



Standard Operating Guidelines for the Embassy of Nepal in Malaysia

With a focus on ensuring effective and efficient delivery of
services to migrant workers

**Ministry of Foreign Affairs
Government of Nepal**

June 2026

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Foreword

Nepal and Malaysia have been enjoying friendly relations ever since the establishment of diplomatic relations in January 1960. Contacts at people's level go as far back as the 1940s when Nepali citizens serving in the British Army were deployed in Malaysia. In January 2001, the Government of Malaysia recognized Nepal as an official source country for migrant workers, creating opportunities for Nepali workers to acquire new skills and improve their socio-economic conditions. Nepal sends Nepali migrant workers to Malaysia to work in manufacturing, construction, agriculture, plantation and services (mainly security services). Around 400,000 Nepali workers are currently working in Malaysia. Nepali migrant workers tend to feel at home in Malaysia owing to several cultural, environmental and social overlaps.

The Government of Nepal accords the highest priority to safeguarding and promoting the rights, welfare, and interests of Nepali citizens residing and working abroad. Malaysia remains one of the leading destinations for Nepali migrant workers, whose significant contributions to Nepal's socio-economic development are highly valued and deeply appreciated. In this context, the role of the Embassy of Nepal in Malaysia is both critical and multifaceted, necessitating service delivery mechanisms that are efficient, transparent, accountable, and responsive to the needs of the migrant Nepali community.

The *Operating Guidelines for the Embassy of Nepal in Malaysia* have been developed to serve as a **Standard Operating Procedure (SOP)**, with a focus on ensuring the **effective and efficient delivery of services to Nepali migrant workers**. The guidelines aim to promote clarity, consistency, and accountability in service delivery, while strengthening institutional coordination and enhancing professional standards within the Embassy.

The primary objective of these Guidelines is to function as a comprehensive SOP to streamline service delivery by the Embassy, particularly for Nepali citizens working in Malaysia. Specifically, the Guidelines seek to: (i) support the strengthening and standardization of the Embassy's functional coordination and collaboration with relevant agencies for effective service delivery; (ii) define concrete steps and actions to enhance and deliver services in accordance with prevailing policies, rules, and regulations; and (iii) serve as a practical reference document to train and orient designated officials by providing clear guidance.

These Guidelines are developed by the Ministry of Foreign Affairs (MoFA) with technical assistance from the Migrant Rights and Decent Work (MiRiDeW) Project, implemented by the International Labour Organization (ILO) Nepal and supported by the Swiss Agency for Development and Cooperation (SDC).



The drafting process was guided by a working committee constituted by MoFA, comprising representatives from the Ministry of Foreign Affairs (MoFA), the Ministry of Youth, Labour and Employment (MoYLE), the Department of Foreign Employment (DoFE), and the International Labour Organization (ILO). The Embassy of Nepal in Malaysia provided valuable feedback and substantive inputs that have significantly enriched the document.

It is our firm conviction that the effective implementation of these Guidelines will further strengthen institutional efficiency, uphold the principles of good governance, and ensure that services delivered by the Embassy are accessible, timely, and responsive to the needs of Nepali migrant workers in Malaysia.

The Ministry of Foreign Affairs expresses its sincere appreciation to all institutions and individuals who contributed to the preparation of these Guidelines and looks forward to the diligent implementation in the spirit of service, integrity, and accountability.

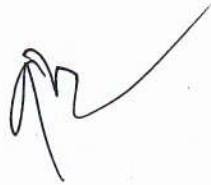


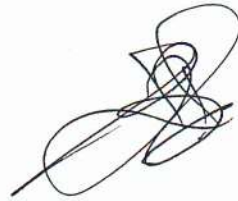
Table of Contents

List of Abbreviations	v
1. Introduction.....	1
2. Objectives	2
3. Domestic and international laws, bilateral commitments, and international agreements or treaties that guide the functions of the Mission.....	2
4. Major Services Provided by the Mission.....	3
5. Issuance of Passport, Travel Document and Visa	3
5.1 Issuance and Renewal of Passport and Travel Document	3
5.2 Visa issuance for foreigners.....	4
6. Attestation of Demand (Job Order) Letter (See Annex I).....	4
A. Procedural Steps	4
7. Demand letter approval.....	4
8. Visits to Companies (Employers)	6
9. Blacklisting of Recruitment Agency/ Sponsor/ Employer/ Agent	7
10. Handling Grievances/Complaints of Workers (See Annex II).....	8
10.1 Sources and Nature of Complaints	8
10.2 Procedures for Handling Grievances/Complaints Related to Workers.....	9
10.3 Handling Grievances/Complaints of Domestic Workers.....	10
10.4 Hiring a Competent Lawyer by the Mission.....	11
11. Repatriation of Workers (See Annex III)	12
11.1 Situations Requiring Repatriation of Workers from Malaysia.....	12
11.2 Repatriation Procedure (See Annex IV)	13
11.3 Special Procedures for Repatriation in Situations of War or Natural Disaster	13
11.4 Special Procedures for the Repatriation of Workers Needing Special Care	14
11.5 Procedure for Repatriation of Mortal Remains of Deceased Workers (See Annex VII)	15
A. Procedural Steps for the Repatriation of Dead Body to Nepal	15
11.6 Local Burial	16
12. Workers' Compensation.....	17





12.1 Workplace Injury Related Compensation (See Annex V)	17
12.2 Compensation for Death of Workers (See Annex VI)	18
12.3 Hiring a Competent Lawyer by the Mission	19
12.4 Compensation Owing to Closure of a Company/ Violation of Contract by the Employer	19
12.5 Procedure for Filing Compensation Claim in Nepal	20
13. Workers' Social Security Enrolment	20
14. Facilitating Access to Information	21
Annexes	22


List of Abbreviations



CoD	Country of Destination
DoCS	Department of Consular Services
DoFE	Department of Foreign Employment
FEB	Foreign Employment Board
FEIMS	Foreign Employment Information Management System
FEWF	Foreign Employment Welfare Fund
FEWIMS	Foreign Employment Welfare Information Management System
HoM	Head of Mission
IEC	Information, Education and Communication
KDN	Kementerian Dalam Negeri (Ministry of Home Affairs of Malaysia)
MoFA	Ministry of Foreign Affairs
MoU	Memorandum of Understanding
MoYLE	Ministry of Youth, Labour and Employment
NoC	No Objection Certificate
NoK	Next of Kin
OSH	Occupational Safety and Health
PERKESO	Pertubuhan Keselamatan Sosial
POA	Power of Attorney
SOCISO	Social Security Organisation
SOP	Standard Operating Procedure
SSN	Social Security Number

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1. Introduction

A key objective of any diplomatic mission or an embassy is to aid citizens of their home country who are living, working, or travelling overseas. Embassies also play an important role in facilitating travel to Nepal for citizens of the foreign country they are accredited to. Additionally, as part of their mandate, embassies collaborate with local governments, businesses, and other organisations to cultivate, sustain and promote political, commercial, and cultural relationships.

Nepal has established bilateral diplomatic relations with 183 countries and currently operates 44 diplomatic missions in 33 countries, including 31 embassies, 10 consulates general, and 3 permanent missions to the United Nations. These missions play a crucial role in protecting the rights of Nepali citizens abroad, particularly those who may experience exploitation, abuse, or require routine consular services.

In recent years, one of the primary responsibilities of Nepali diplomatic missions, overseen by the Ministry of Foreign Affairs (MoFA), has been to provide assistance to Nepalese citizens seeking employment in foreign countries. Therefore, strengthening the response mechanisms to support migrant workers in their respective destination countries is both essential and imperative.

According to the Nepal Labour Migration Report 2024 published by the then Ministry of Labour, Employment and Social Security, between July 2022 and July 2024, a total of 954,319 new labour approvals (i.e. permits) were issued and 558,297 renewed. Furthermore, a total of 5.7 million new labour approvals were issued to Nepali migrant workers during the 15-year period between July 2008 and July 2024. Furthermore, 219,354 labour approvals for Nepali migrant workers going to Malaysia were issued (2.87% women) in 2022/23, but sharply declined to 81,382 (2.4% women) in 2023/24.

According to the Government of Malaysia, there were 370,127 Nepali migrant workers in Malaysia, primarily in the manufacturing sector (230,557), followed by the service sector (107,370) as of 31 December 2024. The remaining Nepali workers were employed in agriculture, construction and the plantation sector.

The Embassy of Nepal in Kuala Lumpur recognizes its increased and diverse responsibilities related to Nepali migrant workers and acknowledges the importance of equipping designated officials with clear instructions and adequate resources to carry out their duties effectively and efficiently.

Given the differences in contexts, circumstances, laws, policies, and procedures across countries, the challenges faced by Nepali citizens and workers vary accordingly, as does the nature of services delivered by each Nepali diplomatic mission. In this context, the Embassy of Nepal in Kuala Lumpur (hereinafter referred to as “the Mission”)

acknowledges the importance of developing Mission-specific standard operating guidelines that incorporate relevant information to ensure designated officials are well-equipped to deliver effective, efficient, and citizen-friendly services to all Nepali citizens in Malaysia. Accordingly, the Ministry of Foreign Affairs (MoFA), in collaboration with the Mission, has undertaken the development of these operational guidelines.

2. Objectives

The primary objective of these guidelines is to serve as a Standard Operating Procedure (SOP) for streamlining the delivery of services by the Mission, particularly for Nepali citizens residing in Malaysia.

The specific objectives of the guidelines are to:

- i. Support strengthening and standardising the Mission's functional coordination and collaboration with relevant agencies in Nepal and Malaysia for providing effective services.
- ii. Outline concrete steps and measures to strengthen and deliver services in accordance with the spirit of the relevant policies, rules, and regulations of both countries.
- iii. Serve as a valuable resource for training and orienting officials by providing clear information and references on ongoing processes, practices, laws, policies, and procedures.

3. Domestic and international laws, bilateral commitments, and international agreements or treaties that guide the functions of the Mission.

The foreign employment-related functions of Nepali diplomatic missions are guided by various international legal instruments such as the Vienna Convention on Diplomatic Relations, 1961, and the Vienna Convention on Consular Relations, 1963 as well as the national legal framework governing Nepali migrant workers, comprising, among others, the Constitution of Nepal, and the Foreign Policy, 2020, and the Migration Policy, 2025.

Since a majority of Nepali citizens come to Malaysia for work, the laws related to foreign employment in Nepal are equally important for the Mission. The related policies of Nepal are the Foreign Employment Act, 2007; the Foreign Employment Rules, 2008; and directives issued by MoFA and the Ministry of Youth, Labour and Employment such as the Foreign Employment-related Demand Letter Enquiry Directive 2018; and the Directive pertaining to the Legal Defence of Nepali Workers on Foreign Employment, 2018. Nepali migrant workers are also governed by bilateral labour agreements (BLAs).

In addition to the laws of Nepal, immigration and labour-related laws of the Government of Malaysia are equally important.

Nepal and Malaysia had signed the **Memorandum of Understanding (MoU) on Recruitment, Employment and Repatriation of Workers** aiming at protecting the rights of migrant workers in October 2018, which expired on 23 October 2023. The MoU had provisions related to recruitment, safety, security of Nepali workers, protection of migrant workers and settlement of differences or disputes between employer and worker, among others.

The Ministry of Human Resources, Malaysia and the Ministry of Labour, Employment and Social Security, Nepal have exchanged a new draft for the renewal of the MoU which is yet to be finalized.

4. Major Services Provided by the Mission

The Mission provides a range of services to Nepali citizens residing within its jurisdiction. Its major functions relate to the following:

- i. Issuance of passport, travel document and visa
- ii. Attestation of demand (job order) letter
- iii. Handling grievances/complaints of workers
- iv. Repatriation of workers
- v. Workers' compensation
- vi. Workers' social security enrolment
- vii. Facilitating access to information of both countries
- viii. Correspondence and liaison with the Immigration Department of Malaysia, including Jail and Detention Centres (See Annex IX)
- ix. Coordination with lawyers to provide legal services to Nepali citizens
- x. Repatriation of the mortal remains of Nepali citizens
- xi. Renewal of labour permit (See Annex VIII)
- xii. Attestation of Power of Attorney and other documents

5. Issuance of Passport, Travel Document and Visa

The Mission issues one-way travel documents to those Nepali citizens who don't hold valid passports and need to return to Nepal; facilitates the acquisition of check out memos (exit visa); and issues visa notes for government officials as directed by the Ministry of Foreign Affairs of Nepal. Issuance of passport, travel document and visa is guided by various rules and regulations.

5.1 Issuance and Renewal of Passport and Travel Document

The Embassy issues passport and travel document in accordance with the following laws and regulations:

- i. Passport Act, 2076;

- ii. Passport Regulations, 2077;
- iii. Passport Directives, 2071;
- iv. Passport Procedures, 2078.



Procedural details regarding Passport and Travel Document application can be found in the link below:

- i. Passport: <https://my.nepalembassy.gov.np/pages/passport-3/>
- ii. Travel Permit: <https://my.nepalembassy.gov.np/pages/travel-permit-4/>

5.2 Visa issuance for foreigners

- i. Tourist
- ii. Others

Application for visa can be found on the Embassy website¹

6. Attestation of Demand (Job Order) Letter (See Annex I)

The role of the Mission with regard to the foreign employment recruitment process includes attestation of demand documents which are submitted to it by prospective employers to bring in Nepali workers to Malaysia for various jobs. The process of attestation of demand letters is guided by the Foreign Employment Act, 2064 (2007) and Regulations, 2064 (2008).

A. Procedural Steps

1. Employers or their representative(s) seeking to submit an application for demand letter attestation shall register online. After registration, the Mission will provide a unique digital ID to complete the application process.
2. Employers or their representative(s) shall fill up the required application form, attach/upload the required documents and pay the required fees as set by the Mission. The designated official shall issue one original copy of the cash receipt where applicable to the applicant, informing the estimated date for document collection. A carbon copy of the receipt shall be attached to the application form.

Detailed procedural steps for demand attestation is updated in the Embassy's website²

7. Demand letter approval

1. The designated official shall examine the submitted documents and verify whether the company has been blacklisted and whether there are outstanding complaints against the employer. Then, he/she shall present the documents before

¹ <https://my.nepalembassy.gov.np/pages/vija-1/>

² <https://my.nepalembassy.gov.np/pages/acripration-of-the-demands-brought-from-nepal/>

another designated official for approval. The Mission is required to obtain the following information through the employer's representative(s), visit(s) to the company or through other credible sources:

- a. Condition of existing/previous Nepali workers in the company,
 - b. Information on minimum wage and other benefits, facilities provided to the workers and salary sheet for the last three months,
 - c. Information on Occupational Safety and Health (OSH) of workers including condition of workplace, accommodation, medical care, insurance and security of workers as per parameters outlined by relevant laws and policies in Malaysia,
 - d. Legal status of the employer,
 - e. Evidence of quota authorized by the concerned authority of Malaysia (quota paper)
 - f. Status of approval by competent authorities in Malaysia to hire Nepali workers, and
 - g. Other necessary documents as required by the Mission.
2. The authenticity of employer or its representative shall be verified online.
 3. The employer or its representative shall be notified of any errors, or incomplete information in the application or of missing documents through automated notification with a request to complete the application or re-submit the application.
 4. The document shall be amended if it is found lacking minimum standards and provisions of the contract, relevant directives issued by the Government of Nepal such as those on minimum wage, and other relevant legal provisions. If there are any labour-related complaints registered at the Mission against the employer, the employer is required to settle such outstanding complaints before the demand documents are reconsidered for attestation. The Mission is to make a decision regarding the same on a case-by-case basis depending on the nature of the complaint.
 5. The demand requests made through the online system by an employer shall be linked to the Nepali manpower agencies with power of attorney. The concerned official shall verify if there are any outstanding cases/grievances against the manpower agencies and whether they are blacklisted prior to issuing an approval.
 6. After the initial review, if further interview with workers and employers is deemed essential to assess the status of employment, condition of accommodation and working environment for the workers, the designated official shall refer this matter to the Head of Mission (HoM) and, upon approval from the HoM, an official shall be designated for such inquiry.

7. A designated officer at the Mission shall review the submitted documents and forward them to the HoM for final verification and approval. Two unique IDs to be used only from the designated computers shall be provided and records of any and every action taken upon the submitted applications will be recorded automatically.
8. After approval from the Mission, the application shall be sent automatically to the DoFE through FEIMS for further action.
9. If the application is approved by the DoFE, the designated official in the Mission shall provide one original set of approved demand documents to the employer or its representative and keep record of the same.
10. If the application is rejected by the DoFE, the employer shall be notified through the online system with the reasons, and the notification will automatically be recorded in FEIMS.
11. If the employer or his/her representative(s) needs to request amendment to the document after collection, they shall pay an additional fee as required by the Mission.
12. The employer shall be able to track the status of review of its application online using the unique digital ID issued to them.
13. Through FEIMS, the employer or his/her representative shall also be able to notify the Mission about absconding migrant workers, those who want to return to Nepal, or those facing any other problems. The Mission shall review such information on a regular basis.
14. An employer intending to hire Nepali workers under the individual job category is required to make an online application with the required documents for attestation after receiving approval from the Mission.

8. Visits to Companies (Employers)

The designated officials may visit companies (employers) for various purposes such as to ascertain facts before demand letter attestation, to settle disputes between workers and employers, to address complaints of workers, to have a general discussion with employers and to sensitise or disseminate information to migrant workers. Visit to employers may occur in the following ways:

- i. Request for a visit of a company/employer is received from a Nepali worker or their family member(s) or any concerned individual detailing the reasons for such a visit.
- ii. Designated official(s) recommend(s) company assessment/visit to HoM in connection with attestation of demand letter submitted by employer(s) or for general observation purposes.



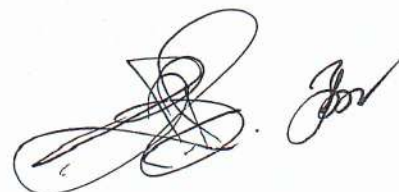
A. Procedural Steps

1. After receiving approval from HoM, the designated official of the Mission shall contact and receive concurrence from the employer, and if necessary, from relevant authorities of Malaysia and fix the date and time of appointment with employers/ sponsors and workers.
2. The designated official shall visit the employer, meet the management and workers, and gather relevant information.
3. If the visit is undertaken for the purpose of demand attestations, the designated officials shall visit the proposed accommodation and workplace and examine whether it meets basic facilities and safety measures as prescribed in the directives issued by the Government of Malaysia. In case in-person visits are not possible, such information can also be acquired from existing Nepali workers working with the employer or from any other reliable networks.
4. The designated official shall, then, make an overall assessment report of the visit and submit it to HoM.
5. HoM shall refer the report to the designated official for necessary action if needed.
6. Based on the instructions of HoM, the designated official shall proceed with demand letter attestation or rejection, forwarding recommendation to DoFE for blacklisting of the company/employer in question if applicable or take any other action and maintain proper records.

9. Blacklisting of Recruitment Agency/ Sponsor/ Employer/ Agent

A. Conditions for Blacklisting of Recruitment Agency/ Supply Agency/ Sponsor/ Employer/ Agent

- i. Misrepresentation of details on foreign employment and engagement in fraudulent recruitment practices resulting in the exploitation of Nepali workers (e.g., recruitment of workers for non-existent jobs/employers, deception about salary and other benefits, forging and falsification of documents etc.),
- ii. Non-cooperation with the Mission in resolving workers' grievances/complaints; breach of contract entered with Nepali workers,
- iii. Subjecting Nepali migrant workers to intimidation, threat and abuses in Malaysia, severe and repeated negligence and refusal in handling complaints of workers,
- iv. Violation of rules and regulations of Malaysia, including engaging in forced labour,
- v. Trading of workers,
- vi. Repeated complaints/grievances from Nepali workers,
- vii. Using workers for illegal activities,



- viii. Committing physical violence, psychological abuse, psychological violence, sexual abuse, sexual exploitation, sexual harassment, or sexual violence against workers,
- ix. Engaging in any act against Nepal's national interests.
- x. Engagement in activities which bring economic disadvantage to the Government of Nepal and Nepalis including sabotaging the recruitment of Nepali nationals,
- xi. Serious violation of terms and conditions of the contract of employment (hereinafter referred to as "contract") signed with a Nepali worker (applicable in the case of employers only).

B. Procedures for Providing Recommendations for Blacklisting of Recruitment Agency/ Supply Agency/ Sponsor/ Employer/ Agent

- i. Collect evidence necessary for making decisions to blacklist.
- ii. Carefully review and analyse the evidence.
- iii. Submit the memo to HoM for approval.
- iv. Communicate the recommendation to DoFE via official email or FEIMS.

10. Handling Grievances/Complaints of Workers (See Annex II)

Nepali Diplomatic Missions are key support mechanisms for Nepali nationals abroad, including for Nepali migrant workers who have gone abroad to earn a livelihood and are likely to face a challenging environment there due to a myriad of reasons such as difference in spoken language, cultures and social customs, and working and living conditions. Therefore, it becomes a matter of high priority for the Mission to attend to the grievances/complaints of all Nepali citizens promptly, irrespective of their legal status. The following legal instruments guide handling of grievances and complaints of Nepali migrant workers:

- i. Foreign Employment Act, 2007 and Rules, 2008
- ii. Directive for the Legal Defence of Nepali Workers in Foreign Employment, 2018
- iii. Memorandum of Understanding (MoU) between the Government of Nepal and the Government of Malaysia on the Recruitment, Employment and Repatriation of Workers, 2018

10.1 Sources and Nature of Complaints

Workers' complaints may be directed against a multitude of actors in the foreign employment sector: government officials, recruitment agencies and local agents in the home country as well as government agencies, employers/sponsors, local agents and others in Malaysia. Workers may utilise any available and/or feasible methods to submit grievances/complaints to the concerned official/s at the Mission such as:

- i. Visit to the Mission (by the migrant worker or their family, friend(s)),

- ii. Telephone call/fax/email,
- iii. Social media messaging applications such as Facebook, WhatsApp, Viber, Twitter or other modes of communication used by the worker or their friends, family members, and others,
- iv. Hotline and call centres
- v. Nepali recruitment agencies,
- vi. MoYLE, DoFE, FEB, Department of Consular Services (DoCS),
- vii. Civil society organisations and workers' organisations working for migrant workers' welfare in Nepal and in Malaysia,
- viii. Media,
- ix. Any other relevant sources.

10.2 Procedures for Handling Grievances/Complaints Related to Workers

1. Ascertain the nature of the complaint no matter what the source of the complaint is.
2. Immediately record complaints of the worker including complaints received orally, complaints received in the form of voice notes and complaints received through hotline, social media, among others and register them in the existing record system used in the Mission as per the standardised format. Entry/registration of complaint must be made within 24 hours of receiving a grievance/complaint from any source.
3. All such complaints received shall be organised into specific categories in the online system/form. Those that are most serious and urgent shall be prioritised for further action.
4. Create a separate case file for each complaint and maintain records thereof.
5. Contact the sponsor/employer and inquire about the complaint. Write to the employer for official record. Be sensitive to ensure the confidentiality of the complainant so that s/he will not face any retribution/retaliation from the employer or perpetrators.
6. Ask the complainant to submit a copy of the contract. Designated official shall review the various provisions of the contract, his/her legal status and whether the worker has a valid labour permit and maintain record of the same.
7. Review the relevant provisions of the labour laws of Malaysia.
8. Discuss with the appropriate level of management of the company/employer for appropriate settlement if applicable. Seek assistance from the respective recruiting agents on both the receiving and sending ends. Where possible, include some representatives from the workers to maintain transparency during the negotiations.

(Terms and conditions as set out in a contract between a worker and employer are the basis to conduct negotiations by the Mission when dealing with such cases).

9. If the negotiation fails, write to the concerned authorities in Malaysia, while keeping HoM informed. Such a letter should be accompanied by the statement of the complaint signed by the worker. Prepare for legal action against the sponsor/employer in the labour court or an entity with such jurisdiction. Get authorization from the worker so that the Mission can follow up on the cases/disputes on behalf of the worker when s/he is not able to do so.
10. In the event of serious cases (including physical violence, sexual abuse and/or harassment, torture, non-payment of wages, among others) legal intervention shall be pursued as per the legal system in Malaysia with the consent of the worker. When complaints of such nature are received, the Mission shall first contact and inform the police station nearest to the worker(s).
11. Make every attempt to obtain written statements from the management on the settlement proposed, whenever it is possible, in order to provide an explanation to the worker in a more authentic way.
12. If needed, shelter homes run by the Mission can be used as per the direction of the designated official/HoM or concerned authority in Malaysia. For workers in need of emergency shelter and psychosocial support, the Mission shall arrange to place such workers in shelter homes in coordination with the Nepali diaspora and other agencies and organisations. Due consideration must be given to workers needing special care such as pregnant or lactating women, persons with disabilities and victims of physical/psychological/sexual abuse, among others.
13. The Foreign Employment Welfare Fund (FEWF) as well as other funds available at the Mission can be utilized to provide shelter, psychosocial and other support to needy workers.
14. In case of workers who are unable to find a job after arriving in Malaysia with a labour permit, the Mission shall try to find a way of regularising them by coordinating with the Department of Labour, Malaysia for finding alternative employment and appropriate compensation.

10.3 Handling Grievances/Complaints of Domestic Workers

1. Provide the domestic worker with counselling, ask him/her not to panic and ensure that s/he is at a safe place.
2. Carefully examine and cross-check his/her statement. Note that the sponsor may file a case against the worker with the concerned government agency.



3. While negotiating with the employer/sponsor, request them to withdraw the case (if a case has been filed) except in the case of serious criminal offences including rape, weapon smuggling, murder, drugs etc.; pay the dues (salary, remuneration); provide airfare and passport for their return to Nepal. If the sponsor agrees to send him/her back to Nepal but their passport is lost or unusable, then issue a one-way travel document for the worker.
4. If negotiation with the agent or sponsor/employer fails, proceed to seek recourse through the legal system in Malaysia for further investigation, case settlement and repatriation.
5. Contact the foreign recruitment agency or agent of the worker if needed to seek assistance in resolving the grievance/complaint. As far as possible, contact and consult with female officials/members at the employer during the dispute resolution process.
6. In the meantime, place him/her at the Mission-run shelter or send him/her to a shelter run by the Government of Malaysia. Get a receipt from the latter stating that the worker has been accepted and is in safe custody.
7. In the event that a domestic worker who has fled his/her sponsor/employer is reported to have been subjected to sexual abuse or physical violence, immediate action must be taken to produce him/her in front of appropriate legal authorities to secure his/her rights, such as a hospital for medical check-up and police station for registering complaints.
8. In the case of female workers, efforts must be made to ensure a female official of the Mission is available to take case history and sensitive information, to the extent possible, so as to put the female worker at ease.
9. Report progress/updates to the complainant party and take follow-up actions until settlement.

10.4 Hiring a Competent Lawyer by the Mission

The Mission may hire a competent local lawyer well versed in the local language as well as fluent in English and conversant with the legal system and procedures of Malaysia to effectively address workers' grievances/complaints. To this end, the Mission may:

1. Initiate necessary action on behalf of the aggrieved Nepali national to extend legal assistance or advocacy to him/her,
2. Consult and hold discussions with concerned authorities of Malaysia as per the nature of the offence, legal provisions about such offence, hearing process, and legal defence,

3. Send a comprehensive report with recommendations to FEB, MoYLE, DoCS and MoFA, Government of Nepal,
4. Appoint a competent lawyer for defending the accused Nepali national as needed.

Having an agreement with a local law firm for handling compensation cases pertaining to migrant workers may be more desirable for a relatively permanent solution.

11. Repatriation of Workers (See Annex III)

Repatriation of migrant workers is associated mainly with premature termination of the contract by either side (employer/sponsor or employee) or due to industrial disputes. Non/under-payment of wages, excessive work hours, provision of sub-standard food and accommodation, medical reasons such as injury or prolonged illness, and violence and harassment at the workplace are other reasons attributed to such repatriations. The process of repatriation of workers is guided by the following legal instruments:

- i. Foreign Employment Act, 2007 and Rules, 2008
- ii. Memorandum of Understanding (MoU) between the Government of Nepal and the Government of Malaysia on the Recruitment, Employment and Repatriation of Workers, 2018
- iii. Immigration laws of Malaysia

11.1 Situations Requiring Repatriation of Workers from Malaysia

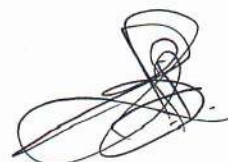
- i. Company closure owing to default, bankruptcy or other reasons, non-renewal of worker's ID or permit, project termination, violation of contract by employers,
- ii. Personal reasons such as physical disability (due to accident, paralysis, permanent disability/partial disability), physical and mental sickness, contract violation, violation of labour rights, abuse (verbal, physical and sexual), family problem back home (such as death of a family member),
- iii. Natural disaster, war situation, pandemic, financial crisis (recession) in Malaysia
- iv. Deportation by Malaysian authorities in cases such as incarceration (after serving the sentence)/detention owing to breaking the law of Malaysia,
- v. Worker becomes a victim of fraud and cheating by Nepali manpower agencies or agents/employer/sponsor,
- vi. Worker fails the medical test before commencing a job in Malaysia,
- vii. Stranded workers.

11.2 Repatriation Procedure (See Annex IV)

1. Ascertain the reason(s) for repatriation and collect evidence for the same. Ask the worker(s) to submit relevant documents from Nepal in order to justify their need to be repatriated if applicable.
2. Engage with the employer, sponsor, recruitment agency, or its representatives to arrange repatriation and ensure payment of the required expenses in accordance with the employment contract.
3. If the employer/sponsor claims repayment of recruitment costs (plus airfares) that it has spent to recruit the worker(s), negotiate for a reasonable settlement.
4. If the worker(s) do not have the funds to repay the employer/sponsor, the worker's family members/friends are to be requested to help the worker(s).
5. Coordinate with the worker's recruitment agency to facilitate repatriation.
6. Once funds are ascertained, pay the employer/sponsor and ask for an official receipt. Worker/s shall carry such receipts with him/her as proof of payment.
7. If the worker's passport is not traceable or unusable, issue a one-way travel document.
8. Not all repatriation on personal grounds can be claimed as a right of the worker/s. If that is the case, the Mission shall make it clear to the worker.
9. For acquiring exit memos (exit visa) for those in need or those who are in detention in Malaysia, the Mission shall utilize the FEWF/other funds available at the Mission.
10. Workers in need of special care shall be prioritised when issuing exit memos (exit visa), special passes, travel documents and tickets.
11. In case of workers who have been released from jail, the Mission shall place them in the 'Ghar Firti Centre' or an alternative shelter home and provide basic services.
12. The Mission shall mobilise and coordinate with the Nepali diaspora organisations and other humanitarian agencies for the identification of workers needing repatriation and for providing necessary support.

11.3 Special Procedures for Repatriation in Situations of War or Natural Disaster

1. Write to the Ministry of Foreign Affairs in Nepal detailing the conditions and need for repatriation of Nepali workers, along with supporting documents. Act on the instructions received.



2. Record the grievances (e.g., non-payment of salary and benefits, abuse etc.) or situation of payment of salary and benefits received by workers prior to their repatriation.
3. In the meantime, explore the possibility of mobilising any external assistance such as from employer/sponsor, or the Non-Resident Nepali Association (NRNA) or other Nepali organisations, relatives/friends of such workers. The Mission should also suggest/recommend MoFA to explore the use of the Migrant Workers Welfare Fund for such repatriation.
4. If an emergency fund is available, it can be mobilized to support the repatriation of workers.
5. Non-government actors such as international organisations, Nepali diaspora and organisations working for Nepali migrant workers in Malaysia can be helpful in repatriation of Nepali workers during crisis situations such as impending war, natural disaster epidemic/pandemic or in situations such as hostage-taking of Nepali nationals by armed or rebellious groups. The Mission shall approach them with necessary direction from the Government of Nepal for assistance in such situations. The Mission shall cultivate good relations with such organisations in Malaysia for help in dire conditions. However, the Mission shall not approach such organisations to repatriate workers for personal reasons or in regular cases of repatriation in small numbers.

11.4 Special Procedures for the Repatriation of Workers Needing Special Care

1. Obtain hospital clearance for repatriation and obtain permission from an airline which is willing to accommodate the worker on its flight.
2. Prepare a cost estimation of the repatriation by obtaining a quotation from the airline (The Mission may need to obtain a number of quotations from airlines in keeping with public procurement rules of the Government of Nepal) and write to FEB through MoFA or directly and provide a copy to the latter.
3. After enough funds have been arranged, apply for exit clearance of the worker.
4. If the worker's passport is not traceable or unusable, issue a one-way travel document.
5. Arrange an escort (doctor, nurse etc.) as advised by the hospital or airlines.
6. Once the flight number and date are confirmed, write to FEB through MoFA, Government of Nepal with the flight number, date, time of arrival, etc. for on-arrival assistance.

7. Write to FEB to make necessary arrangements to send the repatriated worker to his/her home.
8. Ensure that all dues of the worker/s are cleared before repatriation. Get Authorization Letter from the worker/s to act upon insurance or other compensation-related issues on behalf of the worker/s.
9. The Mission may request the employers for fair compensation or support to the dependent family members of the injured or deceased.

11.5 Procedure for Repatriation of Mortal Remains of Deceased Workers (See Annex VII)

Death of a worker in Malaysia could occur due to: a) natural causes such as existing underlying health issues or onset of a fatal disease, infectious/contagious disease, etc., b) work accident, c) traffic accident or d) war. The Mission may receive information from friends, families, employers/sponsor, police, authorities etc. regarding the demise of a Nepali national.

A. Procedural Steps for the Repatriation of Dead Body to Nepal

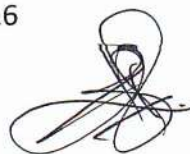
1. The Mission shall contact the concerned employer/sponsor to verify information regarding the death.
2. The Mission shall inform the police in Malaysia, following which the police will visit the hospital for investigation and initial report. The Mission shall either ask the employer to coordinate with the police for issuing the 'release letter' or coordinate with the police for the letter. Note that in some cases the police may conduct further verification which might take some time.
3. The Mission shall issue a letter of authorization in the name of the official of the employer/company ('undertaker') to accord him/her the authority to process and receive fundamental documents such as death certificate, police report, medical report, clearance of insurance, documents of settlement of salary dues and other benefits.
4. In all cases, including those where workers do not have a valid working visa/permit at the time of death, the employer is responsible for the cost of repatriating the dead body to Nepal. The Mission shall issue an Authorization Letter to the employer or its representative to prepare the necessary documentation for the repatriation of the dead body.
5. The Mission shall collect relevant information related to the deceased worker and update the same in the Mission's database or FEIMS if applicable. Based on the information, next of kin (NoK) of the deceased worker shall be notified for either

repatriation or local burial. After receiving all the required documents, the Mission shall issue the 'No Objection Certificate'.

6. In case of workers without a valid working permit/visa at the time of death in Malaysia, the employer/sponsor may not support the repatriation of the dead body. In such a case, designated officials shall report to FEB, MoYLE, MoFA about the death and request for funds to repatriate the dead body to Nepal.
7. The undertaker shall submit the documents mentioned in the checklist to the Mission.
8. Funding may be arranged through friends or Nepali Diaspora and Non-Resident Nepali Association, or family member(s) of the deceased worker in case the employer/sponsor cannot be held liable or in case of lack of adequate funds in the Mission.
9. The designated official/s shall check, verify the documents and approve the application.
10. The designated officials shall issue a No Objection Letter, recommendation/approval letter to relevant authorities including a) the hospital requesting the release of the dead body to the undertaker, b) Labour Department of Malaysia, for processing insurance compensation claims and other procedures, c) the employer/ company, for settling any due salaries, payments, benefits, and initiating the insurance and compensation claims, d) DoCS in Kathmandu, to coordinate and liaise with the applicant/NoK, and d) FEB for processing applicable payments and compensation from the Welfare Fund and related insurance company.
11. Each letter shall be given a unique registration number and a separate (digital) file shall be created for each case in the database of the Mission.
12. A set of 6 copies of the letter shall be provided to the undertaker to forward to relevant recipients. The undertaker will submit the copies of the letter to relevant authorities in Malaysia, make the necessary cargo arrangements and send the dead body to Nepal along with the relevant copies of the recommendation letter addressed to the applicant and relevant authorities in Nepal.
13. The applicant (NoK, family member, relative) shall receive the dead body along with the personal documents of the deceased and copies of the recommendation letter addressed to authorities in Nepal.

11.6 Local Burial

If the legal heirs wish to have the dead body buried or cremated in the place where the worker died, the Mission shall speak to the employer in Malaysia about this matter and



arrange for the same. In such a case, the legal heir is required to issue a power of attorney through DoCS in Kathmandu in the name of the Mission authorising it to arrange burial or cremation of the deceased worker in Malaysia. The following steps shall be followed for the same:

1. The employer shall submit the required documents and receive a 'No Objection Certificate' (NoC) from the Mission and the legal heirs for the local burial ('Burial Permit').
2. The cost of the burial shall be covered by the employer.
3. The Mission shall ensure that the unpaid salary/benefits is collected from the employer before issuing the NoC.
4. The Mission shall request the employer to compensate the money which could have been spent in repatriating the dead body to the NoK of the worker in Nepal.
5. After the local burial, the belongings of the deceased, burial certificate, due salary and benefits, and any other relevant items shall be sent to the legal heir either by the employer or by the Mission.
6. Efforts shall be made by the Mission to request the employer to send the remains after cremation (*Astu*) to the legal heirs for performing religious rites in Nepal.

12. Workers' Compensation

12.1 Workplace Injury Related Compensation (See Annex V)

If a worker is injured at work, he/she is entitled to receive injury compensation from the employer/sponsor. Normally, employers/sponsors themselves carry out the procedures for providing injury compensation and necessary medical care of the injured worker. However, in some cases, the worker/s, their friend(s), colleague(s) or other individuals may have to approach the Mission for help. In such cases, the following procedures should be followed by the Mission:

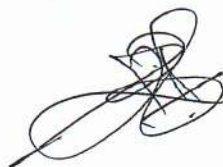
1. Once the Mission receives information through any means regarding injury sustained by a worker, a designated official shall immediately ask the employer/sponsor to provide the worker with urgent and necessary medical treatment, to file a complaint with the police of the incident and provide paid leave to the worker if he/she is unable to work.
2. The Mission shall write a letter to the employer/sponsor with the aforementioned details for future reference and record.
3. The Mission shall obtain a preliminary medical report from the concerned medical practitioner and ascertain the nature of injury.

4. The Mission, then, shall write to the employer/sponsor for processing compensation for injury.
5. If the employer of an injured worker has failed to renew the worker's visa or work permit, thereby causing the worker to become undocumented or to work irregularly, the Mission should file a written complaint against the employer with the competent authorities in Malaysia.
6. The Mission shall prepare a case file with all the relevant documents, follow up on the case periodically and update the case file until compensation is received.
7. The Mission shall send the injury report to DoCS, MoFA in Kathmandu.
8. If the worker is no longer able to work owing to his/her injuries, the Mission shall initiate repatriation proceedings through the employer/sponsor. In such a case, the employer/sponsor is responsible for finalising all the formalities including cancellation of visa, paying due salary/remuneration, arranging air tickets etc.
9. Normally, a worker with regular status can receive injury compensation, and a worker with irregular status (without a valid work visa/permit) is not eligible for compensation. However, the Mission shall request the employer/sponsor to provide compensation to such workers so as to ensure some relief to their dependents/legal heirs in Nepal by following the steps mentioned above.
10. Get Authorization Letter from the worker so that the Mission can follow up on securing compensation and dues on their behalf.

12.2 Compensation for Death of Workers (See Annex VI)

In case of death of a worker, the following procedures should be followed by the Mission:

1. Once the Mission receives information through any means regarding the death of a worker, a designated official shall immediately write to the employer/sponsor regarding the death of the worker seeking information about the cause and circumstances of the death.
2. The Mission shall prepare a case file with all relevant documents, follow up on the case periodically and update the case file until compensation is received.
3. A separate digital or physical database shall be prepared by the designated official to maintain records of all cases relating to compensation for death of workers and uploaded in the FEWIMS/FEIMS.
4. The compensation amount received by the Mission should be sent to the DoCS, to be handed to the legal heirs. In such a case, a designated official shall visit the



concerned authorities on the provided date and receive the compensation amount to send it to the legal heir in Nepal through DoCS.

5. Cases involving suicide, natural death, or drowning may not qualify for compensation under the applicable laws, insurance policies, or contractual provisions. In such instances, the Mission, employer/sponsor, and insurance company should endeavor to reach an amicable and mutually acceptable settlement. Notwithstanding the absence of a legal entitlement to compensation, the Mission shall make every reasonable effort to secure an ex gratia payment or other form of financial assistance from the employer/sponsor for the benefit of the deceased worker's legal heirs.
6. Normally, NoK of a worker with regular status can receive death compensation, and that of a worker with irregular status (without a valid work visa/permit) is not eligible for compensation. However, the Mission shall request the employer/sponsor to provide compensation in the event of death of a worker with irregular status as well so as to ensure some relief to their dependents/legal heirs in Nepal by following the steps mentioned above.

12.3 Hiring a Competent Lawyer by the Mission

1. It may take longer to receive compensation payment when processed through employers and insurance companies. On the other hand, hiring a lawyer by the Mission after receiving Power of Attorney from the legal heir would make the process relatively faster.
2. The process of hiring a lawyer in this way varies from case to case and depends on the wish of the legal heir(s). In Malaysia, it also depends on the amount of death compensation as lawyers normally claim a certain percentage of the amount.
3. In case compensation for the death of workers is pursued through a lawyer, a designated official shall visit the concerned court on the appointed date and receive the compensation amount as decided and send it to the legal heir in Nepal through DoCS.

12.4 Compensation Owing to Closure of a Company/ Violation of Contract by the Employer

1. Compensation in case of closure of a company and violation of contract by employer shall be settled as per the labour law or any other relevant law/s of Malaysia.
2. In addition to this, such matters shall also be settled as per the relevant provisions in the contract between the worker and the employer/sponsor.



3. The designated official(s) shall be well acquainted with the relevant provisions and clauses of the contract before entering into any negotiations with the employer(s).

12.5 Procedure for Filing Compensation Claim in Nepal

The legal heir(s) of the deceased and injured workers are entitled to receive compensation payment in Nepal as well. The following documents, along with a covering letter, shall be sent by the Mission to FEB, Government of Nepal, and copies sent to other relevant authorities.

- i. Copy of labour permit approval if extended at the Mission,
- ii. Copy of contract of employment,
- iii. Copy of police report, post-mortem report, death certificate,
- iv. Copy of passport and visa or travel document of the worker,
- v. Any other documents as stipulated by the concerned authorities in Nepal.

13. Workers' Social Security Enrolment

Nepali migrant workers are enrolled in the Social Security Fund (SSF) in Nepal in order to obtain a labour permit for their migration abroad for employment. Migrant workers' social security enrolment in Nepal is guided by the following document:

- i. Foreign Sector Social Security Programme Operation Directive, 2079 (2022)

Likewise, migrant workers may also enrol in the social security system in Malaysia. Nepali migrant workers' social security enrolment in Malaysia is guided by the following documents:

- i. Memorandum of cooperation between the Government of Nepal and the Government of Malaysia for enrolling Nepali workers under the Social Security Organisation (SOCSO) scheme.

A. Social Security Organization (SOCSO), Malaysia

1. In the case of death or injury of workers in Malaysia, the employer shall be asked to report to and inform the Social Security Organization (SOCSO) or Pertubuhan Keselamatan Sosial (PERKESO) within 24 hours of the incident. The status related to SOCSO shall be updated in FEIMS so that the Mission, DoFE, DoCS, the FEB and local governments can track the progress.
2. The Mission shall notify the FEB and local governments/Employment Service Centres (ESC) the need to send back the 'acknowledgement form' signed by the concerned beneficiaries. The call centre at MoYLE shall also be providing services to fill in the form.

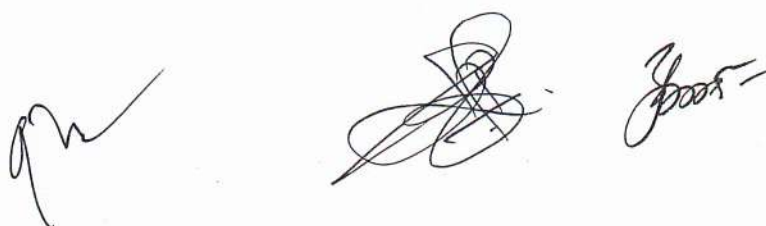
3. Information, Education and Communication (IEC) materials shall be prepared to provide the most relevant information on provisions related to SOCSO, including procedures to apply for the benefits and acquire them (even when one returns to Nepal).

14. Facilitating Access to Information

The Mission's role to maintain communication with and enhance access to information for Nepali citizens abroad is crucial. Access to relevant information is essential for supporting and protecting Nepali citizens in Malaysia.

Measures

- i. The Mission shall establish a hotline for effective communication with Nepali citizens in Malaysia including Nepali migrant workers.
- ii. The Mission shall coordinate with the call centre at MoYLE to provide information to Nepali nationals.
- iii. The Mission shall carry out outreach and awareness campaigns in coordination with international and Nepali organisations in Malaysia to sensitize Nepali migrant workers about their rights, among others.
- iv. The Mission shall regularly conduct 'Live' programmes through social media such as Facebook to communicate with Nepali nationals in Malaysia.
- v. Information, Education and Communication (IEC) materials shall be prepared to provide the most relevant information to Nepali citizens abroad.

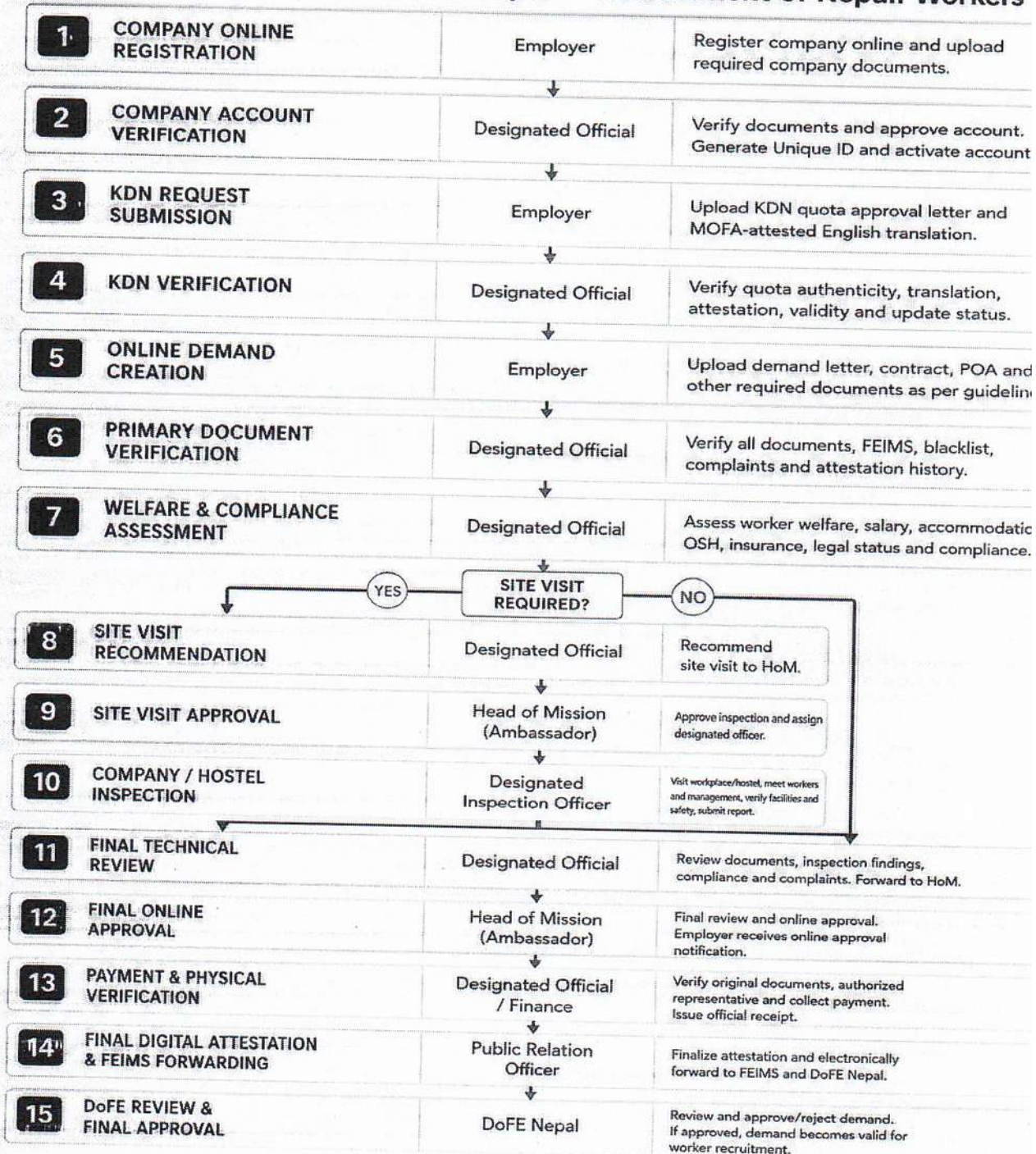


Annexes

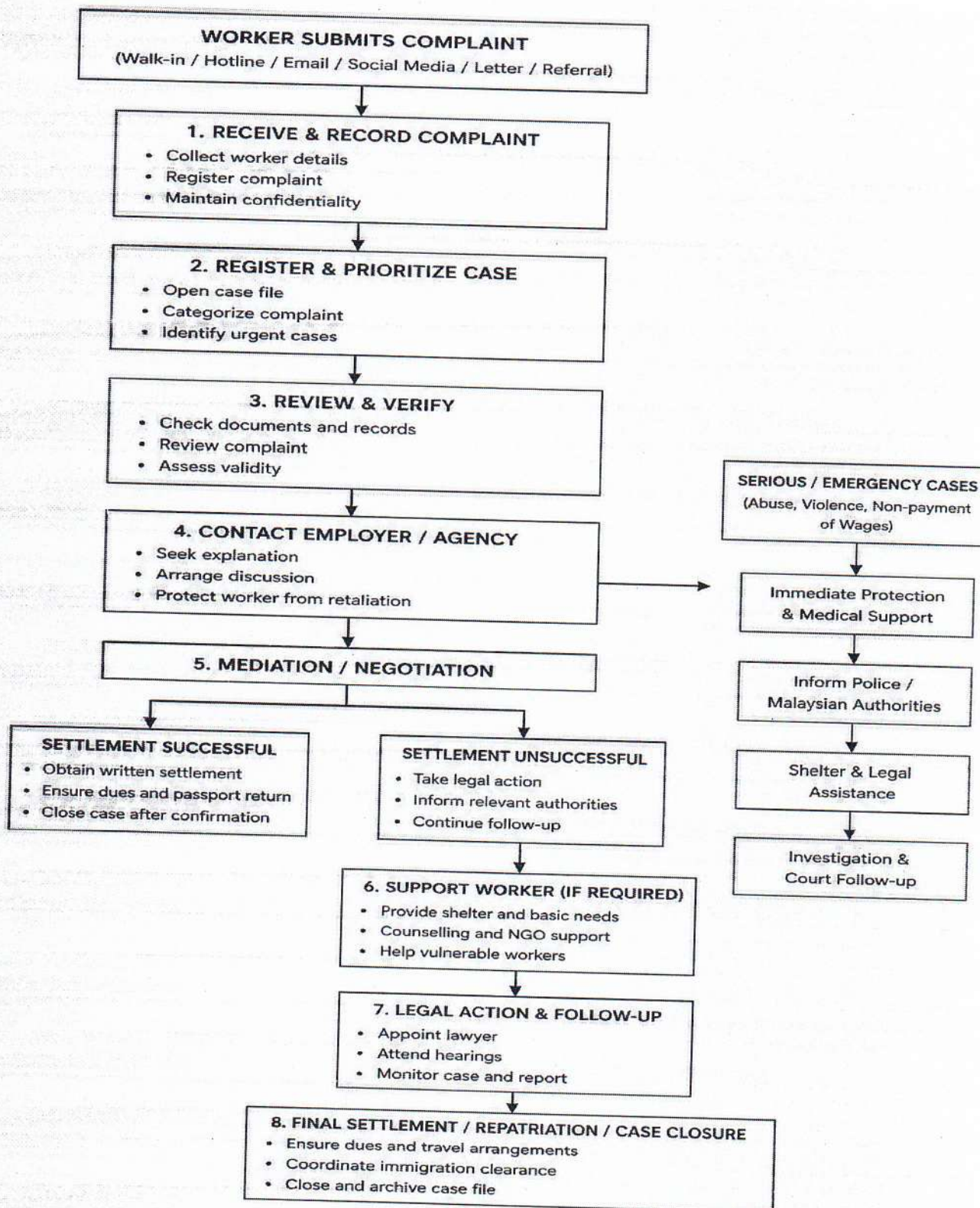
Annex-I : Demand Attestation Process Workflow Chart (See Page No 4)

DEMAND ATTESTATION PROCESS

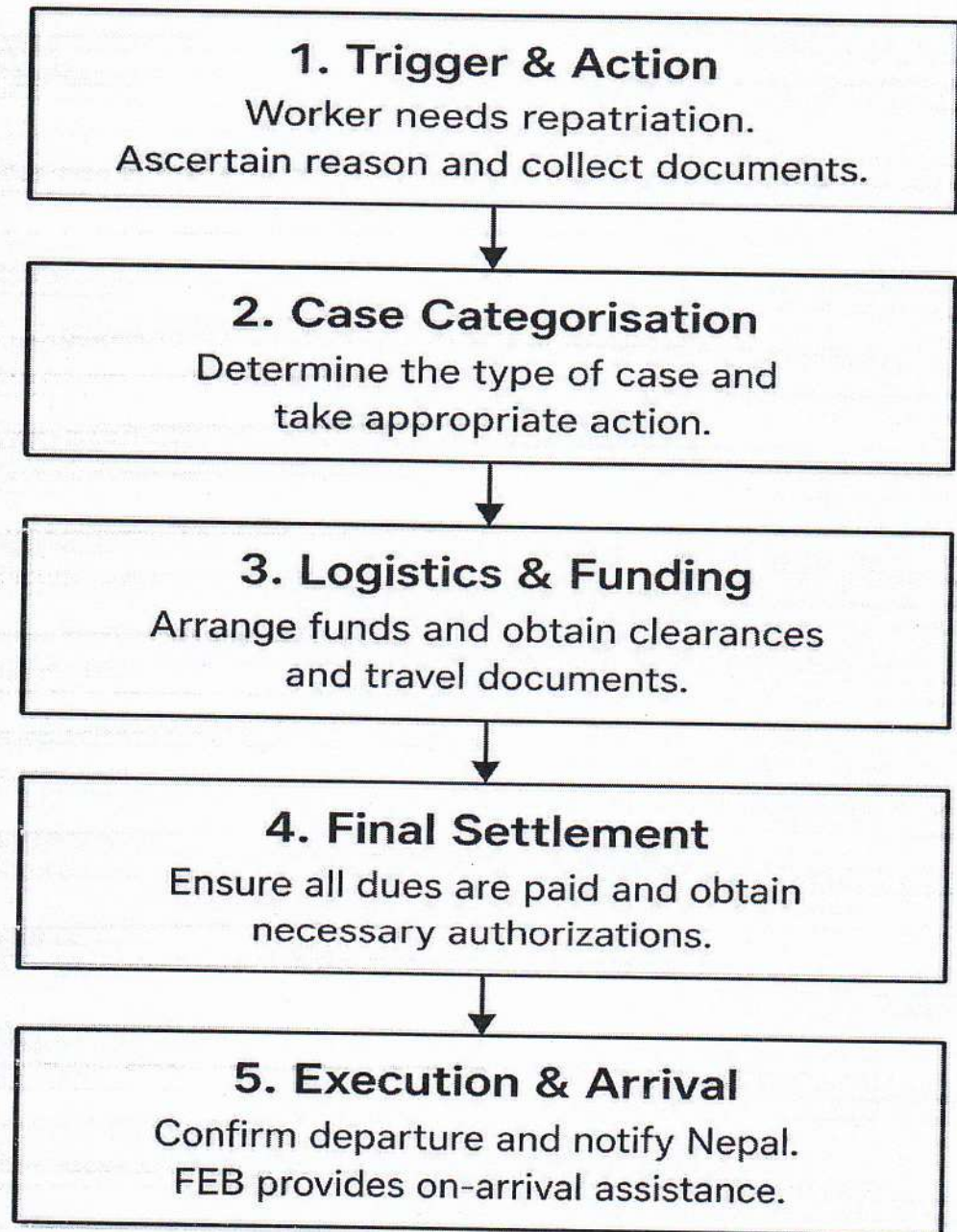
Embassy of Nepal, Kuala Lumpur – Recruitment of Nepali Workers



Annex-II: Workflow Chart for Handling Grievances / Complaints of Workers (See Page No 8)



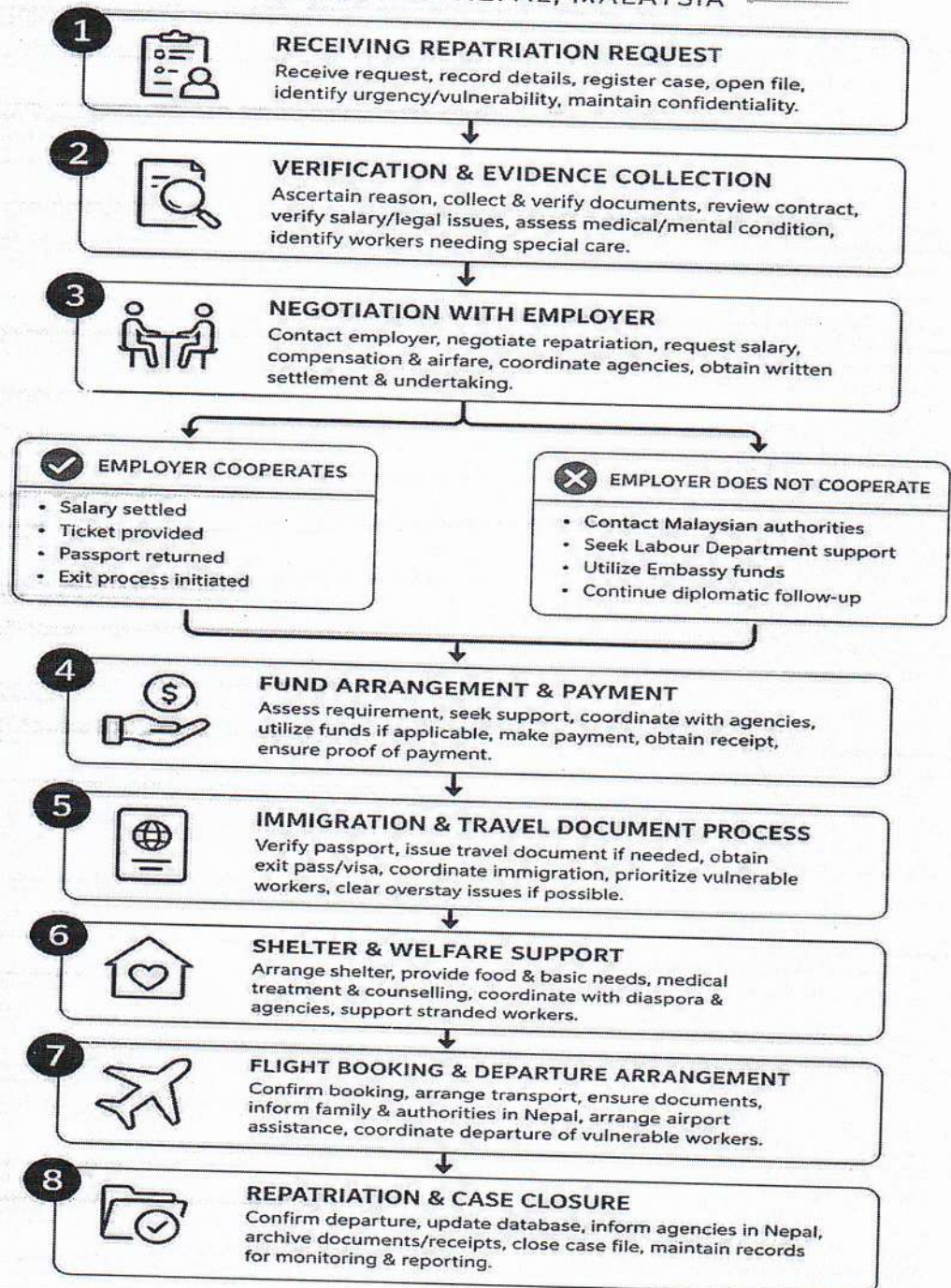
Annex-III: Work flowchart for Repatriation of Workers Process (See Page No 12)



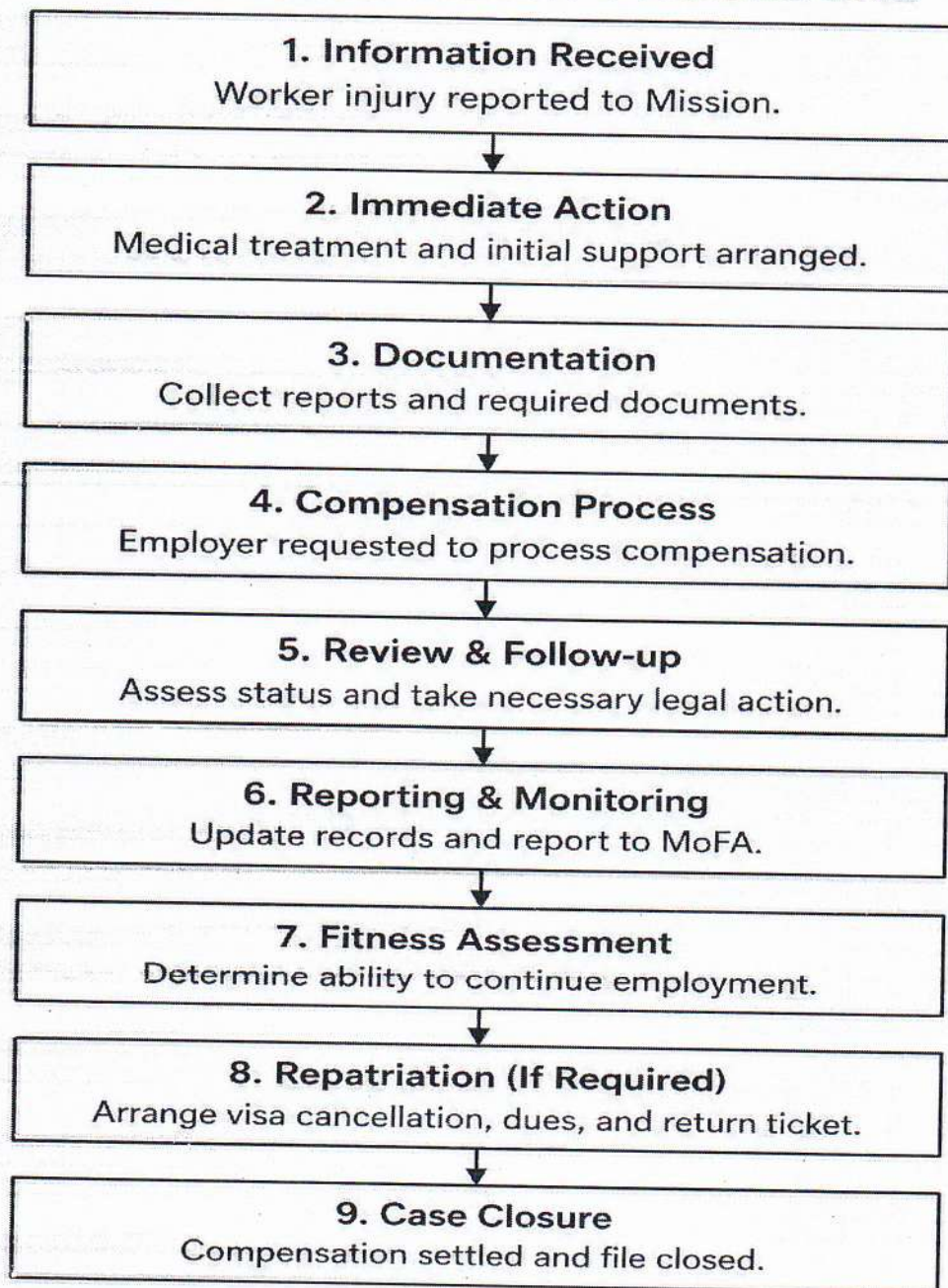
Annex-IV: Repatriation: Step by Step Process for the Nepalese Migrants workers in Malaysia (See Page No 13)

REPATRIATION OF WORKERS FROM MALAYSIA

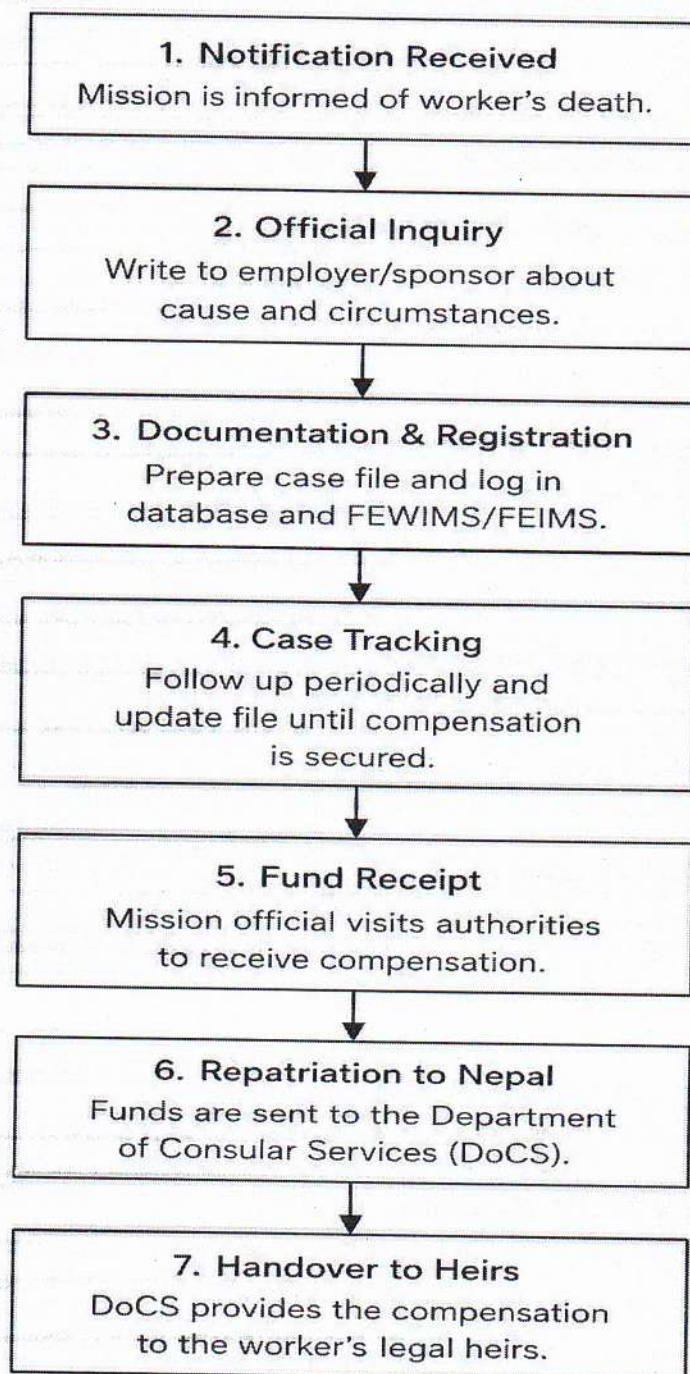
EMBASSY OF NEPAL, MALAYSIA



WORKPLACE INJURY PROCEDURE

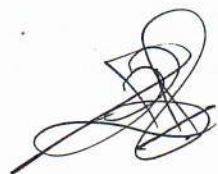
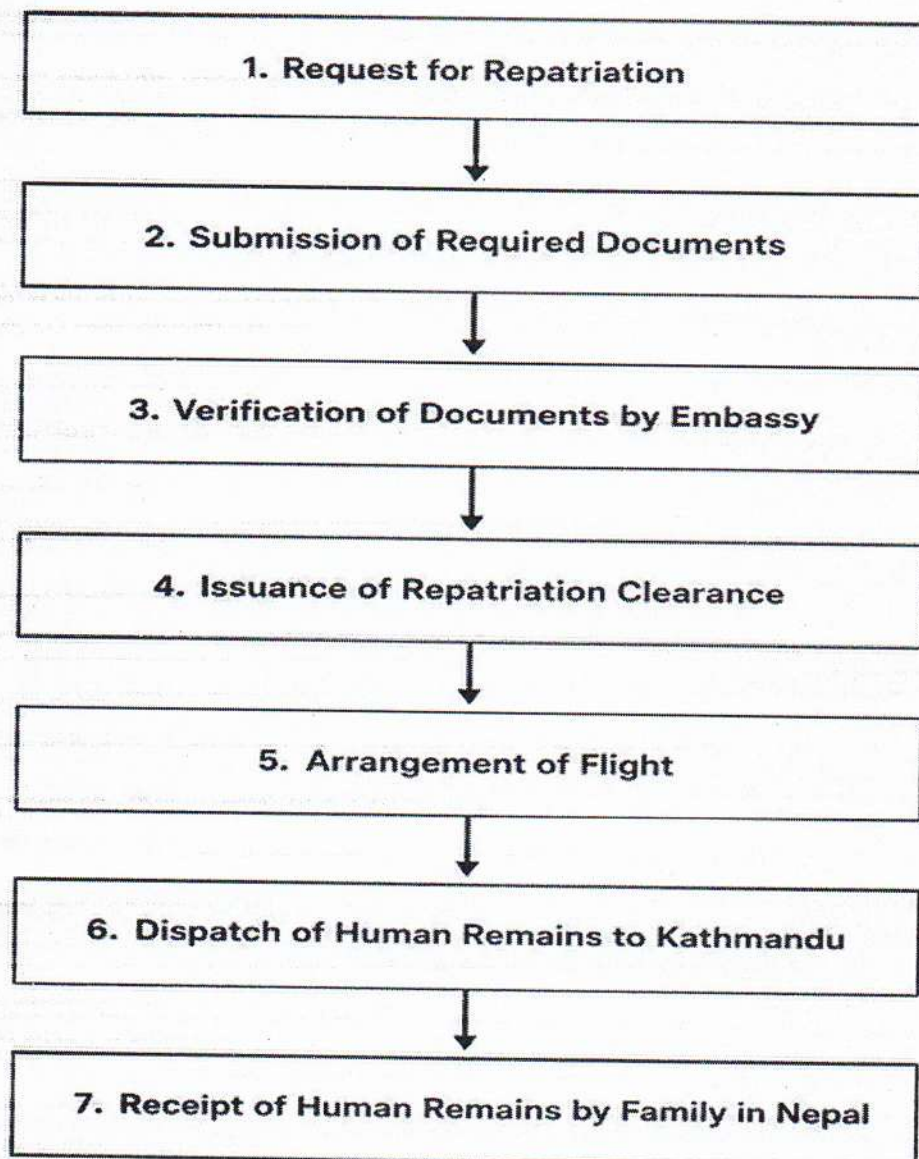


Compensation Process Flowchart

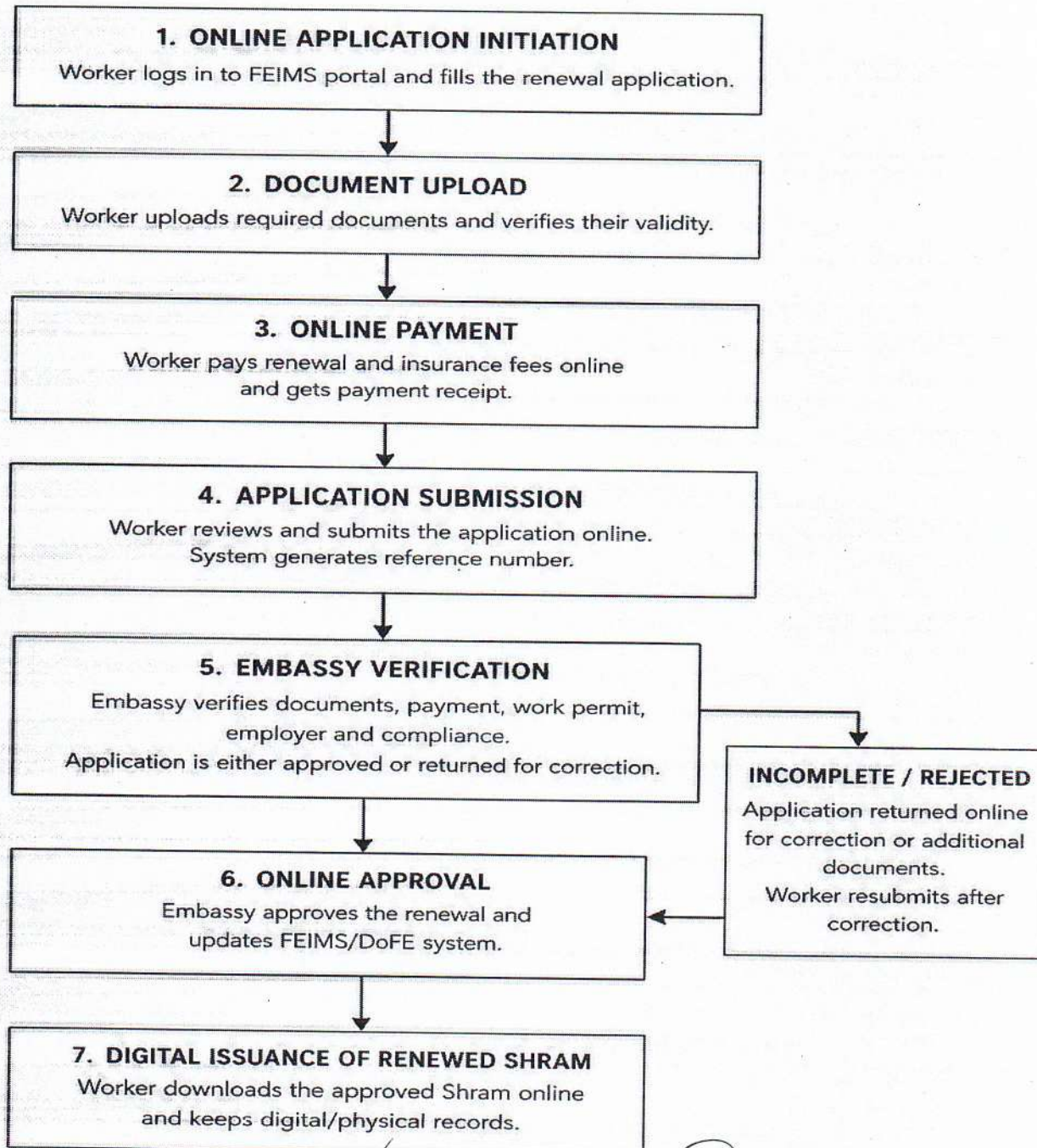


Annexes VII: Procedure for Repatriation of Mortal Remains of Deceased Workers
(See Page 15)

DECEASED CASE REPATRIATION PROCESS
(LEGAL WORKERS)



SHRAM (LABOUR APPROVAL) RENEWAL WORKFLOW EMBASSY OF NEPAL, MALAYSIA



Annexes-IX: Jail Detention and Immigration Process (Referred in Page No 3)

