

Beyond Borders: Nepali Immigrants tangled in the kafala system

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On my honor as a University Student, I have neither given nor received unauthorized aid on this assignment as defined by the Honor Guidelines for Thesis-Related Assignments

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Introduction

In this paper, I will discuss how the Kafala system, a sponsorship based employment structure commonly seen in Gulf nations, like Qatar, leads to exploitation and violations of rights among migrant workers. The journey of these workers begins in their homeland, where they must overcome the challenges of finding trustworthy labor recruitment agencies. While Qatar's progress in infrastructure and economy often steals the spotlight, the struggles faced by these workers unveil the realities of labor migration within this system.

Before we go any further, I would like to give more details about the Kafala System. It regulates the relationship between employers and migrant workers in various West Asian countries and Arab countries; it is most prominently used in Gulf Cooperation Council nations. The Kafala system places migrant workers in vulnerable positions and often leads to human rights violation and exploitation.

This paper incorporates information from conversations with migrant workers, reports from organizations, and news stories detailing their challenges and experiences. By delving into these sources, I aim to uncover the interactions between the Kafala system, power dynamics and the human rights abuses suffered by these individuals. My goal is to emphasize the need for reforms within the Kafala framework to protect the rights, respect and welfare of migrant workers.

To begin, I will present an overview of existing literature on the Kafala system along with its background emphasizing its origins and prevalent countries. Subsequently, I will delve into the stories shared by Nepalese workers to grasp their obstacles, throughout recruitment processes, employment terms and living conditions while in Qatar. In my analysis, I have

discovered a trend of exploitation, deceit and cruel behavior that goes against the system's stated goal of upholding discipline and organization in the workplace.

To conclude, I will highlight the difficult situations Nepalese migrant workers experience, question the general beliefs about the Kafala system, and argue for changes to better protect the workers' rights, respect, and overall well-being.

Literature Review

Nepal is among the developing nations facing various challenges such as political instability and a significant issue of youth unemployment. As a result of limited economic opportunities at home, many Nepalese leave the country. It is noted as the fifth most reliant economy on remittances worldwide (Rai, 2022). However, this source of income is not always steady. Remittance is the transfer of money by a migrant worker to their home. Migrant workers earn money abroad and send it back to support their families with necessities. Yet, upon their return to Nepal, they often encounter insecurity. Despite the flow of remittances, 20.27% of the population still resides below the poverty line without significant improvements (Prasain, 2024). The devastating earthquake in 2015 could have greatly affected the country's advancement (Prasain, 2024).

A large portion of Nepalese youth are eager to leave their homeland in search of opportunities in developed countries due to corruption within the country's political system. In December 2023 30,000 youths in their twenties gathered in Kathmandu for the Employment Permit System (EPS) exam. They were disappointed when it was unexpectedly canceled. Consequently, frustrated youths released their anger by setting fire to Minister for Physical Infrastructure and Transport Prakash Jwalas vehicle along the Gwarko Balkumari road section,

in Lalitpur on a Friday. Unfortunately, two young protesters tragically lost their lives (Shrestha, 2023). Corruption has long been an issue in Nepal's history. Despite the establishment of rules and regulations they are often disregarded, leading to unrest among the population. Nepal's government signed the United Nations Convention against Corruption on December 10, 2003 and approved it on March 31 2011. The agreement emphasized the government's commitment to combat corruption (Adhikari & Dhital 2021 pg. 2). The corruption index of below 50 encapsulates just how corrupt the country is and how there should be specific measures taken by Nepal to slowly reduce and prevent the amount of corruption with time due to the Government of Nepal agreeing to it with the UN convention. A score below 50 indicates a level of corruption in the country ("Nepal ranks 108th, in corruption perceptions index," 2024). Despite these efforts, corruption remains pervasive in Nepal. According to the Corruption Perceptions Index 2023 by Transparency International, Nepal had a corruption index of 35.1.

Currently, Nepalese people are increasingly seeking opportunities abroad and leaving the country in large numbers. Many students residing in Nepal do not see any reason to stay in Nepal. "Last year, 775,000 Nepalese left for employment abroad, and another 100,000 students flew out to study overseas. Nearly a million young Nepalese left in 2021-22, and that figure does not even include those who went to India" (Kumar, 2023). This shows just how much of the population of Nepal is emigrating for a better future, which they would be able to find in other well developed countries around the world with better government systems. Many Nepalese students have also been moving into Japan for better education and work opportunities. The number of Nepalese students in Japan increased from fewer than 1,000 in 2008 to over 29,000 in 2019, making them the third largest foreign student community in Japan (Kharel, 2021). A majority of Nepalese students have been applying for student visas to go to the USA, Australia,

Canada, etc. Many students also leave Nepal because it lacks qualified teachers and professors due to the education system being underfunded: “Of the 95,268 outbound students from Nepal studying abroad in 2022, 40,752 (42.77%) students studied in Australia, 18,436 (19.35%) students studied in Japan, 13,574 (14.24%) in India and 12,660 (13.28%) in the USA. Other popular destinations for students from Nepal include Cyprus, Korea, Germany and the United Kingdom, although these cohorts are much smaller with numbers ranging between 1200-2,400 (Colbran, 2023).” If the Nepali government put more emphasis and funding on the education system to create a more enriching environment for Nepalese students to thrive and learn the necessary subjects to succeed in the future, then Nepalese students would be encouraged to stay in their country to pursue their education. Nepalese students traveling to other foreign countries around the world, are usually put under a lot of financial burden with the transportation, living, and university expenses along with their family being back home in Nepal.

Beyond students, a diverse group of individuals, often male figures from rural parts, also seeks opportunities to earn money by traveling to Gulf countries. The Nepali government officially permits Nepalese citizens to go and work in 110 countries. However, most migrants end up concentrated in Gulf countries like Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates, as well as Malaysia (Mishra & Kunwar, 2020, pg.128). Between 2016 and 2017, Nepal issued a total of 2,723,587 permits for people to work abroad as laborers. Out of those permits:

- 33.3% were for jobs in Malaysia, which was the highest number
- 19% were for Qatar
- 18.9% were for Saudi Arabia
- 9.8% were for the United Arab Emirates

- 2.5% were for Kuwait
- 0.9% were for Bahrain
- 0.6% were for Oman (Mishra & Kunwar, 2020, pg.128)

Qatar is widely acknowledged as a key destination for employment opportunities, and its remarkable development is largely due to the tears and sweat of hardworking individuals who come from developing countries. Qatar's Gross Domestic Product (GDP) per capita is the highest in the world (US \$179,000), with migration primarily coming from South and South-East Asia, as well as the Middle East and North Africa (MENA) region. Between 2004 and 2010, Qatar's population more than doubled, growing from 750,000 to 1.7 million inhabitants (Rizzo, 2014, pg. 50). The nation is continually engaged in massive urban development and tourism enhancement projects. To achieve this, Qatar recruits thousands of workers from developing nations to contribute to its infrastructure. Some of the notable projects include the National Railway, New Doha International Airport, New Doha Port Project, Qatar–Bahrain Causeway, and Doha expressway (Rizzo, 2014, pg. 53). As a result, the effective additional population between then and 2032 was projected to be approximately 1 million, many of whom would be new arrivals (Rizzo, 2014, pg. 53). The construction of FIFA World Cup stadiums for the 2022 tournament further underscores this demand, requiring eight new stadiums along with infrastructure like railways, airports, metros, fan zones, and hotels. These projects employed 1.5 million migrant workers, predominantly from India, Nepal, the Philippines, Sri Lanka, Bangladesh, and Pakistan (Thuer, 2017, pg. 3). Given Qatar's ongoing architectural advancements, it offers a vast amount of labor work, making it a preferred destination for many Nepalese immigrant workers due to the abundant job opportunities available to them.

Framework

In this paper, I will adopt the Social Construction of Technology (SCOT) framework developed by Pinch & Bijker. The main idea behind SCOT is that technology and society are co-constructed, meaning they shape and influence each other in various ways. Within this framework, two key terms are particularly relevant: interpretive flexibility and relevant social groups. Interpretive flexibility refers to the idea that different social groups may have their own interpretations or definitions of a particular technology. Relevant social groups are those involved in the decision-making processes related to the technological artifacts in question. In particular, the term is used to denote institutions and organizations, as well as organized or unorganized groups of individuals (Pinch & Bijker, 1984, p. 414). Using the SCOT framework, I intend to analyze how different social groups, such as labor recruitment agencies and companies, wield their power. Specifically, I will examine how these influential groups may be using their power to suppress the human rights of those social groups with less power, focusing on Nepalese migrant workers in particular. This analytical approach will allow me to explore the dynamics between construction in-form of technology, power, and human rights within the context of labor migration.

Methods

This paper employs interviews as a research methodology to analyze how labor recruitment agencies and the Kafala system impact migrant workers experiences in Qatar. By conducting interviews with workers involved in constructing the World Cup stadium for 2022, I aim to gain insights into their working conditions and the procedures they undergo when seeking employment in Qatar. In addition, to these interviews I gather sources to provide a more

comprehensive backdrop for analysis. These additional materials consist of papers reports, from international organization and news articles. To safeguard privacy, I have opted not to disclose the names of the individuals and businesses involved. Instead, I will use "Hari" to refer to the person and "Laxman" for the person. Hari, who is around 31 years old, has been living in Qatar for 6 years. Laxman, who is around 24 years old, has been living for 4 years. Both Hari and Laxman are from my village in Syangja, Nepal. Hari holds a managerial position in his company, but Laxman was directly involved in the construction work of the stadiums.

Analysis

Labor recruitment agencies play a significant role in influencing the journeys of Nepalese individuals seeking opportunities in Qatar. These agencies often serve as the link for those exploring job prospects in Qatar. Typically individuals get connected with these agencies through their relatives. In Hari's case, he simply reached out to his uncle who was already employed in Qatar: "It is crucial to find a reliable recruitment agency because there are many out there that scam innocent people or even operate under fake names and organizations" (Sapkota, personal communication, March 3, 2023). However, for many potential migrants it is a challenge as most of these agencies are located in Kathmandu, the capital city of Nepal, which is unknown to them. Often, these individuals have to come far away from the rural parts where the condition of roads are terrible, which requires enormous time commitment. The application paperwork in English is often given to them at the last minute creating challenges for those with limited education and English skills (Donini, 2019). This lack of transparency and accessibility during the recruitment phase complicates matters further for those who struggle with the English language.

Financial challenges also significantly impact the migration process. On average, applicants might have to face expenses of approximately 1,400 USD to complete their application (Donini, 2019). The loan rates offered by these recruitment agencies are very high which is around 36% per year and occasionally reaching up to 50% per year. To cover these costs, migrants are forced to sell their assets, including cattle, land, and jewelry. This places them under extreme financial pressure as they attempt to repay these high-interest loans. These workers already live below the poverty line, so the additional fees and expenses associated with the application process worsen their financial hardships.

Despite an agreement signed between Qatar and Nepal in March 2005 concerning labor and workers, annual meetings between the two countries to discuss this agreement have failed to produce decisions regarding the establishment of basic salary levels for workers (Bruslé, 2009). This agreement was supposed to make things better, but a lot of people from Nepal were hired in 2008 and were not paid as much as what the Nepalese embassy ruled for 600 Qatari Riyals. According to the Nepalese Department of Foreign Employment (DoFE), Qatar employed 34% of all Nepalese migrants in 2008, with 250 workers arriving daily at Doha airport (Bruslé, 2009).

Many individuals migrate to Qatar with the hope of supporting their families and seeking a brighter future. However their expectations often collide with realities leading to distressing experiences for many. Despite assurances of working conditions and wages the actual situation frequently falls short of agreements resulting in significant delays in salary payments (Donini, 2019). Reports suggest that recruitment agencies in Nepal and affiliated entities in Qatar have been involved in falsifying documents adding to the hardships faced by workers. Amnesty International has documented instances where migrants who raised concerns about receiving wages than promised were accused of "absconding" by their employers. As a result, these

individuals were kept in deportation facilities (Thuer, 2017 pg.7). The problem is further compounded by the dishonesty and misrepresentation of recruitment agencies. Some may mislead migrants with information or deceptive pledges (Donini, 2019).

Another troubling issue is the confiscation of passports upon migrants' arrival in Qatar. Based on a survey, from 2012 it was found that 11% of the 722 workers interviewed had their passports in their possession (Thuer, 2017 pg.7). In fact, Laxman's passport was also taken by employers upon arrival. Employers often take away passports from migrants, limiting their freedom to move around and making them rely completely on their employers for status in the country. Despite these actions being against the law, labor inspectors in Qatar pretend to have their eyes closed; they do not take any action. Furthermore, migrant workers are unable to switch jobs without permission from the employer who sponsored them which further restricts their independence and makes them vulnerable to exploitation.

Nepalese migrant workers under the Kafala system often face mistreatment as their employers or sponsors have control over their movements, living conditions, and privacy. While some countries using the Kafala system have introduced laws to tackle these issues, enforcement of these laws is weak resulting in human rights abuses against workers (Byman, 2023). Notably the Kafala system is not unique to Qatar as it is also practiced in Gulf nations, like Saudi Arabia, Bahrain, Kuwait and the UAE.

Disturbing statistics highlight how serious the situation is: "At least 7,467 migrant workers have died abroad since 2008, according to figures from the government's Labor Migration Report, with 750 of those deaths reported between 2018 and 2019" (Rai, 2022). The recent labor migration report released by the government's labor migration report sheds light on a rise in migrant worker deaths emphasizing the need for action to ensure the safety of these

individuals. Despite assurances from Qatar to enhance the working conditions of migrants the situation remains dark. In 2014 an average of one Nepalese worker lost their life each day in the country (Gibson & Patisson 2014). Many of these fatalities are categorized as "death " leading to suspicions surrounding the circumstances of these events. Moreover even though Qatar has a National Human Rights organization in place, its efforts to dismantle the kafala system have been ineffective (Thuer, 2017). This raises doubts about the organization's efficacy and its dedication to upholding its obligations in safeguarding the rights and welfare of workers.

I have shown the everyday struggles and life stories of these workers, often filled with sadness, which are not commonly talked about. I have tried to present a few of many pieces of evidence of the harsh treatment they endure under the Kafala system. However, some might believe that the Kafala system is designed to regulate and manage the large arrival of migrant workers into Gulf countries like Qatar and requires workers to have a sponsor; it provides a way for them to legally enter and work in these countries. The system allows employers to supervise and be responsible for their employees, which can help maintain discipline and order in the workplace. Yet, it should be noted that this does not justify the unfair and harmful conditions they face. If the Kafala system's goal was to maintain discipline, why are innocent workers like Sanjib Ray dying (Acharya, 2022)? It is unfair that hundreds of hardworking migrant workers' deaths are labeled as "natural." This is completely unethical. A system that was designed to maintain discipline should not result in displacing entire families. One worker's death leaves the entire family in a difficult situation, as they were their only thread of hope.

Conclusion

In conclusion, this paper examines and emphasizes the hardships that Nepalese migrant workers face in Qatar under the harsh Kafala system. Through the research conducted, the

experiences of these migrant workers along with the labor migration practices were uncovered to show the injustices within the system as well as the basic human rights of these immigrants that were violated due to the Kafala system.

Nepalese immigrant workers had hopes for a better life and more economic opportunities due to socio-economic factors within their home country, Nepal, where poverty, unemployment, and political conflicts. However, once they had arrived to Qatar, they faced exploitation, manipulation, and abuse from labor recruitment agencies. These agencies were known to rob these workers with false promises and huge fees. These agencies also put these workers under financial bondage to force them to rid all their assets and put them into huge debts, so they won't be able to find better opportunities for employment elsewhere in other countries. This ties them to the agencies for as long as they can pay off their debts. The Kafala system also takes advantage of these workers' vulnerabilities by taking control of their lives and restricting where they can go by confiscating their passports or not giving the amount they worked for. This system was created to limit labor migration from country to country and hold control over workers and creates an ongoing cycle of exploitation which leaves the workers as powerless victims with no way of getting out of the system.

These immigrant workers, have been trying to speak out about their struggles and hardships that they have faced through interviews and personal accounts to give outsiders an in-depth view of just how harsh of situations they had to go through and the amount of risk they are put in especially due to deportation and unsafe conditions that they are forced to work in. Their stories really highlight just how urgent the change is needed to reform the system to deconstruct the Kafala system and allow migrant workers to protect their rights.

In the future, it is important for the stakeholders, which are the Nepali and Qatari governments, and international organizations, to act in order to find and address the reason that these agencies are exploiting and abusing their migrant workers in the Kafala system. To do this, it is important to form regulations and make sure that all these people involved are taking accountability for violating human rights with the proper consequences. These agencies should be thoroughly investigated on a regular basis and should be punished, if they are found violating migrant workers rights.

There should also be a way for migrant workers like Hari and Laxman to have access to a proper education and legal services which will help them to fight for their rights and for better and fair treatment. It is possible to create a beneficial switch to more human systems that can protect the rights and the identity of the worker's through collective action. This paper is an important reminder for the urgent need for systemic reforms to help better the ongoing injustice that migrant workers face under the Kafala system. This common issue underscores the need for stringent regulations and monitoring to ensure adherence to labor laws and ethical recruitment standards. By continuously advocating for these workers, it will be soon near in the future, where everyone is treated equally with the respect that they deserve regardless of their nationality or if they are migrants.

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