

# **Pakistan's National Emigration Policy A Review\***

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Policy Paper Series # 35  
December 2010

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\* I am thankful to Dr. Tasneem Siddiqui of Refugee and Migratory Movements Research Unit (RMMRU), Bangladesh; Piyasiri Wickremasekera, International Migration Program, ILO, Switzerland; and Jean-Pierre Cassarino, European University Institute, Italy for their valuable time for discussions on policy issues that helped me in understanding the various dynamics of global migration. This review could not have been possible without the financial assistance of the National Center of Competence in Research (NCCR) North-South, Transversal Package Project 'From vulnerability to resilience.'

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First Edition: December 2010

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# Pakistan's National Emigration Policy - A Review

Maqsood Ahmad Jan

## Abstract

Globally, policies regulating cross border movements have changed extensively. During last few decades, the global labor market maneuvering due to internal and external economic shocks, political resentments in hosting countries and changing skill demands drastically influenced the labor immigration policies of receiving countries. Once encouraging expatriates by opening their borders, now the labor hosting countries consider their immigration levels very high and are attempting to lower the numbers of 'un-wanted' expatriate workers by making working environments un-attractive for immigrant workers already employed. This situation has led to negative implications for the living as well as working conditions of immigrant workers, especially those with limited education and low level skills. These conditions are particularly affecting a large segment of Pakistani emigrant workers, mainly in Gulf countries.

However, despite all these difficulties, remittances sent by Pakistani emigrant workers are a major source of this country's economic life line. Yet, evidence also shows negligible progress in the lives of emigrants' families who are left behind and lack of government development initiatives to acknowledge their hardships. There need to be substantial changes in national policies and management systems for better protection of the vulnerable in the migration process.

In this context, this paper aims to evaluate Government of Pakistan's proposed National Emigration Policy (GoP 2009) to assess the extent of the policy compliance with the rights and concerns of emigrants and their family members. The structure of this paper consists of four main sections. **Section 1** provides briefly the global and specifically Pakistani emigration scenario. Furthermore, in this section information on vulnerabilities of emigrants and their families also gives an insight about the current situation. The contents of this part are important as they set the scene for the construction of the analysis for the review of Pakistan's Emigration Policy draft. **Section 2** of this review provides overview of forthcoming policy. The three sub-sections categorically outline the genesis/rationale for the Emigration Policy formulation and specifics about the current and future emigration prospects and strategies for intending Pakistani emigrants with protection and welfare measures for emigrants and their family members. **Section 3** examines the contents of proposed Emigration Policy. **Section 4** offers a set of proposals to address the issues identified in order to strengthen and improve the country's national emigration policy.

## Section 1

### 1.1 Historical and Current Relevance

The history of emigration from Pakistan is as old as the 1940s when it emerged as an independent state. Partition of the Indian sub-continent in 1947 led to massive movement of six million people from Pakistan to India permanently based on their religious and political affiliations (Addleton 1992; Arif 1997). The era of '50s and then '70s also witnessed a significant flow of economically motivated emigrants towards Europe and middle-eastern countries. At present, millions of Pakistani origin migrants are residing in different parts of the globe on permanent and temporary basis. Although the accurate details of Pakistani origin migrants are not available, but it is assumed that majority of them are based in middle-eastern states working as short-term contractual workers.<sup>1</sup> The other major forms include migrants with permanent status in their host countries in developed regions like Europe and North America, students and a small proportion of asylum seekers and refugees. These emigrants are economically associated with Pakistan and their contributions are visible in macro-micro economy (Gazdar 2003). Pakistan's economy has benefited a great deal from foreign exchange remitted by its emigrants (both diasporas and short term contractual labor workers), as they have sent back around US\$ 70 billion since 1970 till 2007 (SBP 2009).

The evolution of Pakistan's emigration legal and institutional frameworks passed through various reformative changes. These reforms initiated by the state were always characterized by a policy of aligning the labor supply channels according to the changing global labor market dynamics in order to continue the outflow of migrant workers. These reform approaches paved the way for millions of Pakistanis to seize overseas job opportunities in international labor markets.

### 1.2 Context

Migration processes across the globe are interdependent on the international economic and geo-political environment. During the past century, transnational migration witnessed several waves of migrant flows resulting mainly from economic development and conflicts. At present, almost half of the worldwide migrants are economically active in the global economy (Thieme et al. 2009). In this two way process, sending countries benefit from remittances and return of skilled migrants, while receiving countries benefit from the services of immigrant workers. Currently in the international migration discourse, the role of economic development has gained greater

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<sup>1</sup> The Bureau of Emigration and Overseas Employment (BEOE) is part of the Ministry of Labor and Manpower and is responsible for promoting and regulating labor migration from Pakistan. Labor migrants departing to international destinations are recorded by the Bureau and their collected data is available. According to BEOE, since 1971 till 2008, around 4 million male workers preceded abroad. The other forms of migrants, like permanent and temporary visitors and students etc., are recorded by the officials of Ministry of Interior at the point of departure and the Pakistani missions working abroad. The data collected through these mediums is generally not available to the public (Gazdar 2008).

importance. The persistent income and demographic disparities between rich and poor countries is the main reason behind the international mobility of economically motivated migrants.

Despite its economic pros, the migration process also possesses various cons for its stakeholders. In host countries, immigration is often viewed as the potential reason behind unemployment and reduced wages for the local labor force (Borjas 2009). Political resentment of host populations and changing labor demands over the last few decades have largely influenced the immigration policies and migration management systems of major labor hosting regions. The European Union legislative efforts are aiming at facilitating and accelerating only the admission of highly qualified workers for the purpose of employment on short-term basis. Besides strict border control, to curb irregular immigration, EU is imposing sanctions against employers to reduce the employment available to illegally staying persons (OECD 2000). This is also happening in the United States and United Kingdom where immigration policies are being redesigned to integrate economic, security and social concerns that have arisen during the last few decades (Powers 2004; Hampshire and Saggarr 2006). This situation is even more prevalent in the Gulf Cooperation Council (GCC) states, the third largest region of immigration after North America and Europe and host to the largest short-term contract labor immigrants (AMC 2005). The motivation behind GCC states restrictive policies is that expatriates are now outnumbering the local population and workforce. The aim of their policies is to reduce the demand and supply of foreign workers (Shah 2005).

The after effects of these policies are adverse on the vulnerable groups, like migrants with less education and skills (ILO 2006). Also, the consequences of current policy changes are resulting in clandestine immigration of non-qualified migrants towards developed regions surpassing immigration through legal channels. In addition, the reservation of right to work only for highly qualified workers is also increasing the volume of un-authorized migrants who eventually become illegal after entering legally in these countries (OECD 2007). The post 9/11 situation and War against Terror increased the insecurity of migrants within host countries. These migrants are being identified as security threats in most of the developed countries. US immigration authorities detain asylum seekers, torture survivors, and victims of human trafficking, long time lawful permanent residents and parents of US citizen children. Detainees often suffer from human rights violations, like non-access to attorneys, relatives and other forms of assistance during detention, that are serious violations of international human rights law (AI 2009). During the year 2006, US immigration officials apprehended over 1.2 million immigrants, detained over 250,000 and removed over 1.3 million individuals from United States in violation of US immigration laws (Terrazas 2008). The implications of restrictive policies are more adverse in Gulf Cooperation States where low wages, high costs of work visa and withdrawal of social protection for migrant workers become precedents for discouraging expatriate workers (Shah 2005).

Currently, an estimated 7 million Pakistani are living on permanent, temporary or illegal basis in different parts of the world (Hamdani 2006). Both the diaspora in developed countries and labor migrants working, on short-term, non-permanent basis in developing regions are experiencing troubled times. The nature of their problems vary from region to region and are

subject to their status. In developed countries, securitization of migration resulted in substantial restrictions on Pakistani diaspora from accessing their basic rights. While the decline in low skilled labor demand and expatriate workers discouragement strategies in Gulf countries confronts millions of Pakistani workers (at present half of our migrant work force in Gulf Cooperation Council states are uneducated and unskilled) forcing them to come under indefinite contracts or to become illegal in their host country. During 2003-04, more than 60,000 Pakistani migrants were deported back from different countries due to their illegal status (Arif 2008; PILDAT 2008).

On the other hand, the conditions in the home country are also unfavorable for intending migrants. Before departure the irregularities mainly due to complex migration management system delays, over exploitation by recruiters, involvement of organized human trafficking networks are very common (LHRLA 2007). Poor human development conditions in the major migrant sending areas with limited coverage of migrant and their families welfare initiatives are another phenomenon of distress for the migrants and their families (GoNWFP 2002). There is also evidence of adverse social implications of male emigration on families who are left behind. A research study by SDPI reveals that the major labor migrant sending areas in northern Pakistan are drastically lacking basic infrastructure, such as roads, schools, and health facilities. At household level, while labor migration enables sending households in covering basic livelihood needs, however, the absence of males often leads to increase in vulnerabilities of the female family members in the form of mobility restrictions, no control over remittances and lack of knowledge and access to government facilities (SDPI 2010).

In response to the current and future challenges, globally safe and beneficial migration has been receiving more attention at the policy level than ever before. Many intra and inter regional dialogue and support initiatives are in progress among sending and receiving countries, UN agencies and civil society organizations (ILO 2006). One good example is the African Union's Draft Strategic Framework for a Migration Policy for Africa. The framework is designed for developing a coordinated emigration policy based on common priorities of African nations by covering issues ranging from rights protection to migration and development (AU 2005).

Many labor-sending countries have also altered their emigration strategies to grasp fully the economic benefits acknowledging the importance of protection of the emigrant's rights in policy agendas. Philippines is pioneer in protection of its emigrant workers where government authorities often suspend or cease the deployment of workers to certain countries in cases of repeated abuse. Furthermore, emigrants were provided access to international saving accounts, low cost remittance transfers and incentives for investments (Agunias 2008). Pakistan also developed a proactive emigration institutional infrastructure to deal with the labor emigration with the aim of providing better services to overseas Pakistanis and their dependants with multi-pronged strategies. Many welfare programs have been formulated according to the needs of the emigrants and their families, including health and education facilities for the emigrant dependants and pensions programs. To support the emigrants' interests abroad, Community Welfare Attachés (CWAs) are deputed to maintain close links with emigrants to help resolve their problems and grievances (OPF 2009).



### 1.3 Rationale

Despite the existence of institutional infrastructure for protection and welfare, most of the Pakistani emigrants and their families are faced with exploitation that expose gaps in the existing legal and institutional frameworks and demands special attention. The purpose of this review is to analyze the Government of Pakistan's forthcoming National Emigration Policy for compliance with the rights of migrants and their families, at the policy and practical level, related to the design, implementation, benefits and expected challenges ahead.

Furthermore analysis at this stage is important and timely as the National Emigration Policy has been tabled for a final review and formal approval before the legislative houses, National Assembly and Senate. Issues raised in this review will help in generating debate among stakeholders, particularly policy makers and members of both legislative house members to assess and discuss the challenges of producing a highly skilled human resource and protecting its emigrant workers and their families from any form of exploitation during the emigration cycle in this policy draft before its final approval.

### 1.4 Analytical Framework

The analysis framework for this review is developed after thorough assessment of the situation faced by Pakistani emigrants and their families. That signifies attention to the core issues of protection, revision of regulating policies and infrastructures development needed to meet current and new challenges of international emigration and the expansion of emigration benefits at the micro levels.

Based on this, the analysis will focus on the three thematic areas, **(a)** how the *protection* of emigrants and their families will be insured in this policy? **(b)** What strategies have been proposed for the improvement of emigrant management system *efficacy* and *preparedness* for dealing with current and future emigration challenges? **(c)** What strategies have been proposed for the extension of emigration *development* at the micro level? These indicators are broad in nature and would try to encompass the major steps involving the cyclical process of emigration, while reviewing the viability of both structural and functional approaches suggested in the proposed policy.

## Section 2

### 2.1 Overview of the Policy

The Emigration Policy can be divided into three major parts on the basis of its contents. **Part one, Policy Background** consists of three chapters that provide background information about Pakistan's economic scenario with a focus on its population and labor force, followed by a detailed summary of different aspects of overseas emigration from Pakistan. **Part two, Current Challenges and Future Prospects**, comprises of fourth and fifth chapters, which provide a situation analysis of current internal and external challenges, impeding safe emigration process. Further, this section also explores briefly the prospects for increasing emigrants in existing and other future markets. **Part three, Future Strategies**, explains in detail the strategies and implementing mechanisms proposed for promoting emigration, protecting emigrants, female emigration, remittance management and restructuring and development of regulation and welfare setups.

### 2.2 Policy Background

This part of the Policy gives a background on the importance of emigration in global economic development. It further elaborates that sending countries benefit not only from foreign exchange inflow, but also the knowledge and skills brought back as human capital by the returning emigrants. Based on this notion, the Policy stresses on the need of cooperation and multilateral approaches between governments of sending and receiving countries for open and flexible policies and adequate and transparent mechanisms that helps the free movement of labor. Also, it stresses on the importance of civil society, trade unions and the private sector in the dialogues/interactions amongst the various stakeholders for information sharing and identification of effective mechanisms that can deal with the challenges of emigration.

Focusing on Pakistan's labor surplus which is comprised of a diverse group of citizens from the illiterate and semi skilled to the skilled, educated and even highly qualified professionals, the proposed Policy considers it a major challenge for policy makers to design innovative strategies for exploring all possible avenues to generate decent employment including overseas employment.

This section also provides a brief overview of the historic evolution of Pakistan's economy, labor emigration history with past and current trends, major destination regions, emigrant skill profiles, domestic supply situation and institutional and legal frameworks for regulating emigration. The Policy admits that Pakistan is currently facing challenges in terms of i) improving capacity to regulate the recruitment process; ii) eliminating unsafe; exploitative and abusive situations of emigration; iii) improving protective and welfare mechanisms for emigrants; and iv) importantly, not only retaining and expanding share of our workforce in the traditional host countries but also emerging as an important source country for non-traditional destinations, such as South East

Asian, East Asian and industrialized countries. The Policy considers these issues vital for maximizing the development benefits in the future.

### **2.3 Current Challenges and Future Prospects**

This part of the Emigration Policy is of central importance due to its focus which revolves around the two core areas: major challenges obstructing safe migration; and future prospects for increasing labor emigration to traditional and non-traditional labor demanding regions. The main challenges highlighted include lack of information, high cost of emigration, skills commensurate with overseas demand and language proficiency, diplomatic efficiency for progressive labor marketing, remittances transfers and productive utilization, protection of the rights of emigrants, irregular emigration, the nativization policy, health and HIV/AIDS.

The Policy considers lack of information as a challenge in terms of in-sufficient information regarding returning emigrants, gender desegregation of emigrants, job opportunities/options/descriptions for intending emigrants and about emigrants' health. It also points to the gaps in collecting, collating and analyzing information required for strengthening orientation/briefing to the prospective emigrants, timely response to emergencies, development programs, projects and immigration policies. Further, it also identifies the missing role of other stakeholders, especially associations of emigrant workers in guiding prospective emigrants and advocating for their rights.

The high cost of emigration and the absence of a formal system of emigration financing is another major concern of the Policy. It identifies an increasingly competitive environment for Overseas Employment Promoters in seeking work opportunities; involvement of sub-agents/middlemen; and the absence of formal financial support as being the main reasons behind the exorbitant increase in emigration costs, forcing potential emigrants to borrow from informal sources or sell assets to finance the cost of emigration.

Technical and language skills that commensurate with labor market demands of the receiving countries are the main thrust of the proposed Policy. It highlights the need of institutions that exclusively impart country and sub-region specific technical and vocational education training to the foreign work aspirants who often do not match the required skills and hence face difficulties in obtaining and retaining their jobs.

To deal with the country's unemployment and under employment problems, the Policy considers current actions and policies below the desired level and calls for the development of employment and HRD led macro and sectoral policies for tapping the employment potential overseas. The Policy also suggests coordinated and integrated responses to strengthen and streamline institutional mechanisms with the support of pro-active diplomatic channels for promoting the emigration of Pakistani women and men. For this purpose, the mediums identified are: enhanced role of Pakistani foreign missions in showcasing Pakistani workforce, particularly of the community welfare attachés for the promotion of emigration and protection of Pakistani emigrants. The Policy also considers streamlining the process of labor agreements or

memorandum of understanding (MOUs) important in developing and strengthening avenues of safe emigration and also agreeing upon a framework for protecting the rights of working women and men.

Remittance management in terms of inflow channels and its uses at the micro-level is also another focus of this Policy. It considers non-availability/non-responsiveness of formal banking institutions in the important destination countries a reason for the reliance of the Pakistani emigrants in utilizing the informal mode of money transaction system due to its approachable, cheaper and faster service. Lack of proper guidance of productive utilization of remittances at micro-level is another area of concern.

The Policy also exposes the hostilities faced by the Pakistani emigrant workers in their destination countries. Instances of non- implementation or breach of contractual agreement by employers, non-provision of legal and social protection are the common practices.

Various forms of irregular migration, like trafficking, smuggling, use of social visit visa for the purpose of employment, non-renewal of passport or even employment visa and over stay in the host country and deportation of Pakistani emigrant workers from their host countries are increasing the vulnerability of victims and also defaming the country globally. Although there exist legal and institutional frameworks for controlling the irregularities in the emigration system, the situation is still challenging for management authorities.

The situation in Gulf region after the introduction of nativization policy is also a major concern in the new policy reform process. The GoP has demanded attention at two levels, first a thorough assessment of demographic profile and HRD policies of the Gulf countries; and second, it recommends evolving a strategy for making inroads in countries of other region.

Lack of proper access to health and HIV/AIDS preventive services and information before departure or after arriving at their destination country makes expatriate workers vulnerable. In case of serious illness and HIV/AIDS infection they often face deportation carrying the risk of subsequent infection to their partners after their repatriation. Further, the imposition of mandatory HIV testing for emigrants is causing serious rights violations and so the Policy demands a cooperative mechanism amongst the labor sending and receiving countries for reducing the vulnerabilities of infected emigrants and their families.

Based on a thorough assessment of future labor demands in the international labor markets and with the hope of liberalization of Mode IV (movement of natural persons) under the General Agreement on Trade in Services (GATS) of the World Trade Organization (WTO), the Policy calls for international market oriented policies and institutions to seize the potential opportunities. Being aware of the fact that demands for highly-qualified labor might be able to create deficiency in the local employment sector, this Policy draft recommends that first priority be accorded to those occupations where we have excess supply.

## 2.4 Future Strategies

The third and final part of the Emigration Policy includes a number of steps under consideration for promoting emigration and also for safeguarding the interests of emigrant workers. These initiatives are based on the current and future challenges that are briefly mentioned in the previous section. These steps can be grouped under: promoting emigration; protecting the rights of emigrants; movement under WTO Mode IV; and plans for female emigration (which was totally undermined in the past).

For *promoting emigration* in a safe and secure environment, the Policy suggests a number of measures including aggressive marketing in traditional and non-traditional labor markets through state delegates and foreign missions, job fairs by showcasing Pakistan's educational and Technical Education and Vocational Training (TVET) institutions, enhanced role of community welfare attachés and bilateral accords for securing quotas. For reducing costs, the Policy recommends an upward revision of the legal fee charged by an overseas employment promoter for the services provided by carefully reviewing his/her operational cost in seeking employment visas overseas, and developing a mechanism for financing emigration – may be through banks at low mark-ups with the support of the Ministry of Finance (MoF) and State Bank of Pakistan (SBP). Considering importance of overseas employment promoters in promoting emigration, the Policy also suggests performance awards, authorization of appointing sub agents and support in acquiring travel documents. Simplification of emigration procedures is another area of concern for easing the emigration process. For this, the Policy proposes establishment of one-stop-centers/overseas Pakistanis complex as a facilitation center initially in five major cities for intending emigrants seeking services like job information, identification and travel documents, medical test, purchase of air ticket, briefing/orientation about the destination country, language training, verification of certificates/documents, skill training, trade testing and registering as an intending emigrant.

A consortium comprising of National Vocational and Technical Education Commission (NAVTEC), provincial Technical Education and Vocational Training Authorities (TEVTAs) and National Training Bureau (NTB) and Bureau of Emigration and Overseas Employment (BE&OE) with the support of Overseas Employment Corporation and Overseas Employment Promoters will take initiative to establish technical training centers for imparting short and long duration programs— largely under public-private partnership - in different cities, some exclusively for women, to impart skills development on trades in demand overseas in collaboration with countries of destination to establish their minimum requirements, in particular for skilled occupations. Further, mechanism and strategies will be developed for the accreditation of these technical centers from internationally recognized agencies dealing with skill assessment, trade testing and certification. Special emphasis will be also given to basic language knowledge required in host countries for emigrant workers at minimal costs.

The *emigrant's protection* will be secured through various channels covering the whole emigration cycle. *In country* for awareness raising of intending emigrants about safe emigration, campaigns through media, counseling centers will be launched. Foreign employment exchanges

with intending emigrants' database will also be established for linking recruiting agencies and employers in an accountable and transparent way. Recruitment process through overseas employment promoters will be vigilantly checked for controlling fraudulent and overcharging practices. Before departure, emigrants will be educated about basic health, prevention and access to health services especially in countries of their destinations. The existing emigrants' life insurance programs will be supplemented with health coverage to protect emigrants from serious ailments. In the *countries of destination*, emigrants will be duly registered at their local foreign missions. Pakistani embassies/missions, the concerned officials, particularly community welfare attachés will be available around the clock for addressing the emigrants' problems. Besides in country briefings, emigrants will be again de-briefed on their rights in the host country, informed of the local conditions and the laws of and legal support available in the host country. A legal support mechanism will also be developed for providing legal support to the workers in distress in the country of work. At the policy level, a process of state-to-state bilateral accords or Memorandum of Understandings (exclusively framed on emigrant workers rights) will be initiated for providing protection cover to emigrant workers in their host countries.

The Policy also proposes speedy processing of emigrant complaint cases and recommends streamlining the existing judicial infrastructure and procedures. The deportation of Pakistani emigrants is a complex issue, as some of them are victims of trafficking, frauds and while many are legal, they are forced to leave their destination countries. It recommends less punitive actions for deportees involved in violation of laws; and evolving facilitating mechanisms for providing immediate relief and supporting forced deportees in perusal of their dues. Crisis Management and Preparedness during emergencies in host countries is also on the agenda of the Emigration Policy and it recommends formation of joint ministerial task force for development of crises management programs.

The National Emigration Policy is also keenly focusing on preparations for *Mode IV of the WTO*. For exploring this avenue, the Policy stresses on aggressive trade diplomacy in WTO developed member states for securing work opportunities for Pakistani emigrant workers. It also recommends collective efforts among WTO developing state members for projecting and defending their interests under this mode. To support all these initiatives, a Mode IV research unit will be established in the Ministry of Labor and Manpower. This unit will operate in close cooperation with the Ministry of Commerce (MoC) and Pakistan WTO mission in Geneva.

The most important feature of this part are the government plans for enhancing *female emigration*, which was totally undermined in the past. The Policy stresses adopting multi-pronged strategies and mechanisms to mainstream women in the overall emigration process. In this regard, a task force with the support of a Market Research, Facilitation and Information Center (MRFIC) will be appointed to identify the bottlenecks and prospects of female emigration. The Center will be also responsible for designing special programs for skills development and awareness about overseas employment. The Policy also proposes establishment of a Female Migration Resource Center (FMRC). Intending female emigrant will be trained and briefed at the regional offices of the Bureau of Emigration and Overseas Employment (BE&OE). Specific rules will also be promulgated with special attention given to the protection of female

emigrants. Awareness campaigns on safe female emigration, appointment of female community welfare officers, vigilant monitoring of working and living conditions of female workers through Pakistani missions and communities and establishment of safe houses in the Pakistani missions abroad are also suggested by the Policy.

***Re-Integration of return migrants*** and ***effective use of Pakistani diaspora resources*** is an important component of this Emigration Policy. Keeping in view the Pakistani emigrant workers temporary and short-term contractual status in their host countries, the Policy is looking to develop diverse programs/strategies for the social and economic reintegration of returning emigrants. These emigrants will be provided with information about different investment, employment and skill enhancement opportunities upon their arrival at all major airports. Another focus would be on development of area-specific socio-economic re-integration strategies for economic development, growth and employment generation by the establishment of Growth Triangles (GTs)<sup>2</sup> and ‘Aik Hunar Aik Nagar Authority’ (AHANA)<sup>3</sup> in the high rate twenty labor-sending districts.

Special financing programs in consultation with the Ministry of Finance and State Bank of Pakistan (SBP) have also been proposed to support returning emigrants and their family members for undertaking business or self-employment activities. The Policy also encourages emigrants to establish associations to advance the cause of Emigrant workers and their families through lobbying for the protection of their rights and importantly, for developing mechanisms for their re-integration.

***Restructuring*** and enhancing the role of Overseas Pakistanis Foundation (OPF) and Bureau of Emigration and Overseas Employment (BE&OE) is also under consideration in the Policy. The Policy is optimistic about the future continuation of the OPF welfare operations, and also about its expansion by providing various services related to the re-integration of returning emigrants. In same way, the BE&OE will also be developing database and research capacities on returning emigrants.

<sup>2</sup> Pakistan’s National Employment Policy (NEP) 2008 has stressed that development of rural areas and building their linkages with urban centers to increase market access for rural products has prime importance for economic development, growth and employment generation in rural areas and surrounding small towns. To achieve the goal of integrated rural development, it has proposed establishment of “Growth Triangles” (GTs). The basic idea behind the GTs is to integrate rural areas by coordinating activities ranging from production to marketing, repair and services through Integrated Rural Development Centers (IRDCs). The Employment Policy has suggested establishment of: i) a Village Support Center (VSC) as the first tier of the GT in a cluster of 10-15 villages - ideally, in each Union Council, ii) a Multipurpose Industrial and Rural Development Support Center (MIRDSC) in a cluster of 5-10 VSCs as the second tier, and iii) a Small/Mini Industrial Estate (S/MIE) in a cluster of 4-5 MIRDSCs as the third tier.

<sup>3</sup> The NEP 2008 has also stressed tapping employment and income potential of over a hundred handicrafts. In this regard, it has suggested creation of a dedicated institution namely the ‘Aik Hunar Aik Nagar Authority’ (AHANA). The AHANA will look into issues related to each (handicraft) product and develop appropriate strategies. The AHANA is also tasked in this Policy for the establishment of location- and product-specific state of the art Product Promotion and Support Centers (PPSCs) duly integrating provision of a range of services, such as: product development, quality control, standardization, market linkages, related training including entrepreneurship, and marketing both within the country and overseas. Women businesses, the Policy stresses, should be given special consideration in these processes. The PPSCs should offer programs to educate men and women about marketing, entrepreneurship, cooperatives, etc.

The Policy intends to seek assistance from Pakistani missions in mobilizing the Pakistani diaspora for building linkages with local academia and businesses for increasing employment opportunities for emigrant workers and attracting foreign investment in Pakistan. This initiative will be further strengthened by the establishment of a Cell and Task Force based in the Ministry of Foreign Affairs with the support of Ministry of Labor and Manpower.

To harness the economic benefits of emigration, it suggests improvements in remittance transfer channels by providing cost-effective and easily accessible remittance to emigrant workers. For swift transfers and expanded area coverage, it considers public-private partnerships and collaboration among stakeholders (employers, telephone companies and banking and financial institutions) of vital importance for swift remittance transfers at minimum rates and expanded geographic outreach.

The Pakistani emigrant associations will also be engaged for information dissemination and mobilization with regard to remittance channels, different investment options, and employment and income generation opportunities programs for emigrants and their families. The OPF in close collaboration with the Board of Investment (BOI) will offer incentive packages like facilitating investments, trade, business and enterprise creation to returning emigrant workers. Also, the Policy has recommended recognizing the citizenship rights of overseas Pakistani diaspora to keep their contact intact with their homelands.

The National Emigration Policy considers strengthening of information, research and facilitation systems pre-requisite for implementing the policy under-review. In the first step the existing Market Research Unit operating in BE&OE would be enabled to access information about international labor markets. This unit will be linked with the Labor Market Information System (LMIS) proposed by the National Employment Policy<sup>4</sup> and the Foreign Employment Exchanges proposed by this Policy. Establishment of a Market Research, Facilitation and Information Center (MRFIC) will also support policy makers to collect and analyze the information on different aspects of emigration - emigrants, return emigration and Pakistani diaspora required for viable strategies for increasing the share of Pakistani workers in international labor markets, programs for the re-integration of returning emigrants, information and awareness for better employment and safe emigration and capacity building.

The National Emigration Policy's coherence with the National Employment Policy for creating a conducive environment for re-integration of returning emigrants demands for the implementation of the wide range of measures suggested in the Employment Policy.

The National Emigration Policy believes in regular interaction with countries and stakeholders vital for building a collective stance for promoting safe emigration. It encourages participation in regional and international forums like International Labor Organization (ILO) tripartite forum

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<sup>4</sup> GoP 2008, 'A Growth Oriented National Employment Policy,' Decent Work for All "Bawaqar Rozgar Sub Kay Leeay" Growth, Labor and Manpower Division, Policy Planning Cell, Government of Pakistan, Islamabad, viewed in September 2009, < <http://www.lmis.gov.pk/publications/NEP.pdf>>



International Labor Conference (ILC), International Organization for Migration, Global Forum on Migration and Development (GFMD) and the Colombo process.

The institutional mechanism for the implementation of the proposals of the Policy will consist of a, 1) inter-ministerial coordination committee, 2) policy planning and implementation cell, and 3) working group comprising of various stakeholders. The inter-ministerial coordination committee will address the coherence issues among the policies of concerned ministries with the technical backstopping of the Policy Implementation Cell (PIC). This Committee will comprise of Ministries of Labor, Interior, Foreign, Planning and Development, Commerce, Industry and Education. Policy Planning and Implementation Cell will be responsible for monitoring and facilitation of the proposed Policy implementation process. The working group will be comprised of representatives from the Provincial Governments and also of various stakeholders including emigrants' associations, TVET institutions, OEPs and different institutions dealing with emigration and overseas Pakistanis. Its role will be of extreme importance as it will be a forum for bringing onboard all the matters related to the whole process of labor emigration and make suggestions for effective improvements.

## Section 3

### 3.1 Critical Assessment of the Policy

The purpose of this section is to conduct an analytical study of the substantive provisions for protection of emigrants, emigrant management system efficacy and preparedness and extension of emigration development to micro level in the current proposed Emigration Policy. If we review the Policy draft structure, it covers the different dimensions of emigration process, like the first part is informative and provides the foundation for the remaining parts of the Policy. The second part is the situation analysis of current internal and external challenges and a focus on prospects for increasing emigrant numbers in existing and other future markets. The third part is mainly based on a set of remedial steps for issues identified in previous parts. This difference of subjects will be analyzed separately in sub-sections due to their focus that vary from each other. The applicability of assessment indicators on every part of the Policy will be different from each other due to the variance in subjects. It is hoped that this exercise will highlight the shortcomings in the draft, which will provide basis for discussion towards the search for desired actions.

#### 3.1.1 Protection

The National Emigration Policy only provides an overview of miseries faced by the Pakistani emigrants working in Gulf region. While the conditions/problems of Pakistani emigrants based in developed countries are not covered. As a consequence of post 9/11 situation the monitoring and unjust deportations of Muslim Americans especially of Arab and Pakistani origin has increased in many developed countries for security reasons. Further restrictions on entry also affected family re-unions, entry of tourists, students, and temporary workers.

The Emigration Policy also neglects the role of social networks in the social protection of Pakistani emigrant workers abroad and their families in home country. The role of social networks<sup>5</sup> in emigration is very significant. Since 1971, almost 50 percent of Pakistani emigrant workers have been directly employed overseas through social networks (Hamdani 2006). Besides employment, social networks also support emigrant workers and their families during difficult times. The economically active emigrant members support jobless workers with shelter and financial support, remittance transfer and financial help for family members of deceased emigrant workers.

For protecting the rights of emigrant workers, the Policy suggests comprehensive measures but most of these measures are reactive and for dealing with individual cases. However, the root cause of Pakistani emigrant problems in host countries is due to the immigration and labor policies of the host countries and these affect the majority of expatriate workers.

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<sup>5</sup> There are a number of formal and informal associations based upon caste, ethnicity, religion, region and kinship among Pakistani immigrants abroad (Gazdar 2003).

The Policy also lacks steps towards building right-based alliances with other labor sending countries, as the problems of their emigrant workers are common. In the absence of any collective forum for protection, migrant sending and receiving countries and especially emigrants are faced with several negative consequences, like illegal emigration, stagnation of wages in host countries and other forms of exploitations by the employers.

In the existing emigration management setups the dual role of CWAs for the promotion and protection of Pakistani emigrants is of vital importance. At present only 15 CWAs are based in foreign missions to cater to the needs of millions of Pakistani emigrants. The limited strength of CWAs and the weak bargaining position of Pakistani Overseas Employment promoters often result in increased distress for emigrant workers and leave them no option except to work in difficult situations in labor hosting countries. Without increasing their strength, this Policy is still expecting a high-level performance from them, which is unrealistic and impractical.

This Policy draft briefly sheds light on the miseries of emigrants, but is totally silent on the problems of emigrant sending households. In emigration process, emigrant workers' families are equally entitled to get protection and benefits. If we review the United Nations 1990 Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, it highlights the protection of every right of migrant workers and their family members equally, irrespective of their legal status.

Furthermore, the poor state of development in major emigrant sending regions is also a serious question mark for policy makers. A research study conducted by the Sustainable Development Policy Institute (SDPI 2010) reveals that the major labor emigrant sending areas in northern Pakistan are drastically lacking basic infrastructure, such as roads, schools, and health facilities. At household level, although labor emigration enables sending households in covering their basic livelihood needs, the absence of male family members often increases the vulnerabilities of family members (especially wives left behind) in many forms such as mobility restrictions, no control over remittances and lack of knowledge and access to government facilities.

Although Pakistan has ratified the major international conventions (ILO 2010), it is still not a signatory of emigrant-specific instruments, such as the United Nations 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. The proposed Emigration Policy has no standing on the ratification of emigrant-specific instruments for the protection of Pakistani emigrants and their families.

In Pakistan's development sector there are many non-governmental organizations involved in the protection of emigrants (Gazdar 2003). While the Policy acknowledges their support and feedback during its formulation process, it opens no windows for their involvement in the implementation of strategies for addressing issues concerning the rights and benefits of emigrants and their families.

Instead, in the Policy, the protection cover for emigrants in their host countries is mainly left to the CWAs and to some extent Pakistani emigrant communities. As mentioned earlier, majority of

emigrant protection issues are embedded in the immigration and labor policies of host countries and require international policy level interventions, and so due to their limited scope it would be not possible for the proposed actors to influence the state policies of host countries. The Emigration Policy is short of any state-to-state high-level dialogue initiative for emigrants' rights advocacy and for awareness raising and mobilization of migrants for their rights in the destination countries.

### **3.1.2 Emigration Management System and Supportive Mechanisms**

The major focus of the National Emigration Policy is on extensive augmentation in the existing emigration marketing and management systems to overcome current and future challenges. Besides improvements in management infrastructures, a diverse set of supporting mechanisms are also proposed to support the implementation of the Policy in an effective manner.

It also pushes more on preparedness for skilled human resource export to the Gulf region. It justifies this stance since the Gulf has been a major labor market for Pakistani emigrant workers from almost four decades. However, on the scale of economic benefits and protection policies, the Gulf region is no more a paradise for low skilled emigrant workers. The Policy concentration on one region alone can lead to over dependency and given the current economic recession or any future regional conflict possibly setback the economic benefits of emigration for Pakistan. This demands a more balanced focus while upgrading or devising emigration strategies.

The current major emigration management set ups consist of Bureau of Emigration and Overseas Employment, Overseas Employment Corporation, Policy Planning Cell of Ministry Of Labor and Manpower, CWAs of Ministry of Foreign Affairs, National Database and Registration Authority, Immigration and Passport and Federal Investigation Agency of Ministry of Interior. Proper functioning of the emigration process depends on high performance and inter-coordination among these constituents. Most of the challenges highlighted in the proposed Policy are the outcome of the lack of capacities and coordination among the state actors. Based on this, it was assumed that the Policy will combine the existing arrangements under one ministry to eliminate coordination gaps, but the proposed Policy only came up with the suggestion for an Inter-Ministerial Coordination Committee of relevant Ministries.

The Policy proposes the appointment of six task forces to support various initiatives. Although the composition and objectives of the task forces are clear but there is a great deal of ambiguity about the attachment of these task forces within the Ministry of Labor and Manpower.

Establishment of Market Research, Facilitation and Information Center (MRFIC) and strengthening the existing Market Research Unit (MRU) is also high on the Policy's agenda. The scope of these setups is confined to monitor the labor market developments, strategies for skill development, employment and safe emigration information dissemination. The proposed Policy totally ignores the need for research on various socio-economic aspects of emigration that substantially contribute to the understanding of dynamism in the structure, drivers and impacts on the stakeholders.

The Policy is also in favor of developing a deportees' friendly strategy to provide cushion to deported Pakistani emigrants. In most cases the deported emigrants are victims of frauds, but many of them are part of illegal acts that lead to their deportation. Any regulatory ease can encourage the outflow of fortune seekers through illegal channels.

In the National Emigration Policy, most emigrant re-integration activities are reliant on the timely implementation of the Employment Policy. Although the same ministry developed the employment policy but its implementation requires vast resources and expertise as the new concepts like Growth Triangles (GTs) and 'Aik Hunar Aik Nagar Authority' (AHANA) implementation may take considerable time.

Access to information regarding skills, jobs, safe emigration and protection and welfare programs is the utmost requirement for the intending emigrants and their families. The information dissemination mechanisms outreach is limited only to major cities. The physical access for people from remote areas needs further extension.

Overseas Employment Corporation, Overseas Employment Promoters and Direct Employment are the major sources of labor emigration from Pakistan. For safe emigration, this Policy only focus on improvements in regulatory frameworks for Overseas Employment Promoters, while actors involved in the direct employment process are not part of the focus of regulatory frameworks. And while the proposed Policy acknowledges the problems of Overseas Employment Promoters, except encouragement rewards, it lacks any viable plans to solve most of their problems caused by their weak bargaining status in international job markets.

### ***3.1.3 Extension of Migration Development to Micro Level***

The Policy aims to develop cost-effective and easily accessible low cost remittance services for emigrants. Emigrants and their families will also be provided with finances and information for investment, employment and skills development/training opportunities. With the establishment of Growth Triangles in selected areas, the Policy is optimistic about the revival of socio-economic activities in migrant sending districts. Now, although these interventions have potential, but their implementation strategies neglect any involvement of development sector organizations, hence lack any synergy building network that is required for their effective implementation.

The under review Policy suggests restructuring of the OPF in order to respond to the challenge of providing various services related to the re-integration of the returning emigrants. These interventions focus exclusively on the economic perspectives and to some extent skill development, while the importance of addressing social and human development of emigrant sending families and areas is missing.

## Section 4

### Conclusion and the Way Forward

In an effort to analyze the under review Policy, this section identifies the following issues for consideration:

#### 4.1 Scope of the Issue

- This Policy only looks at Pakistani labor emigration in the wider context of global labor demands and current and future Pakistani labor supply prospects. The other forms of emigration, like students and issues of Pakistani origin emigrants living permanently in different parts of the world are not part of the Policy focus.
- The protection issues highlighted in this Policy focus only on temporary emigration to Gulf Coordination Council States; hence undermining the problems of Pakistani emigrants in developed regions of the world. Lack of consideration of emigrant families in the protection agenda is another weak area which needs attention.

#### 4.2 Policy Coherence

- The effects of emigration on Pakistan economy and society are quite visible. The expatriate Pakistani remittances are a vital part of Pakistan's macro economy and over the last four decades the continuous inflow of workers' remittances helped in stabilization of the country's balance of payment. And at grassroot level, remittances are an important source of livelihood for emigrant sending households. Also, the societal implications of emigration brought substantial changes in Pakistani society. Male dominated emigration greatly influenced the gender interface of emigrant sending households and provided opportunities of female empowerment in the absence of male family members. Despite these effects, Pakistani economy and society are still not grasping the opportunities associated with emigration. This situation demands integration of the National Emigration Policy with other relevant national policies and programs. The National Emigration Policy linkage with the Education Policy will help in strengthening the national skill enhancement plans at a wider scale and according to international demands. Poverty Reduction Programs (under the umbrella of Poverty Reduction Strategy Paper 2 in Pakistan) can also supplement emigration and development by tapping the potential of remittance utilization at grass root level. Furthermore, due to its importance in Pakistan's development discourse, National Emigration Policy deserves serious consideration in Pakistan's long-term development agenda, Vision 2030.<sup>6</sup> On the social side, although Pakistan is lacking any visible initiatives, it is necessary for policy makers to give due consideration to the social implications of emigration on Pakistani society by designing mitigation strategies for

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<sup>6</sup> A long term policy document highlighting the strategic directions for a "developed, industrialized, just and prosperous Pakistan through rapid and sustainable development in a resource constrained economy by deploying knowledge inputs" (GoP 2006).

reducing vulnerability and strengthening resilience of emigrant sending households and sending regions.

### **4.3 Re-Assessment of Strategies**

- The proposed Policy should pay more attention to organizing and acknowledging the role of informal emigrant social networks. The emigrant workers social networks could play an important role during implementation of various strategies of this Policy in host countries. They can work as effective catalysts in assisting CWAs based in foreign missions in undertaking tasks like protection of emigrant workers, attracting emigrants for using legal remittance transfer channels and dissemination information for re-integration.
- A regular review of immigration and labor policies of existing and potential Pakistani labor hosting countries by a specialized group of policy analysts can help policy makers and managers in taking necessary preventive measures for the protection of emigrant workers.
- The anti-emigrant policies that commonly affect majority of emigrants can be influenced through formation of vibrant right based alliances between various stakeholders, human right ministries, parliamentarian groups and civil society members of labor sending and hosting countries.
- Special emphasis is required for capacity building of Overseas Employment Promoters (OEPs) as majority of them only have expertise in labor marketing in the Gulf region. While the future labor emigration demands high-level expertise of these OEPs in understanding the policies of labor hosting countries, especially movement under WTO's Mode 4. This can be achieved by the introduction of courses on International Labor Marketing and Management in Business Management Studies.
- Establishment of Secretariats in major Pakistani labor hosting regions will accelerate the implementation of the proposed Policy's components that focus on emigrants' protection and linkages development for attracting foreign investment in Pakistan.
- The situation of emigrant sending households and regions demands investment in human and social development sectors. They deserve special attention in resource distribution, like health and education infrastructure development. During re-structuring the OPF, it is necessary to evaluate its performance in terms of beneficiaries and outreach. Furthermore, there is also need for extension of health insurance for other members of emigrant sending households.
- Although Pakistan ratified the major fundamental international conventions (ILO 2010), it is still a non-signatory of the United Nations 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Pakistan can strengthen its stance during campaigns for protection of its emigrants in host countries by signing emigrant-specific UN instruments.

### **4.4 Strengthening the Implementation Process**

- Extension and expansion in institutional setups for better emigration management is a desired initiative. The provisions provided are built upon the existing structure of management, which inherits a serious problem of intra-communication among all state

stakeholders. The proposed heavy mandate demands creation of another ministerial setup as in many countries emigration is dealt separately from other ministries.

- Globally, non-governmental organizations are very active in safeguarding the interests of emigrants and their families during various stages of the emigration process. Pakistan's development sector organizations are also capable of contributing in the Policy's implementation. Their rich experience in social organization, capacity building, advocacy and research with wider geographic coverage makes them important stakeholders for the Government. They can assist in designing and implementation of various interventions for the purpose of awareness raising of emigrants about their rights, safe emigration and skill enhancement programs, re-integration projects, and conduct research on socio-economic aspects of emigration.
- The initiative of establishing Market Research Facilitation and Information Center is of extreme importance, however, the assignments of this Center are of diverse nature. Research conducted by academia and development sector on emigration issues will also be helpful for policy makers in devising strategies. This also necessitates the need for compilation of all available research on various aspects of emigration under one setup. Moreover, stakeholders like academia, development researchers, right activists etc., can also strengthen the monitoring of the National Emigration Policy.



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