



## **Migration Profile**

### **NEPAL**

#### **A. Executive Summary**

Nepal is primarily a country of origin for migrants. The number of foreigners residing in the country is less than 500,000 while Nepalese residing abroad are five times as many, and most of them emigrated to India, Malaysia and the Middle East.

Even internal migration has become increasingly important. According to the International Organisation for Migration (IOM), half of Nepalese families experience or have experienced the migration of at least one of its members. Migrations in Nepal follow vertical and horizontal patterns. Historically, people moved from the mountains and hills to the prairies of Terai, while recently the movement between rural areas has been replaced by the flow of thousands of Nepalese from the countryside into the city.

The main reasons associated with migration are marriage, especially for women, family relocation and job searching. However, financial matters are the driving reason, followed by study and the search for better living conditions.

Nepalese - migrants, ethnic minorities and members of the lower castes - are extremely vulnerable to exploitation, forced labour and human trafficking, both within the country and across the border.

Nepal has also seen different waves of refugees, mainly from Tibet and Bhutan, and even today has become a refuge for people coming from Myanmar and other neighbouring countries. Lack of documentation and protection, widespread poverty and isolation are their most common difficulties.

Despite the government's efforts, especially to protect its workers abroad, the Nepalese legal framework is still showing many weak areas, specifically in regard to asylum rights and protection of refugees.

Many international and civil society organisations are active in the territory, especially UN agencies.

Even though the number of Catholics is relatively small, there are many programs, initiatives and efforts made by the Church and other Catholic agencies. Special attention is also given to the empowerment and capacity-building of the most marginalized and vulnerable to natural disasters and human trafficking.

## B. Country Profile

### I. Basic Information

Nepal is surrounded by India to the west, south and east, while to the north the Himalayas form the border with China. More than 70% of its territory (147,180 sq. km)<sup>i</sup> is covered by moderately populated mountains.

Its population (29,192,4802 inhabitants)<sup>ii</sup> is concentrated in the Gangetic plain (*Terai*) on the Indian border and in the hilly areas (*Siwalik*), covering 14% and 15% of the territory, respectively, and hosting 70% of the whole population.<sup>iii</sup> Valleys and lower mountain areas (*Pahar* and *Mahabharat*), where the capital, Kathmandu, and the city of Pokhara (second in number of inhabitants) are located, are also heavily populated. Just over 20% of Nepalese live in urban areas.<sup>iv</sup> There are more than 120 ethnic and caste groups, and the main ones are: Chhettri 16.6%, Brahman-Hill 12.2%, Magar 7.1%, Tharu 6.6%, Tamang 5.8%, Newar 5%, and Kami 4.8%.<sup>v</sup>

About 81% of the population practice Hinduism, followed by Buddhism 9%, Islam 4.4% and Kirat 3.1%, while Christians represent 1.4%, and other denominations 0.5%.<sup>vi</sup> There are fewer than 8,000 Catholics.<sup>vii</sup>

The country is among the poorest in the world, and its economy is mainly based on the primary sector and tourism. Religious minorities are often marginalised and, on occasions, persecuted by populist movements and nationalist groups belonging to the Hindu majority.<sup>viii</sup> Pressures, both social and legal, on the Christian minority increased especially in 2015 with the adoption of the new Nepalese constitution prohibiting proselytism.<sup>ix</sup>

### II. International Immigration and Internal Migration

As of mid-2020, immigrants resident in Nepal were approximately 487,600<sup>x</sup> down compared to previous years,<sup>xi</sup> and almost 70% of them are women.<sup>xii</sup> Most of them (87.6%) come from India, followed by Bhutan (5.6%), China (4%), and Pakistan (0.2%).<sup>xiii</sup> Before the pandemic, this number was still slightly growing, with 1,696 new residence permits granted by the government in 2018 (70% to Chinese citizens).<sup>xiv</sup> 56.5% lived in the Terai plains, and 42.2% in the hills, while only 1.3% are located in mountainous areas.<sup>xv</sup> The 2011 Census reported marriage as the main reason for moving to Nepal (45.8%), followed by family reunifications (17%), and business (7.3%).<sup>xvi</sup>

There is not a lot of data available on internal migration, but this phenomenon seems to be much more widespread than immigration and equal to, if not higher than, that of emigration.<sup>xvii</sup> A new census took place in 2021, but its results have not yet been made available. However, elaborations on previous census results show that internal mobility in Nepal until 2011 was low, albeit growing.<sup>xviii</sup> The historically prevalent flow was instead vertical, from the mountains and hills to the Terai, often triggered by the increase in income because of remittances, allowing entire families to migrate to the richer areas downstream.<sup>xix</sup>

Surveys carried out more recently point out that most people move from the countryside to urban centres (65%), followed by those who move between different rural areas (22.5%).<sup>xx</sup>

Most internal migrants have had some type of secondary education, and 40% of them have completed it. Women migrate internally more than men, mainly for family reasons, and specifically for marriage purposes, while men usually migrate for economic reasons. In addition, for both sexes at least 10% of migrants move to urban areas for study.<sup>xxi</sup>

Three-quarters of the women surveyed by UNICEF in 2019 had migrated at least once in their lifetime, and 35% in the previous 5 years. Of these, many came from rural areas and were between the age of 15 and 25 at the time of their migration experience.<sup>xxii</sup>

Most of the internal migrants come from the Chhetri and Hill Brahmin castes, being the wealthiest and most numerous ethnic groups in the country.<sup>xxiii</sup>

With the outbreak of the COVID-19 pandemic, restrictions, the sudden halt of economic activities and the subsequent loss of jobs had a strong negative impact on the economy and livelihoods, especially for the most vulnerable, including day workers and employees in the informal sector, as well as internal migrants, especially women. The forced return of Nepalese migrants from abroad has also created major imbalances in the labour market.<sup>xxiv</sup>

### **III. Emigration and Skilled Migration**

According to the International Organisation for Migration (IOM), more than half of Nepalese families have at least one member who has either migrated internally or abroad or has repatriated.<sup>xxv</sup>

Nepalese emigrants are almost 9% of the whole population. They totalled about 2,600,000 in mid-2020.<sup>xxvi</sup> up 30% from 2019 and 15% from 2015.<sup>xxvii</sup> The main destinations are India (28.2%), Malaysia (22.5%), Saudi Arabia (19.4%), Qatar (9.8%), and the United States (6.8%). Most of them are male (about 56%).<sup>xxviii</sup> However, women represent the majority of Nepalese immigrants to India (67%), and tend to migrate to poorer countries, often for family reasons, such as marriage, and not for work. The permeability of the border with India encourages the passage, both legal and illegal, of men and women to and from the country. In fact, emigration seems to involve mainly men from urban zones and the geographical area of Terai,<sup>xxix</sup> from where it is easy to cross over to India.

According to UNESCO study, the likelihood of emigrating is directly proportional to the level of education.<sup>xxx</sup> About 60% of Nepalese emigrants are employed in low-skilled jobs.<sup>xxxi</sup>

Nepal is the seventh country in the world for the incidence of remittances on GDP, of which they represented almost a quarter of the yearly income of the country in 2020, despite the pandemic.<sup>xxxii</sup> They are an essential resource for many families by covering for their living expenses, health care for the elderly, and education for their children. With the spread of the pandemic, the reduction in the flow of remittances probably had a negative impact on the living conditions of relatives who remained at home. About 50,000 Nepalese have been prevented from leaving the country, due to the ongoing restrictions.<sup>xxxiii</sup>

#### **IV. Forced Migrants (internally displaced people, climate migrants, asylum seekers and refugees)**

As UNHCR reported, as of mid-2021 there were 19,552 refugees in the country, almost two-thirds from Tibet and about a third from Bhutan, and the remainder from Myanmar, Pakistan and other neighbouring nations.<sup>xxxiv</sup> There were 63 asylum seekers, mainly from Myanmar, and 395 stateless persons. Another 553 people were in a similar condition, even though they were not officially recognised in any of the previous categories. 210 come from India and 343 from Nepal itself.<sup>xxxv</sup>

In the last 5 years, 351 asylum applications were filed: 44 in 2021 alone, mainly from Myanmar, Pakistan, Somalia and Yemen. During that time, the authorities assessed 350 requests, accepting 262 and rejecting 53 of them, with 35 requests resolved for other reasons.<sup>xxxvi</sup> Women were about 7% more than male refugees; however, although men made up the majority of asylum seekers. Minors represented between 11 and 12% of all categories, while those over 60 years old were 4%.<sup>xxxvii</sup>

Many of the approximately 100,000 refugees who fled from the Maoist revolution, which officially ended in 2006, though relocated, resettled or integrated locally as early as 2019, still live in precarious conditions.<sup>xxxviii</sup> According to the United Nations Local Coordinator for Nepal, most of them continued to live in the urban centres where they were displaced for reasons tied to access to education and to work or because of the distance from their place of origin.<sup>xxxix</sup>

Bhutanese refugees of Nepalese origin had to leave Bhutan in the 90s due to a violent repression, and although many of them resettled in the United States, Australia, New Zealand and Europe, some are still living in two refugee camps, Beldangi and Sanischare,<sup>xl</sup> in the districts of Jhapa and Morang, in eastern Nepal.<sup>xli</sup>

Tibetan refugees began to flow into the country in the 70s, following the Chinese cultural revolution. Nepal is not a signatory of the 1951 Convention; therefore, refugees are often considered by the authorities to be in an equal condition as irregular immigrants.<sup>xlii</sup> In the case of Tibetan refugees, however, the government has issued certificates for them recognising them as refugees and granting them certain limited rights. However, they stopped issuing these certificates in the 90s.<sup>xliii</sup>

Lack of documents and protection, as well as isolation, discrimination and vulnerability to exploitation and abuse, are just some of the main problems refugees and displaced persons face. In addition, their housing, nutritional and hygienic conditions are often precarious, and they experience the difficulty or impossibility of accessing services and education.

Nepal is mainly prone to floods, landslides and fires, made more frequent recently because of climate change,<sup>xliv</sup> in addition to being the scene of a devastating 2015 earthquake. Over the course of 2020 alone, natural disasters caused about 28,000 new internally displaced people and 48,000 more people were evacuated.<sup>xlv</sup> Currently, there are about 2,150 people living in

refugee camps.<sup>xlvi</sup>

Despite an intensive resettlement programme carried out by the United Nations, the conditions of the population in refugee camps remain precarious and not without difficulty. The elderly suffer the most, because it is often too late for them to rebuild a new life in some distant country, and they are forced to let the youngest in the community go, who represent their economic, but also moral and psychological support. Pandemic restrictions have exacerbated the isolation and psychological decline of many of them.<sup>xlvii</sup>

## V. Victims of Human Trafficking

Nepal is a country of arrival, transit and origin for victims of human trafficking. Women and even minors are forced into prostitution in Nepal, India, the Middle East, Malaysia and in some cases also in Sub-Saharan Africa. In Nepal, this often takes place in dance halls, massage parlours and other entertainment venues, whose employees, often minors, are equally exposed to the risk of abuse, forced labour and sexual exploitation.<sup>xlviii</sup> Increasingly, private or rented places are also being used.<sup>xliv</sup>

Traffickers exploit the permeable border with India to deport women and children, involved in prostitution, forced labour, or even organ trafficking.<sup>1</sup> India is the main hub for the Nepalese traffic. Tourist, student or spouse visas are used to take people to Europe, Australia and other countries in Asia and the Middle East, taking advantage of the milder controls of airports like Calcutta and Chennai.<sup>li</sup>

Men are especially exploited in the construction industry, while women in domestic work in India, the Middle East, China, Japan, Malaysia and Europe, working on farms, in factories, in mines, begging and in the adult entertainment business. They work in oppressive conditions, often forced because of debts incurred or the seizure of documents by the employer. Often it is the recruitment agencies and brokers themselves who use fraudulent recruitment practises by imposing high commissions to coerce them.<sup>lii</sup>

To circumvent the government's ban on domestic work for Nepalese women in Gulf countries, many female workers in Iraq, Kuwait and Saudi Arabia work without a valid contract or permit, exposed to blackmail by traffickers or employers.<sup>liii</sup>

The scourge of forced labour in Nepal affects almost a third of child workers and about 10% of adult workers. Most of the children are employed in elementary jobs, but about a third are employed as labourers in agriculture and herding. The coercion of entire families, based on debt, is a system rooted in many Nepal regions under the names of *Haliya* (forced ploughman) and *Haruwa-charuwa* (hoer-forced shepherd).<sup>liv</sup>

Indian and Nepalese children, residents in orphanages or often removed from their families to repay debts or with the promise of a better life, are forced to work in Nepal in furnaces and textile companies,<sup>lv</sup> or forced to smuggle drugs, begging on the street or even sexually entertaining tourists in exchange for donations. Since 2016, the police have identified and

arrested at least 12 tourists or volunteers, all men over 50, most from western countries, for sexual abuse of minors.<sup>lvi</sup>

Nepalese law does not differentiate asylum seekers and refugees, recognised by UNHCR, from irregular immigrants and does not require the government to issue any further document, not even to Tibetan refugees.<sup>lvii</sup>

Refugees, stateless persons, ethnic minorities and undocumented irregular immigrants are at greater risk of becoming victims of trafficking or forced labour, as they do not possess identity documents or regular permits. The informal sector, in fact, covers a significant part of work and employment in Nepal.<sup>lviii</sup>

The phenomenon of arranged marriages through agencies also exposes women to the risk of domestic servitude or trafficking.<sup>lix</sup> Girls from the Dalit and Madhesi communities are particularly vulnerable.<sup>lx</sup>

The use of social networks, dating and messaging applications as a means of luring victims has been increasingly widespread and has intensified during the pandemic.<sup>lxi</sup>

## **VI. National Legal Framework**

Nepal's 2015 Constitution forbids human trafficking and provides for the protection of the fundamental rights of women, labour, and children by criminalising exploitation and torture.<sup>lxii</sup>

Immigration is regulated mainly on the basis of Immigration Act 2049 (1992), Immigration Regulations 2051 (1995) and Immigration Procedure 2065 (2010). These laws established the Kathmandu Immigration Department as the only official agency granting non-tourist visas.<sup>lxiii</sup>

Emigration is regulated by the Memoranda of Understanding between the Nepalese government and the governments of the receiving countries. To protect Nepalese employed abroad, the government has promoted policies to regulate recruitment companies, and has established the "free visa, free ticket" system under which employers have to bear visa and air travel expenses for workers who are hired in Saudi Arabia, Kuwait, United Arab Emirates, Qatar, Oman, Bahrain and Malaysia.<sup>lxiv</sup>

In 2007, the more specific Law on Trafficking and Transport of Human Beings passed. The law does not cover all forms of trafficking, focusing more on traditional sexual exploitation and cross-border trafficking. Laws such as the Labour Act, the Law on the Prohibition and Regulation of Child Labour and the Law on Foreign Employment do not directly address the issue of human trafficking; as a result, many incidents of human trafficking are often ignored or go unreported.<sup>lxv</sup>

Nepal has never signed the 1951 Status of Refugees Convention, but allows UNHCR to operate in the country, with the main aim of organising transfers to India or resettlement of refugees to other countries.<sup>lxvi</sup> Nepal is a party to seven of the nine fundamental human rights

conventions of the United Nations and to the nine conventions of the International Labour Organisation (ILO). It is also a member of the 2000 United Nations Convention against Transnational Organised Crime and the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The 1990 Nepal Treaty Act also states that the provisions of international treaties and conventions of which Nepal is a member state shall have the same validity as Nepalese laws.<sup>lxvii</sup>

Nepal has signed the Global Compact for Migration, of which it is among other things one of the "Champion Countries".<sup>lxviii</sup>

## **VII. Main Actors**

### *The State*

Among the institutional actors involved in migration management and regulation, the main agencies are the Ministry of Labour (MoLESS) and the Ministry of Foreign Affairs (MoFA), responsible for migration and employment of migrants abroad; the Ministry of Women, Children and the Elderly, in charge of the migration of women and minors; and the Ministry of the Interior (MoHA) and in particular the Department of Immigration (DoI), dealing with immigration and internal migration.<sup>lxix</sup>

The government has also established a National Committee for the Control of Trafficking in Human Beings under the Ministry of Women, Children and the Elderly, and an Anti-Trafficking Office (AHTB) connected to the Nepal Police.<sup>lxx</sup>

The Human Rights Commission (NHRC) was established in May 2000 as an independent monitoring and oversight agency. This Commission, recognized as a constitutional body, publishes reports and recommendations, conducts investigations on the protection of rights, and carries out the fight against human trafficking.<sup>lxxi</sup>

### *International Organisations*

There are different international organisations present and operating in Nepal. Among these, the agencies with the greatest impact on migration issues are FAO, ILO, IOM, UNHCR, UN-Habitat, UNICEF, UNODC, the World Food Programme, UNDP and OHCHR, the Asian Development Bank, the World Bank and the Asia Foundation.<sup>lxxii</sup>

### *NGOs and Other Organisations*

There are also numerous private organisations and NGOs active in the country and supporting various projects. Among the most significant networks with a focus on migration, there are the Micah Network Nepal (MNNS), which brings together several actors of Christian inspiration with projects aimed at relief, rehabilitation, social development and awareness of institutions, the National Network on Safer Migration (NNSM) and the Association of International NGOs in Nepal (AIN), which brings together 120 organisations with different

focuses, including the fight against trafficking and exploitation, the improvement of safety and living conditions in the most remote villages and the emergency aid in case of disasters.

Among the most important trade unions, the General Federation of Nepalese Trade Unions (GEFONT) is among the strongest ones, historically linked to the Marxist Communist Party, and the Nepal Trade Union Congress-Independent (NTUC-I), of social democratic inspiration. Both unions are committed to protecting the rights of migrant workers.

### *The Catholic Church*

Proselytism in Nepal is illegal and often charitable activities of Religious and Christian volunteers are associated with this crime. Currently, there are at least 13 Christians being prosecuted.<sup>lxxiii</sup>

The Catholic Church is present in Nepal with the Apostolic Vicariate of Nepal, and various institutions and congregations are engaged in the pastoral care of the most marginalised and vulnerable: young people, women, the elderly, the disabled and migrants and ethnic minorities in particular.

Caritas Nepal operates in 50 local districts, providing humanitarian assistance to refugees and promoting numerous projects aimed especially at developing skills and potential of the most marginalized, and raising awareness on the issues of sustainable agriculture and human trafficking.<sup>lxxiv</sup> An example is the Integrated Pest Management (IPM) Programme for Small Farmers, an endeavour in collaboration with Caritas Australia and active in 24 districts, with the aim of strengthening the livelihoods of potential migrants,<sup>lxxv</sup> of those repatriated during the pandemic<sup>lxxvi</sup> and families left behind by those who had to migrate. Training courses are also held for the rescue and prevention of natural disasters, as well as providing aid to families in need during disasters, with different livelihood programs, such as replenishment and reconstruction of shelters for livestock. Caritas Nepal has also established a national program for the prevention of trafficking and HIV/AIDS, which includes awareness-raising activities, a radio program and street performances. Smaller projects, often carried out through partner agencies, include skills development, funding programmes and free education for children displaced by war.<sup>lxxvii</sup>

As a member of Caritas Internationalis and Caritas Asia, Caritas Nepal often collaborates with Caritas agencies from other countries, especially European ones and Caritas from Australia, New Zealand and Japan.

The Sisters of the Good Shepherd (RBP) have established the NGO Opportunity Village Nepal (OVN), which since 1998<sup>lxxviii</sup> has been providing residential assistance and education projects for orphaned, abandoned or trafficked children, and health care, counselling and vocational training for girls and women victims of violence.<sup>lxxix</sup> Since 2018, the Good Shepherd International Foundation (GSIF) has opened its own branch in Kathmandu, to support some projects.<sup>lxxx</sup> They include the Cross-Border Anti-Human Trafficking Project, which provides for rehabilitation programmes and cross-border checks to identify potential victims,<sup>lxxxi</sup> the

management of a childcare home in Pokhara for the rehabilitation and reintegration of victims of abuse,<sup>lxxxii</sup> and projects in Pokhara and Kathmandu, aimed specifically at women employed in the entertainment sector, who are most at risk of exploitation and abuse.<sup>lxxxiii</sup>

After the 2015 earthquake, Catholic Relief Services (CRS) implemented several multi-sectoral recovery projects, including the 3-year Resilient Communities through Vulnerable Earthquake Recovery (ReCoVER), which helped over 6,000 Nepalese families, with the construction of earthquake-proof housing and infrastructure to supply drinking water, as well as providing services to improve financial planning, livelihoods and savings of the most disadvantaged and at-risk families. CRS also provides coordination, information management services and technical support to the Government of Nepal, engaging partners and other stakeholders in the earthquake recovery process.<sup>lxxxiv</sup>

After providing help to people affected by the 2015 Nepal earthquake, Malteser International continues to work, through its local partners, to strengthen the resilience of Nepalese communities.

The Society of Jesus (Jesuits) is also present in Nepal with ten communities, five parishes, seven schools, a college and several other institutes that welcome the disabled and other students in need. It holds several programs on behalf of the most marginalised, including seven *Mobile Clinics* providing free medical advice in many national locations and three reception centres for the homeless and disabled in the Patan area and in the Kathmandu valley. The Jesuit Refugee Service (JRS)<sup>lxxxv</sup> helps refugees resident in the country, especially Bhutanese<sup>lxxxvi</sup> and young people with disabilities, offering vocational education and training programs. Following the 2015 earthquake, the religious order established the Nepal Jesuit Social Institute (NJSI) in Lalitpur (Patan), to support the most affected populations. The association still collaborates with other Jesuit entities, to offer and improve the education of young people from the most marginalised castes and living in the most isolated areas, by co-building and expanding schools and providing material and equipment for education, thanks, for example, to the recent Rural Education Improvement Nepal (REIN) program.<sup>lxxxvii</sup> After the outbreak of the COVID pandemic, the Jesuits offered support to families by providing food and personal protection equipment, as well as medical assistance in collaboration with the Sisters of Charity of Nazareth (SCN).<sup>lxxxviii</sup>

**February 2022**

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