



**Lawyers Beyond  
Borders Network**

## **AN APPEAL TO GOVERNMENTS ON BEHALF OF MIGRANT WORKERS IN THE MIDST OF THE COVID-19 PANDEMIC**

*An appeal to governments in the time of COVID-19 by Migrant Forum in Asia (MFA) and Lawyers Beyond Borders Network (LBB Network)*

The COVID-19 pandemic continues to wreak havoc worldwide. More than three (3) million people have already contracted the virus and more than 200,000 have already died. Their numbers continue to rise. Health systems and facilities are being overwhelmed by the large number of persons requiring medical and hospital care. Work on developing a vaccine is continuing, but it will still take some time.

In order to arrest the spread of this deadly virus, governments across the globe have closed borders, enforced strict quarantine measures, and shut down virtually all economic and social activities. As a consequence, millions of workers have lost their jobs.

In the midst of this pandemic, migrant workers, especially those who are undocumented, stood out as among the sectors most vulnerable to exclusion, stigma and discrimination.

Migrant workers in the countries of destination have lost their income to support themselves and their families due to the abrupt business closures and lockdowns. Further, many migrant workers who have completed their employment contract or have been terminated from work are stranded without adequate food, shelter, and means of returning to their home country.

Migrant workers who are still employed or are in countries of destination awaiting for companies to reopen are vulnerable to contract COVID-19 due to cramped and unsanitary housing space, or as frontliners, like the medical and service workers. They have limited or no access to COVID-19 testing and health care. Even those who were fortunate enough to have been able to return to their own countries of origin still face stigma, discrimination, and exclusion even from their own countrymen and women.

The members of the Lawyers Beyond Borders International Network, an international network of lawyers assisting migrant workers and their families, continue to do their share to assist migrant workers through direct humanitarian aid, public interest litigation, and giving legal assistance and advice.

In our collective effort to combat COVID-19, the Lawyers Beyond Borders International Network would like to urge governments to continue to adopt policies that ensure respect for all human rights, the rule of law, and international labour standards, such as, but not limited to, safety and health, employment and decent work, wage protection, social security, and non-discrimination.

In particular, we recommend to the Governments of destination countries of migrant workers the

following:

1. To adopt and implement inclusive, equitable, non-discriminatory, and human rights-centered policies to address the COVID-19 health crisis that will allow all migrant workers and their families, regardless of their status, access to free screening and treatment for COVID-19 without the fear of arrest and detention. The health and safety of migrant workers in the workplace must be ensured following WHO guidelines.

2. To ensure that, where accommodations are provided by employers to migrant workers, such as dormitories, the health, and safety of workers living in that space must be guaranteed in accordance with the WHO guidelines.

3. To provide migrant workers with correct and up-to-date written, visual, and voice-messaged information on government policies and regulations to combat COVID-19 in languages understood by them using the various conventional and social media platforms. Governments should work closely in consultation with diplomatic missions and consulate, employer organizations and business associations, as well as with international organizations such as the WHO, ILO, and IOM together with civil society organizations and migrant communities.

4. To stop the discriminatory and arbitrary detention and deportation of migrant workers as a means to contain COVID-19. The human and labor rights of migrant workers must be respected at all times even in the midst of the COVID-19 pandemic. Immigration detention and deportation must be carried out in accordance with international human rights obligations consistent with effective and humane public health strategies.

5. To ensure that migrant workers who test positive for COVID-19, or who are unable to work due to preventive quarantine and forced temporary business closures continue to receive their full salaries, wages, and benefits. The COVID-19 crisis should not be allowed to be used as an excuse by unscrupulous employers to lay-off workers without just cause and without payment of earned salaries, wages, and benefits.

Governments should ensure those migrant workers who have lost their jobs and are to be repatriated to their home countries receive their earned salaries, wages, and benefits before they are sent home. In no case should the cost of repatriation be shouldered by the migrant workers. Towards this end, it is recommended that governments establish a fair, accessible, and speedy mechanism for the settlement and payment of migrant workers' claims before they are repatriated back to their countries of origin.

The remains of deceased migrant workers should also be repatriated to their families without delay, in accordance with WHO guidelines.

6. To guarantee that governments uphold a non-discriminatory approach on loan and credit card payment issues in the time of COVID-19 such as deferment of payments for both nationals and migrant workers.

7. To implement strict rules and regulations towards the real estate sector and to ensure that no migrant workers should have to face legal consequences because of the non-payment of rent during this period.

8. To ensure that labour courts protect the rights of migrant workers by passing preventive attachment order in labour cases against the assets of the employers. This is to ensure that migrant workers get their end of service benefit in the event of the company closing down or employers file a case against migrants workers in court.

9. To include COVID-19 as one of those diseases that should be recognized within labor laws and social security legislation that will entitle migrant workers to claim compensation, medical and allied care.

10. To come up with emergency legislation similar to the COVID-19 (Temporary Measures) Act 2020 of Singapore to provide temporary and targeted relief to businesses and individuals (including migrant workers) who are unable to perform their regular contractual and legal obligations as a consequence of the on-going COVID-19 crisis. A temporary moratorium on loan payments (including those of migrant workers), during the COVID-19 crisis is highly recommended.

11. To include migrant workers in national policies or economy stimulus packages that are being implemented to assist companies to recover and sustain themselves during and post-lockdown. Many industries such as the plantation, agriculture, and construction traditionally depend heavily on migrant workers and therefore they should have equal access to financial benefits from the government.

12. To develop mechanisms that will allow repatriated migrant workers to retrieve their belongings that have been left in the countries of destination. Due to the emergency situation, migrant workers were immediately repatriated and left many of their belongings in the countries of destination.

We recommend to the Governments of origin countries of migrant workers the following:

1. To ensure that all diplomatic missions and consulates perform their duties to protect migrant workers from COVID-19 by disseminating correct and timely information to migrant workers in countries of destination.

2. To ensure that all diplomatic missions and consulate protect the rights of migrant workers to communicate with their family and friends such as providing them with top up card for the mobile phones or free access to wifi services.

3. To ensure the immediate and humane repatriation of all migrant workers and their families who are stranded and/or deported from abroad, at no cost to them. The remains of deceased migrant workers should also be returned to their families without delay, in accordance with WHO guidelines.

4. To ensure that returned migrant workers have free and immediate access to health care including testing, quarantine facilities and treatment for COVID 19.

5. To ensure that returned migrant workers are provided with free transportation, food, temporary housing, and quarantine facilities (if deemed necessary), until their actual return to their own homes in their own countries of origin.

6. To include COVID-19 as one of those diseases that should be recognized within labor laws and social security legislation that will entitle migrant workers to claim compensation, medical and allied care.

7. To establish a fair, accessible and speedy mechanism for rescue, repatriation, settlement, and payment of migrant workers' claims even after they have been repatriated back to their countries of origin.

8. To provide decent work opportunities to all, including the returned migrant workers, in their own home countries.



***Migrant Forum in Asia (MFA)** is a network of grassroots organizations, trade unions, faith-based groups, migrants and their families and individual advocates in Asia working together for social justice for migrant workers and members of their families.*

[www.mfasia.org](http://www.mfasia.org)

***Lawyers Beyond Borders** is an international network of legal experts interested in advocating for the rights of migrant workers, brought together by Migrant Forum in Asia.*