

# III. Developing Policies in Countries of Origin to Protect Migrant Workers

This chapter will address policies to promote the protection and welfare of migrant workers. Countries of origin have two main policy options to achieve this: regulatory measures and the provision of support services. The following chapter will cover policies to optimise the benefits of organised labour migration, including marketing and the expansion of labour migration, enhancing the development benefits of remittances, skills development and the mitigation of the emigration of skilled human resources.

## III.1 Policy Strategies

A priority concern for all labour-sending governments is to ensure the well-being of migrant workers and to secure the payment of decent wages and basic provisions. There are no perfect systems of regulation of labour migration. However, countries of origin do have a range of policy strategies which can extend the scope and improve the efficiency of their regulatory mechanisms and support services, including:

- conduct of pre-employment orientation seminars (PEOS) and intensified information campaigns, which provide applicants with sufficient information to enable them to make decisions;
- empowerment of migrant workers, especially through the formation of community-based organizations, to enable their voice to be clearly heard and taken account of in policy development;
- streamlining and simplification of regulations and procedures intended to protect workers, to prevent the regulatory framework from becoming

unwieldy and thus an unintended inducement to irregular migration;

- close supervision and monitoring by governments of recruitment activities undertaken by overseas employment promoters/agencies, to minimize malpractice and abuses against those seeking overseas jobs;
- introduction of criminal proceedings, in addition to cancellation of agencies' licences, against serious offenders;
- special attention to the supervision of recruitment and deployment of categories of workers especially vulnerable to malpractice and abuse, such as female domestic workers and lower skilled workers;
- raising of workers' skill levels to higher standards to improve their employment opportunities and promotion of their deployment abroad, taking into account any concerns relating to brain drain;
- introduction of stronger measures to ensure enforcement of the employment contract at the worksite, in particular through bilateral arrangements and agreements with host governments;
- introduction of support services such as pre-departure orientation and a welfare fund;
- inter-state cooperation between countries of origin and destination.

Labour migration policies need to include measures to prevent abusive practices and promote decent and productive work for women and men migrants in conditions of freedom, equity, security, and human dignity. Such policies should recognize the similarities and differences in the migration experiences of different categories



of women and men and aim at eradicating all forms of discrimination and gender inequality, as well as tackling other vulnerabilities, violations and their consequences. Such policies, legislation and programmes should also consider the fact that women migrants often find themselves in irregular situations, in unregulated sectors of the economy, or as victims of traffickers or smugglers and subject to many forms of violence and abuse.<sup>1</sup>

## III.2 Regulation of Private Employment Agencies

Most migrant workers lack information about job opportunities, particularly when they leave their country for the first time in search for employment abroad. Likewise, employers in receiving countries are looking for efficient ways to fill vacancies with migrant workers and require information about suitable candidates. In an increasingly globalized world where new migration routes are opening up and migration flows are diversifying, private recruiters play an important role in matching supply and demand.

The evolutions in the migration industry provide opportunities for a wide range of private recruiters, from small and specialized private employment agencies to multinational companies. Apart from these legally operating businesses, there is a parallel world of semi-legal or outright criminal recruiters, often linked to smuggling or trafficking networks. Research has shown that

where legal migration channels are limited, migrant workers will largely depend on illegitimate recruiters or their own social networks. The challenge for governments is therefore to promote legal migration, regulate the market for private employment agencies, protect migrant workers from abuses and curb unfair competition in recruitment.

Since it is so easy for recruiters to work under disguise or “underground”, it is essential to combine regulatory measures with promotional campaigns to ensure compliance with the law. There are numerous approaches to regulating and monitoring activities of recruiters, while ensuring that migrant workers are protected from abuse. The choice for one approach or another should be based on an analysis of the recruitment industry, its main type of activities, and possible problems. The scope of legislation may differ according to the type of private employment agency (PEA), however, legislators should not leave the legal status of PEA undefined. The following section provides an overview of regulatory approaches, starting with a brief introduction to international standards.

### III.2.1 International standards

There are several international instruments that oblige states to protect migrant workers from abuse during recruitment and that provide guidance with respect to legal standards. The most recent and detailed provisions can be found in the ILO Private Employment Convention no.181 (1997) and ILO Recommendation no.188. This instrument replaced ILO Fee-Charging Employment Agencies Convention no.96 (1949), which is still in force in a few ratifying member



states. In addition, there are the UN Convention on the Protection of the Rights of all Migrant Workers and Members of their Families as well as the ILO Migrant Worker Conventions that refer to the regulation of recruitment in migration.

ILO Convention No. 181 recognizes the potentially positive role PEA can play in national and international labour markets. It obliges ratifying states to determine the legal status of PEA and the conditions governing their operations upon consultation with relevant workers' and employers' organizations (Art.3). Article 2 provides a comprehensive definition of a PEA:

“Any natural or legal person or enterprise, licensed or not, independent of the public authorities, which provides one or more of the following labour market services:

- Services for matching offers of and application for employment, without the private employment agency becoming a party to the employment relationship, which may arise there from.
- Services consisting of employing workers with a view to making them available to a third party.
- Other services related to job seeking, determined by the competent authority after consulting the most representative employers' and workers' organizations, such as the provision of job-related information, that do not set out to match offers and applications for employment.”

This definition covers two types of employment relationships that can have a bearing on the bargaining power of migrant workers. The first service, which is the most common and most often exercised by PEA in sending countries, encompasses the actual placement of workers with a user enterprise. The second service refers to temporary work agencies or other types of labour providers, which often employ migrant workers in receiving countries and hire them out to employers. These agencies are part of a triangular employment relationship. In addition, there are agencies offering special services, such as job trainings or job fairs, which therefore correspond to the third part of the definition.

Legislators can also exclude certain types of agencies from operating in the market. This may be rele-

vant for categories of workers which have been subject to abuse in the past or which may be better served through the Public Employment Service (PES) (Art.2). Several provisions of the Convention concern the protection of workers recruited and placed by a PEA. They include guaranteeing fundamental rights to workers as well as special protection measures for migrant workers (Arts. 4, 5, 8, 9, 11 and 12).

Recommendation No. 188 calls on States to combat unfair advertising practices, including advertisements for non-existing jobs, which is especially relevant in migration. PEA should also be prevented from recruiting workers for jobs involving unacceptable hazards or risks. Other provisions in Convention No. 181 and Recommendation No. 188 deal with the promotion of cooperation between PEAs and PES.

Before deciding on a particular policy towards PEAs, governments should set up an adequate institutional framework to monitor and enforce compliance with national legislation. In most countries, a specialized department in the Ministry of Labour is responsible for these tasks. Sometimes, it may be advisable to set up an independent authority working in cooperation with several relevant ministries, social partners and other civil society organizations. In any case, the authority should have a clear mandate and sufficient resources to carry out its monitoring activities.

### III.2.2 Registration and licensing

The most commonly used approaches to regulating the activities of PEAs are registration and licensing. Registration requires the agency to register for a fee with the Chamber of Commerce or other relevant authorities. A registered agency is then subject to routine checks by tax authorities or labour inspectors like any other business. Given the particular sensitivity of the recruitment business, however, many countries have opted for a licensing system.

If implemented properly, licensing helps establish transparency in the market and detect illegal activities. However, since it imposes an additional burden on business, it is crucial that a dual approach be developed: rewards for complying agencies and penalties for

those resorting to illegal practices. The responsible public authority should also keep a register of licensed agencies and make this publicly available. The register may be complemented by a “black list” of agencies that have violated the law. It is also critical that legislators clearly delimit the liability of PEAs and user enterprises in the event of violations of labour laws and of other legislative provisions. Furthermore, PEAs should be required to comply with labour and equal opportunities laws, and this will no doubt assist in defining the responsibilities of PEAs and use enterprises with regard to the protection of workers.

Some governments have developed model employment contracts that cover minimum labour standards, such as job description, remuneration, working hours and holidays, transportation, compensation for injuries, emergency medical care, and dispute settlement procedures. PEAs should be compelled to use these model employment contracts as benchmarks and keep records of all issued contracts.

Regulation of PEAs should also include reporting and data protection systems for personal information on clients and job seekers. A critical issue, in particular with regard to recruitment for employment abroad, is the collection of fees from job seekers. ILO Convention No. 181 stipulates that PEAs “shall not charge, directly or indirectly, in whole or in part, any fees or costs to workers” (Art.7). However, if it is “in the interest of the workers concerned, and after consulting the most representative organizations of workers and employers”, exceptions may be allowed for certain categories of workers or types of services provided by PEAs. Interpretation of the exceptions provided under national law with regard to Convention No. 181 is reviewed by the ILO Committee of Experts on the Application and Supervision of Standards. In fact, the collection of fees is permitted by most national legislation. The issue is not so much the charging of fees, but to curb overcharging.

Conditions for issuing a licence may vary to great extent, but in general they cover the following issues:

- **Licensing fee:** the fee should be adequate and reflect the business environment for PEAs in the country concerned. Legislators may opt for band-

ed fees to lower the entry barriers for small PEAs.

- **Financial capacity of the applicant:** this may include proof of a specified minimum start-up capital and/or a deposit as safeguard against violations of contracts or as guarantee against loss and damages for which the PEA would be liable.
- **Personal and professional qualification of staff:** this refers to criteria such as age, nationality, reliability (i.e. absence of criminal record), professional training etc. of the applicant and staff to be employed by the agency.
- **Management and marketing capability of the applicant:** the applicant and staff should possess the management and marketing skills required for carrying out job placement activities and obtaining contracts with employers. This is particularly relevant in recruitment for employment abroad.
- **Validity of licence and re-application:** most licences are issued for a limited period of time, requiring PEAs to re-apply or to request extension of their licence.
- **Scope and transferability of licence:** a licence may be restricted to one specific holder, location of the agency, or type of activity.

State laws should require that the corporate and legal personality of recruitment agencies be verified and thus subject to scrutiny and operational monitoring. These legal and corporate personalities are embodied in a licence, which requires certain standards concerning the PEA’s:

- legal personality;
- corporate personality;
- financial capability;
- marketing capability;
- recruitment capability;
- management capability.

A detailed illustration of standards that can be required are shown in Table III.1.

The Philippines and Pakistan are two countries with an active private sector in recruitment. There were 1327 licensed recruitment agencies in the Philippines in 2003. Table III.2 illustrates licensing requirements in Pakistan and the Philippines.

TABLE III.1

### Standards and Requirements for Licensing Recruitment Agencies

Standard	Purpose	Proof
<i>Legal personality</i>	To certify the business to legally operate.	<ul style="list-style-type: none"> <li>• Articles of Incorporation for corporations;</li> <li>• Articles of Partnership for partnerships;</li> <li>• Certificate of Single Proprietorship for single owners.</li> </ul>
<i>Corporate personality</i>	To show that it can exist as an enterprise.	<ul style="list-style-type: none"> <li>• Certificate of bank deposit stating the minimum paid-up capital specified by law;</li> <li>• Income tax return of incorporators within 2 years;</li> <li>• Corporate tax paid by the agency for those seeking re-licensing;</li> <li>• Clearance of the incorporators or owners from any criminal liability which may cast doubt on the enterprise to exist legally.</li> </ul>
<i>Financial capability</i>	To provide financial resources for international operations and the ability to absorb consequences of possible failure in the market.	<ul style="list-style-type: none"> <li>• Certificate of an agreement with a reputable bank covering sufficient amount to answer valid legal claims as a consequence of recruitment or contract violations;</li> <li>• Surety bond from accredited banks as assurance that the agency will not default on their obligations to the recruited applicants.</li> </ul>
<i>Marketing capability</i>	To exhibit competence in looking for or identifying employment opportunities existing overseas.	<ul style="list-style-type: none"> <li>• Duly executed special power of attorney, authenticated by embassy or consulate officials or labour attachés regarding the existence of the employer in the receiving state;</li> <li>• Duly executed special power of attorney, authenticated by embassy or consulate officials or labour attachés regarding the existence of the project in the receiving state;</li> <li>• An authorized job order request with prescribed number of workers.</li> </ul>
<i>Recruitment capability</i>	To ensure the competence of the agency to scrutinize, assess, identify qualified applicants to the needs job requests.	<ul style="list-style-type: none"> <li>• List of recruitment personnel;</li> <li>• Their individual curriculum vitae;</li> <li>• Proof of academic qualification preferably with degree in Psychology or Human Resources, or any similar experiential qualification in interviewing and giving examinations.</li> </ul>
<i>Management capability</i>	To ensure the capability of management and the adequacy of equipment or facilities for continued operation.	<ul style="list-style-type: none"> <li>• List of administrators and personnel;</li> <li>• Their curriculum vitae;</li> <li>• Copy of contracts or lease of ownership of buildings or office spaces and the office address;</li> <li>• Assurance, duly sworn, in that the agency will recruit only medically fit applicants.</li> </ul>

Source: IOM (2005b).

TABLE III.2

### Licensing Requirements in Pakistan and the Philippines

Requirements	Pakistan	Philippines
National	Yes	Yes
Application fee	US\$16	US\$200
Registration	Company	Company (with paid up capital of US\$40,000)
Character certificate	Good conduct certificate	No criminal record
Refundable Deposit	US\$5,000	US\$20,000
Other	License fee – US\$500	Surety bond – US\$2,000
Validity of licence	3 years	4 years

Source: Mughal and Padilla (2005).

Note: Original sums were in national currencies and converted to US dollars by the authors.

### III.2.3 Monitoring and enforcing regulation of PEAs

Before introducing new legislation on PEAs, governments should develop a monitoring and enforcing mechanism that ensures that all market actors meet the requirements. Licensing fees should be a part of this mechanism. Monitoring and law enforcement can be carried out by the licensing authority or by regular labour inspection units and the police in case of criminal activities. In order to operate effectively, law enforcement officials must have clear benchmarks and standards against which the performance of PEAs, as well as other types of agencies, can be evaluated. The conditions and criteria stipulated in the licence can be used for this purpose, as well as codes of conduct and relevant labour and immigration laws. Law enforcement officials should also be trained on these regulations.

Monitoring activities can involve pre-licensing as well as on-the-spot inspection once the licence has been issued. Inspectors will check documents submitted on a regular basis as part of the reporting requirements of PEAs. They may also gather evidence during unannounced inspections which could usually be carried out on the basis of complaints or reports on suspicious practices. The monitoring authority can use a range of sources to cross-check information provided by PEAs, such as screening of media advertisements, reports from trade unions or NGOs, and verification of employers through embassies.

Monitoring activities should be linked to a complaint mechanism for workers and, more specifically migrant workers. Workers who have been deceived or abused during recruitment should have the possibility to file complaints and to receive compensation. Adjudication through regular court proceedings can be costly and difficult for migrant workers. It is therefore advisable to set up in addition an administrative complaint procedure which would also assist law enforcement authorities in targeting criminal recruiters (see the example in Table III.3).

If the monitoring authority finds sufficient evidence for malpractice and if persuasion does not lead to a change of behaviour, administrative and/or penal sanctions should be imposed. They can include forfeit of the deposit and performance bonds posted, fines, revocation or withdrawal of a licence, imprisonment, and seizing of assets.

The authorized state institution should be empowered to monitor the operations of recruitment agencies, by:

- obtaining reports by recruitment agencies on job placement, status of employment of those deployed, and other information needed by state agencies;
- organizing periodic visits or inspections by state agents or their representatives;
- introducing information campaigns identifying recruitment agencies or foreign employers

TABLE III.3

### Complaint Procedures

**Tier 1 Private Employment Agencies**

In the event of abusive employment conditions abroad, the migrant should first contact the PEA that hired him or her. The PEA should then attempt to settle the dispute between employee and employer amicably and by voluntary agreement.

**Tier 2 Responsible State Authority**

If tier 1 fails, then the appropriate institutions should provide impartial and effective third-party assistance through conciliation, arbitration, and mediation. Institutions should get in touch with their counterparts in the country of employment. Should the complaint be proven, the responsible authority should revoke or suspend the licences or satisfy claims for refunding.

**Tier 3 Adjudication**

Though prolonged and costly, this is the best way to deal with serious abuses of human rights in the recruitment process, including human trafficking. Complaints involving acts that are criminal in nature and require the imposition of penalties such as fines and imprisonment come within the jurisdiction of the courts.

blacklisted for violations of the law or for having perpetrated illegal acts or abuses;

- establishing efficient and competent mechanisms for review of migrant workers’ employment contracts prior to signature and during their employment when the contract is enforced.

#### III.2.4 Fees and documents required from potential migrants

In addition, the state institution should disseminate information to the public on recruitment-related fees and costs allowable under the legislation, such as:

- cost of placement and documentary services;
- skills testing fees;
- medical examination and inoculation;
- passport and visa fees;
- airport terminal fees (if applicable);
- other authorized fees.

Placing an upper limit on the fees that PEAs can charge is common practice. Supply and demand factors underpinning migration should also be considered when regulating the issue of fees. In India fees vary according to the worker’s level of qualification (see Table III.4).

TABLE III.4

### Fees charged to migrant workers by PEAs in India

Type of worker	Fee (in US\$)
Unskilled	45
Semi-skilled	65
Skilled	110
Highly skilled	220

Source: India (2004).

In the Philippines, the recruitment fee must not be more than one month’s salary specified in the employment contract. In response to problems of over-charging by recruitment intermediaries and exorbitant migration costs, some countries of destination have now introduced legislative restrictions on these fees. Israel, for example, has recently issued a decree limiting the cost to the migrant worker to approximately US\$650.

Documents to be provided by prospective labour migrants during the recruitment process include:

- proof of qualification (certificates, diploma, transcript of records);

- passport and visa requirements;
- clearances from state institutions (skills training);
- provision for medical insurance, funds or social security.

### III.2.5 Performance-based incentives and sanctions

Some countries have made extension of the licence contingent on performance, in order that a recruitment agency which fails to deploy a minimum number of workers may see its licence revoked. At the same time, awards are bestowed on best performing agencies, in recognition of their contribution to national development.

There are several ways in which government authorities can create positive incentives for PEAs to ensure compliance with national law. Governments have already tested a number of incentives, such as:

- extension of licence for a longer period, or waiver of renewal requirement;
- tax incentives;
- contracts are processed more speedily or automatically;

- inclusion in a formal and publicly available list of recommended agencies;
- invitation to participate in government missions of foreign market development;
- offer to fill quotas as part of bilateral agreements;
- other promotional incentives related to the marketing of law-abiding agencies.

### III.2.6 Self-regulation

Although necessary for curbing abusive recruitment practices, policing by States will not, in itself, be sufficient, given the forces of demand and supply at play. Industry associations have been formed and have the potential to develop and enforce voluntary codes of conduct.

In addition to statutory requirements, PEAs have developed their own codes of conduct, either on specific issues or in a more general sense. Codes of conduct can be put in place by individual companies or by an association. Subscribers can be individual PEAs or user enterprises. Although codes of conduct are not le-

#### TEXTBOX III.1

### Recruitment Agencies in the Russian Federation – Steps towards Self-Regulation

Russian legislation provides for compulsory licensing of agencies dealing with employment of Russian citizens abroad. At present, 590 recruitment agencies have received a license from the Russian Federation Federal Migration Service (FMS). The overwhelming majority of these agencies are small companies for which recruitment is quite often not the main business activity, but one which offers a way to generate a quick profit.

In addition to regulation by FMS, initial steps towards self-regulation have been taken. A non-commercial partnership, International Association on Labour Migration (MATM), was established in 2004 and includes over 70 private recruitment agencies from Russia, Tajikistan and Moldova. The Association's principal task is the development of "civilized" forms of labour migration. MATM members have adopted a Code of Business

Ethics by which they are guided in their work. MATM is taking steps to join the International Confederation of Temporary Work Businesses (Confederation Internationale des Entreprises de Travail Temporaire (CIETT)).

In Moscow, in February 2006, MATM organized an international conference on "Increasing the Role of Civilized Labour Migration in Development of Economy of Russia and CIS Countries: the Role and Place of Employers and Private Recruitment Agencies". MATM works in a close cooperation with the RF Federal Migration Service, RF Rostrud (Federal Service on Labour and Employment), RF Ministry of Foreign Affairs as well as with representative offices of IOM and ILO in Moscow and other partners.

Source: IOM Moscow.



gally binding, they should reflect national laws. Their value is of a moral nature: a code is a promise and a commitment vis-à-vis clients and the wider public.

Past experience has shown that the development of codes of conduct is more effective when the following practices are adhered to:

- While the specific standards to be included in the code are an internal affair of a company or private association, they should nonetheless be discussed with trade unions, government, and civil society organizations.
- Independent monitoring mechanisms that stipulate clear criteria and sanctions for non-compliance should be included, although this is often the most controversial aspect of the code.
- The code and information on non-complying subscribers must be communicated to the public.
- A code should be clearly distinct from the by-laws of a federation or private business association, though the combination of these two documents could be used to increase the threshold of membership.

A growing number of codes of conduct have been developed by PEAs or their associations. The best known is that developed by the International Confederation of Temporary Work Agencies (CIETT), which establishes general rules to be adopted by national business associations.<sup>2</sup> CIETT supports the principle of self-regulation by PEAs through cooperation with the relevant institutions. National codes should reflect the spirit of this code, and indeed, in many cases, they may go well beyond the general standards set out by CIETT.

In addition to voluntary codes of conduct, some PEAs have favoured more competitive systems of self-regulation, such as rating or labelling. Major multinational companies promoted the labelling system. The result was the introduction of the ISO 9000 label of quality management by the International Organization for Standardization. Throughout the ISO 9000 family, emphasis is placed on the satisfaction of clients. For example, in 2002, Kelly Services was certified to ISO 9002 quality standards, and like many PEAs, now include the ISO 9000 labels in their advertising and marketing campaigns as a guarantee of fair practice.

### III.2.7 Involvement of public employment agencies

While the role of State agencies in recruitment has clearly been overtaken in most Asian labour sending States by the private sector, an argument could be made for deployment through the State for categories of workers especially vulnerable to malpractice and abuse, such as female domestic workers.

International organizations like IOM who have wide experience in migrant application processing and services can also be called upon for the selection of workers and is doing so with regards to labour migration to Canada, Italy and Spain.

## III.3 Procedures for Departure

### III.3.1 Employment contracts<sup>3</sup>

Ensuring employment contracts that guarantee a fair wage and basic provisions have been an important part of efforts of countries of origin to protect their nationals abroad. In general the essential elements of an overseas employment contract are:

- identification of the parties to a contract – both the employer and the worker;
- details on minimum terms and conditions, such as salary, hours and place of work, overtime, etc.;
- information on specific benefits over and above the minimum benefits provided by the host country;
- certification that both parties to the contract accept the terms and conditions;
- notarization of the contract.

Countries of origin have also developed model employment contracts which establish minimum requirements for their workers in the country of destination, such as:

- guaranteed wages for specified working hours and overtime pay for work carried out beyond specified working hours;
- free transportation from point of hire to site

of employment and return or off-setting arrangements;

- free food and accommodation, or offsetting arrangements;
- free emergency medical and dental treatment, and facilities including medicines;
- insurance coverage;
- just or authorized cause for termination of employment;
- repatriation of remains and belongings at employer's expense in case of death;
- one day of rest per week;
- procedures for dispute settlement.

Such provisions should take into account existing labour and social laws of the host country, as well as national customs, traditions, mores, and practices. They should also comply with existing conventions and bilateral or multilateral agreements with the host country, as well as existing labour market conditions.

The Philippines, for example, have introduced benchmarks for setting wages. Filipino migrant workers are not allowed to accept wages that are lower than the prevailing minimum rate for the same skills in the host country or lower than the standards fixed by bilateral agreements or international conventions to which the host country is a signatory. In no case is a migrant worker allowed to receive a salary lower than the prevailing wage in the Philippines.

Terms and conditions may deviate from what is prescribed by the Philippines Overseas Employment Administration (POEA) as long as both employer and employee agree, if the total compensation package is higher than the minimum prescribed by POEA and that complies with existing laws. Thus, the recruitment agency is obliged to inform the foreign employer of POEA's minimum requirements.

In addition, POEA has developed skills-specific and country of destination employment contracts, including prescribed employment contracts for Filipino entertainers bound for Japan, domestic workers for Hong Kong<sup>4</sup> and seafarers in general (see Annex 3 for a sample contract prescribed by the POEA).

Administratively set standards, as included in model employment contracts, form the basis for permitting the employment of nationals abroad. However, in the absence of any agreement between States on methods for ensuring their implementation, it is very easy for contract substitution to take place. Authorities in the countries of employment would have to assume the responsibility of ensuring that violations of contracts are penalized, as the Department of Labour in Hong Kong (Special Administrative Region of China) does. (Abella, 2000). Otherwise much of the efforts to ensure minimum standards in employment contracts in countries of origin are of little use.

In Jordan, the government has endorsed a legally enforceable Special Unified Working Contract for foreign domestic workers developed with the assistance of UNIFEM and national stake-holders. The contract is the first of its kind in the Arab region and is required for the issuance of visas and permits. The government is also amending national labour laws to provide domestic workers with legally recognized and enforceable rights protection (UNIFEM, 2004).

### III.3.2 Emigration clearance

In democracies, it is a generally accepted rule of international law relating to the movement of persons across borders that people have the right to leave the territory of a State (including their own country). In Asian labour-sending countries, however, there exist a varying range of exit controls as part of protection measures. In the Philippines, for example, it is mandatory for migrant workers to have POEA clearance before leaving the country. Pakistan, Bangladesh and Indonesia have varying degrees of restrictions on female migrant workers leaving the country. In India, emigration clearance is required for certain blue-collar occupations. Asian labour-sending countries have in the past banned employment in specific destination countries for a certain period, owing to abuses in that country (Baruah, 2003a). Deployment is also banned to countries in conflict, where the basic safety of the worker is at risk.

In the Philippines, workers are thoroughly documented through the clearances, certificates, credentials and the employment contract required as a condi-



tion for their deployment. Only after all the documentary requirements of various Philippine government agencies have been satisfied is the final document released to the migrant worker – the overseas employment certificate – that serves as the worker’s exit clearance at airports. No airline will permit a migrant worker to board its flights without surrendering this certificate, which also entitles the migrant worker to exemption from payment of the travel tax and terminal fee. Members of the worker’s family are also entitled to a reduced travel tax (IOM, 2005b).

Emigration clearance for persons in lower skilled occupations, in order to verify that minimum standards in employment contracts are met, may be necessary and helpful, but this process must be quick and not create additional cost for the migrant. In the Philippines, the time taken for the clearance is just three hours (provided that all documents are in order). The Handbook does not recommend restrictions on female migration as a good practice. Such measures go against the principle of promoting equal employment opportunities for men and women. Besides, it does not provide an adequate solution to the problems of exploitation and abuse of female migrants.

Implementation of regulatory measures, whether by controlling recruitment or by using emigration clearance to check the validity of overseas employment contracts, becomes more challenging for countries of origin when movement is eased by the introduction of visa-free regimes (e.g. as in the CIS) or by proximity (e.g. Indonesians and Filipinos working in Malaysia). The easing of movement, whether deliberate or due to physical factors, enables potential labour migrants to travel to the country of destination without necessarily first obtaining a job (and employment contract). In such cases, while regulatory measures remain important, countries of origin will need to rely more on support services and inter-state cooperation to ensure the protection and welfare of their citizens working abroad.

## III.4 Support Services

The provision of support services to labour migrants can extend from information provision, a contributory welfare fund to meet emergency needs in the country of destination, provision of insurance coverage, and posting of labour attachés to advise and assist workers abroad.

### III.4.1 Information dissemination

#### III.4.1.1 Pre-employment

As millions of people move across borders each year, the need for information has become fundamental to all migration decisions. Distorted perceptions and insufficient information about the realities in the countries they are trying to reach increases the importance of giving migrants access to information. Most migrants are unaware of the practical, legal, social and economic consequences involved in moving to another country. This lack of awareness puts migrants at risk and undermines orderly migration. Information dissemination helps fill this void by providing migrants with the basis to make informed decisions.

In recent years, labour sending countries have recognized the need for holding not only pre-departure orientation a few days before departure, but also pre-employment orientation seminars (PEOS) and intensified information campaigns, to provide applicants with sufficient information to enable them to make decisions. Information campaigns can inform potential overseas workers on safe recruitment, travel and employment procedures, and on the risks of irregular migration, regular movement options, and regulations of both receiving and sending countries, including those on illegal recruitment.

A variety of communication activities using several media can be used. Mass media ensure that information reaches large audiences quickly, while direct grassroots contacts provide the informal setting required for a more in-depth and frank discussion.

- **Migrant Resource Centres:** MRCs provide a focal point to plan, conduct, and carry out information dissemination, as well as a place where

## TEXTBOX III.2

### Information Resource Centre for Labour Migrants in Tajikistan

An Information Resource Centre for Labour Migrants was established in Dushanbe in 2004 by IOM and the Government of Tajikistan with the support of OSCE in order to provide intending and actual labour migrants with accurate information on their life and work abroad. Tajikistan's limited employment opportunities and mountainous terrain make it difficult for its inhabitants to make a living. As a result, in an attempt to escape poverty, almost every Tajik family has at least one member who is a migrant worker. The Tajiks seasonally migrate to neighbouring Kazakhstan, Kyrgyzstan, Uzbekistan but most go to Russia. A recent IOM study on labour migration in the region revealed that some 600,000 Tajiks are economic migrants. Unfortunately however, Tajik migrants are not well informed of employment realities abroad.

Most Tajiks work in the informal and lower skilled sectors in Russia and even when they have a regular status, labour exploitation is common. Many economic migrants do not know where to go with questions or for information on travel and work abroad. As a consequence, unofficial recruiters and traffickers use this situation to their advantage.

The Government of Tajikistan, IOM and OSCE determined that an effective way to address some of the problems is through the creation of a public resource centre with qualified counsellors who can provide information tailored to the needs of migrants. The Resource Centre provides information on employment conditions, travel and document requirements, registration, migrants' rights, press reports, maps and contacts, risks of trafficking and smuggling in persons, health risks and tips for economic migrants. Through this project, information is also provided on community organizations and resources, social services and longer-term integration facilities.

Particular attention is paid to collecting and preparing up-to-date information in the field of labour migration and disseminating it to intending labour migrants:

#### 1. Travel and documentation:

- > documents required for travel (passport and other documents)
- > entry and exit (rights and responsibilities of border guards and citizens);
- > customs (customs procedures, rights and responsibilities on both sides of the border);
- > police (how to prevent abuse);
- > transport means and ticketing (air and road transport);
- > visa information and embassy addresses;
- > counter-trafficking information.

#### 2. Admission and post admission:

- > legalization in destination country (registration);
- > legalization of employment (work permit);
- > health (first aid, HIV/AIDS prevention);
- > education (admission);
- > overseas representations of the Republic of Tajikistan and other contact addresses;
- > relationship with employer (employment contract and possible risks);
- > housing (housing agreement and risks);
- > employment in foreign countries (realities and possible risks for Tajik citizens).

The information is disseminated via booklets, posters, counselling services, tours, mass media, meetings, workshops and seminars.

Source: IOM Dushanbe.

migrants can telephone or visit for counselling services (see Textbox III.2).

- **TV documentaries:** Produced by national public and/or private television companies or by sponsored productions, they present the experiences of the migrant during the migration process or of the unsuspecting victim of trafficking. Broadcast on prime time, they can be followed by discussion and debate.
- **TV debates/round tables:** IOM and ILO officials, foreign embassy representatives, migration experts, and potential migrants can help clarify migration issues and may urge the audience to ask questions and provide feedback.
- **TV public service announcements:** PSAs are short and convey strong, simple and practical messages.
- **Radio broadcasts:** Write-in, phone-in or email-in programmes give concrete, simple answers to listeners' questions on migration. They offer the advantage of being flexible and personalized, and therefore have a greater impact with the public.
- **Radio PSAs and FM plugs:** These are short messages tailored for younger audiences. Their compact and lively formats deliver practical information, testimony from migrants or simple, strong messages.
- **Soap operas:** Soap operas convey effective messages in countries where official channels lack credibility or impact. Drawing on real-life situations and adding personal drama against a wider historical or social background, they allow listeners and viewers to identify with powerful role models.
- **Printed materials:** Using simple language, printed materials describe the realities of migration and the consequences of irregular departures. They address issues of major interest to migrants and the public at large and can include sections on family reunification and legal employment

abroad. They can be distributed through IOM, ILO, local NGOs, consulates, and schools or inserted into local newspapers.

- **Outdoor media:** Posters and billboards with simple, high-impact messages showing the consequences of irregular migration bring the message to people on the street.
- **Networking and seminar tours:** Seminars “bring the message” in person to the people, and provide concrete, legal information. Participants also receive a “Migration Q&A Booklet” to reinforce the seminar’s message.

All these campaigns should start from a thorough knowledge of its audiences to ensure that information meets real needs. Sample Knowledge Attitude and Practice (KAP) surveys should be conducted among the audience both before and after the information dissemination campaigns in order to assess impact.

#### III.4.1.2 Pre-departure orientation

Pre-departure orientation courses are targeted to labour migrants who have secured an employment contract. They can impart practical knowledge about their future living and working environment, and cover such topics as basic language skills, financial management, health counselling, and human rights awareness. The overall objective is to equip departing migrants with reliable and accurate information regarding their employment and life abroad, return and reintegration, protection of migrant workers from potential abusive employment practices in the country of destination, and enhancement of the gains that can be made in orderly labour migration through a short course.

The steps for instituting pre-departure orientation courses are:

- making an assessment of needs and developing a curriculum for pre-departure orientation;
- developing pre-departure orientation curriculum for the main destination countries and for vulnerable categories of migrants;
- establishing in-country capacity by carrying out comprehensive pre-departure orientation for

migrants, by training of trainers and curriculum development;

- establishing financial sustainability.

**Need assessment, compilation and sharing of curriculum:** a country-specific assessment should be carried out to identify the gaps in pre-departure orientation currently underway and determine priorities in terms of the target group. Curricula already in use should be collected for sharing and adaptation.

**Examples of curriculum development:**

a) *Focus on Domestic workers:* The governments of the Philippines and Sri Lanka have developed orientation programs for domestic workers leaving for Hong Kong and the Middle East, covering the following areas with a duration of two days:

- rights of a domestic worker based on the standard employment contract;
- obligations of a domestic worker based on a code of conduct,
- “do’s and don’ts” in dealing with the employer and living in the destination country;
- destination country profile;
- standard duties of a domestic worker;
- services and benefits offered by government bodies and NGOs;
- options and procedures for sending remittances;
- travel documents, airport procedures and travel tips;
- arrival in destination country;
- return and reintegration;
- savings options.

b) *Focus on lower skilled workers:* A general orientation can also be developed for lower skilled workers for specified destination countries. The duration of the course can be two days and cover the following areas:

- worker rights based on the standard employment contract and labour law in destination country;
- destination country profile including society and cultural norms;
- health awareness;
- services and benefits offered by government bodies and NGOs;

- options and procedures for sending remittances;
- travel documents, airport procedures and travel tips;
- arrival in destination country;
- return and reintegration;
- savings options.

c) *Focus on destination countries in the EU, North America and Australia/New Zealand:*

- labour law and worker’s rights;
- country profile including society and cultural norms;
- language training.

The Italian Ministry of Labour provides funds for language training and cultural orientation in countries of origin. IOM has implemented such programmes, including in Moldova, and the curriculum outline is contained in Annex 7.

*Training of trainers:* A group of trainers from government bodies, educational institutions and NGOs should be identified for training in delivery of the curriculum, while language trainers, from language/educational institutions in the country of origin or destination, should be identified separately. The IOM has conducted pre-departure orientation courses for workers departing for Italy and Canada and language courses.

**III.4.2 Migrant Welfare Funds**

Migrant welfare funds (MWFs) are an innovative and financially sustainable means of providing support services to vulnerable migrants and those migrants in distress. Although only implemented in Asia to date, they have the potential to be of value to all labour-sending countries.

**III.4.2.1 Objectives of funds**

Three major labour-sending countries have established welfare funds: Pakistan, Philippines and Sri Lanka. The principal objectives of the funds are to provide protection to overseas workers (OW) on the job site, death, disability and health insurance, financial support for repatriation of remains, and fares for involuntary return. The funds provide other services for workers and their families, including pre-departure orientation, support for education and training, and credit for



various purposes (e.g. financing migration, housing and small businesses).

### III.4.2.2 Administration and operation of funds

Migrant welfare funds (MWFs) are administered by public or semi-public agencies: Overseas Pakistani Foundation (OPF), the Philippine Overseas Workers Welfare Administration (OWWA) and the Sri Lanka Overseas Workers Welfare Fund (OWWF). All three involve representatives of overseas workers and of the national office in charge of labour migration. They are financed by contributions from departing labour migrants fixed at about US\$25 per person. OWWA, together with POEA, were created by Presidential decree in 1977, just two years after the first large group of 35,000 construction workers left for the Middle East. The Pakistani Emigration Ordinance, adopted in 1979, provided for the establishment of OFP, while Sri Lanka created its welfare fund in 1985. Apparently both funds were adapted from the Philippines' model, since there are great similarities in their objectives, organization, and funding sources.

By law, all three funds charge US\$25 though the actual amount collected depends on how quickly the fee in local currency is adjusted to changes in the exchange rate. Migrants' contributions finance virtually all the activities of the welfare funds. Their principle objectives are similar, but the funds differ in their methods in delivering services, with some being more effective than others. A late comer in the field of OW protection, the Sri Lanka fund exhibit more effective practices than the other two funds.

MWFs in the Philippines, Pakistan and Sri Lanka have been assessed for their effectiveness in achieving their objectives and the OSCE countries can no doubt learn from reviewing their strong and weak practices, particularly with regard to:

- their role as an essential component of the national office for migrant workers;
- the importance of protection for migrants on the job site and MWFs' contribution to this;
- arrangements for insurance coverage and benefits;
- other services.

A welfare fund must be a part of a larger body which is responsible for the various needs of labour migrants. In all three countries, migration is a regulated and closely monitored activity where an office of foreign employment is charged with such tasks as:

- screening recruitment agents to prevent exploitative and fraudulent practices;
- setting minimum standard foreign wages and terms of employment;
- negotiating with host countries for extending their labour and other laws to migrants;
- facilitating emigration processes;
- settling disputes between migrants and recruiters;
- collecting information about employment opportunities and promoting markets for labour migrants;
- producing statistics on migration and doing policy research.

POEA has all these responsibilities and offers comprehensive preparation for labour migrants prior to their departure for foreign lands. It issues each departing worker with a certificate of approval of the employment contract needed to exit the country and to waive travel tax. The Sri Lanka Bureau of Foreign Employment (SLBFE) requires recruitment agents to supply information on foreign employers and foreign addresses. This information allows tracking of labour migrants on the job site, especially in places well known for ill treatment of the more vulnerable (e.g. housemaids). All labour migrants are registered as a member of the welfare fund by the migration bureau.

To work against abuse of labour migrants and ensure good working and living conditions, the presence of MWFs in the destination country is essential. Financial reports published by the welfare funds reveal the protection they have provided. Pakistan allocated 13 per cent of its welfare services budget at job sites, covering consultations, legal services, repatriation of remains and return of migrants. Sri Lanka allocated a higher proportion, 35 per cent of its budget for the same purposes. The Philippine MWF runs 28 labour migrants centres in countries with large concentrations of migrant workers. It pays for legal services to defend overseas workers in foreign courts. All three

funds pay for the cost of repatriating remains and fares for labour migrants whose employment has been forcibly terminated because of physical abuse, contract violations, and other reasons. Labour migrant centres and consular offices cooperate in assisting them in difficult situations. MWFs have been effective in assisting labour migrants who encounter problems on-site and this is their greatest benefit.

#### III.4.2.3 Insurance schemes

Membership with the welfare fund automatically includes insurance against death and disability. The membership fee is fixed at about US\$25 per contract period, usually two years, and covers both insurance and other fund services. The fee is collected from all departing workers. In the Philippines, those already abroad may voluntarily become members. The fee is uniform for all labour migrants irrespective of variations in risk of death, disability, or expected income loss likely to incur in specific professions or destinations. The risk is greatest for the less educated female housemaids located in the Middle East, while professional workers in all countries face relatively low risk. The Philippine OWWA pays US\$3,600 for accidental death and US\$1,845 for natural causes, recently increased from a uniform P20,000, or about US\$500. It pays P10,000 or US\$200 for funeral expenses. The death benefit is equivalent to less than two years' salary for housemaids in Brunei, the lowest wage paid to labour migrants. Skilled blue collar workers and professionals who earn much more than the Brunei housemaids receive the same benefits. In Pakistan, death benefit is also uniform at close to US\$5,000, while Sri Lanka's OWWF pays US\$1,048. Disability benefits are also much higher in Pakistan averaging US\$1,785, compared to only US\$335 in the Philippines and US\$68 in Sri Lanka. Apparently, benefit levels were set in an arbitrary manner.

In Sri Lanka and Pakistan, migrant insurance is channelled through state insurance companies, while the Philippines welfare fund handles insurance claims itself. Its insurance scheme is relatively simple to manage, since both premium and benefits have been set arbitrarily. Moreover, there are only a few hundred cases where labour migrants claim death and disability benefits each year.

The insurance scheme in all three countries although a start is insufficient and needs to be reformed in order to make it commensurate with the risks labour migrants face, for example by setting premiums and benefits which reflect the level of risk of death or disability and of expected loss of income. One solution could include retention of the present scheme as a common base for all labour migrants, but allowing them to take additional insurance voluntarily. For example, a reputable private insurance company in the Philippines has offered group insurance for labour migrants at one peso per P1,000 benefit for groups of at least 200 members each. Groups can be formed in locations where there are large numbers of migrants.

#### III.4.2.4 Other services

All three MWFs, but especially OPF, have tried to establish other services to labour migrants and their families, to the point where they can intrude on services already offered by specialized government agencies including:

- credit facilities for migrants or their families;
- scholarship for children;
- livelihood projects or small businesses;
- vocational training.

The OPF also invests in housing projects, and establishes and operates schools. However, with limited financial resources and technical capabilities for running these activities, it has not had much success. These extra services had little outreach, compared with the number of overseas workers, and a number have not been successful.

Thus, a welfare fund should be established as a component of a broader programme for promoting the welfare of migrant workers. Moreover objectives should be limited to its core role: protection of labour migrants, assistance at the job site, and adequate insurance against death and disability.

### III.4.3 Government assistance in destination countries through labour attachés

This section expounds on the role of the country of origin's embassy or consular office in the labour migra-





tion process, particularly of the labour attaché. The appointment of attaches is governed by Articles 7 to 11 of the 1961 Vienna Convention on Diplomatic Relations. As agents of their own departments or ministries but serving as diplomats under the Head of Mission, the attaché and their families enjoy diplomatic privileges and immunities as guaranteed by the Vienna Convention. While the role of the embassy in providing support and assistance to labour migrants is better understood in established labour-sending countries in Asia and Mexico, this aspect is relatively underdeveloped in Eastern Europe and Central Asia. The labour attaché is a member of the diplomatic mission appointed from the Ministry or Department of Labour and charged with functions relating to labour relations between his or her country and the host country. A labour attaché has the following duties:

- protect workers abroad in his or her diplomatic mission's jurisdiction;
- undertake marketing and identification of job opportunities;
- assist in the development of policy regarding labour;
- promote good relations with the host country on labour matters.

The Head of Mission has overall responsibility for the conduct of relations being discharged within the post, while the consulate is in charge of protecting its nationals in the host state. The labour attaché has the authority, through proper coordination with other diplomatic and consular agents, to protect nationals with respect to their employment within the jurisdiction of the diplomatic mission.

#### **III.4.3.1 Protection of workers**

The labour attaché's task is primarily to safeguard the migrant's rights both as a worker and as an individual by:

- maintaining his or her rights and upholding his or her dignity as a person and as a worker;
- ensuring that he or she is not exploited or subject to discrimination;
- providing assistance on all matters pertaining to his or her contract or employment;
- certifying that the terms and conditions of the worker's employment contract conforms with the laws and regulation of the home country and that

the contract is fair and just;

- assisting migrant workers in the recovery of dues or other benefits owing to them, whether such proceeds emanate from their employer, from their recruiter or employment agency or from the host government out of the funds created for them;
- assisting migrant workers on occasions where violations of their contracts or provisions stated therein occur;
- helping migrant workers in cases of non-payment of their salaries or allowances, or non-conveyance of their benefits;
- helping migrant workers in cases when they are subjected to inhumane conditions, sub-standard working environment, unhealthy or unsafe working condition;
- providing proper documentation to regular migrant workers;
- ensuring that undocumented migrants, smuggled or trafficked, are protected and their repatriation facilitated;
- coordinating with the consulate for the transit of dead bodies of workers to their families in the home country;
- ensuring that injured or sick migrant workers receive medical attention and, if they choose, facilitated in their going back home;
- ensuring that the rights and well-being of women migrant workers are protected, their special needs attended to and their persons protected against abuse and exploitation;
- providing legal assistance or representation in courts, in coordination with the consulate, when workers' rights as persons or as workers are violated; when they face allegations in court, or when they are detained because of allegations;
- providing counsel or advice to migrant workers in regard to problems pertaining to their employment or to cases that would affect their work.

#### **III.4.3.2 Identifying job opportunities and promotion**

The labour attaché serves as an agent not only for protecting migrant workers' rights but also for seeking out and developing viable opportunities for employment for his or her nationals. In this area, his or her tasks include:

- conducting ongoing studies or research on labour market trends in his or her area of assignment;
- gathering and analyzing information on the employment situation and other facts related to employment;
- establishing contacts with government agencies in the host state and their officials for exploring possible sources of employment;
- establishing links and coordination with the host country's private agencies that might be looking for employees to fill certain labour demands;
- linking up with industries, associations or chambers of commerce, business, industries or entrepreneurs which are potential sources of employment for his/her nationals;
- organizing ongoing training or skills enhancement for members of the community of migrant workers within his or her area of assignment;
- authenticating the special power of attorney that specifies the number and nature of job demand or orders in the receiving state as secured by the employers in that state;
- authenticating the special power of attorney subscribed by employers in the receiving country, which state that their business as legitimately existing and operating in that country.

#### III.4.3.3 Assistance in the development of labour policies

Since the labour attaché is closely involved with the concerns of employees overseas, he or she is the person who is often best equipped with knowledge about the conditions of his or her nationals working in a foreign land. In this case, a labour attaché is required to:

- classify cases or circumstances encountered by migrant workers and to provide reports to his or her department through the Head of Mission;
- provide insights on employment trends within his or her jurisdiction;
- advise his or her agency, and when needed, to provide counsel to law-makers or policy-makers regarding the need to maintain, improve or amend policies or legislation on migrant workers or other laws that would affect them;
- ensure that policies on migrant workers are gender sensitive;
- provide advice to his or her country's policy-

makers on the need to enter into bilateral agreements with the host country regarding the employment of his or her nationals in the receiving state.

#### III.4.3.4 Promotion of good relations with the host country on labour matters

A labour attaché is a diplomat responsible for labour relations and thus for promoting good relations in this domain. As a rule he or she is required to:

- encourage the organization or participation of migrant workers in recreational, cultural or social events in the host country where their country could be represented;
- ensure that, in the advent of problems or difficulties suffered by migrant workers, he or she is governed by the conduct of diplomacy in negotiating, transacting, arbitrating, or bargaining with the government or private agency or association in the host country.

#### III.4.3.5 Labour attaché's knowledge and skills

In the discharge of these functions, a labour attaché should be equipped with certain knowledge of:

- international legal instruments, treaties or agreements;
- the host country's situation in terms of labour demand and employment needs, as well as of his or her home country's potential employment market in terms of supply;
- policies and laws affecting labour in both countries.

Equally, the labour attaché should be equipped with skills in:

- diplomacy and tact;
- counselling, negotiation, conciliation and arbitration;
- analysis, organization and coordination;
- documentation;
- language (of the host country);
- research;
- networking;
- data handling;
- basic statistics;
- psychological assessment;
- human resource development.

### III.5 Inter-state Cooperation

Despite all the efforts made by sending countries to protect migrant workers, migrant workers continue to experience numerous problems in destination countries, particularly vulnerable groups such as female domestic workers, entertainers and lower skilled workers. There are clear limits to what a State can do to protect its migrant workers without the active cooperation of the countries of employment. In addition to the protection and welfare of migrant workers, inter-state cooperation is essential in expanding organized labour migration and curbing irregular movement. This particular dimension is discussed in Chapter IX.

#### ENDNOTES

- 1 See UN (2004: Agenda item 89(b), A/59/287/Add.1, 4). This world survey sets out recommendations that, if adopted, will improve the situation of migrant, refugee and trafficked women. Recommendations include ratification and implementation of all international legal instruments that promote and protect the rights of migrating women and girls; review of national emigration and immigration laws and policies in order to identify discriminatory provisions that undermine the rights of migrant women; development of policies that enhance migrant, refugee and trafficked women's employment opportunities, access to safe housing, education, language training in the host country, health care and other services; education and communication programmes to inform migrant women of their rights and responsibilities; and research and data collection, disaggregated by sex and age, that improve understanding of the causes of female migration and its impact on women, their countries of origin and their countries of destination in order to provide a solid basis for the formulation of appropriate policies and programmes.
- 2 See <http://www.ciett.org>.
- 3 This section is in part from IOM, (Draft) Labour Administrators' Training Curriculum (IOM, 2005b). The curriculum was developed with the financial support of the U.K. Department for International Development (DFID) and its principal author is Tomas Achacoso.
- 4 Throughout this Handbook "Hong Kong" refers to the Hong Kong Special Administrative Region of China and "Taiwan" to the Taiwan Province of China.
- 5 This section is largely reproduced from IOM (2005b).