh**" program, which creates an arrivals database of workers for employment assistance depending on their skill sets. As a result, the government intends to disseminate this database to

other agencies and businesses to use that data and call those returnees for jobs according to their requirements. They are also collecting data on the returnees from Kerala, Andhra Pradesh, and Tamil Nadu to help them reintegrate into the workforce. Because of the large number of migrant workers who have returned, Indian lawmakers are now much more concerned with reintegration. In addition, both houses of Parliament had several issues and debates about how to reintegrate these immigrants. Policymakers are also being pressured by migrant organizations in the countries where they are arriving (RMMRU, 2021).

5.2.2 Pakistan

With the help of MOPHRD, the Emigration Bureau of Pakistan is preparing a National Emigration and Welfare Policy for Overseas Pakistanis and is expected to address the issues related to the reintegration of returnee migrant workers. It has been suggested that the policy must prioritize skill upgradations with upskilling or reskilling activities and recognition of prior learning (RPL)(Siddiqi, 2021). The Pakistani government has considered those recommended measures to help the overseas migrant workers and thus has arranged exclusive flights for 250000 stranded overseas Pakistanis from April to June 2020 for their repatriation (Siddiqi, 2021). The government policy implemented a four-branched plan. It focuses on ensuring a safe return, assisting with the reintegration process, facilitating recovery claims, and promoting the social involvement of the returnee migrant worker. Besides, a crisis management cell had been arranged to administer the crisis response operations where many complaints had been resolved through government helplines and various forums. The government even communicated with the senior management of the companies in the destination countries that recruit Pakistani nationals intending to organize health service-related facilities. It is worth noting that the government has developed an online portal to register the data of returnee migrant workers to aid in their reintegration process. The government has initiated a scheme of possible job opportunities under which retrenched migrant workers or those whose jobs have already been affected by COVID-19 will be eligible. The Pakistani government has introduced a digital banking service for migrant workers with the venerable challenge of remitting money to their home country due to a lack of digital literacy (e.g., inability to open a bank account).

Other than the government organization, development organizations have contributed in terms of health issues of the migrant workers by providing COVID-19 tests and quarantine-related issues. The initiatives are highly commendable; however, a few migrant workers know the support mechanisms available in Pakistan or about their rights. Most are unaware of such information or how to access their rights that have been well defined in the policy documents rather than advocacy-related activities.

5.2.3 Philippines

The Overseas Workers Welfare Administration encountered difficulties in quarantining and isolating affected migrants and transporting them back to their homes, particularly in rural areas. They took prompt action, including the following:

- a. OWWA administers the world's largest migrant welfare fund, funded by a \$25 charge paid by migrants upon deployment. The fund has gone largely unused thus far, but it came in handy during the pandemic. The OWWA fund has been utilized to aid migrants and those repatriated.
- b. Additionally, the administration paid the expense of hotel quarantine.

- c. The Philippines has established a reintegration office. A few years ago, the International Organization for Migration (IOM) assisted the Philippines government in developing a national strategy for returnee migrants and reintegration through a project called 'Enhancing Reintegration Program for OFWs.' The Philippines government implemented the scheme by establishing migration front liners in the regional Department of Labor and Employment offices. These frontliners, named 'Reintegration Counselors,' are entrusted with supervising migrant workers' reintegration efforts.
- d. For the first time, an entire chapter has been devoted to overseas migration in the Philippines' National Development Plan, as the Philippine government has recognized the development opportunities and challenges associated with overseas migration and has developed an integrated and holistic vision titled 'Protect the Rights, Promote the Welfare, and Expand Opportunities for Filipinos Abroad.'
- e. The Department of Agriculture has been providing loans to migrant workers, while other ministries and organizations have produced a variety of migrant worker packages (RMMRU, 2021).

Regarding migrant rights, the Philippines already has exceptional policies and regulations. In this pandemic crisis, they demonstrated once again that reintegration is one of the pillars of their approach, and they have been beautifully integrated into their development program.

6 Challenges to Protect the Rights of Returnee Migrant Workers in Bangladesh

6.1 Challenges to Protect the Right to Reintegration

Reintegration is a primary right of a returnee migrant worker. It requires strong political will, inter-ministerial coordination, and comprehensive planning with the private sector and civil societies, including those working in remote areas, to rehabilitate a returnee migrant by guaranteeing his rights of sustainable reintegration into his family, community, and state economy. Being a migrant worker is not a life-long journey to a worker. In most cases, the migrant worker wishes to return to his home country during his lifetime and plans to engage himself in rewarding as well as dignified occupations. However, it is not always possible for a migrant worker to return to his home country within a planned timeline. Emergency crises like war, civil conflict, pandemic, forced return by the destination countries, and getting laid off demand emergency response measures.

After returning, both the migrant worker and the country of origin need to act on reintegration as the returnee migrant worker cannot eradicate the financial and social challenges on their own without the government's support. Besides, in emergency cases, the returnee migrant worker returns without any financial savings where, altogether, the worker is responsible for supporting his family. Thus, the returnee migrant worker cannot afford the luxury of sitting idle. On the other hand, Bangladesh, as a developing country, does not have the luxury to afford additional unemployed human resources and provide them with national resources without contributing to the economy. It is prudent to utilize such returnee migrant employees as skilled manpower, as in the destination countries, the workers have learned important skills and have gathered experiences throughout their labor. Bangladesh, as the country of origin, is eager to utilize those returnee migrant workers as an asset and plans to integrate them into the national economy. In this connection, Bangladesh has made significant efforts to demonstrate its willingness and improve the reintegration process. Those are as follows:

- a. The Wage Earners Welfare Board was established to ensure the reintegration of returnee migrant workers. The Board contributes funds to PKB. PKB launched four loan programs, three of which are for reintegration such as (a) Re-Integration Loans, (b) Loans to Large Families of Bangabandhu Migrants, and (c) Special Re-Integration Loans (specially designed for COVID-19 situation). Returnee migrants and their family members would be able to borrow between BDT. 100,000 and 500,000 under the Re-Integration loan plan at a maximum interest rate of 9 percent (PKB, 2021).
- b. The Wage Earners Welfare Board maintains a scheme in which it distributes BDT. 300,000 (US\$3,530) to family members of migrants who died while working abroad (Siddiqui, 2021).
- c. Approximately 42 DEMO offices are currently operating under the auspices of the BMET, providing grassroots assistance to migrant workers. The government, several non-governmental organizations, and non-governmental organizations are all working on this issue (Siddiqui, 2021).

However, the mentioned initiatives have drawn less attention to the migrant workers due to the lack of publicity, coordination with the local government, and the bureaucratic complexity of passing the information and arranging the required funds. Hence, these are not being implemented as mentioned in the policy documents. Migrant workers have been facing continuous challenges to avail themselves of the amenities as mentioned. Therefore, the challenges are being intensified.

Due to having no database to track the record of return data of the migrant worker, the government bodies, private sectors, and development organizations are in a difficult position to address the challenges of returnee migrant workers, let alone their capacity development in terms of knowledge. The returnee database, if maintained, might keep a record of the types of return data (i.e., temporary or permanent), which could have helped the policymakers decide based on their mode of return since temporary return requires interim measures. In contrast, permanent return requires a rigorous exercise of government policies. Loan packages of PKB largely cover the economic reintegration policy. However, the complex loan conditions and financial illiteracy among the migrant workers are making the reintegration process more difficult. Lack of inter-ministerial coordination among the overseas migration and employment with the finance and education ministry makes the policy implementation process difficult. Complexity in fund approval and recruiting trained manpower in the training institutions are lagged behind.

6.2 Challenges to Ensure the Right to Information

Under Article 33 of ICRMW, Migrant workers have a right to information from their home country, place of employment, or transit country (OHCHR, 1990). Even the Overseas Employment and Migrants Act 2013 also provide this right under section 26. According to this provision, Before they leave, migrant workers have the right to be informed about the migration process, their job contract, the terms and conditions of their work, and their rights as per the law (MoEWOE, 2013). On the other hand, ensuring the right to information has become a major challenge to the Government, NGO, and other stakeholders. It has been found from the survey that the migrants are not being informed about their rights properly. They lack knowledge about their rights and facilities given by the authority. The reason behind their illiteracy is that they did not get any training. They will not know about those rights on their own. Because their academic qualifications are very low, they prefer to go abroad for low-tier jobs. Moreover, sometimes, they

went abroad through dalal (unlicensed agents or middlemen) and became a victim of fraud. In such cases, they do not get true information about their job nature, terms and conditions, or the place of the work.

According to the survey, a victim of fraudulency went to Saudi Arabia by an unlicensed Agency where the agency had promised to assign the migrant worker as a road cleaner. In contrast, the worker was sitting idle after reaching there and found no job opportunities for three months. Later, the worker managed a job as a gardener with less payment than the amount promised by the agency. And eventually, in the pandemic, he was forcefully sent back to Bangladesh. In addition, migrant workers have less scope to communicate with the Bangladesh embassy in the destination countries due to their lack of knowledge and the absence of the “Labor Welfare Wing” in the embassies, which could have played a major role in disseminating the knowledge and raise the awareness among the migrants regarding their rights. A major challenge is the inability to make the training compulsory due to a lack of resources of proper funding and skilled trainers, let alone the lack of a legal framework. Existing training areas do not commensurate with their rights-related information but rather deal with work-related information. The information dissemination process in the embassies is not being followed up comprehensively due to the foreign embassy's lack of a labor welfare wing. The Overseas Employment and Migrant Act, 2013, under sections 23 and 24, has mentioned establishing a labor wing in each embassy to expand their reach into the labor market or to protect the rights of migrant workers (MoEWOE, 2013). This could have passed information among the migrant workers in the destination countries. However, due to a lack of manpower and inter-ministerial collaboration, which is also perceived as bureaucratic complexity and lack of administration, this has not happened.

6.3 Challenges to Protect the Right to Safe Return

Section 29 of The Overseas Employment and Migrant Act, 2013, ensures the right to return home of a migrant worker (MoEWOE, 2013). In accordance with this provision, if a migrant worker finds himself in a precarious situation due to a recruitment agent's negligence or illegal action, the government may order the recruitment agent responsible for the migrant worker's repatriation to bear the costs of the repatriation. Because of the word 'may,' this provision is discretionary rather than mandatory. As a result, ensuring a migrant worker's right to return home is a significant challenge. On the other side, a safe return process begins in the destination country. That is why, in order to ensure a safe return, both the destination country and the country of origin must collaborate to ensure the right to a safe return. In this instance, a memorandum of understanding can be used to ensure that both sides play an appropriate role. Generally, in the case of legitimate migrant workers, the concerned employer will cover the cost of the return ticket. However, the survey discovered that if that worker becomes a victim of a recruiting agent's negligence or unlawful conduct, he might shoulder that expense due to his insufficient knowledge of his rights. Additionally, this right arises in emergency situations (e.g., war, civil war, or pandemic). The home country is responsible for protecting its citizens and ensuring their safe return. The primary obstacle to ensuring this right is the lack of understanding of migrant labor. As a result, they are easily foxed by fraud agencies and cannot file a complaint about their violation of rights. As a result, the government has no way of tracking the agencies or holding them liable. Even without a database of returnee migrant workers, the government is unable to compensate them for the expense of transportation from the airport to their homes. An

additional challenge faced by the migrant workers when they are forcibly returned to their home country is that they are unable to communicate with the embassy, as most embassies still do not have a labor welfare wing. Another difficulty arises in the event of an emergency. Bangladesh's government does not have a unique structure in order to ensure the safe and expeditious arrival of migrant workers.

6.4 Challenges to Protect Their Compensation Right

Under the Overseas Employment and Migrant Act, 2013, returnee migrants can file a civil suit and ask for compensation. In many cases, migrants who are victims of fraud and deception file those lawsuits. According to Section 18, they are entitled to reimbursement from the forfeited surety of the recruitment agent whose license was revoked. However, the government retains the discretionary authority to direct the agent in question (MoEWOE, 2013). Due to the provision's discretionary character, ensuring the rights of migrants posed a challenge. They are also entitled to legal help under section 27. In some instances, NGOs (e.g., Awaj Foundation) also assist them with legal aid. According to the BMET website, they accept online and direct complaints from migrants who have been scammed or defrauded. BMET received 905 complaints in 2020. Female migrants lodged 405, while male migrants lodged 500. BMET compensated the victims with an amount of BDT 2.40 crore from the formation of this institution. Female laborers received BDT 0.17 crore, while male migrant workers received BDT 2.22 crore (Siddiqui, 2019). Apart from legal obstacles, ignorance, a lack of understanding on the part of the victim migrants, and fear of the procedure contribute to the failure to provide this right.

6.5 Challenges to Protect the Rights of Female Returnee Migrant Workers

Women migrants make a significant contribution in more ways than one. Although the total number of women migrants sent abroad seems to be low, the survey found that they sent more than 80 percent of their income as remittances. There is a cause for the low ratio of female migrants. Women are being victims of violence and discrimination in both their destination and home countries.

6.5.1 Share of Women Migrant Workers, Trends of Social Stigma, and Violence Against Women

Domestic and international migration has been increasing in recent years. Between 1991 and 2010, 1, 48,460 women migrated from Bangladesh to work in various countries worldwide (Islam, n.d.). In 2019, 104,786 female workers left Bangladesh in search of jobs (Siddiqui, 2019). Women migration from Bangladesh accounted for less than 1 percent of total migration before 2004 but increased to 6.42 percent in 2010. Female migration grew by 3.04 percent over a year in 2019. According to an RMMRU report, the average age of female workers is 27 years. 70 percent of them are married, whereas 30 percent are divorced or widowed (Siddiqui, 2019). The mentioned statistics infer that most of the female migrant worker has a family. Besides, the choice of these migrant workers is similar in terms of their migration destination. 90 percent of female migrant workers have migrated to the Gulf countries. However, these migrant workers become the victims of violence in the destination countries. In 2019, 311 dead bodies of female migrant workers have been received by the Bangladesh government, of which 56 have committed suicide. This is alarming since most of the women are victims of sexual harassment, rape, and torture. Women migrants from Bangladesh typically move to the Gulf and other Arab states for job purposes. Every year, a considerable number of female migrants are forced to

return to their home countries because of being abused. On the other hand, the concerned states give death certificates in cases of deceased migrants, but the reason for death is not verified in Bangladesh. From June 2016 to June 2019, the Wage Earners' Welfare Board reviewed the data of 311 returning dead corpses of women workers who were brought back from the Middle East. 53 migrants were said to have committed suicide, 120 had strokes, and 56 died in car accidents (Siddiqui, 2019). 21,000 Bangladeshi female migrant workers have been forced to return home from various nations due to the COVID-19 crisis (RMMRU, 2021). Apart from the violence faced aboard, they confront challenges upon their return home. Occasionally, people become traumatized by their heinous experiences aboard. In such situations, they begin to have mental (e.g., hallucinations) and physical issues, as well as insecurities. As a result, they occasionally get defensive. On the other hand, data indicates that some of them become pregnant after returning to Bangladesh due to sexual abuse. Because of these instances, migrant workers as a female occupation became taboo. After their return, most of the middle-class society stigmatizes them. In many cases, their husbands divorce them. As a result of this reality, they felt fearful of returning to their home and became separated from society.

6.5.2 Reasons behind Social Stigma and Challenges to Ensure Their Rights

The patriarchal society in which they live is the greatest impediment to their psychological and social reintegration. The government cannot devote sufficient resources to their socio-psychological reintegration. However, there is a glimmer of optimism in the fact that numerous NGOs such as RAMMRU, BOMSA, BRAC and BNSK are working on this issue and providing mental health counseling and temporary shelter. Apart from that, when it comes to economic reintegration, they confront difficulties finding new jobs due to the fact that labor patterns are different domestically and overseas. Even if they wish to establish a new business, they face difficulties obtaining funds and express a reluctance to borrow from PKB or other NGOs due to concerns about high interest rates and other cumbersome processes. As an outcome, they are compelled to work as domestic servants.

7 Findings

(a) Not all the Embassies have Labor Welfare Wing

The Overseas Employment and Migration Act 2013 provides for the establishment of a Labor Welfare Wing in foreign embassies pursuant to section 23 for the goal of extending access to the labor market and protecting the rights of migrant workers. Apart from a shortage of resources and coordination failure, policy discourse has resulted in an insufficient number of labor wings in other countries. For this particular issue, the communication portal is not open, and the workers are in the dark even having the amenities designed for their welfare, resulting in huge wastages of national resources. Over time, an information gap is created between the workers and the government, which deters the sustainable reintegration process.

(b) Lack of Database of Returnee Migrant Workers

The first and foremost condition of reintegration is identifying the returnee migrant worker with the required information and their needs. To identify the returnee migrant worker, there has to have a proper database that records the information of migrant workers at the airport regarding their reason for return, plan about remigration, requirements of training, including economic, health, and mental attention and counseling. However, currently, no such database exists, thus either deterring or preventing the reintegration process from being inclusive. Macro-level

policies towards the returnee migrant workers do not impact them effectively as the challenges of the returnee migrant workers living in remote areas and climate-vulnerable areas are not similar to the returnee migrant workers living in town or environmentally better-protected areas.

(c) Compensation Right is not always Protected

According to the Honorable Minister of the Ministry of Expatriates' Welfare & Overseas Employment, the number of illegal migrant workers is more than twice the number of legal migrant workers. It means that the migrant worker who has migrated unofficially or illegally or with the help of third-party sources like Dalals does not exist in the official database of the government. On the fringes, these migrant workers are more dependable to the recruiting agencies and Dalals; hence, several fraudulent agencies and Dalals have exploited their helplessness and have promised phony dreams about high-paid jobs and lavish lifestyles these migrant workers can achieve at the destination countries. After the migration, the migrant workers who have been tempted to migrate realize that they have been deceived. Many of them return to their home country without having any financial savings; rather, in some cases, the family members of that migrant make arrangements for their return. Because of the wrongdoings of fraudulent agencies or individuals, a migrant worker has to undergo a painful and threatening journey. According to section 18 of The Overseas Employment Act 2013, the victim of this fraudulency is entitled to compensation for their sufferings. The government may forfeit the surety money from the agent whose license is canceled and pay compensation to the affected migrant worker. This optional nature of this legislation creates challenges for ensuring the compensation right of the returnee migrants.

(d) Lack of Awareness among the Migrant Workers

Ignorance and lack of knowledge of the migrant workers are hindrances in ensuring their rights. Statistics also indicate that the majority of the times, migrant employees are unaware of their legal rights. Even if someone receives training before traveling abroad, they do not have an understanding of those rights.

(e) Complex Process and Conditions of PKB Loan

The government has established PKB in 2011 to do necessary banking activities of the migrant workers and later have provided with reintegration loan facilities in line with the migration loan. The reintegration loan facilities have drawn little attention due to the lack of capacity of PKB in terms of its manpower as well as the inability to cover all the areas across the country. In addition, the conditions of the loan are complex to the migrant workers, though, during the COVID-19, a lot of conditions have been relaxed.

(f) Lack of Inter-ministerial Collaboration

The activities of the Ministry of Expatriates' Welfare & Overseas Employment are related to a number of other ministries' wings and bodies. In terms of skill and education development, the ministry is dependent on the decision of the Ministry of Education, whereas, for foreign issues, it conflicts with the interest of the foreign ministry, and with to implement quick response-related activities, the ministry has to deal with the finance ministry. Typically, when multiple ministries become involved, the process becomes prolonged due to a lack of inter-ministerial communication.

(g) Absence of Government incentive for NGOs

The government does not fund the private sector in terms of the reintegration of migrant workers. The government has its limitation in terms of manpower and database, whereas the private sectors and NGOs have better access to those migrant workers even those living in remote areas.

(h) Return from Domestic Jobs are Poor, both Socially and Economically

After the return of a migrant worker, his/her confidence about the occupation and expectation from that occupation becomes fickle since the return from the occupations of Bangladesh is not that much compared to the return at the destination countries. This is more acute and visible in terms of a low-skilled worker who struggles to find himself a well-paid job or business opportunity. Similarly, for female migrant workers, domestic care work or tasks are well recognized in the destination countries and have social status including the return, whereas, in Bangladesh, the domestic chores-related occupations pay much lower than the other occupations. Thus, the poor financial return, as well as poor social dignity, becomes a major barrier to the reintegration of the returnee migrant workers.

(i) Absence of a Comprehensive Policy Framework

A comprehensive legal framework focusing on the rights of returnee migrant workers is absent. Recent policies are primarily short-term in character. Additionally, special provisions for female returnee migrants are absent.

(j) Social Stigma towards Women Returnee Migrant Worker

In this connection, a number of female migrant workers return to their home country, however, the social environment is not that positive and supportive towards these women. Even, not every woman gets tortured, raped, or harassed, though the treatment towards these returnee migrant workers from their family members, relatives, communities are not welcoming. In most cases, returnee female migrant workers are reprimanded by their husbands even after not being a victim. Patriarchal systems and social construction have stigmatized our concept of women. Female migrant workers are contributing a lot to their families, though the magnitude of their contribution cannot be measured due to the absence of a female migrant worker database. It could have contributed to the concept of people and might have changed their outlook towards the female migrant worker.

(k) Women Migrant Workers return with Physical and Mental Vulnerability

The government reintegration process is limited to economic facilities. However, psychological attention and mental counseling through quick response and sheltering them primarily to rehabilitate themselves have not yet been introduced. Women migrant workers return with a vulnerable state of mind considering their experiences in the destination countries. These workers return traumatized and mentally too stable to get into society and endanger others.

8 Recommendations and Way Forward

(a) Establishment of Labor Wing

The establishment of a labor wing in all embassies would be an excellent move to protect migrant workers' rights. It is necessary to guarantee communication between migrant workers to know about their legal rights. Embassies can play a key role in protecting their right to information and their right to a safe return.

(b) Launching a Database of Returnee Migrant Workers and Women in Particular

Demand-oriented policies should be prioritized in the national policy documents. Policies should be tailored to incorporate the challenges and experiences faced by the returnee migrant workers in their respective areas of work. In this regard, a top-down approach should be taken to reach the returnee migrant worker in the remote areas. Besides, return migration is a macro terminology; the policymakers should identify the return choice of the migrant worker which will help them to address the challenges accordingly with appropriate policy tools. To address these issues, require a database which the government should launch and take necessary help from BBS, a2i, ICT division, and so on. The database is very important which can help to organize the policy discourses and recognize the contribution of these workers.

(c) Replacing some Legal Words to avoid Legal Complexities

Words under Sections 18 of The Overseas Employment Act 2013 should be replaced with appropriate words. The clauses are mentioned with the word ‘may’ which should have been replaced with ‘shall’. Because of the current statement, the legal enforceability of these clauses is bleak. Therefore, the law should be revised to be legally strong and viable to ensure the compensation right.

(d) Establishing Bilateral and Multilateral relations with the Receiving Country

Bilateral and multilateral agreements with the receiving country can be used to ensure remigration in the event of forced return. Additionally, it can be used to hold the country of destination accountable for any negligence. Additionally, the procedure of safe return begins in the destination country. In such instances, those relationships can play significant role.

(e) Advocacy for Information Dissemination and Educational Activities

The migrant worker may return as per his/her convenience and can avail of all the rights he/she is entitled to. Information and Education Programs for Prospective Migrants should be made accessible and understandable. In this regard, user-friendly leaflets can be distributed to the returnee or migrant workers focusing on their rights mentioned in different laws, primary information in terms of communication with government agencies, an international organization in case of need, agency validation, embassy communication, and training certificate.

(f) Simplify the Process and Conditions of PKB Loan Scheme

Considering the hardships of economic reintegration, the government should recruit the necessary manpower for PKB and expand the funds which are necessary to the migrant worker. And the condition of surety should be relaxed.

(g) Ensuring Political willingness through Inter-ministerial Collaboration

When MoEWOE’s actions depend on other ministries’ activity, collaboration between them is important. Educational and skill development-related institutions were closed during COVID-19 which deterred the training activities of the returnee as well as the migrant worker. The government could not be flexible on this issue. It indicates that for emergency crisis time, training-related activities should be prioritized, and the ministry should have its own institute or a dedicated institution for the migrant workers whichever is more economical and feasible.

(h) Introducing GO-NGO Collaboration for Sustainable Reintegration

Considering the capacity of the private sector, the government should collaborate with the NGOs which could have saved a lot of money using their existing channel and structure to reach the services of the government as the doorstep of the migrant workers.

(i) Starting Reintegration Process from the Airport

The starting of the reintegration process can be defined from different places. It is ideal that the reintegration process starts from the home country in terms of advocacy. However, in terms of implementation, the process has to be started from the airport upon the arrival of the migrant worker to the home country. To facilitate this process, the establishment of help desks at the airports, help desks at each DEMOs, easier access for online registration, and supervision from the airport have to be initiated. Representatives from government and private sectors will assess the returnee migrant regarding the supports they require.

(j) Introducing a comprehensive Policy Framework should be Formulated

Considering the challenges faced by the returnee migrant workers in the home country, the government should adopt a comprehensive policy that can alleviate the hardships in terms of the sustainable reintegration of the returnee migrant worker. Additionally, the formulation of necessary rules and regulations along with the required fundings are highly important to facilitate. Special provisions regarding women migrants' rights should also include in the legislation.

(k) Psychological Reintegration for Female Returnee Migrant Worker

Most of the female migrant workers return with a murky state of mind due to their horrific experiences in destination countries thus requiring special attention to rehabilitate them in the societies. Counseling is a must for these returnee migrant workers. The state should prioritize this issue to be implemented in a proper way.

(l) Protection of the Migrant Workers for their Safe Return in Case of Global Crisis

The government should communicate with the consulate as well as the government of the destination countries to protect our migrant workers in case of getting laid off or forced return in case of national or international emergencies in the home countries like civil war, pandemic, etc. Their protection can be ensured at the borders, airports, or international territories with the stepping up of bilateral relationships. The government has the role to play here to accommodate these issues accordingly.

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