



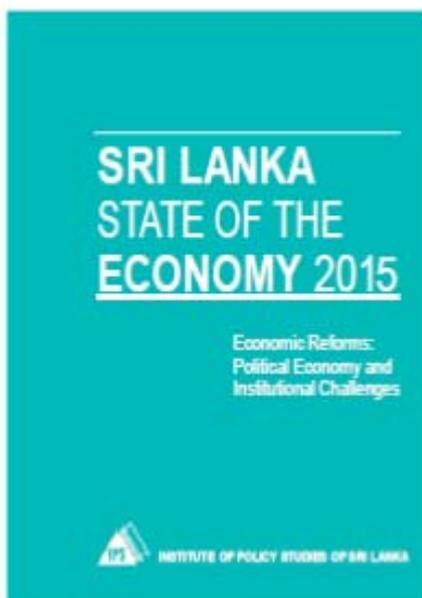
20 OCTOBER 2015

# POLICYINSIGHTS

INSTITUTE OF POLICY STUDIES OF SRI LANKA

## MIGRANT LABOUR REFORMS: TACKLING THE FAMILY BACKGROUND REPORT

*From the IPS Flagship Publication  
'Sri Lanka: State of the Economy 2015 Report'*



The factors driving migration are many; some migrate in search of better economic opportunities, whilst others are forced to migrate owing to conflicts, natural disasters, etc. In the case of Sri Lanka, temporary labour migration of workers in search of greater opportunities and a better life continues unabated, with over 300,000 leaving the country each year in search of employment abroad. Of these, nearly 40% are females, with the vast majority (approximately 80%) being domestic workers, of whom nearly 98% securing employment in the Middle East.

Labour migration related remittances account for the largest share of foreign

exchange earnings in Sri Lanka. In 2014, remittances accounted for nearly 10% of GDP, reaching over US\$ 7.1 million. The importance of labour migration and remittances in the country's economic growth and development is expected to continue, and indeed to grow in the near future.

Whilst Sri Lanka, like many other labour sending developing countries facilitates migration, there are adverse socio-economic consequences. In addition, migrants also face considerable risks and are vulnerable to exploitation and abuse. Thus, policymakers are often faced with the trade-off between promoting migration and protecting the welfare of migrants and their families.

As such, states, regional organizations, and institutions at international level are focused on how best to 'manage migration', adopting a range of practices and tools. For Sri Lanka too, to facilitate the growing importance and changing scope of migration, the processes and legislative framework for overseas migration needs to be reviewed and reformed.

This Policy Insight highlights the SOE 2015 chapter, which focuses on Migrant Labour Reforms and analyzes the issues concerning the Family Background Report (FBR) requirement and provides recommendations for its reform.

### The FBR Requirement

In recent years, there has been extensive focus in Sri Lanka to minimize the social cost of migration, especially in terms of the welfare of the children left behind.

The FBR requirement is a directive introduced in 2013 by the Ministry of Foreign Employment Promotion and Welfare (MFEPW) and its successor Ministry of Foreign Employment (MFE) and implemented by the Sri Lanka Bureau of Foreign Employment (SLBFE) with the intention of reducing the adverse psycho-social implications of children left behind by the migration of mothers. According to this requirement, females with children under the age of five years are not "recommended" for foreign employment, while females with children above five years will only be recommended for migration if satisfactory alternative care arrangements are in place to ensure the protection of children.

The introduction of the requirement has implications on two groups; namely, mothers aspiring foreign employment and their children. Up until the introduction of the FBR, females had the power to make their own migration decisions, while on the other hand their children have often remained voiceless in the mother's migration decision. With the FBR requirement, the state has gained control over females' decision to migrate for domestic employment with the intention of maintaining the best interest of the children

who would be left behind. This trade-off between the freedom to migrate for female domestic employment and the wellbeing of left behind children has resulted in a debate about the FBR based on rights of migrant women and their children. Other areas of criticism against the FBR include the applicability of the restriction only for those seeking employment through a foreign employment agent and the availability of avenues for corruption. In addition to recruitment through registered agents, there exists a legitimate avenue of securing employment on own efforts, which involve neither a licensed agent nor an informal agent, but through personal contacts with friends and relatives working abroad. Departures for foreign employment through own contacts are not covered under the FBR requirement.

### Implications of the FBR

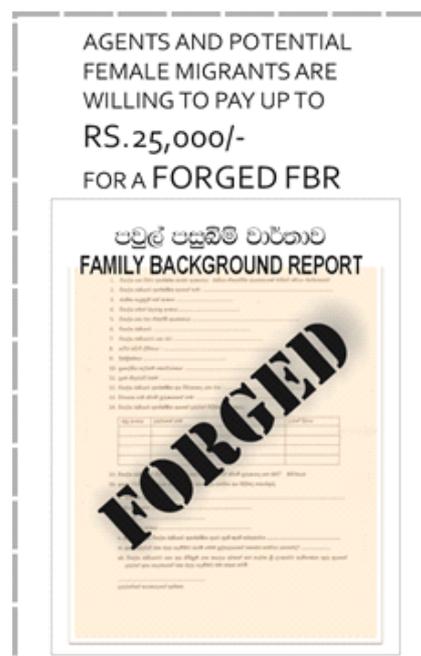
The introduction of the FBR requirement has resulted in changing the procedure for migration of females for employment, with the SLBFE no longer being the sole entity in approving migration for employment. A key element of approval for migration has now been transferred to District Officers (DO) - a mechanism outside the preview of SLBFE but associated with the MFE.

This change has resulted in some issues such as corruption and forgery in issuance of FBRs and migration through other channels to avoid the FBR requirement.

Despite lack of clarity whether the potential migrant or recruitment agent initiates the corrupt process, there have been instances where DOs have been expelled from service on grounds of providing false/inaccurate FBRs.

Additionally the FBR is often considered as discrimination against women. Firstly, mothers of younger children are discriminated against mothers of older children; secondly, female parents are discriminated against male parents of young children, which implicitly imposes the responsibility of raising young children only on mothers; thirdly, the FBR requirement is applicable only to those who seek foreign employment through registered agents, and thus discriminates female migrants based on their choice of recruitment channel.

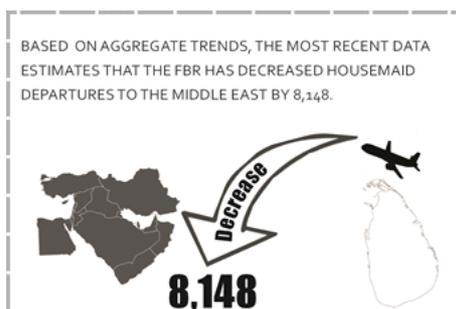
All these issues can boil down to the elimination of available livelihood options and the result in perpetuation of difficult family/household circumstances such as abusive spouses and inadequate income for survival. These concerns among rejected potential migrant mothers may lead to a stressed and helpless mother with possibly insufficient funds to provide vital inputs in terms of food, shelter, clothing, education, health care, etc. In such situations, it is difficult to determine if restriction imposed by the FBR serves its purpose. Despite its noble intentions of minimizing the psycho-social cost on children of female migrants, the very FBR requirement ironically triggers similar issues in rejected potential female migrants.



**“An abrupt end in follow up in the case of rejected applicants is a critical limitation of the existing practice of the FBR mechanism. In fact, abruptly dropping rejected cases is counter to the very arguments that support the initiative.”**

**“The FBR has to be decoupled from licensed recruitment agents and made applicable to either means of securing a job abroad.”**

The current system of FBR involves the filling of an application by the prospective migrant workers, which is reviewed by a DO visiting the household of the applicant after which information about recommended cases are directly communicated to the SLBFE. Those not recommended are provided with a written report stating reasons for not recommendation. As such, the SLBFE is only aware of the recommended cases. An estimate based on a rigorous difference-in-difference analysis indicates that about 6,000 women per year would be deterred from migrating for female domestic work. With the recent expansion of the FBR requirement to all female migrants this number could be higher. Despite the fact



that these female applicants are rejected, they remain potential migrants, and might be drawn towards irregular channels of migration into foreign employment. Hence, there has to be a follow up mechanism to ensure that the prohibition of migration through the proper channel does not promote migration through other channels.

The FBR also fails to provide a plan for the population who are deterred from migrating due to its requirements. Therefore, there could be instances where the mother has left the child and migrated internally for employment, or where the absence of sufficient income has had a negative impact on the child despite the mother's presence. Moreover, it is not clear if the ultimate objective of this directive - improving the welfare of children - is achieved.

#### Way Forward

In this setting, either the presence or the absence of the FBR requirement will have its fair share of related implications concerning either affected group. Hence, in order to address these issues as an extreme measure this requirement could be repealed, while on the other hand it could be continued after reforming it to limit its weaknesses. The primary recommendations relate to reforming the FBR into a 'plan to help families', providing alternative livelihood options to migrant females, addressing discrimination and corruption that can arise from the implementation of the FBR, and transforming it in to a long-term mechanism to serve its intended purpose of improving the social welfare of migrant and their families.

**“Despite being a directive with a long-term vision, the activities under the FBR requirement are myopic. The FBR should be developed into a comprehensive long-term mechanism that improves the social welfare deficits that trigger migration.”**



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This Policy Insight is based on the comprehensive chapter on "Migrant Labour Reforms: Tackling the Family Background Report" in the 'Sri Lanka: State of the Economy 2015 Report' (SOE 2015). The State of the Economy Report is the flagship publication of the Institute of Policy Studies of Sri Lanka. The complete report can be purchased from the publications section of the IPS, located at 100/20, Independence Avenue, Colombo 7. For more information, contact the Publications Unit on 0112143100.