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Indian Diaspora in the United States: Issues and Perspectives
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Middle-East Country Policies

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Governing International Migration in the Global Age: Challenges of the Divide between Immigration and Emigration Policy
Perveen Kumar

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1. Introduction

The nomenclature Diaspora refers to the scattering of populations, where-in, the demographic scattering and disbursal of the national population of the own nation spreads out into different divergent places and international locales in search of the all important and pertinent need of bread and butter and better vocational experiences. The demographic transition leads to the dispersal and the much observed scattering in terms of the change in the geographic and subsisting location of the populations. In the longer run the same populations settled elsewhere led to relations and exchanges being spawned between the populations and Governments in the country of origin and the receptacle nation state, that is, the nation which receives and serves as the settling place for the migrant population. This is how one can simplistically define the concept of Diaspora as perceived in the generic notion of it internationally.

The paper highlights the notion that the Indian settler experience is a very unique one as it circumvents the conditionality of a narrow conception of nationalism and moves the notion to a shared, much larger and a Universalistic theme which is very much international and globalized in nature. The Indian populations have a history of leaving for offshore places and settling as early migrant laborers in myriad nation states and disparate nations of the World thus leading to diasporic dispersal to places such as Fiji, places in South West Pacific, places in United States much later after the advent of the Industrial revolution and continents as far as the African nations and the finally to the destination of milk, and honey in the bastion of the post Colonial master nation, United States, where-in, the current Indian population thrives in the hallowed and legendary complexes and suburbia of the order of California, Seattle, Chicago, etc.

The Indian Diaspora too has had a checkered existence so as to speak, where-in, the strains and stresses of forging links with the home populations and the local socio-cultural and the political milieu, in order to forge a novae and a long lasting imprint and a symbiotic linkage with the host nation. In the Indian case, efforts have ensued from the wellspring of the Indian Government in the form of the Pravasi Bhartiya Divas programme and the association of the Indian Government with registered organizations such as the GOPIO(Global Organization of People's Origin). These disaporic strivings have been further cemented by the state's striving in the form of the L M Singhvi report and the attendant paradigm of giving double citizenship to the People of Indian Origin settled abroad. Thus, the State's effort to utilize the commercial and the cultural capital of the Non Resident Indians in order to invest in a fast globalizing and liberal sing Indian nation state and its economy, have forged useful relations with the Regimes of various nations such as United States and United

Kingdom and African nations which bolster the Indian strength in international negotiations and help support the making and functioning of the prime mandates of Indian foreign policy with the diasporic support.

Thus, in the realm of international relations, discussions and deliberations need to be carried out to forge Government to Government and Civil societal contacts between India and the host nations of the Global polity to reap dividends such as the Indo-US Nuclear Deal which was ably and strategically supported by the Indian Diaspora in the United States which bore fruit for the impoverished energy sector in the country. Thus, the paper will attempt to visualize such "utilitarian" aspects of the much powerful and prosperous Indian Diaspora in the United States with brief references to other first World countries in the realm of the internationally proactive economic and international politics. The fast developing Diasporic literature reflecting the life experiences of the Indian people in various host countries too needs to be academically delved inside along with the question of international relations and the social exile and alienation being felt by some of the sections of the settler Indian Populations in the context of the socio-racial conflicts of different genres.

Theoretically speaking, the ubiquity of the term diaspora in recent critical debates has been interpreted as the symptom of a shift in perspective in cultural and social studies. This is reflected in the growing significance of diaspora studies which, to some extent, has superseded postcolonial studies as a theoretical framework in explaining those global phenomena in society, culture and literature which are informed by conceptions of the nation state but cannot be sufficiently be explained by them. At the same time, tendencies of universalizing conceptions of Diaspora as they have recently proliferated and the increasingly simplifying and historically undifferentiated usage of the term need to be reconsidered through academic deliberations. In a release by the Indian Diaspora Association, "The Indian Diaspora is a generic term to describe the people who have migrated from territories that are currently situated within the borders of the Republic of India. It also refers to their descendants. The Diaspora is currently estimated to number over twenty million. composed of "NRIs" (Indian citizens not residing in India) and "PIOs" (Persons of Indian Origin who have acquired the citizenship of some other country). The Diaspora covers practically every part of the world. It numbers more than a million each in eleven countries, while as many as twenty-two countries have concentrations of at least a hundred thousand ethnic Indians."

Several organizations have attempted to provide an interface between the academics who have worked in the realm of Diaspora studies and the practitioners and PIO's who are part of the Diaspora movement and have an interface with the Government of India. These civil societal strivings eke out recommendations for the Government of India in order to supplement the Pravasi Bharatiya Policies of the Government and also creatively delve inside the bilateral relations between the Indian population and the host nation populations along with their bilateral Governments in order to utilize the Diaspora for national interest oriented objectives such as Foreign Direct Investments, Corporate exchanges with Indian Firms and cultural exchanges thus aggrandizing and highlighting the soft power of the nation and ponder upon the question of identity and migratory experiences in the context of the nation's Diaspora in the context of United States.

The Ministry of Overseas Affairs in India informs us that, "The Indian diaspora is present in nations as vast as 110 countries. The Indian Diaspora can be categorized into twin segments of 'old diaspora' and 'new diaspora' countries. The prominent nations which

comprise the old Indian diaspora are nations of the order of Malaysia, Mauritius, Trinidad and Tobago, Fiji, Guyana, and Suriname. The new diaspora nations comprise all the developed countries of the order of – US, UK, Canada, Australia and New Zealand. The third category of the Indians subsists in the Gulf region emanating from the state of Kerala."[1] Thus, the narrative brings us back to the notion and the nature of Indian Diaspora in the United States.

2. Indian Diaspora in United States: Some Initial Deliberations

The Indian Diaspora in the United States is a very vibrant pressure group with Indian states of the order of Gujarat, Rajasthan and Punjab being the trendsetting nations in the matrix of immigration to United States. Arvind Panagariya writes that, "As a visit to the websites of the leading universities will confirm, Indians enjoy a very substantial presence in the U.S. academia. The American Universities Admission Program informs us that, in the interregnum of 1997-98, a voluminous quantum of 4,092 Indian professors were part of the American universities. The year also witnessed 33,818 Indian born students as being enrolled in around 2,579 universities in United States.[2]" [3]

Panagariya further informs that "Speaking of the realm of medicine, American Association of Physicians of Indian Origin harbours a total membership of around 35,000 practitioners in the land of Milk and Honey. The Indian Diaspora spawns around $250 billion in income, which amounts to being more than half of India's present Gross Domestic Project!"[4] Apart from these details, the Indian segment in United States has acquired considerably effective political influence in the land of Milk and honey. Also, the enthusiastic Diaspora was forthcoming in terms of moral support during the Kargil incursion by the Islamic Republic of Pakistan and doled out handsome quantum to tide over the spatial damage suffered during the Gujarat earthquake and helped mobilise private institutions in order to deliver to the homeland in its emergent time of dire need.

The High level Committee on Indian Diaspora informs that, " In the 1990 Census, around 815, 447 were present as residents in US which witnessed a phenomenal increment in the 2000 Census, where-in, the population was recorded as 1,678, 765, which reflects a spurting growth of 105. 87% , which is incidentally the highest amongst the Asians residing in the States."[5]

Historically speaking, the trend of Indian settlers goes back by quite a few years. The Indian American community in the United States is over a million strong, but this large number has grown from small beginnings and an expansion of immigration within the last thirty years. An Indian Government report informs us that, "The first Indian immigrant entered the United States in 1790 as a maritime worker, as part of the early commerce connections between India and the U.S. The west- coast of the nation formed the second station of the immigrants, housed in Washington, cascading from the nation state of Canada. It was these agricultural workers which initiated the influx of immigrants into United States."[6] Thus, the zenith of the Silicon valley workers was first of all achieved in the context of the

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[1] (Online : Web), URL: http://moia.gov.in/accessories.aspx?aid=11, The Ministry of Overseas Indian Affairs, (Accessed on August 15, 2012).

[2] Arvind Panagariya, " The Indian Diaspora in the United States", Economic Times and Other Press Writings, URL: http://www.columbia.edu/~ap2231/ET/et26-may01.htm. (Accessed on 9th August, 2012)

[3] Ibid

[4] Ibid1

[5] The Government of India High Level Committee Report on Indian Diaspora, 2011.

[6] "United States of America", URL: http://moia.gov.in/pdf/USA.pdf, (Online: Web), Accessed on August 15th, 2012

agro origins on a very traditionally simple demographic and vocational template. The report further informs that, "Five American states account for more then one lakh of Indian population in the United States– which can be enumerated as the states of the order of California, New York, New Jersey, Texas, Illinois. Also, Indians numbering around 300,000 are employed in technology businesses in the state of California which account for more than 15% of high-tech startups in that region. The median income of Indian Americans in that region is estimated to be $125,000 (average $200,000) a year, in the U. S."[7] Thus, in the contemporary context, the Indians have acquired the situation of being one of the most affluent of the population agglomerates in the nation with other statistic too pointing in the direction of the same conclusion. Several Diasporic associations of the order of Bengali Association of South California Inc, Maratahi Kala Mandal of Greater Washington, Gujarati Samaj of Houston, Gujarati Samaj of New York and other associations of the order of Kannada Koota of northern California, Marathi Vishwal, etc, too coordinate the socio-cultural activities and concerns of these respective populations hailing from different Indian states in the Indian Homeland. They further address the voicing and the manifestation of the Indian concerns and visage in myriad spheres leading to the firming of the functionality of the Indo-US relations. Ashok Sharma in India opines that, "Recently, concluded Indo-US Civilian Nuclear Deal is an example of growing clout of Indian American lobbying in the US Congress. Lobbying by Indian Americans has been a critical factor in mustering Congressional and Executive support for India specific issues at many occasions including the smooth passage of the US-India civil nuclear cooperation agreement of 2006."[8] Also, organizations of the order of USAID are interfacing with non traditional groups in their definition with Indian Silicon valley organizations such as TIE (The Indus Entrepreneurs) to direct development activities in the home land, that is, India in health and water sectors which brings into relief another new facet of the role which the affluence of the Indian diaspora can play in the developmental concerns way back home.[9]

Mutual education exchanges too form a significant handle for ascertaining a role for the Indian community and are a major cause of concern for them. Secretary of State, Hillary Clinton, commented in the context of the Tri Valley University sham case where Indian students were lured into registering up in the United States that, "We have expanded our Education U.S.A. advising services for Indian students and their families to provide information about opportunities for study, and frankly, to help you sort out misleading offers that come over the internet."[10] Thus, the influx of a large number of students has been ably supported and officially aided by the American authorities as a consequence of the signing of the recent Indo-US pact on Higher Education in the year, 2011. All this augurs well for the Indian community in the light of the Obama Singh Knowledge initiative in the year 2011 where-in, prospects for mutual concerns for leadership development and scholarly exchanges and other attendant academic awards would continue to enrich the diasporic spirit and the resultant demographic and socio-cultural camaraderie in the light of these recent exchanges and bilateral initiatives between the twin liberal democracies of the international polity with augmented potential for more cooperation to come in the near and the far future. With the

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[7] Ibid
[8] Ashok Sharma, " 7th Indian Diaspora Convention : Growing Clout of Indian Americans in Indo-US Relations", (Online : Web), URL:http://www.indolink.com/displayArticleS.php?id=012309102723 (Accessed on August 15th, 2012).
[9] Sujata Srinivasan, "We don't have a Donor-Benificiary Relationship with India", Forbes Magazine, August 14th, 2012.
[10]Ashok B Sharma, "US Assures Hassle Free Education to Indian Students",URL: http://theindianawaaz.com/index.php?option=com_content&view=article&id=4417&catid=11, (Online: Web), Accessed on 15th August, 2012.

need of the American economy being expressed in President Obama's visit and his speech at the St. Xaveir's College in Mumbai in the year 2010, the Indian role as a prominent economic and strategic partner of the United States need not be underscored here in the context of the advent of the reality of multipolarity which has replaced the unipolar and the sole role of United States in an international polity which is now immersed in great ferment and metamorphosis. All this, further brings into relief the greater and well pronounced role of the Indian diaspora as an effective lobby group which can circumvent the staid concerns of "real politique" where a zero sum game relationship can be softened and made more bilaterally acceptable and workable in the cultural and the neo-economic context of the bilateral relationship.

Shashi Tharoor too contends that there need not be a gloom in the general dynamics of the Indo-US relations as despite differences on Libya and Iran, India sided with US on a UNSC resolution backed by it on the Syrian quagmire.[11] The Indian Diaspora with its median income which is seventy five percent higher than the national median bodes well for an Indian straddling of American decision making. Thus, the buttressing of Indian diplomacy can be steadied upon the substratum of an effective and now politically influential Indian community. The Indian community along with the rise of India have been co-terminus phenomenon. The High level Committee of the Indian Government reaffirms the pro-state and the legally inclined nature of the Indian community. The report contends that, "The Indo-American Community is referred to as a Model minority. It is known as law abiding, and its appreciated for its hard work and its ability to adapt to the local conditions."[12] Still, the notion of law and order, adherence to the national-mainstream norms and the law of the land, still remain a prime concern in the domestic norm setting in United States in the aftermath of the 9/11 catastrophe and the full scale official recognition of the scourge of international terrorism. It is here that the notion of illegal immigrants in the nation assumes significant importance.

3. The Notion of Illegal Immigrants in United States

Apart from the rosy narrative of Indian making it big and successful in the US conundrum, the flip side of the picture for the state of the Union is its domesticity which needs to be eked with its disturbing details. Aaron Terrazas and Cristina Batog contend that, "The United States is home to about 1.6 million Indian immigrants, making them the third-largest immigrant group in the United States after the Mexican and Filipino immigrants. Between 2007 and 2008, the number of Indian immigrants surpassed the number of Chinese and Hong Kong-born immigrants for the first time since at least 1960."[13] It is an interesting and a very timely exercise to unearth the legality of the immigrant question in India where-in, the US Census Bureau informs that, "The US Census Bureau defines the foreign born as individuals who had no US citizenship at birth. The foreign-born population includes naturalized citizens, lawful permanent residents, refugees and asylees, legal nonimmigrants (including those on student, work, or certain other temporary visas), and persons residing in the country without authorization. The terms foreign born and immigrant are used interchangeably. "[14] One can

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[11] Shashi Tharoor, "Shed the Gloom over Indo-US Ties", India Today, August 15, 2012.
[12] The Government of India High Level Committee on Indian Diaspora, 2012.
[13] Aaron Terrazas Cristina Batog,"Indian Migrants in United States," URL:
http://www.migrationinformation.org/usfocus/display.cfm?ID=785 (Accessed on 9th August, 2012)
[14] United States Census Bureau.

delve inside the statistical picturisation of the number of people who fall in the categorization of the Indian Foreign Born populations in the following tabular statistics:

1. Total and Indian Foreign-Born Populations, 1960 to 2008

Year	Foreign born	Indian born		
		Number	Share of all foreign born	Rank (a)
1960	9,738,091	12,296	0.1%	42
1970	9,619,302	51,000	0.5%	30
1980	14,079,906	206,087	1.5%	16
1990	19,797,316	450,406	2.3%	12
2000	31,107,889	1,022,552	3.3%	4
2008	37,960,773	1,622,522	4.3%	3

Source: Working Paper No. 29, US Census Bureau, Washington, DC, 1999.

The analysis of the tabular representation reflects that since the year 1960 during the inception of the baby boomer generation in the United States, the Indian influx into the nation has increased from a miniscule 0.1% where-in, the Indian population ranked a paltry and poor and easily dismissible forty two which witnessed augmentation in the Census years from 1970 onwards to the year, 2008. It was in the phenomenal year of 2008 that the proportion of the Indian population was positioned at a rich third peg with the numerical strength of Mexican and Filipino immigrants which consecutively constitute the second and the third peg in the immigrant's hierarchy in the United States which has spawned a multifarious array of domestic concerns about the upkeep of people of foreign origin in United States along with the question of tackling the illegality of some of the migrants which can be conveniently termed as, "Aliens". Indians are not in the eye of the storm but the theme of unauthorized immigrants in United States has raised questions and debate amidst the US Presidential hopefuls and is a majorly significant rankling factor in the domestic brass tacks of the American society. Some conservatives tend to attribute the unauthorized immigrants and even the legalized immigrants as the prominent factors behind the souring of the much larger, "Civilization on the Mount Sinai theme" and the attendant, larger-than-life-notion of the "American Dream".

The American Department of Homeland Security estimates that "the unauthorized immigrant population living in the United States decreased to 10.8 million in January 2009 from 11.6 million in January 2008. Between 2000 and 2009, the unauthorized population grew by 27 percent. Of all unauthorized immigrants living in the United States in 2009, 63 percent entered before 2000, and 62 percent were from Mexico."[15] It needs to be emphasized that, " Unauthorized immigrants applying for adjustment to lawful permanent resident status under the Immigration and Nationality Act (INA) Section 245(i) are unauthorized until they have been granted LPR status, even though they may have been authorized to work.."[16] Recently, in a Time magazine article, it was reported that a few of the "aliens" have come out in the open before the American authorities in order to bravely declare their unauthorized status in the nation which has become the cynosure of all eyes in the contemporary context in the domestic situation in the United States. The cover page of the Time issue beautifully dissects the agony and the dilemma of illegal immigrants in the United States which further manifests the chasms and fissures in the grand American experiment.[17] Apart from the general

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[15] Micahel Hoifer, Nancy Rytina and Bryan C Baker, (2009) "Estimates of the Unauthorized Immigrant Populations Residing in the United States: January, 2009,",(Online: Web), URL: http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_ill_pe_2009.pdf (Accessed on 9th of August, 2012)

[16] Ibid

[17] Jose Antonio Vargas, (2012), "Inside the World of the "Illegal Immigrant", Time, June 14, 2012.

dissatisfaction with their fate, the settlers seethe with hatred and contempt for the system in the United States. Their's is a story of broken dreams and hassling up for want of adequate papers and the attendant legal and societal opprobrium attendant with this practice which can be termed as a typical genre of, societal exclusion. [18] Jose Antonio Vargas writes in the Time magazine piece that, "There are 11.5 million illegal immigrants like me in the country which all have a story to tell with stories as varied as America. It's an issue which touches people from all ethnicities and backgrounds."[19] The author, Vargas, publicly disclosed his identity as an illegal immigrant akin to a larger number of such aliens which are willing to disclose the illegality of their status and thus be part of a nascent Immigration rights movement in United States. The question which can be poignantly raised is that such a scenario can touch and have an impact on the "goody-goody stature" of the Indian settler population or not whether be it the quintessential verve of a Gujarati Immigrant or a hardworking Punjabi.

4. The Gujarati Immigration Angle, Immigration and the Notion of Migration

Also, of significance is the factoid that Gujarat happens to be the prominent state amidst the cornucopia of states in the country which revels in having established itself amongst the pantheon of immigrants in United States. The Patel community in the nation which is originally a business community partakes of the cultural and financial import in United States. The Gujarat Government has initiated institutional steps to serve the purposes of the non resident Gujaratis. The State Government provides a Gujarat card to the non-resident Gujarati settlers which enable them to acquire rebates for the services and the services and products which they buy and avail of from the Gujarat state. Thus, the whole process of immigration and the gains from the immigrants is a symbiotic process.[20] Also, as an attendant fact it can be amply emphasized that the community is not a cache of coolies and laborers which has originally migrated from Gujarat but a great deal of onerous and fruitful trading and business work has been initiated by the Gujarati community.[21] The Gujarati population which accounts for only 5 percent of India's population makes up the largest immigrant group from the nation. In the specific context of the United States, the Gujaratis constitute about twenty percent of the Indians of American origin which is far more compared to the total quantum of Gujaratis in the Indian nation state. In an empirical study carried out by Gijsbert Oonk[22] the Gujarati migrants left their country in different circumstances and in some places such as East Africa, the time consumed by the community has been stretched up to six generations. Also, the notion of India as being a Mosaic is amply reflected in nation such as United States where the comprehension of Benedict Anderson[23] of the Indian settlers or for that matter any segment of population happens to be an "Imagined community and an invented nation", "or a " nation and its fragments" where the boundaries of the traditional and the quintessential nation state have withered away in the all pervading lexicon and the tentacles of a stateless advent of cosmopolitanism in the Kantian nomenclature of "Universal

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[18] Ibid

[19] Ibid 1.

[20] Manan Dwivedi, " Gujarati Diaspora on a Global Platform: Perceptions, Contributions and Experiences", Diaspora Studies, Volume 3, Number 2, July- December, 2010, Page No. 177.

[21] Nalin Mehta, "Gujarat Beyond Gandhi: Identity, Society and Conflict", London: Routeledge.

[22] Gijsbert Oonk, " Global Indian Diasporas : Exploring Trajectories of Migration and Theory," Amsterdam: Amsterdam University Press.

[23] Benedict Richard O' Gorman Anderson, " Reflections on the Origins and the Spread of Nationalism", Verso Books, 1991.

republicanism" which militates against the notion of boundaries and the tangibility of universally accepted and comprehended notion of the state.

The advent of the modern Indian Diaspora was a consequence of the British rule as indentured laborers were sent to different regions and nations. Where ever there was an existence of tea, coffee, sugar, cocoa and rubber conglomerates, the Indian diaspora and the Oriental migrants went in to settle in far off locales with India China being the places where labour originated. Also, the second flurry of migrations occurred during the post second World War era where-in, the larger segment of the Indian migrants were directed towards the developed sections of the Global polity with United States being a favorite destination though the "Komagatu Maru" incident had tarred the streaky terrain of migration from the third world to the first world. But, in the current society despite the racial slurs and the seventies "Bindi busting incidents", United States has become a welcoming nation. Varshney writes that, "US is a migrant nation and its relationship with the migrants is not always perfect, as is evident from the Wisconsin shootings. But, the US is fundamentally open to the idea of turning migrants into citizens. In principle, anyone can be an American".[24] The idiom of the Mayflower children embodied in the archetypical Mayflower Pact where-in, sailors travelled from Europe to the shores of United States, the New Foundland, stands true to the test of times.

The exclusion of the Occident ended in a way by the passage of the Immigration and the Nationality Act of 1965 in the realm of the United States of America. President Lyndon Baines Johnson commented on this landmark ending of the exclusive treatment of the Asian immigrants, "The Bill that we will sign today is not a revolutionary Bill. It does not affect the lives of the millions. It will not reshape the structure of our daily lives or really add importantly to either our wealth or our power. Yet, it is still one of the important acts of this Congress and of this Administration as it corrects a cruel and enduring wrong in the conduct of the American nation". [25] Thus, the bill signed during the inception of the baby boomer generation in the United States led to the spawning of a near-to-red-carpet policy in terms of the immigrant intake from the Occident. The Silicon Valley influx from the Indian Software hubs much after the influx of the Indian Doctors has been amply studied and commented upon by the academics which will not form a significant theme in the present paper but it all does bespeak of the tenet and the humanitarian moment of circumstantial migration. Thus, emerges the much highlighted tenet of international migration which entails other concerns and transnational worries and aftermaths along side itself as migration can be an unfortunate aftermath of a humanitarian crisis or a regional or an intra-state conflict, too.

Perceived through all prisms, the "mantra of migration" has spawned generations of settlers the world over with their unique characteristics and attributes to lend color, style, variety, verve and a labyrinth of a lifestyle within themselves which were once lying cocooned and ensconced within a national boundary and prescribed territory which now finds efflorescence and a synergic blend with the population, more, myths and traditions of the hostland, in this scenario, with the host nation espousing an unbridled entrepreneurial spirit and the much variegated amalgam of people in the form of the United States of America. Thus, the Indians in this case made the American Dream their very own in all senses of the term, where-in, they imbibed the liberal, secular, the democratic and the entrepreneurial ethos

[24] Ashutosh Varshney, "Modern Like China", Indian Express, August 14, 2012.
[25] Roger Daneils, 2007, " History on America," Washington D.C: Department of State Publication, cited in Saroj Kumar Rath, " Issues of Growth and Security of the Indian Diaspora", Diaspora Studies, Volume 3, Number 2, July- December, 2010.

and pathos of a nation on the move to yet unachievable heights and made their own little fortunes in this multitudinous cultural vase of milk and honey where transfer from the labor and penury of the Occident in the first perception was a leap into the vibrant and industrially verdant sky-scape of a fast developing overarch of an all pervading United States of America at the peak of its powers and attendant pelf.

Rath further contends that "the migration of Indians has been quiet, gradual but relentless. They have contributed to the economic prosperity and cultural heritage of their host countries. Not only are they wonderful Ambassadors of the nation, they ably represent the, "Four corners", of India and its well rounded culture as well." [26] Thus, the Indians settled in United States are true blue ambassadors of collective living and rich embodiments of family values and ethics in the domestic firmament of United States where-in, in a simulacra of gun culture, teen age pregnancies, drug peddling and abuse, the Indian settlers posit a nuanced and a much more conjoined and disciplined "Life arc" amidst the Arc theory of Macdonaldisation of the liberal democracies in a post industrial firmament in the international polity.

Perceived in the universal comprehension of the term, what is the meaning of being an Indian? Such questions can be poignantly raised as part of the larger odyssey of the Indian Diaspora whether they maybe the South Asian Hong Kong Muslims, Canadian Sikhs, Punjabi Mexican Californians, Gujarati East Africans, who now reside in the United States and the itinerary goes on unabated. Thus, the question of multiple identities as to which team to support in the just concluded London Olympics emanates from the notion that whether the motley settlers are "Indians," " Gujarati's" or they are, "true blue Americans"?[27] Thus, the tangled up web of multiple identities tends to take up the major segment of the myriad narrative of Indian Diaspora settled in the United States as "Race" is definitively a concern in the narrative and the Politics of Diaspora in the contemporary context. Also, moving away momentarily from United States, the violence against the Kenyans around a year back impelled Narendra Modi, the Chief Minister of Gujarat, to send a missive to the Indian Prime Minister after Indians were hurt and their property was looted in the African nation state of Kenya. [28] In the recent instance, the attack on the Gurudwara in Wisconsin was a matter of grave concern for the Indian foreign office and an Indian official was rushed from Washington to seek complete information and disburse succor for the attacked Sikh community in a nation where gun rage happens to be a old and recurring public nuisance, where-in, the debate is being parried away to a cool political corner even when it comes to the Presidential candidates Mitt Romney (Republicans) and President Barrack Obama (Democrats) shying away from pinpointing blame at the gun lobby and the National Rifle Association in the domestic echelons of United States of America where a few categories of guns can be bought, transacted and used in the legal sense of the term.[29]

Thus, the Indian settlers in United States have to contend with a large number of impending issues where a thicket of sensitive and controversial decisions and narratives are being relegated to the backburner in the true sense of the term as the economic downturn, the healthcare insurance and foreign policy themes of the order of Iraq, Afghanistan and now

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[26] Saroj Kumar Rath, " Issues of Growth and Security of the Indian Diaspora", Diaspora Studies, Volume 3, Number 2, July- December, 2010, Page No. 102-103.

[27] Manan Dwivedi, "Gujarati Diaspora on a Global Platform: Perceptions, Contributions and Experiences", Diaspora Studies, Volume 3, Number 2, July- December, 2010, Page No. 177.

[28] " Modi Writes to the Prime Minsiter"", URL: www.intellibriefs.blogspot.com/2008/01/are-gujarati-nris, (Accessed on August 9th, 2012)

[29] "America's Gun Laws: Colorado's Dark Night," Indian Express, July 31, 2012.

Syria and the attendant veto matches with Russia and China happen to be the centre stage in a vibrant and translucent United States facing turbulence. In a recent, though the religious activities have been re initiated in the Oak Creek, near Milwaukee, the scars remain as the attacker, Wade Michael Page was linked to white-supremacist linkages which brings into relief the notion of ethnic profiling in United States in the context of the Asian Immigrants. Eric Holder, US Attorney General, went on to comment that, "Too many Sikhs have been targeted, victimized simply because of how they looked and what they believed in."[30]

Apart from the Gurudwara fiasco in United States in August this year, the vandalism and the gun rage by a psychic maniac during the screening of a Batman movie, " The Dark Knight Rises" touched a hornet's nest about the feasibility of gun control laws in United States of which the Gurudwara incident was a mere shadow in mayhem. It was reported in a newspaper, as an aftermath of the massacre in Colorado, "Mr. Obama dispensed a dollop of rhetoric, condoled with the victim's families and proposed to do precisely nothing about the easy availability of guns in America".[31] Thus, the psychotic public violence phenomenon is getting amalgamated with the gun rage matrix in the domestic socio-cultural set up in United States. So much so for the complexities and the state of flux which the American socio-political and cultural set up finds itself in.

5. To Conclude

The question which can be poignantly raised is the pertinent poser that, can the Indian Diaspora eke out a novae place for itself, which, is politically vibrant and effectual for itself in the metamorphosing paradigm shift in the Global positioning and balance of power in the context of the United States, where-in, a re-invention of the nation's diaspora is the call of the hour, where-in, people like Bobby Jindal and the role played by the Indian Diaspora in the vortex of the American political firmament can be revisited for a delving inside the nature and role of the Indian Diaspora in a grand and telling totality. The Indians do not add up to the 9/11 scare in United States as it has been observed that they bank their name on toil and a meticulous adherence to the law of the land living true to their cultural and religious moorings. The moral upbraiding might not be the correct way out for image building for the Indian community which they can keep up for their own "country wide interactions" but a stable and a more effective role as a flag bearer of the homeland nation's foreign policy, cultural heritage and economic well being, has been a service rendered in right earnest by the Indian community in the United States far from the glum days in the nineties when India and United States diplomatically sparred around the complexities and knotty international nitty gritty of international terrorism, Kashmir and Nuclear Proliferation. The apt and the overarching argument can be the fact that the mainstreaming of the Indian community has taken place to a great extent with the convergence of the global multipolarity, the rise of India and the concurrent rise in the political influence and the larger role of the Indian community in the general American firmament.

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[30] Narayan Lakshman, "Wisconsin Gurudwara Resumes Service", The Hindu, August 14, 2012.
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Middle-East Country Policies

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Migrant 'Hubs' in the Middle-east

Besides Europe and the US, the six Gulf Cooperation Council (GCC) countries, viz., Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates (UAE) together make the third most important cluster of 'hubs', as I have elsewhere called the global destinations for migrants within Asia, the Middle-east.[2] This excessively high-immigration geographical region is one where non-nationals were estimated to constitute about 38.6 per cent of the population in 2009 (Table 1, UNDESA 2009a, cited in Shah 2010). Whereas the developed countries of the west are known to be the major importers of high skilled migrants, Middle Eastern countries are known to be the major importers of low or semi skilled migrant worker prior to the 1970s, the countries in the GCC region maintained a liberal non-selective immigration policy. However, the 'oil boom' of October 1973, significantly affected the dynamics of their policies. The major oil-exporting countries or the GCC countries were earning vast revenues by exporting oil and decided to invest the revenue in major economic and social fields like infrastructure and power stations, industrial and agricultural sectors, health and education (Winckler, 1997). The implementation of these projects, which were highly labour-intensive, resulted in a high demand for labour, both skilled and unskilled workers in various categories. The demand could not be met locally due to two main factors – small domestic population, worsened in effect by very low rates of labour force participation, both contributing to limited number of workers being available for employment. Consequently, the governments had to look beyond their boundaries and import labour from other countries, mainly those having large populations and high unemployment rates. Although a substantial number of foreigners were already present in the GCC countries, the enhanced demand for labour led to a substantial rise in the inflow of foreign workers. The trend remained the same in the 1970s as well as in the 1980s until the gulf crisis.

Table 1: Total population and estimated migrant stock in the six GCC countries, 2010

Total population		Migrant stock	Migrants as % of total population
Bahrain	807,000	315,403	39.1
Kuwait	3,051,000	2,097,527	68.8
Oman	2,905,000	826,074	28.4
Qatar	1,508,000	1,305,428	86.5
Saudi Arabia	26,246,000	7,288,900	27.8
United Arab Emirates	4,707,000	3,293,264	70.0
TOTAL	39,224,000	15,126,596	38.6

Source: UNDESA, 2009a

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[2] See Khadria (2010b).

In the early 1980s, the majority of workers in the GCC countries originated from Arab countries but thereafter south and south-east Asian countries have emerged as the major source countries, or the 'hinterland' *a la* Khadria (2010b). Out of the 849,000 low-skilled workers who went abroad for work in 2008, the highest in a single year in the quinquennial of 2005-10, 41 percent went to the United Arab Emirates (UAE); and another 27 percent went to Saudi Arabia. Altogether 96 percent of Indian low-skilled overseas workers who left India in 2008 moved to the Gulf Cooperation Council countries. In the closing decades of the twentieth century till 2009, the volume of foreign labour steadily increased in the GCC countries. The numbers of foreign workers grew from 1.1 million in 1975, to 2.85 million in 1980, 4.12 million in 1985, 7.04 million in 1995 and 8.5 million in 2000, respectively (ILO 2009a). The share of foreign workers in total labour force was noticeably higher than in the populations, and been rising. In 2000, it was 56 per cent in Saudi Arabia, 59 per cent in Bahrain, 64 per cent in Oman, 81.9 per cent in Kuwait, 86 per cent in Qatar and 89.8 per cent in the United Arab Emirates (Girgis, 2002; Dito, 2006). According to the latest United Nations estimates of population, foreign nationals in the middle-east region have been expected to be 15.1 million in 2010 (Table 2), up from 12.7 million in 2005, registering 18.8 per cent growth in five years. Between 2000 and 2005, stocks had grown 24.2 per cent. In individual GCC countries, the shares of non-nationals were estimated to have remained constant or increased (Table 2).

Table 2: Stocks and Population Shares of Non-nationals in the GCC Countries: 2005, 2010

Year	Total		% of total population	
	2005	2010	2005	2010
Bahrain	278,166	315,403	38.2	39.1
Kuwait	1,869,665	2,097,527	69.2	68.8
Oman	666,263	826,074	25.5	28.4
Qatar	712,861	1,305,428	80.5	86.5
Saudi Arabia	6,336,666	7,288,900	26.8	27.8
United Arab Emirates	2,863,027	3,293,364	70.0	70.0
Total	12,726,648	15,126,696	...	...

Note: Estimated Number of international migrants at mid-year.
Source: United Nations, Department of Economic and Social Affairs, Population Division: Trends in International Migrant Stock: The 2008 Revision (May 2009).

The completion of major projects in the late 1980s had led to a fall in demand. The Iraqi invasion of Kuwait in August 1990 resulted in striking demographic changes in the Gulf, especially in Kuwait and Saudi Arabia. The impact of the war was immediately felt when a flight of large number of migrant workers to their home countries took place. The ILO estimated that about 2 million expatriate workers left the region as a result of the Gulf crisis (ILO, 1991). This was the beginning for major labour importing countries to consciously introduce policies of indigenisation of their labour force. However, as the war ended, the

reconstruction programmes in Kuwait led to a huge fresh demand for workers. Also a large number of migrant workers, who had fled during the war, returned.

Foreign workers in all the GCC countries have contributed significantly towards the development process. However, as is the case in most labour importing countries, after the completion of the projects, the governments tightened their immigration policies to reduce the number of foreign workers. In spite of such measures, demand for migrant workers in the Middle-east remained high as more private projects came up in the construction sector.

A study by the Migration Policy Institute (MPI) and the BBC also found that immigrants constituted the largest share of the labour force in the Gulf States. Foreign nationals accounted for 90 percent of the labour force in the UAE, 86 percent in Qatar, 81 percent in Kuwait, 71 percent in Oman, 59 percent in Bahrain and 50 percent in Saudi Arabia (UNDESA, 2006, p.16). More recently, in Kuwait, Qatar and the United Arab Emirates, the total stocks of non-nationals relative to total populations have particularly been high. As indicated in Table 2, estimates for 2010 put their respective shares at 68.8 per cent, 86.5 per cent, and 70 per cent. In contrast, nationals from other Arab countries did not grow proportionally in GCC countries. Whereas they had represented 72 per cent of stocks in 1975, the proportion declined to 15-29 per cent in 2002. In Kuwait and Saudi Arabia, they dropped from 80 to 34 per cent and from 90 to 37-43 per cent respectively (Kapiszewski, 2003). There are various reasons why Asians are preferred over Arabs: (a) the Asian labour force is viewed as more skilled than the Arab; (b) Asians accept lower wages and salaries; (c) they are prepared to live and work in harsh conditions; (d) they are characterized as obedient and easy to manage.

1. The 'Hinterland' for Migrant Labour in the Middle-east Countries:

To review and assess the immigration policies in the Middle-east countries, it is important to relate them to the major migrant-sending countries, forming the 'hinterland', as I have called the source countries in Asia (Khadria 2010). Asia accounts for 60–70 per cent of all contract migrant workers in the Middle-east, viz., India, Pakistan, Bangladesh, Philippines, Sri Lanka, and Indonesia (Kapizewski, 2006). Asian workers from these countries now outnumber Arabs, although Egyptians are still present in large numbers in the GCC sub-region (Table 3). Girgis had ranked the presence of foreign nationals by country of origin in the following descending order at the beginning of the twenty-first century: India, Egypt, Pakistan, Bangladesh and Yemen (Girgis, 2002: 10). More recent figures collected from different countries' consular services in the United Arab Emirates suggest continuation of a similar ranking (ILO 2009a). Data on the distribution of temporary contractual workers in the private sector in Oman also depict a comparable pattern. For example, ILO (2009a) has cited the 2007 distribution of foreign workers by country of origin in the private sector in the following descending order: India, Pakistan, Bangladesh, Philippines, Egypt and Sri Lanka (Oman – Ministry of National Economy, 2008).Table 3: Number and Percentage of Foreign Migrant Workers in the Labour Force (LF), in GCC countries, by Nationality, 2005

	Total	% of LF
Bahrain	**306,000**	**58.58**
Arab	38,000	12.42
Asian	245,000	80.07
European	6,000	1.96
American	6,000	1.96
Others	11,000	3.59
Kuwait	**1,302,000**	**81.7**
Arab	403,000	30.95
Asian	851,000	65.36
European	4,000	0.31
American	2,000	0.15
Others	42,000	3.23
Oman	**605,000**	**66.13**
Arab	34,000	5.61
Asian	559,000	92.4
European	...	...
American	...	...
Others	12,000	1.99
Qatar	**315,034**	**56.69**
Arab	126,013	40.07
Asian	144,915	45.64
European	5,954	1.99
American	...	...
Others	38,152	12.3
Saudi Arabia	**4,894,000**	**64.57**
Arab	1,527,000	31.2
Asian	2,902,000	59.3
European	159,000	3.25
American	103,000	2.1
Others	203,000	4.15
United Arab Emirates	**2,738,000**	**82.26**
Arab	238,000	8.71
Asian	2,386,000	87.14
European	41,000	1.5
American	15,000	0.54
Others	58,000	2.11

Source: ILO, 2009a.

2. Structure of the Foreign Workers' Labour Market in the Middle-east

Data on the sectoral distribution of foreign workers in countries of the GCC pose a major problem; they are generally scarce and often outdated (ILO 2009a). However, most migrants are estimated to be concentrated in construction, hotels and restaurants, wholesale and retail trade, and domestic work. In Oman, for example, the majority of foreign migrant workers in

2007 were concentrated in construction, repairs, domestic service, agriculture and forestry, and manufacturing (Ministry of National Economy, 2008: 5).

Women comprise about 25 percent of all migrant workers in the GCC countries. According to the ILO, domestic work sector is a "key factor in opening up legal channels of temporary migration for large numbers of women with few employment options at home" (ILO, 2009b: 36). In recent years, this has consolidated further, raising the flow of women migrant labour to the GCC countries. They are mostly employed in the domestic service sector and health care (DESA 2006). Thus, migrant women work predominately in domestic services with only a minor presence in other branches of economic activity. However, there is significant presence of men too in this sector. In Bahrain, at the end of 2007, there were a total of 64,000 domestic workers, of whom 35.3 per cent were men (LMRA, 2008). In Qatar, the 2007 Labour Force Survey revealed that a total of 72,765 foreign workers were employed in domestic services, with 39.8 per cent being men (Qatar Statistics Authority, 2008).

Employment terms and conditions for foreign workers are at great discrepancy with those for the nationals in the Middle-east countries. In Bahrain, for example, average monthly wages for non-Bahraini workers, in 2007, were 58BD4 in agriculture, 48BD in fishing, 157BD in manufacturing, 98BD in construction, 147BD in wholesale and retail trade, and 108BD in hotels and restaurants. Given that the number of foreign workers employed in these branches was 229,462, accounting for 79 per cent of total foreign workers, their average monthly wages of amounted to 168BD, which was significantly lower than 'low wages' defined by GOSI (Bahrain – General Organization for Social Insurance (GOSI), 2008). Domestic workers, almost entirely of foreign origin, earned even lower average monthly wage of 128BD (LMRA, 2008). In contrast, wages of Bahraini nationals were above the 200BD level in all branches, and the average wage at a much higher level of 507BD. In Qatar, average annual wages, to which only a very small minority of highly-skilled foreign workers have access, were US$26,980 in construction, US$9,470 in distribution, US$7,785 in tourism, US$15,834 in transportation, US$25,431 in financial services, and US$20,462 in education (ILO 2009a).

Working conditions for foreign migrant workers in the Middle-east have drawn attention with regard to questions of rights at work. Although foreign workers, with the exception of domestic workers, are included in the scope of labour laws, the recruitment and contracting system is such that foreign workers are mostly unable or unwilling to report breaches to law enforcement officials. Even when they have reported, enforcement of laws has more often been found incomplete. For example, the latest labour regulations provide for suspension of work at construction sites during specified hours of the day because of high temperatures. Similarly, payment for overtime work is mandatory. However, in practice, non-compliance to these provisions is rampant. Laws also prohibit the retention of passports of foreign workers, but employers still carry on the practice. Smaller firms are hardly adhering to labour laws (Al Najjar, cited in ILO 2009a).

Like in most countries, household domestic workers are outside the purview of labour laws in Middle-east countries as well, posing problems of monitoring their conditions of employment. The practice of paying low wages and getting long hours of work from foreign workers in the domestic household sector has made the demand high. Such conditions often lead to exploitation, especially of women domestic workers, who are particularly vulnerable to such situations. Cases of abuse and violence have been reported (Chammartin, 2004).

Thus there is visibly significant segmentation of the labour markets in the GCC countries, leading to foreign workers being concentrated in low-paid, low-skilled employment in the private sector and the local nationals in high-paid jobs in the public sector. In the private sector, national workers dominate the high-productivity, highly-paid jobs only. This explains the coexistence of high unemployment rates for nationals and large volumes of foreign workers in low-paid jobs. Data are not available for all countries, but example of the United Arab Emirates highlight the incidence of high unemployment among nationals. According to the 2008 Labour Force Survey, the rate of unemployment among nationals in the UAE was 13.8 per cent, whereas for foreign workers it was only 2.6 per cent (United Arab Emirates, Ministry of Economy, Central Department of Statistics, LFS 2008).

3. Policy Challenges Facing the Middle-east Countries

a. Restricting Immigration

To ameliorate the high unemployment rates of national workers, governments in the Middle-east initially tried to absorb new jobseekers in the public sector. This had the effect of increased disguised unemployment, inefficiency in the public sector, and raising the share of wages in public expenditures (Awad, 2007). This led to a shift in policy towards "nationalization" programmes, with a number of GCC countries taking steps to replace foreign workers with nationals in the private sector. For example, the Kuwaiti Government adopted a bill in 2000 designed to encourage Kuwaitis to seek employment in the private sector by extending most of the benefits of public sector employment to the private sector. The bill also sets a quota for Kuwaitis, which provides sanctions against companies which fail to respect it (ILO 2009a). However, most of these nationalization programmes did not result in the expected outcomes of reducing the unemployment rate among nationals and curtailing dependence on foreign migrant labour. Rather, an easy and abundant supply of workers coupled with the restrictive immigration policies result in the exploitation of the migrants.

Responding to a UN survey on opinions about levels of immigration and emigration, four out of the six oil-rich Gulf Cooperation (GCC) countries - Kuwait, Oman, Saudi Arabia and the United Arab Emirates (UAE) - considered that the immigration level in their countries were too high and they wanted to reduce it. Such levels of migrant stocks are not what the governments of some GCC countries desire. A review of the opinions, attitudes and policies towards immigration in the Gulf region indicate that in all six countries the trend towards restricting migrant inflows has increased. Also, steps towards the actual implementation of the policies are more actively being taken and enforced. In order to lower the level of immigration these countries are implementing highly restrictive immigration policies. However, the remaining two - Bahrain and Qatar -considered the levels to be satisfactory and had policies to maintain the inflow. There are several measures that are adopted by the governments of the GCC countries to discourage immigration[3]:

- Indirect taxes like health taxes for expatriates, not only raises revenue for the host country and but also increases the cost of living for the expatriates.

- Owing to the lack of minimum wage legislation, the migrant workers get low wages.

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[3] See, for measures adopted by individual countries, Shah (2006, 2008).

- Apart from this, the ineffectiveness of the labour dispute settlement machinery results in no increments in wages, and nonpayment of non-wage benefits as per the labour laws.

- Since mid 1990s, the Gulf countries have declared repeated periods of amnesty so as to encourage the departure of those residing in the host countries on an illegal visa, which is largely a result of being employed by a company that is not the legal sponsor of the worker.

- Governments are strictly monitoring the issuance of new work permits, and the transfer of existing work permits from one employer to another.

- GCC countries have policies to restrict the number of approved work visas.

(a) Visa Trading

Another issue that the GCC governments have to deal with is visa trading by fictitious companies. The GCC has implemented a sponsorship (*kafala*) system whereby migrants receive an entry visa and work permit provided that a GCC citizen or institution employs them. Such a system gives the host countries the power to determine the source countries of migrants as well as the duration of their stay in the host countries. Under this system, each employee must have a sponsor or *kafeel*. For those working in the public sector, the government department employing the worker is the *kafeel*. Also, in the private sector, each worker must have a local sponsor who is expected to have a business for which it needs workers. A system of visa trading, however, emerged during the last two to three decades because the demand for visas to the Gulf exceeded supply. Some nationals thus opened up fictitious companies for which they procured work permits that they were able to sell to migrants willing to pay. Frequently, the work permit was not accompanied by a job. The migrant thus found employment with someone other than the sponsor, or remained unemployed.

In the UAE, it is estimated that the number of workers sponsored by these fictitious companies in 2004 was 600,000 or 27% of the total workforce (UAE-Gulf News, April 13, 2004). As part of its efforts to curb the hiring of illegal workers, 11,600 bans were issued against the violating sponsors and companies during 2004 in the UAE (Gulf News Online (UAE), February 22, 2005). The Saudi Minister of Labor had said that 70% of the visas issued by the government were sold on the black market and the government was determined to crack down on this (Arab News (Saudi Arabia), April 29, 2004).

Similar statements were repeatedly made by authorities in other GCC countries. The Bahrain Minister of Labour and Social Affairs lamented that the practice had plagued the Bahraini job market for the last 20 years. In August 2004, the government was undertaking a process of investigating 43 businesses and found them engaged in this practice (The Arab News, August 4, 2004).

The Kuwait Human Development Report of 1997 acknowledged the presence of visa trading as one of the factors that promoted the influx of foreign workers to Kuwait. It advocated for the implementation of serious steps to curb this practice. The report stated that one of the reasons for an uncontrolled import of workers was the existence, in countries of origin and in Kuwait, of elements that profited from trading in residence permits. Such

workers were brought in simply to earn the fee rather than to satisfy the requirements of genuine economic activity (Ministry of Planning, 1997). There have been repeated calls for the strict issuance of work permits in order to "ward off unwanted elements from entering the country" (Kuwait Times, April 20, 2004). The scale of the problem clearly illustrates that visa trading is a highly lucrative industry.

A fundamental difficulty in the implementation of any policy aimed at curbing visa trading is therefore the ease with which an ordinary local sponsor can have a continuous source of income coupled with a market in sending countries where many are eager to buy such visas at any cost. The extent of adverse outcomes associated with visa trading is of course not known.[4] In June 2005, the International Labour Organization (ILO) representative to Kuwait made a proposal to the Kuwaiti government to change its sponsorship system. He recommended that the State of Kuwait should be the sponsor of all expatriate workers rather than individual sponsors and stated that the sponsorship system does not meet international standards and leaves the workers vulnerable to exploitation (AMN, June 16-30, 2005). In Qatar too, some citizens demanded that the State should be the sponsor of foreign workers and not individual citizens or business owners.

(b)   Select Country Policy Profile in the Middle East

i.   **Kuwait** follows a policy to lower the permanent settlement of immigrants and its policy for granting citizenship is highly restrictive:

- It restricts the number of dependents of migrant workers by putting a ceiling on the salary of workers who are allowed to bring their family, so that cost of living and sustaining dependents in Kuwait becomes expensive.[5]

- Since the government does not want the immigrants to settle for long, there are no integration programs and the unwillingness to integrate the migrants has become clearer after the crisis of 1990–91.

- The workers are mostly on contracts which last for two years. However, in reality there are workers who have been working for about ten years.

- A migrant worker in Kuwait is required to buy health insurance for himself as well as each member of his family who is accompanying him. In the private sector, the employer often does not pay for such insurance. Around 92 % of all expatriates work in the private sector.

- Increasing cost of living for foreigners - rise in fees for issuance and renewal of residence permits, driver's license and registration etc.

- Another mechanism that may indirectly affect the cost of living for a foreign worker is the policy to increase the fee that an employer must pay for hiring such a worker. In Kuwait, the cabinet had deliberated on hiking the fee per worker to KD 50 (US$ 170)

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[4] Occasionally, some tragic outcomes of visa trading catch the attention of the media. An Indian worker, who bought a visa for UAE could not find a job once he landed in Sharjah and ended up becoming a beggar. He was a diabetic and suffered minor abrasions on his legs which eventually turned to a level of severity when both his feet had to be amputated (AMN, October 16-31, 2005).

[5] See, Shah 2006, p.2

per year in 2005 (Kuwait Times, February 28, 2005).[6] This fee was highly likely to be passed on to the employee in the private sector.

ii. Saudi Arabia is one of the most active countries that have implemented policies to restrict migration.

- It had announced a measure limiting the number of new visas available to foreign workers to be reduced from the 8.8 million to only 2 million over the next eight years.

- It was also proposed that new visas would be available only for menial jobs that Saudi people were not willing to do or technical ones for which the citizens were not trained (Washington Post, August 31, 2004).

- There are also problems like migrants coming on haj pilgrimage overstaying and working illegally in Saudi Arabia. In order to counter this type of illegal migration, the government has imposed a bond deposit of $800 that the pilgrims are required to pay and which they have to forfeit if they do not leave within a month.

The basic elements of the migration policy regulations of Saudi Arabia are as follows:

- Foreign or non-Saudi workers cannot enter the country unless they have a sponsorship of an eligible employer, or a permitted Saudi household in the case of domestic workers.

- When a foreign worker enters the country, he/she has to get a residency card or *iqama* and a work permit.

- Once the worker gets the *iqama* card, he/she has to give his/her passport to the *kafeel* (the sponsor); the passport will be returned only when he/she leaves the country, as the *iqama* card stands in place of the passport.

- A non-Saudi cannot change his/her sponsor or job unless the sponsor issues a release.

- The sponsor has the right to refuse to give a release, to deport the worker and to ask the authority to ban the worker from coming back to the country for two years.

- Foreign workers in professional, technical and managerial occupations with post-secondary education have the right to bring their families with them to Saudi Arabia, while relatives of workers with lower education have the right to make only a short visit that might be extended to three months.

- In addition, a foreign worker is prohibited from checking directly with the Passport Department for any official arrangements concerning his residency or visa. He/she has to do this though the sponsor who hands over the worker's passport to an authorised person to make the arrangements.

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[6] Shah 2006. According to latest estimates, the overall average annual administrative and recruitment costs per worker in UAE are estimated at Dh2,674. For skilled workers, this cost is Dh3, 404 and for unskilled workers Dh2,296. Wages and both cash and non-cash benefits are estimated at Dh41,000 per worker annually http://gulfnews.com/news/gulf/uae/employment/uae-s-per-worker-cost-to-companies-is-dh55-000-a-year-study-shows-1.695337, accessed on 26 June 2011.

iii. Bahrain

- Policies implemented by the Bahrain government to restrict immigration comprise:

- Indirect taxes that raise revenue for the host country and make life more expensive for the migrant workers aiming to reduce attractiveness of the Gulf market as a destination site

- The Bahraini Cabinet also approved the implementation of a health fee for migrant workers around 2001. It was decided that expatriates or their Bahraini employers must buy health insurance which should cover primary as well as secondary health services including regular check-ups and surgery (The Gulf News, March 9, 2004)

iv. UAE

- Since the implementation of a new health insurance scheme introduced in the UAE in 2006, the employer has longer been required to pay for the mandatory health insurance for the workers. The employees would have to pay the premium for their national health insurance thus bearing additional costs in a situation where the wages are already fairly stagnant (AMN, January 15-31, 2006).

- The UAE, which has had a policy of health insurance for the last several years, recently introduced a new fee for all surgical procedures, much to the unhappiness of migrant workers. A fee ranging from 500-4000 dirhams (Dh) (US$ 136 to $1089) was imposed, depending on the type and complexity of the surgery (Kuwait Times, May 9, 2005).

- The UAE has introduced exorbitant fees for the verification of immigrants' university degree certificates after the change in this process in 2005. Under the new Degree Verification Program, expatriates must send their attested degree certificates through Integra Screen, a document verification company, via Emirates Post. This process would cost Dh510 (US$ 139), whereas previously they had to pay only Dh100 (US$27) for attestation of the same documents at their home country and in the UAE (AMN, January 15-31, 2006).

v. Jordan

Jordan follows a very liberal immigration policy. On the emigration front the government supports the emigration of its nationals for employment. It is more a source than a destination country in the Middle-east, supplying migrant workers to the GCC countries. The government has appointed counsellors in its diplomatic missions in the GCC countries (and Libya) to advise the Jordanian government about the dynamics of the labour markets of these countries and facilitate the employment of Jordanian migrants. Jordanians who had fled Kuwait during the Gulf war found it difficult to re-enter owing to political tension between the two countries. Qatar has also restricted the entry of Jordanians by making it difficult for them to renew or obtain visas, as for other migrant workers from non-Middle-east countries in Asia.

Abu Dhabi Dialogue and the Colombo Process: A Collective Policy Initiative between Countries of Destination in the Middle East and of Origin in Asia

The GCC countries follow a migration regime that promotes 'contract migration'. In this way they minimize the cost of labour. Concrete policies aimed at enhancing indigenization and reducing the number of foreign workers have been implemented during the last decade or so. One of the major reasons for this is the rising level of unemployment among the nationals which is posing difficult economic and political questions for the governments. The local youth in the population of this period having diplomas are ready to enter the labour markets, but they have no guarantee of being hired. For the first time the labour markets were witnessing a competition between the nationals and the migrants and the government had to safeguard the interest of its own people. However, the Middle-east countries have also realized that to achieve the desired results they have to work not only in harmony with each other in the region, but also in tandem with the countries of origin of migrant labour in Asia. This is what let the Middle-east countries to join the Colombo Process, which is a conglomeration of countries of origin, through what was called the Abu Dhabi Dialogue.

"Colombo Process", a Ministerial Consultations on Overseas Employment and Contractual Labour for Countries of Origin in Asia, was established in 2003, in its first meeting in Colombo, Sri Lanka, with the objective to provide a forum for Asian labour sending countries. The stated aim of the Colombo Process has been to provide a forum for Asian labour sending countries to:

- Share experiences, lessons learned and best practices on overseas employment;

- Consult on issues faced by overseas workers, labour sending and receiving states, and propose practical solutions for the well being of vulnerable overseas workers;

- Optimize development benefits from organized overseas employment, and enhance dialogue with countries of destination; and

- Review and monitor the implementation of the recommendations and identify further steps for action;

To review and monitor the implementation of previous recommendations and identify areas of future action, the member nations of the 'Colombo Process' have subsequently met thrice in countries of origin - in Manila (Philippines) in 2004, in Bali (Indonesia) in 2005, and in Dhaka (Bangladesh) in 2011. The Third Ministerial Consultation of the Colombo Process, which took place in Bali, Indonesia, in September 2005, was greatly enriched by the active participation of countries of destination (such as UAE, Bahrain, Italy and Malaysia) as observers. However, after the Bali meeting, the Colombo Process lost its momentum, and it took 6 years for its revival in Bangladesh, in 2011, which also partly explains the lull in the availability of data and information during the intervening period till the present (Khadria 2011).[7] As a landmark exception, however, the United Arab Emirates (UAE) had taken the groundbreaking step of hosting the inaugural Ministerial Consultation between Asian destination countries and Colombo Process countries in Abu Dhabi on 21 and 22 January 2008.[8] The Ministerial Consultation, referred to as the "Abu Dhabi Dialogue," brought

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[7] For speculation on whether the Colombo Process would lead to relatively freer migration within Asia in the next 20 years, see Khadria (2011, pp. 11-16).

[8] http://www.colomboprocess.org/index.php?option=com_content&view=article&id=46&Itemid=29, accessed on 25 June 2011

together for the first time the Colombo Process countries with the Gulf Cooperation Council (GCC) states, plus Yemen and two additional Asian countries of destination, namely Malaysia and Singapore." The Abu Dhabi Dialogue therefore constitutes a milestone in regional cooperation on contractual labour mobility in the Middle-east.

The Abu Dhabi Declaration launched a collaborative approach to short-term labour mobility in Asia in order to maximize benefits for all. It focuses on developing four key, action-oriented strategic partnerships between countries of origin and destination for development around the premise of temporary contractual labour, based on a notion of partnership and shared accountability: The Abu Dhabi Dialogue was established in 2008 and currently has 20 member states. The eleven countries of origin are: Afghanistan, Bangladesh, China, India, Indonesia, Nepal, Pakistan, Philippines, Sri Lanka, Thailand and Vietnam. The nine destination countries are Bahrain, Kuwait, Malaysia, Oman, Qatar, Saudi Arabia, Singapore, United Arab Emirates and Yemen.[9]

The broad purpose of the first meeting of the Abu Dhabi Dialogue was to provide a forum for the discussion of new ideas and concrete activities towards the development of a comprehensive and practical framework for the management of temporary contractual labour mobility in Asia. Particular focus was placed on promoting the welfare and well-being of workers, on the development of both origin and destination countries through labour mobility, and on fostering greater inter-governmental cooperation and collaboration, with the active support of international and regional partners. The key focus of the dialogue included:

- Developing and sharing knowledge on labour market trends, skills profiles, workers and remittances policies and flows, and the relationship to progress

- Building capacity for more effective harmonizing of labour supply and demand

- Preventing illegal recruitment and promoting welfare and protection measures for contractual workers

- Developing a structure for a comprehensive approach to managing the entire cycle of temporary contractual work that fosters the common interest of countries of origin and destination.

These are supposed to have an interface with the main focus of the Colombo Process:

- Protection of and provision of services to migrant workers: In particular, protecting migrant workers from abusive practices in recruitment and employment, and providing appropriate services to migrant workers in terms of pre-departure information and orientation and welfare provisions.

- Optimizing benefits of organized labour migration: This includes the development of new overseas employment markets, increasing remittance flows through formal channels and enhancing the development impact of remittances.

- Capacity building, data collection and inter-state cooperation: This includes institutional capacity building and information exchange to meet labour migration challenges. Increasing cooperation with destination countries in the protection of

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[9] In addition, France, Germany, Mauritius, the Republic of Korea, Japan, Poland and the United States have observer status while the European Commission (EC) is a partner of the Dialogue.

migrant workers and access to labour markets; and enhancing cooperation among countries of origin.

The current priority of the dialogue is to identify the role and responsibilities of both the government and the private sector at every stage of the contractual work cycle. This includes every phase beginning with recruitment, preparation, movement, working in the host country, return and finally reintegration in the country of origin. It also focuses on the implementation of projects with tangible outcomes so that all partners are benefited. One other priority is strengthening the regional framework on temporary contractual labour mobility. The collective effort for the Abu Dhabi Dialogue and the Colombo Process Member States to make progress in forging a broad platform has resulted in a greatly enhanced framework for cooperation between origin and destination countries of migration in the Middle-east.[10]

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[10] See, for example, Khadria (2010) for policy shifts in India for migration towards the Middle East.

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Governing International Migration in the Global Age: Challenges of the Divide between Immigration and Emigration Policy[1]

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Abstract

In the wake of concerns being raised about the regularization and stability of migration policies, especially during the last half a century or so, there seems an apparent divide between the emigration policy and the immigration policy. Whereas the source countries are apprehensive about the protection of their people in the destination countries, receiving countries primarily focus on human capital aspects of the immigrants and allow the entry to those whose knowledge and skills are in short supply in their labour markets. Present paper highlights this dichotomy in the migration policies. The paper examines the emigration policies of major source countries, their handling of emigration related issues, and the protection of emigrants in destination countries vis-à-vis their immigration policies, their response to the issues related to immigration and protecting the rights of immigrants in their own countries with specific focus on India, one of the most prominent source country of migrants to the developed countries of global north and a major destination country for immigrants from the neighbouring countries , and the United States, the most prominent destination country in the developed global north. The paper envisages that just as to deal with the 'dynamic conflict of interests', equitable adversary analysis' would be a useful tool, introspection is essential to deal with the internal conflict between emigration and immigration. Countries of the global north as well as global south, especially the source cum receiving countries, need to show more maturity while treating with the nationals of other countries before criticizing them and negotiating with them for the protection of their people living in those countries.

1. International Migrants: Where do they go and from where do they come?

Over the last few decades, international migration has attracted increasing attention in the academia, in bureaucracy and policy making, as well as in the civil society across countries. Many individuals, governments across the nation-states, non-governmental organizations, and regional and international organizations have gradually become more vocal raising concerns about the selectivity, inconsistencies and stability of migration policies demanding better treatment to various categories of migrants, i.e., workers, spouses, international students, irregular migrants, refugees and asylum seekers with a view to ensuring the protection of their

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'rights' in the destination countries. Whereas the receiving countries generally focus more on human capital aspects of the immigrants and allow the entry to those whose knowledge and skills are in short supply in their labour markets, concerns of the people in the source countries usually centered around the protection and well being of their nationals living/aspiring to live in the destination countries.

However, this traditional distinction between the source countries and the receiving countries is fading away in the current phase of globalization. While it may be true, at least to a certain extent, that majority of international migrants have a tendency to go to the developed countries of the Global North, developing countries of the Global South are also host to the substantial proportions of international migrants. In 2005, for example, out of the total 190.6 million international migrants, 115.4 million (60.5 percent) migrants were living in 'more developed regions', the rest 75.2 million (39.5 percent) were living in 'less developed regions' (UNDESA, 2006). Further, one-third of all international migrants (33.6 percent) were living in Europe followed by Asia (28 percent) and North America (23 percent). In 2010, Asia became the largest host of international migrants (25.99 percent) followed by Europe (23.44 percent) and North America (23.39 percent) (Table 1). However, international migrants constitute a very small proportion of the total population of Asia (1.4 percent) when compared with Northern America (14.2 percent), Europe (9.5 percent) and Oceania (16.8 percent). International migrants constitute an important segment of the populations in almost every region of the world. Migration has reached to such a stage that almost every country in the world can be called a migrant receiving country today because "virtually all countries host at least some noncitizen residents" (Ruhs and Chang, 2002). However, depending upon the stocks and flows of people entering in or leaving from particular countries, some are primarily known as receiving countries such as the US, the UK, and Australia while some others are recognized as migrant sending countries such as India, Mexico, Bangladesh. For example, India, despite being recognized as a source country, also hosts 5.7 million international migrants (Table 2). The fact is that every country is the source of migrants as well as destination for international migrants. The difference lies in the volumes of stocks and flows of immigrant and emigrant populations belonging to each individual country.

Table 1: Estimated Number of International Migrants by Region, their percentage Distribution and Share in Population, 2010

Region	Number of International Migrants	Percentage Distribution of International Migrants	International migrants as percentage of population
World	213,943,812	100.00	3.1
Africa	19,263,183	9.00	1.9
Europe	50,146,329	23.44	9.5
Latin America and the Caribbean	7,480,267	3.50	1.3
Northern America	50,042,408	23.39	14.2
Asia	55,598,438	25.99	1.4
Oceania	6,014,693	2.81	16.8
USSR (Former)	25,398,494	11.87	9.0

Source: Trend in International Migrants Stock: The 2008 Revision, United Nations Population Division, Department of Economic and Social Affairs.

Table 2: Top 20 Countries with Highest Number of International Migrants, 2005

Rank	Countries	Migrants' Stocks (millions)	Percentage of Total Migrants' Population
1	USA	38.4	20.1
2	Russian Federation	12.1	6.3
3	Germany	10.1	5.3
4	Ukraine	6.8	3.6
5	France	6.5	3.4
6	Saudi Arabia	6.4	3.4
7	Canada	6.1	3.2
8	India	5.7	3.0
9	United Kingdom	5.4	2.8
10	Spain	4.8	2.5
11	Australia	4.1	2.2
12	Pakistan	3.3	1.7
13	United Arab Emirates	3.2	1.7
14	China, Hong Kong SAR	3.0	1.6
15	Israel	2.7	1.4
16	Italy	2.5	1.3
17	Kazakhstan	2.4	1.3
18	Côte d'Ivoire	2.2	1.2
19	Jordon	2.2	1.2
20	Japan	2.0	1.0

Source: Trends in the Total Migrant Stock: The 2005 Revision (United Nations, POP/DB/MIG/Rev.2005).

Figure 1: Global Destinations for International Students at the Tertiary Level, 2001 and 2009
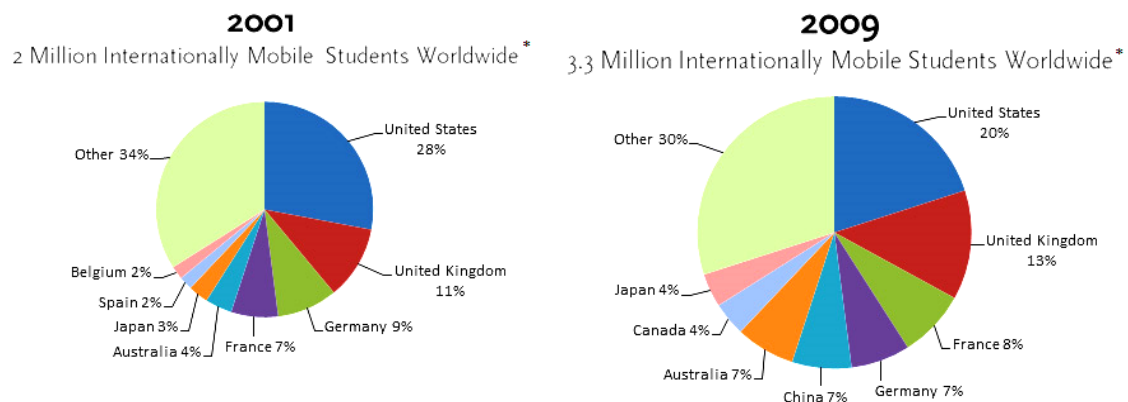
Source: Open Doors 2010, Atlas of International Student Mobility.

Table 3: Tertiary Students studying abroad (2007)

| Country | Students Studying Abroad | Top Five destination countries in | | Students from Abroad studying in the Country |
		Same Region	Other Regions	
USA	50,265	Canada (7,935)	UK(15,956), Germany (3,554), France (3,165), Australia (3,023)	595,874
Canada	43,918	USA (28,905)	UK(5,010), Australia (4,039), France (1,302), Germany (643)	68,520
UK	24,115	France (2,595), Ireland (2,282), Germany (2,077),	USA (8,625), Australia (1,687)	351,470
France	54,021	UK (13,068), Belgium (8,949), Germany (5,960), Switzerland (4,876)	USA (6,852)	246,612
Germany	77,534	UK (14,011), Austria (12,386), Netherlands (10,170), Switzerland (8,322)	USA (8,847)	206,875
Australia	9,968	New Zealand (2,750); Japan (361)	USA (2,859); UK (1,771); Germany (392)	211,526

New Zealand	4,104	Australia (2,008)	USA (859); UK (577); Germany (123); Denmark (85)	33,037
China	421,148	Japan (80,231); Australia (50,418)	USA (98,958); UK (49,594); Germany (23,791)	42,138
India	153,312	Australia (24,523); New Zealand (2,452)	US (23,833); UK (23,833); Germany (3,421)	-
Japan	54,506	Australia (3,249)	US (36,062);UK (5,706); France (2,071); Germany (2,039)	125,877
Republic of Korea	105,327	Australia (5,430); Japan (22,901)	US (63,722); UK (4,311); Germany (3,901)	31,943
Singapore	18,207	Australia (9,429); Malaysia (457)	US (3,787); UK (3,201); Canada (330)	-
Malaysia	46,473	Australia (17,691); Japan (2,052); New Zealand (1,727)	UK (11,811); US (5,398)	24,404

Source: Compiled from UIS (2009).

A large part of the contemporary migration today is intra-regional. A large number of people are migrating from one developing country to another developing country having comparatively better opportunities, primarily within the same region. Though there could be some variations between the source country and the receiving country in terms of economic development and some other socio-economic factors, the two countries broadly share the characteristics of the global south. For example, there is a lot of migration from Bangladesh to India, the two developing countries in South Asia, despite the fact that both countries belong to the global south and send large number of migrants to the countries of developed global north. It means that both source and destinations of migrants, i.e., hubs as well as hinterlands of international migrants are located within the region (Khadria, 2010). Besides economic or labour migrants, destinations of international students are getting more diverse. Whereas the developed countries of Northern America and Europe still host very large number of students, their relative share has declined significantly in the last decade or so and Asian countries like Japan, China and Malaysia hosting substantial number of international students (Figure 1 and Table 3).

Another important dimension of this intra-regional migration is the parity in terms of skill composition of the migrants. For example, majority of migrants moving from a developing country to another developing country are low or semi-skilled people whereas majority of those moving from a developed country to another developed country belong to the high-skilled category. Much of the south-south migration, therefore, is primarily characterized by the dominance of the unskilled or low-skilled people and the north-north migration by the dominance of high-skilled people. For example, majority of low or semi-skilled migrants from Bangladesh go to the Middle East countries and India whereas the high skilled migrate to the developed countries like the US (Ray et al., 2007; Khadria, 2009). Similarly, majority of low or semi-skilled Indians go to the Gulf countries and high skilled migrants and tertiary students from India prefer go to the countries of global north such as the US, Canada, UK or Australia (Khadria, 1999; Rajan, 2010). But this is not true in case of developed countries. High skilled migrants from the countries of global north mainly migrate within the region. For example, people from Western Europe go to the US or Canada and migrants from the US go to UK and other developed countries in Europe and not to developing countries like India or Bangladesh. While a large part of the north-north migration is characterized by the movement of skilled people, south-north migration reflects the features of both the high-skilled and the low-skilled. However, quite a significant portion of this phenomenon depends *inter alia* upon the labour supply in the source countries on the one hand and the manpower requirements in

the receiving countries and the consequent fluctuations in their immigration policies on the other hand.

In this context where the flows of migrants are getting more diverse and the distinction between the source countries and the receiving countries is diminishing gradually, present paper highlights that there is a divide in the migration policies of various nation-states. The paper attempts to examine the emigration policies of the major source countries, their handling of emigration related issues, and the protection of migrants in destination countries vis-à-vis their immigration policies, their response to the issues related to immigration and protecting the rights of immigrants in their own countries with specific examples from India, one of the most prominent source country of migrants in the global south and a major destination country for immigrants especially from the neighbouring countries; and the United States, the most prominent destination country in the global north.

2. Governing International Migration: Contexts, Intents and Concerns

International migrants can be identified as belonging to at least two countries at any given point of time. On the one side, they belong to the countries of origin from where people have moved or want to move and on the other side they are associated with the destination countries where they live or intend to go. In some cases, there can be one more association between these two, i.e., transit country. Whereas the decision to leave or not to leave the country may be, to a large extent, an individual or a family decision, the right to allow (or not to allow) the migrants to enter into their territories solely rests with the receiving nation-states because international migration is largely governed by national laws (Khadria, 2009; Nayyar, 2008). Some nations are liberal in granting permission to the nationals of a particular country to enter in their territories for a certain period of time and granting various rights while some others put barriers (in the form of laws) to streamline the flows of people intend to enter in their territories. There are, therefore, two aspects of the migration policy – first deals with the citizens' right to leave (or not to leave) the country and the second deals with the mechanism of allowing (or not allowing) people of other countries to enter in their territories and extend certain rights of migrants. The first aspect is related to the emigration policy and the latter is related to the immigration policy. The place and importance given to each of these two aspects in a particular country depends on many factors such as the stocks and flows of migrants leaving from or entering into the country, requirements of 'human capital' or 'people' for fulfilling the manpower shortages in the country, and political atmosphere of the nation-states towards opening up their borders for external factors.

However, in the age of globalization, some supra-national organizations and multilateral forums such as the United Nations, the International Organization for Migration (IOM), International Labour Organization (ILO), the Global Forum on Migration and development (GFMD) and Regional Consultative Processes (RCPs) also try to influence the policies of the national governments. These organizations bring out guidelines, directives and conventions and provide common platform for various stakeholders to share their concerns and act together in a holistic manner considering the interests of the source countries, the receiving countries and the migrants together. Several conventions related to the protection of migrants belonging to different categories have been issued in the last half a century by these international organizations. However, due to the non-binding nature of their recommendations and conventions as well as the requirement of a wider acceptance by the

member states to bring these conventions and recommendations into force, sometimes there occurs undue delays and sometimes even non-ratification. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted by the General Assembly of the United Nations on 18 December 1990, for example, has not been ratified by many nation-states even after 20 years of its adoption. Most importantly, countries such as the United States, the UK, Canada, and India who host substantial migrant populations have not still ratified this convention. National policies and consular practices are therefore more important than the guidelines and conventions of multilateral or supranational organizations in the context of international migration.

Governments usually have a tendency to formulate and restructure their migration policies in accordance with the requirements of their labour market and socio-political situations in their countries. Over the last century, migration policies throughout the world and more specifically in the developed receiving countries of Europe and North America, have primarily been formulated and restructured in accordance with the manpower requirements of their economies (Rystard, 1992; Khadria, 2002) and sometimes by humanitarian considerations. Presently also, immigration policies in majority of the nation states are being formulated and revised mainly in accordance with the requirements of the labour markets and for offsetting the negative consequences of demographic imbalances. Recognizing the need and benefits of international migration several countries are adopting migration policies in accordance with national requirements (UN, 2006). Independent Commission on Migration to Germany (2001), for example, stated that "We need immigration to Germany because the population here is getting older; life expectancy is increasing while the number of children born per family remains low and the number of births is decreasing" (as cited in IOM, 2003: 239). Germany is not the only country which is increasingly looking for migrants rather this kind of situation is persisting in many countries of Europe, North America and even some countries of Asia. In order to avoid the negative consequences of the age structural transformation (AST) many countries of the OECD are increasingly banking upon the services of immigrants as a short-term strategy.

It is evident from the above discussion that whereas individuals migrate to make their lives better countries need them because they do not want to be left behind because of the lack of 'people' or 'human capital' their economies require. However, despite this interdependence the issue of international migration involves many other intentions and concerns of the sovereign nation-states. Many countries, even despite knowing that the services of migrants are absolutely necessary for their economies, exercise various mechanisms not only to control the inflows but also to induce the return of migrants after a certain period of time. Sometimes, migration policies also include different provisions for the people of different nationalities which lead to discrimination. Migration policy in many countries of Europe and North America, for example, has been very restrictive and selective for long in the 20th century. These countries are still reluctant to allow the entry of undesired 'aliens' in their territories.

3. Current Migration Policies: Divide between Immigration and Emigration

Two important kinds of conflicts can be observed in the contemporary migration policies. The first conflict, referred to as the 'dynamic conflict of interests', occurs between the source

countries belonging to the developing south and the receiving countries of the developed north (Khadria, 2009). The author further explains that the dynamic conflict of interests arises due to the differing time horizons of the perspectives of the two countries where the countries of the developed north are better equipped to exercise effective control on immigration and safeguard the interests of their people from the undesired influence of migrants. This kind of conflict of interests might have serious repercussions for the employment conditions in the source countries and their education systems as well. The second type of conflict may be observed within the countries of the global north as well as global south. Quite often, countries of origin emphasize on securing better working conditions for their people, employ diplomatic and other political mechanisms to safeguard their interests in the destination countries and strive for the protection of their 'rights', the very same countries show reluctance while providing the same benefits and safeguards to the immigrants in their own countries. Moreover, it is a growing tendency across the nation-states to give preference to the high skilled professionals and raise barriers against low-skilled immigrants. Destination countries also exhibit unsolicited behaviour towards low skilled immigrants particularly belonging to the low income neighbouring countries. This kind of conflict between the immigration policy and emigration policy can be seen in many countries of the world - both in the global north and global south. An overview of the migration policies and the way they are implemented in countries like the United States, UK, Australia, Mexico, India, Bangladesh, would provide evidence of this divide. Here are a few examples to shed further light on this divide.

India is almost at the top of the list of countries involved in international migration. India is primarily known for the emigration of its people - from low skilled artisans to high skilled graduates to almost every part of the world. Indian diaspora is the third largest diaspora in the world after the British and the Chinese comprising 20 million people at the end of the 20th century (ICWA, 2001). Indians are living in every part of the world - both developing and developed. India is both a source country and a receiving country. It is a major 'hinterland' for the US, UK and other developed countries for skilled manpower and to the Gulf countries for semi-skilled and low-skilled manpower; it receives large number of migrants from neighbouring countries. According to the Census of India 2001, there were 61,66,930 foreign-born, persons residing in India. Asia is the major source of immigrants in India. More than 95 percent of all immigrants in India have either been born in an Asian country or have come from an Asian country. Bangladesh is the largest source of immigrants to India. Almost 60 percent of the total foreigners in India are from Bangladesh. Next major source-country is Pakistan, with a stock of 9,97,106 immigrants to India, followed by Nepal with 5,96,696 immigrants in India (Census of India, 2001). The other countries of origin with more than 20,000 immigrants in India are Sri Lanka, Myanmar, United Arab Emirates and China.

India usually keeps a close watch on the developments and fluctuations that occur in the migration stances of the developed countries of the global north and raise concerns against those policy developments that might have important implications for Indian migrants. Immigration policy changes in the United States, United Kingdom and elsewhere, where Indians constitute significant stocks and flows, do occur very frequently in the media, business and industry, and in the government circles. Changes in the H1B visa regimes in the US and visa caps on skilled migrants from non-European countries in the UK can be taken as representative examples. India is also quite proactive in protecting Indian migrants living in the Gulf countries. Several bilateral agreements have been signed and many more are in the

pipeline between India and destination countries regarding the social security benefits and protection of the rights of their citizens in each others' countries.[2] Moreover, the issuing of ECR (emigration check required) passports is a proactive stance taken by the Indian government to safeguard the low skilled people from in the destination countries. However, India lacks a comprehensive policy framework on immigration issues despite being known to receive large number of migrants from various countries. Rather than having a well carved immigration policy, India deals with immigration related issues in a perfunctory manner.[3]

The United States has been regarded as a nation of immigrants. It receives immigrants from around the world. According to the US Census Bureau, in 2007, there were 307 million immigrants in the US, more than half (53.1 percent) were from Latin America followed by Asia and Europe each contributing 27.7 percent and 12.7 percent, respectively. Mexico is the largest source country of immigrants in the US contributing 29.8 percent of all the foreign born population. China, the Philippines and India are other important source countries of migrants to the US. There is one common thing in India and the US so far as the issue of immigration in both the countries is concerned. Whereas India receives the largest number of immigrants from Bangladesh the US also receives the largest share of its migrants from Mexico. Mexico-US is the largest migration corridor in the world. Both Bangladesh and Mexico shares borders with India and the US, respectively, and therefore both countries experience a large part of migration from their neigbours through illegal channels. However, despite that India is still known as a major emigration country and the US a major destination country for immigrants. Both the countries have structured (and re-structured) different policy mechanisms to deal with the issues of migration in their territories. Whereas India's position is very much ad hoc on the issue of immigration, the US has a well articulated immigration policy that has been streamlining the flows of immigrants in the US throughout the last century.

People from certain parts of the world, mainly from Asia, were prohibited to enter in the US at different points of time – sometimes by putting barriers in terms of human capital variables such as 'literacy test' or sometimes in the name of 'national origin quota'. This practice was stopped in the latter half of the 20th century and migrants were selected on the basis of skills rather than the national origin. However, in the last decade, immigration policy of the US is changing so fast that it has really become to keep track of it. People belonging to certain regions (and religions also) are being discriminated in the US openly. The US migration policy is still very selective and favours the entry of high-skilled people only. Mr. Barack Obama himself admitted that while the US provides opportunities for a large number of students to study engineering, computer science and several other courses in its universities from around the world, the US immigration laws discourage "them from using those skills to start a business or power a new industry right here in the United States." He advocated that "we should make it easier for the best and the brightest to come to start businesses and develop products and create jobs" (Hindustan Times, July 3, 2010). There is an obvious

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[2] The Ministry of Overseas Indian Affairs has signed Bilateral Social Security Agreements with Belgium, France, Germany, Switzerland, Luxembourg, Netherlands, Hungary, Denmark, The Czech Republic, Republic of Korea and Norway. Bilateral social security agreements aim to protect the interest of expatriate workers and the companies on a reciprocal basis (http.moia.gov.in).

[3] For example, India in an arbitrary move limited the number of skilled migrants coming to India. The circular issued by India's Home Ministry says - "Foreign nationals being sponsored for an employment visa in any sector should draw a salary in excess of $25,000 per annum. However, this condition of annual floor limit on income will not apply to ethnic cooks, language teachers (other than English), staff working for the embassy/high commission concerned in India." This move was specifically targeted to curb the entry of Chinese engineers who are assumed to be taking up jobs meant to be filled by the native people. (Source: http://inchincloser.com/2010/10/21/new-delhi-restricts-employment-visas-for-chinese-engineers/, last accessed on April 12, 2011).

antagonism in the US migration policy. Whereas the US wants 'best and the brightest' to come to the US, it does not provide stability to its immigration laws. Moreover, recent policy changes in the US, which target the migrants to cover the costs of so many schemes and programmes in the US from the migrants, are restrictive and unwelcome steps. Similarly, migration policy in other developed countries like Canada, UK and Australia also follow the same principles.

Besides facing policy restrictions, immigrants have to prove their metal in the local communities also. They are considered the most vulnerable people. Unemployment rates have been reported to be very high among the immigrants in many countries. During the recent economic crises immigrants were the first lot of people to be axed out from the employment. For example, in the US immigrants have been hit somewhat harder by the current recession than have native-born Americans. Immigrants now have significantly higher unemployment than natives (Camarota and Jensenius, 2009). India receives its people back from almost every part of the world – Gulf countries, Europe and the Americas. In some countries migrants are treated as second grade citizens and suspected as criminals. Criminalization of migration is an issue of concern not only in Asia (e.g., India) but it is a very big issue in many Latin American countries. Many a times, migrants are treated like criminals, face ethnic and racial discrimination, subjected to multiple scrutiny and public apathy. Majority of migrants, especially temporary migrants, are also not covered under social security system in many countries. Migrants face the music of erratic attitude of consulate people at the visa window and at the arrival points in the destination countries (Khadria, 2009). There is not much difference between the countries of north and the countries of south when it comes to the governance of immigration. The second conflict, therefore, is related to the crises of governance of international migration within the same country.

In the present context, immigration policies are being reshaped by three important factors (i) the demographic imbalances and consequent labour shortages, (ii) pressure of increasing internationalization and competition for superiority in the global market, and (iii) security concerns to safeguard the interests of their local citizens from undesirable immigrants and terrorist activities. The receiving countries are now focusing on skilled migrants, favouring their temporary stay. For example, France is aiming at recruiting more skilled workers whereas curtailing the family reunion category (Murphy, 2006). A lot of discussion is going on to project temporary migration as beneficial to both the country of origin and the destination country (GCIM, 2005). This is in contradiction to the perception that perpetuated throughout the latter half of the 20th century where emigration, particularly of the high-skilled people, was considered as 'erosion' of national human resources to other countries (Khadria, 2009). Migrants are now being perceived as 'global citizens'. The reality, however, is that migrants are more often required in time of labour shortages and can be said good bye as and when the shortages are over. The recent economic crisis is a case in point. Migrants were the first who had to face the axe/burnt of unemployment and repatriation.

4. Bridging the Divide: Comprehensive 'Migration Policy' in Place of 'Immigration' or 'Emigration' Policy

It is true that the urge to migrate is related to the men's insatiable thrust to improve their life chances. However, it is also true at the same time that people are not always pushed by the opportunity-deficient home economies; many times they are pulled by the forces active in

receiving countries. People have the tendency of moving towards the places where they perceive employment opportunities and flee from the places of economic distress. Receiving countries have hardly allowed or facilitated the entry of immigrants into their territories without a selfish cause simply because "there is no international obligation for any nation to allow others to enter to work or to permanently settle within its geographical borders" (Briggs, 1996). Nonetheless, migration will continue and along with the individuals, nation-states would also be requiring it to continue due to various reasons such as to avoid the fear of slowing economic growth due to labour shortages in certain employment sectors, ageing of population, growing competition for highly-skilled human resources from developing countries, and to control/minimise unauthorised migration, specifically by regularising their status and providing safe passage to certain specific set of people whose contribution is required in the country.

However, it needs to recognized, especially by the policy makers in every country, that migrants are not mere economic agents. They are human beings. Therefore, while deciding about the numbers and other qualifications of migrants, as most of the countries especially in the global north are doing, they should be extended certain rights in the destination country. Presently, rights of migrants differ both within and across countries. Different countries have different 'bundles of rights' for similar kind of migrants (Ruhs and Chang, 2002). Every individual entering into the country should be ensured to have at least a minimum 'bundle of rights' necessary to live in the country with dignity and peace of mind while maintaining one's own individual or preferred national identity if not equivalent to the 'bundle of rights' bestowed upon the native citizens. Besides putting an 'expiry date' on every regulation and legislation, no policy instruments should be implemented with an earlier date, as has been happening in case of the UK.

Migrants are not second class citizens. It receiving countries want their services they should be provided the kind of rights an individual can expect in lieu of being a human being and his contribution. It is true that migrants have been contributing in the development of their destination societies economically, socially and adds to cultural diversity. In fact, migrants are transnational or global citizens and needs to be governed by multinational laws rather than the law of a particular country. Ratification of the UN Convention and follow up of the guidelines of other international and inter-governmental institutions is the most important challenge that every country, mainly the destination countries, needs to take up sooner than later.[4] Governments have to establish that migrants are treated with human dignity and if somebody wants to stay in the destination country should be provided full protection and all the kinds of social security benefits. Nation-states can also bring legislations to promote bilateral or multilateral agreements between different countries with a view to ensuring the welfare of migrants in each others' territories. Signing of several multilateral or bilateral agreements by India with other countries in the Gulf or in Europe is a welcome step in this direction. Consular offices need to be given clear directions to follow the 'best practices' and to avoid the 'bad practices'.

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[4] Only 43 countries have ratified the United Nations Convention on the Rights of Migrant Workers and Members of Their Families. The signatories are mostly labour sending countries with a large number of workers living abroad. Notably, no country in the Middle East, which hosts a sizeable number of foreign workers, signed the treaty so far (The Philippine Star, October 27, 2010).

5. Concluding Observations

The paper examined emigration or immigration policies of major countries involved in international migration, with specific reference to India, one of the most prominent source country of migrants to the developed countries of global north and a major destination country for immigrants from the neighbouring countries, and the United States, the most prominent destination country in the developed global north. The paper argues that nation-states should give equal importance to both immigration and emigration and should reframe comprehensive migration policy in place of immigration policy or emigration policy. Introspection based on 'adversary analysis' is essential to deal with the existing dichotomies and conflicts between as well as within the countries. Countries of the global north as well as global south, especially the source-cum-receiving countries, need to show more maturity while treating with the nationals of other countries before criticizing them and negotiating with them for the protection of their own people living in those countries.

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