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Japa Syndrome, Fair Recruitment and The Exploitation of Labour Migrants: Navigating the Corridors of Skilled Work Migration In NIGERIA

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Abstract

"Japa" has become the new phenomenon among the middle class in Nigeria, heralding a mass exodus of individuals and families on a daily basis from their country of origin to destination countries in search of job opportunities amongst others. Many intending migrants have embraced the option of the skilled work migration platform which is easily available through referrals, the internet and personal contacts. Recent cases of extortion, exploitation and unfair recruitment of Nigerian migrant workers by recruitment agencies have begun to raise concerns as to the complicities of the different actors who are in one way or the other involved in the skilled workers migration programs in Nigeria. This is because despite the barrage of controversies that have arisen from the skilled workers migration programs, not much have been done to ameliorate the plight of victims and stop the continued exploitation of Nigerian labour migrants who are often issued skilled work visas for non-existent jobs in the United Kingdom and other destination countries. The concern comes with the eventual exploitation arising from deceit and unfair recruitment processes that throw supposed migrant employees into a mire of uncertainties and hardship in the event of abandoning everything that constitutes the reality of their lives in Nigeria to destination countries, with the expectation of improved remunerations and better working conditions. The research employs the content analysis approach in interrogating the issues raised in the Sky News' investigative documentary video on employment/visa scam being exerted on labour migrants in the UK, as well as data from an open -ended survey questionnaire administered to migration stakeholders in Nigeria to inquire into the controversies of skilled work migration arising from unfair and deceitful recruitment exercises by dubious agencies that facilitate migrant skilled work recruitment exercises in Nigeria. Implementation of the fair recruitment standards are recommended for improved migration processes and work conditions.

Keywords: Japa Syndrome, Fair Recruitment Labour Migrants, Skilled migrants

Introduction

The recent wave of emigration by Nigerians to other countries of the west has begun to spur discussions that actually question the workings of the skilled work migration route in Nigeria. The constant cases of extortion, exploitation and unfair recruitment of Nigerian migrant workers by recruitment agencies have begun to raise concerns as to the complicities of the different actors who are in one way or the other involved in the skilled worker migration programs in Nigeria. This is because despite the barrage of controversies that have arisen from the skilled worker migration programs, not much have been done to ameliorate the plight of victims and quench the continued exploitation of the Nigerian skilled worker by dubious employment agencies who lure them from Nigeria with the promise of lucrative employment. The implication is that many Nigerians who leave Nigeria with the promise of employment in destination countries get stranded on getting to the destination countries realizing that they have been scammed with no real or available jobs to engage in, and earn a living. According to the International Organization for Migration (IOM) Chief of Mission Laurent De Boeck as reported by Premium times (2023), over 1000 Nigerians are stranded in the UK after receiving fake employment letters. In his words:

> Some of the victims lost as much as $10,000 each in their desperate attempts to secure foreign jobs. They get there, present the letters, and the organizations tell them that the letters did not emanate from the organizations. Over a thousand people are affected.

"Japa" has become the new phenomenon among the middle class in Nigeria. The word which literarily means "to run away" in Yoruba language has become very significant in the Nigerian migration context and is used to describe the search for greener pastures in foreign countries. **Error! Bookmark not defined.** & Oladotun E. Awosusi (2023) describe it as a "term used by Nigerians to describe the outmigration trend of Nigerians into Europe and other parts of the world". With the near economic crisis in the country, Jakpa has

become quite a trend. There is a mass exodus of individuals and families on a daily basis in the country. The IOM reports that no fewer than 260,000 Nigerians approached them for migration in 2023; the highest they have ever registered (Daily Trust, 2023). As such, "embassies in Nigeria, especially the UK, US and Canada are daily being besieged by Nigerians seeking visas to leave". According to the refugee, Immigration and citizenship Canada (IRCC) report obtained from Business Day news (2023), "the country recorded 10,180 Permanent Residents (PRs) from Nigeria in H1, a marginal increase of 0.74 percent from 10,105 in the same period of 2022". The United Kingdom on the other hand also experienced tremendous migration activities from Nigeria. This is because about 141,000 Nigerians are reported to have migrated to the United Kingdom between June 2022 and June 2023 (Oluyemi Ogunseyin 2023). The *Jakpa* crisis is further buttressed by data from International Organization for Migration detailing the number of Nigerians on irregular migration that died in the Sahara desert in 2023. Despite the concerted effort to curb irregular migrations in the country, the deluge has continued with many of the irregular crossings still happening through the Trans-Sahara route. The Nigeria Immigration Service (NIS) report as contained in the Punch News of 23rd August, 2023; about 1,200 Nigerians have died while trying to migrate through the Sahara desert Mediterranean Sea in 2023. Economic depression and the constant depreciation of the Naira has not aided the situation but rather continued to act as a push for many Nigerians especially the skilled worker class towards exploring better and more secure work environments in foreign countries. The implication is that the combined problems of economic meltdown and socio-political restiveness complicates migration and exposes the Nigeria skilled worker class to unfair recruitment exercises by employment agencies many of whom do not practice within the bounds of established recruitment ethics and praxis. The concern comes with the eventual exploitation arising from deceit and unfair recruitment process that throws the supposed migrant employee into a mire of controversies, uncertainties and hardship in the event of abandoning everything that constitutes the reality of their lives in Nigeria to destination

countries with the expectation of improved remunerations and better working conditions. This research therefore enquires into the controversies of skilled work migration arising from unfair and deceitful recruitment exercises by dubious agencies that facilitate migrant skilled work recruitment exercises in Nigeria.

Nigeria is witnessing a wave of skilled work migration in a way that is constantly propping questions about the socio-economic state of the country. Since the transition from the President Jonathan -led government to the Buhari -led government which came to an end on the 15th of March of 2022, the socio-political and economic instability has led to the mass exodus of both skilled and unskilled workers in the country. The degree of the emigration is unprecedented in skilled worker migration in the country and this has begun to spur germane questions as it concerns migration with real interests in understanding the migration dynamics and its impact on Nigeria and its diverse population. In effect, emigration which has become synonymous with *Jakpa* has begun to hold significant meanings for the average Nigerian. The reason is its significance to the struggling migrant worker as it naturally provides an escape from the harsh realities of the biting socio-economic situations and social instabilities in the country. In effect, *Jakpa* is viewed as an escape, an alternative route to survival, a symbol of hope to the suffocating majority who desperately gasp for enhanced means and quality of livelihood. Unemployment, poor infrastructure, poor standard of living, insecurity, inflation, amidst preference for greener pastures are some of the societal factors that engender migration in Nigeria (Odeyemi Oluwabukunmi, 2021). Amidst these, Lanre Ikuteyejo (2021) sees "the attraction of an idealized West" as a major driver of migration in the country. Damilola Adegoke (2023) on the other hand holds the social media responsible for the huge migration events happening among the youths in Nigeria. According to him, the social media representations of emigrants go a long way in influencing migration decisions among youths in the country.

However, the *Japka* syndrome is not without its challenges. The constant cases of fake employment offer to skilled labour migrants in Nigeria has become a big challenge to skilled labour migration in the country. The UK skilled labour migration route is among the prominent routes where employment racketeers scam desperate Nigerians willing to resume jobs in the UK of huge sums in exchange for non-existent jobs. The implication is that the prospective migrants get to the UK only to discover that the employment letters with which they were issued skilled work visas are fake. The damage to the migrants are usually enormous as this leaves the migrant stranded with little or no help. The problem of unfair recruitment of Nigerian skilled migrant workers also exist in the gulf area. There have been issues of dishonest recruitment that have resulted in the enslavement of Nigerian migrant workers in the gulf region. These unfair recruitment practices have seen many Nigerians employed in Nigeria resume in unbefitting job roles at their destination countries in the Gulf area. Many of these migrants end up trafficked and dehumanized as a result of the unfair recruitment practices that gave them the jobs.

The issue of unfair recruitment of the Nigerian migrant skilled workers and the many issues arising from it is what has informed this research endeavor. This research therefore is an inquiry into the skilled labour migration scam in Nigeria. This research was partly motivated by Sky News' investigative documentary on employment/visa scam being exerted on labour migrants in the UK. The video therefore will serve as a case study to complement research information gotten from open ended survey questionnaires administered to migration stakeholders in Nigeria.

Labour Migration and ILO's Fair Recruitment Initiative (FRI)

The International Labour Organization (ILO) maintains that "Lack of labour protection for migrant workers undermines protection generally for all workers" (ILO, 1996-2023). Over the years, ILO, in the quest to improve the lot of workers has developed and maintained a

system of international labour standards put in place to promote opportunities for men and women to access decent and productive work under conditions of equity, freedom, security and dignity. The ILO has so far adopted 400 instruments. Many other global and regional frameworks have been developed for the protection of workers, especially migrant workers. The International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families was adopted by the United Nations General Assembly On 18 December 1990. (United Nations publication, Sales No. E. 79.)

Other global and regional labour migration frameworks include:

- UN Global Compact for Safe, Orderly and Regular Migration
- The 2030 Agenda for Sustainable Development and migrant workers
- 2018 ILO/World Bank Guidelines on Recruitment Costs
- ILO 2018 Guidelines concerning statistics of international labour migration
- The 2017 International Labour Conference's Resolution and Conclusions on Fair and Effective Labour Migration Governance and its follow-up Plan of Action
- ILO's 2016 Guiding principles on the access of refugees and other forcibly displaced persons to the labour market
- ILO's 2016 General Principles and Operational Guidelines for Fair Recruitment
- ILO's 2014 Fair Migration Agenda
- ILO's 2006 Multilateral Framework on Labour Migration
- The 2004 International Labour Conference's Resolution and Conclusions concerning a Fair Deal for Migrant Workers in a Global Economy and its follow-up Plan of Action
- Africa's Agenda 2063
- The 2014 AUC's Ouagadougou + 10 Declaration and Plan of Action on Employment, Poverty Eradication and Inclusive Development in Africa

- The Revised Migration Policy Framework for Africa and Plan of Action (2018-2030)
- Nigerian National Policy on Labour Migration (2021)
- The AU Free Movement of Persons Protocol

Through the Fair Recruitment Initiative (FRI) ILO seeks to ensure that recruitment is fair, protective, carried out within the law, and non-discriminatory. The Fair Recruitment Initiative is designed to ensure that the recruitment of workers whether into the country or across borders adhere to labour standards and are developed through social dialogue, and inclusivity that ensures equality for all (ILO, 1996-2023). Towards the upliftment of labour standards, the FRI highlights the protection of the rights of workers, including migrant workers from abusive and fraudulent practices during the recruitment process. It also encourages the prevention of human trafficking and forced labour as well as the reduction of the cost of labour migration, while enhancing development outcomes for migrant workers and their countries of origin and destination. The phase II of the FRI (2021-2025) regional initiative is based on the needs to expand, improve and promote the implementation of successful fair recruitment approaches to other countries in Africa; advance towards the achievement of Sustainable Development Goals; and launch a massive campaign towards enhancing, exchanging and disseminating global knowledge on national and international recruitment processes. Indices of fair and unfair recruitment are easily decipherable in the treatment and employment conditions of migrant workers. Below are some identifiable indices:

The following are some of the indices of fair recruitment:

- Regular and prompt payment of wages
- Recruitment is carried out at no cost to the job seeker
- Written contracts are provided in the language of the migrant workers

- Safety is ensured in the workplace
- Confidentiality is maintained about employees
- Protection of all workers' rights, including fundamental principles and rights at work
- Recruitment is carried out within the law to prevent human trafficking and forced labour;
- Employees are provided with clear and accurate information about the services they may provide.
- Employees are given all relevant information relating to their jobs.
- Employees in overseas recruitment are engaged within the required bond and other legal requirements

The following are some of the indices of unfair recruitment:

- Deception about the nature and conditions of work,
- Charging of Recruitment fees
- False promise of better jobs with good pay
- False job Contracts
- Retention of passports and other documents
- Illegal wage deductions,
- Debt bondage linked to the repayment of recruitment fees,

Research Design

This research was designed to provide answers to the following research questions:

1. Who are the key players complicit in the unfair recruitment and exploitation of Nigerian Labour migrants in the UK?

2. What are those actions of job seekers/ migrant workers that empower employment agencies to exploit them?
3. What are those actions of employment agencies that expose migrant workers to abuse and exploitation?
4. How can the activities of employment racketeers be significantly nipped in the bud?

Research Methodology

This research incorporated the mixed mode approach in extracting and analyzing the data necessary for the research. Both the survey approach and the content analysis approach of the qualitative research method were employed. The primary focus of this research is to proffer answers to the research questions above. The researchers in providing empirical answers to the research questions adopted the qualitative research method for both data gathering and analysis. 26 open ended questionnaires were distributed to migration stakeholders in Nigeran and these included stakeholders from the Federal Ministry of Labour and employment (FMLE), Private Employment Agencies (PEA), Media Practitioners, Human Capital Providers Association of Nigeria (HuCAPAN), Nigeria Employers Consultative Forum (NECA) and Civil Society Organisations (CSOs). The survey was used to generate data for research questions 2,3 and 4.

More so, a Sky News Documentary on Skilled Worker Visa Scam and exploitation will be used as a case study to buttress the argument of the research. The content analysis approach was used in extracting and analyzing data from the documentary which was purposively sampled for this research. The investigative documentary by Sky News was purposively sampled for this research due to its empirical approach in dealing with major issues of exploitation and skilled worker employment racketeering. Data from the video was used to complement the survey in answering research questions, 2, 3 and 4.

Brief Summary of the Case Study Documentary: The case study that is used in this mixed method research is a 9 minutes documentary video produced by Sky News Uk. The documentary is an investigation into the skilled worker visa scam that is going on in the UK where migrant workers are presented with fake employment certificates in their home countries with which they are issued the skilled worker visa only to find out that they have been scammed on getting to the UK to resume work at their supposed places of employment. These workers on getting to the UK are stranded and depend on community generosity to feed and carter for themselves as in the case of Blessing in the documentary. The documentary exposes the activities of the criminal syndicates that perpetrate this act and goes further to reveal the debilitating effect of the migrant skilled worker employment scam in the UK.

Skilled Work Migration and the Dynamics of unfair Recruitment and Exploitation of Labour Migrants

Recruitment is an exercise done to fill up job positions in companies, factories and in any establishment in need of labour services. However, recruitments can either be fair or unfair depending on the application of the basic principles and ethics that guide the process. The Sky News investigative documentary clearly shows Nigerian Migrants stranded in the UK as a result of dubious and unfair recruitment of migrant workers into non-existing job positions in the UK. The video shows a pattern in the recruitment scam which clearly undermines the original intent of the skilled worker migration program in the UK. The program instituted by the UK government was intended to originally achieve two purposes;

i. Provide the enabling opportunity for skilled workers who wish to ply their trade in the UK
ii. Help the UK government fill up skilled job positions which inadvertently affects balance in the economy of the UK.

In effect, the program is designed to mutually benefit both the migrant worker and UK government through a cross exchange of skill with deserving remunerations and social benefits. However, revelations from the Sky News investigative documentary show that this intention has been highly undermined by the activities of fake employment syndicates who issue non-existent UK job positions to skilled labour migrants in Nigeria who migrate to the UK to resume work in the respective positions only to discover that there are no real jobs for them. The video opens to an emotional scene of stranded migrants being handed food packs in a community owned food bank. The narrator describes the situation as "chaotic" as many of the stranded victims scramble to get a share of the food. The emotional damage meted by the racketeering syndicate becomes even more troubling considering that the stranded migrants are people who prior to leaving Nigeria were self-proficient, while many even owned their own houses and cars. The actions of the criminal syndicates who have monetized the skilled worker migration route is what has rendered them destitute and largely incapacitated. The damage on the migrant is largely unquantifiable as many of them have grown nothing but despair at their pitiable situations. The effect on the personality and mental health of these migrants is largely destructive. Blessing, one of the few who accepted to be interviewed describes the situation thus:

> I have always provided for myself, I am a very diligent, hardworking person and so for me to be here depending on people to eat, coming to the food bank to get food isn't quite ok with me. They make me feel I am less of a person, a human. I should be in the position of helping and not in the receiving end because this is not who I was back in my country.

To think that this scam has gone on for a long time and continues to happen even with revelations like this is very worrisome. While the likes of Blessing are in the UK living like destitutes having resigned their jobs and sold everything they had in Nigeria to fund the UK

dream, this syndicate continues to even mete out exact treatment on other naïve Nigerians wanting to explore the UK skilled worker migration option. The underlying concern is that the activities of these criminal syndicates continue to remain largely unhindered as they continue to waylay well-meaning Nigerians into unfavourable migration experiences. The following excerpt of the conversation between the interviewer and Blessing gives a clue to the amount of damage perpetrated by this criminal syndicate:

> **Blessing:** There is a big scam going on, a lot of people are being scammed every day and being deceived that they have job
>
> **Interviewer:** How many people do you know that have come on skilled worker visa that have come here and there is no work?
>
> **Blessing:** I can't count, yea, I can't. They are so many. I met a lot here and so many are still coming after I have come

A major breakthrough in stopping the ongoing scam in the UK skilled work migration program can only happen with the identification of all the major actors in the labour migration programs. Unfair recruitment of the Nigerian migrant worker is largely enabled by many players in the industry. The Sky News documentary calls these players "middle men". The overall objective for this scam is money. The scam is enabled through a conscious connivance of these middle men. For specifics, the middlemen as referred here are private employers whose duty is to mediate between job seekers in Nigeria and companies or establishments abroad. Joyce and her spouse Allen in narrating their ordeals in the documentary alleged to have paid an agent in Nigeria 10,000 pounds to arrange employment for Joyce as a care giver. Dejected Allen gives an account of how he raised the money which he gave to an agent to arrange a care giver work for Joyce:

"I have been cheated. I had to sell my car, sell my property, got a loan, took a lot of risks to raise the money".

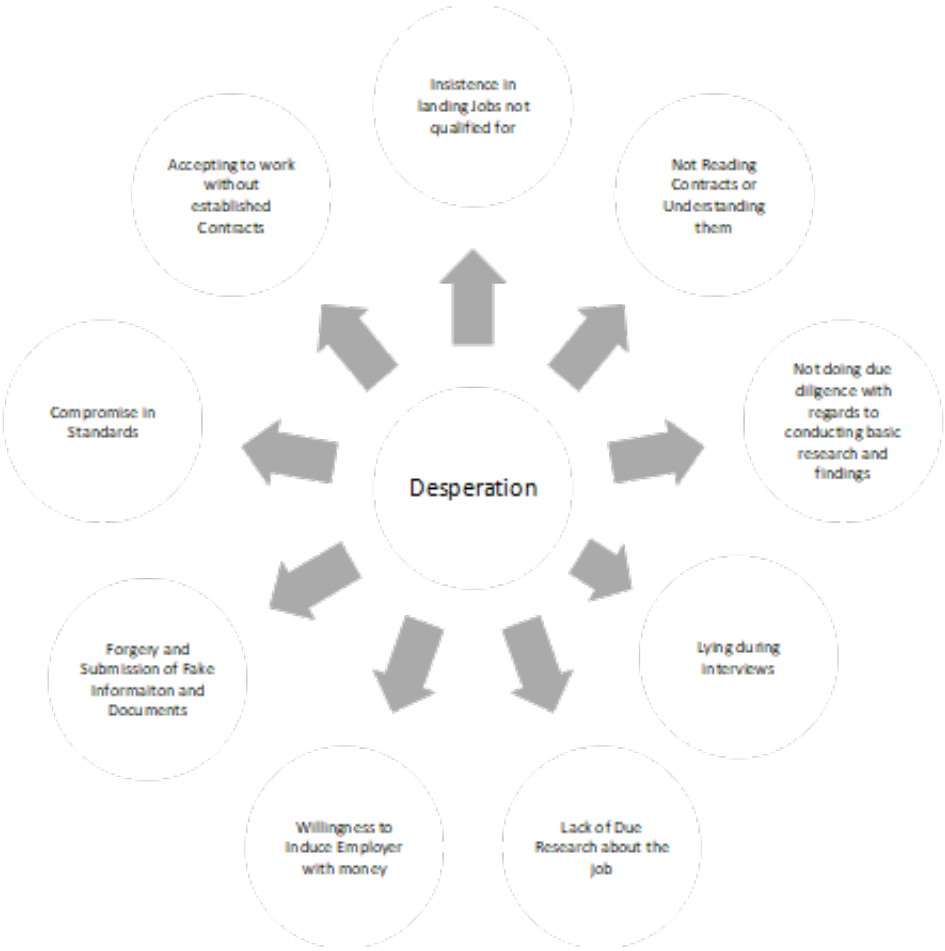
Employment Agencies in Nigeria are guided by codes of conducts generally referred to as COC. Principle 4 of the COC stipulates that "Private Employment Agencies (PEAs) shall not charge directly or indirectly, in whole or in part, any fees or costs to prospective employees and workers, for the services directly related to temporary assignment or permanent placement". Reason for this principle is to prevent the extortion and exploitation of job seekers by the PEAs. Agencies like the one that defrauded Joyce and Allen of their hard-earned money only to offer them non-existent jobs in the UK abound in Nigeria. Many of them have offices on ground within the country while many others operate on social media. More so, Principle 3 of the COC – "Respect for Transparency of Terms of Engagement" ensures that the rights of the job seeker is protected and that the PEAs are completely honest with the job seeker as to the whole terms of engagement with specific respect to remunerations, allowances and the general nature of the job he/she is to be employed into. Registered employment agencies are guided by these codes and principles to ensure that they practice fair recruitment which in effect will protect the rights of the Nigerian worker abroad and shield them from exploitation and extortion as seen in many of the cases reported in the Sky News documentary. Unfortunately, due to insufficient policing and supervision in the employment sector, unregistered private employment agencies have a field day employing Nigerians to work abroad without proper authorization from relevant government ministries. It is many of these unregistered agencies that run the migrant labour employment scam that see Nigerian labour migrants exploited, dehumanized and stranded in destination countries. One of such examples is the UK and the skilled work visa scam as revealed in the Sky News investigation. Narrating the ordeals of Joyce and her husband who are also victims of the scam, the interviewer noted that agencies in Nigeria collect money from job seekers to guarantee them positions in companies in the Uk.

The home government (Nigerian Government) cannot be absolved of blames in this scam as it has failed to properly and adequately discharge its duties to citizens. It is the duty of the Nigeria government through the ministry of Labour and other relevant agencies to ensure the protection of the Nigerian migrant worker. This scam is largely enabled by lackluster attitude of regulatory agencies who have the responsibility of regulating, monitoring and implementing government labour policies to ensure the protection of the rights of the Nigerian workers. It is the non/weak implementation and regulation of the employment sector that has resulted in the exploitation of Nigerian migrant workers both within and outside the country.

Actions of Job Seekers/ Migrant Workers that Empower Recruiters to Exploit Them

More so, the actions of migrant workers during the recruitment process sometimes also enable exploitation and arm recruiters to cut corners or go below established standards or codes of conducts in administering the employment process. Feedback from the open-ended questionnaires administered to respondents all of whom are major players in the employment industry goes a long way in revealing the ways in which migrant job seekers are complicit and enable unfair recruitment. All of the 25 respondents pinned desperation as the main action of job seekers that expose them to exploitation by employers. However, manifestations of this desperation were expressed differently by most of the respondents. Below is a pictorial representation of responses from the open-ended questionnaire as to the actions of labour seekers that expose them to exploitation:

What are those actions by job seekers that empower recruiters to exploit them?



Respondent No.1 noted that it is desperation that makes migrant job seekers to continue to seek for jobs they do not have the relevant qualifications which leads to supplying false information and documents in the bid to be picked over others who may be better qualified. This according to the respondent is what emboldens many of the PEAs who are most likely unregistered to exploit the job seekers by requesting financial compensations for evident inadequacies. In addition to these, respondent 2 observes that many of the

migrant job seekers out of desperation compromise on the standard essentials in their labour contract and by so doing, open up avenues through which their rights are undermined and exploited. More so, respondent 5 observes that many of the labour seekers accept jobs without any established terms or contracts. According to him "Not having a valid contract is a great enabler and this empowers the employer to exploit the migrant with maximum disregard". Expounding on this, respondent 7 also attributes not reading contracts and engagement terms or not understanding as major enablers of migrant exploitation. Even though the COC stipulates that PEAs must ensure that workers are given valid contracts and that the contracts be explained to them in the language they understand, non-registered PEAs most times do not abide by the principles in the COC. This is why they are most times exploiting perceived desperation in the migrant worker by not offering contracts and mutually acceptable terms prior to the job seeker taking up jobs in their destination countries. Respondent 14 also noted that many of the job seekers out of desperation induce employers with money in an attempt to land jobs by all means. This he noted opens job seekers up for exploitation as standards will be compromised to accommodate interests induced with money.

Actions of Recruiters/ PEAs that Expose Job Seekers/ Migrant Worker to Exploitation:

More so, recruitment agencies by their actions and inactions sometimes expose the migrant worker to abuse, extortion and exploitation. Through the open-ended survey administered to migration stakeholders, the researcher obtained the following as the actions and inactions of PEAs that sometimes expose the Nigerian migrant worker to undue abuse by their employers abroad;

i. **Non-Compliance to SOP and COC:** the SOP is the standard operating procedures for international recruitment in Nigeria while the COC is the code of conduct for private employment agencies. These two documents were created as necessary

frameworks regulating the international recruitment in Nigeria. They were created to ensure the protection of the Nigerian migrant worker as well as the protection of the employment agencies. One of the respondents pointed out that non-compliance to these documents by the PEAs exposes the Nigerian migrant worker to undue exploitation.

ii. **Not doing due diligence on foreign clients and partners:** PEAs are supposed to have sufficient knowledge of their foreign partners for whom they recruit locally. A good knowledge of the foreign partners according to respondent 5 will help the PEAs make informed decisions regarding their dealings with the partners especially as it concerns the welfare of the migrant employees. Not doing due diligence to understand the foreign partners largely exposes the Nigerian migrant to undue exploitation.

iii. **Not updating their knowledge through workshops:** Respondent 11 is of the view that PEAs are supposed to regularly attend workshops so as to stay updated on trends in human resource management. These workshops according to him will enable the PEAs attune to developments in labour laws, policies and global practices. Therefore, inability of the PEAs to update their knowledge regularly through workshops, seminars and short courses will impact the handling of recruitment negatively which may not be in the interest of the migrant worker.

iv. **Improper or False Documentation:** Resorting to false documentation in other to qualify a job seeker negates the ethics of employment and will expose the migrant worker to ill treatments and exploitation. This is because the employers may eventually discover the truth and this will definitely affect the treatment given to the migrant. Most of them are usually retrenched from their work places and left jobless in the streets.

v. **Lack of knowledge of Human Resource Management Procedure:** Many recruitment agencies do not have requisite knowledge of human resource

management and this impacts their handling of recruitment very negatively. This is why many of these agencies are not able to get the best deals for the migrant worker and most times expose them to harm in the line of their duty.

vi. **Lack of follow-up on employees to ensure safety and wellbeing:** Part of the responsibility of the PEAs to the migrant job worker is post-employment follow-up to ensure the welfare of the migrant worker. However, this according to respondent 1, 5 and 7 is not being done by many PEAs and the inability of these PEAs to do a post-employment follow-up exposes the migrant worker to exploitation, extortion and intimidation.

vii. **Outsourcing to unlicensed Agencies:** Respondent 25, 11 and 1 identified outsourcing to unregistered agencies as one of the factors exposing migrant workers to negative treatment abroad. This is because many of the unregistered agencies are unregulated and therefore do not abide by the laws and principles that guide recruitment in Nigeria. Recruitments outsourced to these agencies therefore most times are not done in accordance with the basic principles and this exposes the migrant worker to exploitation.

viii. **Lack of Memorandum of Understanding between the International recruiter and the local recruitment agencies:** Many of the PEAs do not have memorandum of understanding with their international partners whom they employ for. MOUs go a long way in ensuring standards and making sure that the rights and welfare of migrant workers is protected. The inability of PEAs to have MOUs with their foreign partners therefore impacts the migrant worker badly and exposes him/her to exploitation.

Recommendations For Improving Fair Recruitment f Migrant Workers

Upholding fair recruitment standards is the responsibility of state and non-state migration stakeholders. Based on the analysis of the case study and the survey report,

the need for capacity building for relevant stakeholders and strengthening of the various strategies for the protection of migrant workers is obvious. The following are recommended for the enhancement of fair recruitment processes for migrant workers:

- Raising awareness amongst recruiters, private employment agencies and employers in the private and public sectors on due diligence and best practices
- Creating complaint mechanisms to ensure that migrant workers who have experienced abusive and fraudulent recruitment practices or subsequent exploitation, gain access to justice and effective remedies, such as compensation
- Fostering the transparent and participatory negotiation, conclusion and effective implementation of bilateral and regional agreements, based on international standards, as well as other specific mechanisms to ensure improved international coordination and cooperation
- Enabling cooperation among relevant government agencies, workers' organizations, employers' organizations and representatives of private employment agencies
- Ensuring coverage and enforcement of other relevant legislation, including labour law, to eliminate abusive and fraudulent practices during the recruitment and placement process
- Engaging in massive campaign to sensitize prospective labour migrants about fair recruitment regulations
- Providing adequate guidelines to regulate labour recruiters, intermediaries and employment agencies engaged in illegal recruitment processes
- Highlighting regulations that discourage acts of violence, coercion, deception or exploitation
- Providing access to justice and safe reporting mechanisms for migrant workers.

- Developing specific complaints mechanisms for harassment and discrimination to assist migrants in seeking redress

In conclusion, the skilled work migration scheme was designed to benefit the labour migrant, however, insincerity, deception, penchant for sharp practices and the nefarious activities of middle men and unregistered private employment agencies, have introduced and sustained the exploitation of labour migrants. The onus lies on employers, job seekers, recruitment agents, relevant government agencies and other stakeholders to synergize and protect the rights of migrant workers and shield them from abusive and fraudulent practices during the recruitment process.

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