

International Migration Policy: Issues and Perspectives for India

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Abstract

India has been a major source of human resource for many countries of the world for long. Substantial migration of people from the Indian subcontinent, which started in the 1830s and led thousands of Indians to colonial destinations, still continues. However, the later migrants differ markedly, particularly from the earlier migrants of the 19th century, in terms of various socio-economic attributes, intentions to migrate, and the diversity in destinations as well. Moreover, India is not only seen as a country of origin; rather it is fast catching up as a country of destination too. Quite a significant number of people from African countries and the neighbouring countries of Asia such as Sri Lanka, Bangladesh and Nepal come to India for education and work. Now-a-days, because of the euphoria about high rates of growth in India (and China) as well as insulation from the economic crisis, as compared to many other countries of the world, people from developed countries are also pouring in India to look for profitable business prospects, employment in the multinational companies and for education. But, despite having experienced major migratory flows, India's involvement in international migration lacks a well-structured policy framework. Also, there are no relevant data sets on the outflows, inflows and stocks of migrants belonging to various categories and countries. This paper attempts to put together issues related to international migration in a global perspective and covers wide range of issues crucial for migration policy. Assuming that migration is a process and requires a multi-level planning not only by the individual migrants but also by the family, the community, and the government, the paper discusses several important areas of migration cycle. The paper argues that migration policy can not be formulated in isolation from the changes and developments taking place across the global socio-political spectrum and need to be in harmony with international law while acknowledging the rights of every stakeholder, i.e., the receiving country, the sending country, local communities in both the countries, and the migrants themselves.

Keywords: International migration, migration policy, migrants, receiving countries, destination countries.

I. Introduction

Looking at the history of migration from Indian subcontinent in the last two centuries four waves of substantial emigration are quite distinguishable. The first wave, which started in the 1830s and spanned a little over a century, dominated by Indian labour imported to fill the supply gaps in the plantations in British and other colonies, viz., Mauritius, South Africa, Malaya, Fiji, and other Caribbean countries. During the second wave that took place especially after World War II, majority of Indian migrants headed towards the industrial nations of Europe and North America. Emigration of Indians to the Gulf in the 1970s, particularly in the wake of massive extraction of petroleum products and the subsequent construction boom, constitutes the third wave. Beginning in the 1990s and picking up in the 21st century,

the fourth phase of substantial migration from India consists of software professionals who have migrated to the Western countries in general and to the US in particular.

But unlike these earlier waves, migration patterns from India today portray a paradigm shift. Not only the UK, the US, Australia, Canada and the Gulf but a large number of countries in the European Union, countries in Africa and Asia are emerging major destinations for Indian emigrants. Moreover, India is not only seen as a source of getting manpower, it also continues to be considered a must destination for internationally renowned educational institutions to woo the Indian students (Khadria, 2002). This provides foreign exchange to the education exporting institutions/countries and enhances students' educational and economic profile. A foreign degree also opens gateways to enter in the labour market of that country unless the law of the immigrant country prohibits them.

Migration of Indians during these two centuries has been triggered and managed not by any considerate policy framework by the Indian state rather by the push factors at home on the one hand and the unstable demand supply gaps in the receiving countries on the other. Towards the end of the first phase of this substantial emigration, the Emigration Act, 1922 was enacted to regulate the recruitment and emigration of low-skilled agricultural workers, but the Act remained silent on the issues of exploitation of emigrants and the emigration of people with technical qualification or professional expertise. Even in the post-independence period international migration has not been paid considerable attention in the policy perspectives and the same old legislation kept in vogue until the enactment of the Emigration Act 1983. The Act, which made it mandatory for certain workers or prospective migrants put under a category called Emigration Check Required (ECR) to obtain clearances from the office of the Protectorate of Emigrants, under the Ministry of Labour, was put in place to protect the emigrant workers from abuses in the labour market.

India is not only seen as an emigration country today, rather it also attracts a large number of people from across the nations in Africa, Asia and even in the West. However, the immigrants are quite different from Indian emigrants particularly in terms of their education, socio-economic composition and motivation. There have been large inflows of people from neighbouring countries like Bangladesh, Nepal, Tibet, etc., which has even made significant changes in the demographic profile of some states in India. India is also fast emerging as a destination for many multinational companies (MNCs) to outsource some of their operations. Medical tourism is the new addition in the list of immigration to India. People not only from the developing countries but from the developed world too have now been heading to India.

The immigration policies of the destination countries are being reshaped and remodelled by three important factors, viz., (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 focussing 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). The immigration countries whose policies must be taken into account while framing India's migration policy could be classified into the following geographical groups:

- The United Kingdom
- North America, viz., USA and Canada

- Australia and New Zealand
- Gulf countries
- The European Union (EU) – old and new members of the EU
- Newly emerging labour-importing countries in East and South-East Asia, viz., Singapore, Malaysia, Japan, South Korea, etc.

Focusing on emigration, the questions facing India's policy stance are paradoxical: Whether more outmigration is good and should be encouraged, or is bad and therefore should be discouraged? Good for whom, bad for whom – for the country as a whole, for the migrants, for the family accompanying them, for those left behind? Is there an optimum rate of outmigration? Whose emigration should be supported and whose to be restricted? These are tough and serious questions which have no unique answers for all times to come. The migration policy addressing them must therefore have an implicit or explicit flexibility for incorporating amendments according to the changing circumstances and paradigms.

In the domain of migration policy, there is a general lack of emigration policies in the modern-day world because of one simple reason, that is, given that the right to leave a country is considered absolute, emigration policies are difficult to implement. In migration policy, what most countries have, therefore, are immigration policies that control and monitor the inflow of people from across the borders. India's migration policy too cannot, therefore, be shaped in isolation of (i) The immigration policies of the destination countries, and (ii) India's own immigration policy. In other words, there is a strong rationale for framing a holistic migration policy of India incorporating all aspects of the phenomenon.

II. Major Migrant Categories

1. Economic Migrants

An economic migrant generally refers to a person who leaves his/her home country to work in some other country. Migrants belonging to all occupational or professional categories who primarily earn their livelihood by contributing in some economic activity are economic migrants and include all high-skilled, semi-skilled, and low-skilled people. Their entry into the destination country is facilitated by visa extending them legal right to stay there up to a certain period of time. There are specific statutes/laws laid down by nation-states to regulate the entry, working conditions, wages/remuneration, integration, etc., for foreign country nationals in their territories. Majority of economic migrants choose legal channels but there are large number of economic migrants too who seek entry through illegal channels and therefore have to bear the wrath of the state for they are not allowed to engage in any economic activity.

Economic incentives are the prime determinants for people to migrate from one country to the other. Generally, people tend to improve their economic prospects by migrating; sometimes they are forced to migrate due to extreme poverty or unemployment as is the case in many countries of South Asia. Economic migrants flock in the places where employment opportunities are abundant and flee from those places where economic opportunities are shrinking. Silicon Valley in the US, for example, has become a hub for IT professionals in the late 20th century for it provided immense opportunities to the people. It has attracted professionals and knowledge workers from all around the world. Economic migrants are not

always pushed by the opportunity-deficient home economies; many times they are pulled by the receiving countries to avert the negative impact of labour or skill shortages arising due to reasons such as demographic imbalance or massive expansion of economic activities. They contribute employment generation and economic prosperity of the host societies (Wickramasekara, 1999; OECD, 2007); however, their contribution in the domestic economy is sometimes undermined by receiving countries due to political hype or some other reasons.

Majority of migrants in the world today are economic migrants. On an average, labour migration accounts for about 25 percent to 30 percent of permanent migration (Khadria, 2002; OECD, 2007). All the waves of (e)migration from India have been triggered by the economic opportunities emerged in various parts of the world during different historical periods. According to the Ministry of Overseas Indian Affairs (MOIA) “there are about five million overseas Indian workers all over the world. More than 90 percent of these workers are in the Gulf countries and Southeast Asia” (MOIA, 2008). Majority of these migrants, particularly who go to the Gulf countries, are temporary unskilled or semi-skilled workers; and most of them too come back to India after the expiry of their contract. Majority of economic migrants who go to the developed countries, for example, to the US, UK, Canada, Australia, etc., are better educated and skilled than their counterparts going to the Gulf. Significant proportions of them intend to migrate for permanent residency in the countries of their destination. However, due to the better economic performance of their own countries in the last few decades and the stricter immigration policies of the destination countries in extending citizenship rights to migrants, increasing number of migrants going to the developed countries too also prefer to return to their own country or to some other country.

2. Family Migrants

Family reunification is one of the most important categories of permanent immigration that accounts for almost 45 to 60 percent of total flows (OECD, 2007). Economic migrants, who primarily move in order to better their employment and earning prospects, do keep in mind their long term interests too. They also want their family members (spouse, parents, siblings, etc.) to accompany them or to join them later, depending upon the laws of the destination country about family reunification. Migration, therefore, induces further migration. Receiving countries vary in terms of allowing different categories of migrants to bring their family members. Some countries are quite liberal while others are not. Each receiving country has devised its own mechanism for evaluating immigrants in accordance with its requirements and attitude towards migrants on the one hand and performance of the immigrants and their intentions to stay in the host country on the other.

Laws for family reunification are not universal in every country (IOM, 2000) and do vary in accordance with *inter alia* labour requirements of the receiving countries and their attitude in granting long-term/permanent residency rights to the immigrants. For example, developed countries that have traditional ties with countries in Asia and Africa such as the UK, and countries where the contribution of migrants, specially the skilled migrants, such as the US and Canada receive large number of migrants induced under the family reunification clause of their migration policy. On the contrary, family migration in the receiving countries where granting of long-term/permanent visa is almost prohibited, at least *de facto* if not *de jure*, is minimal. Most of the economic migrants in these countries go on short-term labour contract and inevitably have to return to their home country after the expiry of the contract, excepting in cases where the contract is extended for a further period. Migration of labourers/workers

from South Asian countries such as India, Pakistan and Bangladesh to the Gulf countries, particularly in the post-1970s period, is largely characterised by temporary migration included almost negligible family migration.

Family migration has important bearings for host country as well as for the home country. While it is presumed that family migration helps in better integration of the migrants in the host society as it provides emotional support to the primary migrants to adapt to the new society (IOM, 2000) there are also evidences that it may affect the integration adversely if immigrants form old different clusters and kept on following their original norms and traditions. Further, it may also induce other family members to engage in economic activities in the host society creating ripple effects on the local labour markets. Family migration also decreases the flow of remittances to the countries of origin because migrants have to spend more in the host country and save less. This can be seen from changes in the pattern of remittances India receives every year from developed countries and Gulf countries. Indian migrants in the Gulf, who are less skilled and earn less than their counterparts in the developed countries, send a significant proportion of their earnings to their family members left behind.

3. Political Migrants

A political migrant is a person who leaves his/her home country and tend to migrate to another country not because of an apparent economic motive but because of the fear of persecution in the homeland. Frequent occurrences of political, ethnic, religious and regional turbulences in some parts of the world, coupled with natural environmental disasters, have led to the affected people to leave their homes and seek asylum elsewhere. History is replete with the instances of people fleeing their homeland and seeking refuge elsewhere in the times of political turmoil. 20th century, perhaps, has witnessed unprecedented human sufferings because of the warring nation-states on the one hand and quest for political identity among various groups of people formed on geographical, religious, ethnic or ideological basis. People were forced to flee their homes and had to stay in refugee camps for many years. Estimates show that in 2000 there were 17 million refugees in the world constituting 9.7 percent of all international migrants up from 4.5 million or 5.5 percent in 1970 (IOM, 2005).

India has witnessed one of the most severe crises arising out of political instability during the time of partition. Millions of people became refugees overnight in their own homeland. They were brutally forced to flee to the other sides of the newly drawn border. Their properties were ransacked and their belongings were looted by the miscreant mobs of religious fundamentalists. In 1971 again when Bangladesh became independent from Pakistan, millions of refugees fled to India, causing financial hardship and political instability therein. Violent movements in India continued throughout the later decades of the 20th century and afterwards forcing many people to seek shelter elsewhere. In 2003, for example, India ranked among the top ten countries with 13,553 claims lodged for asylum in developed countries (UNHCR, 2004)¹.

There is a great need for improving refugee protection and assistance in the regions of origin. The nation-states and other international regulators should now realise that patchy efforts are unlikely to prevent the movements of refugees and asylum seekers. Rather, a

¹ Cited in IOM (2005, p. 118).

comprehensive regularisation policy need to be devised taking into account the factors that generate human sufferings and force the people to flee and not just monetary compensation. The principle enunciated in the 'Agenda for Protection' established by the Office of the United Nations High Commissioner for Refugees (UNHCR), is that the institution of asylum should not be undermined by the efforts of states to stem irregular migration. As specified in Article 31 of the 1951 UN Refugee Convention, refugees must not be penalized on account of their illegal entry or presence in a country, "provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence" (GCIM, 2005: pp.40-41). Law enforcement officers, including police, of any nation-state are expected to respect the UNHCR conventions in letter and spirit.

4. Students

Cross-border mobility of students for higher education has undergone remarkable increase during the last four decades. There has been a trend of internationalisation of higher education in many countries. The number of international university rose from about 238,000 in 1960s to 2.5 million in 2004 (Chen and Barnett, 2000; UNESCO Institute of Statistics Online). Majority of international students come from developing countries such as China, Korea and India, and prefer to go to the developed countries such as the US, the UK, Germany, France, Australia and Japan (Teichler, 1999). Students from India also have been heading offshore to pursue higher studies or to do research, particularly to the developed countries of the West. For example, over 150,000 tertiary level students leave India to study overseas every year (Financial Express, March 17, 2008). The U.S. has emerged as the most favoured destination among Indian students. However, the mobility of Indian students today is not limited to the traditional destinations of US or UK; rather increasing number of Indian students have been moving to other countries like Australia, Germany, France, Canada, New Zealand and Singapore.

For many universities of the developed countries who recruit international students higher education has become an export good. It is an important source of income for the universities as majority of the international students are full fee paying students. The universities have put a lot of emphasis on the marketing strategies to attract students. In order to catch hold of the larger share of the pie increasing number of foreign universities are sending their agents or representatives to countries of origin like India where prospective students can be found not only in the metros and big cities but also in most major centres of education and even small towns. The international representatives or education agents provide services like counselling, expert guidance on choosing courses and universities, ticketing, foreign exchange, orientation programmes, etc. Education Fairs are organised where representatives of different universities meet students and provide information regarding the courses offered and the kind of opportunities that the students might get if they decide to take admission. Some universities also offer spot admissions during the education fairs. Generally, these seminars are arranged in reputed hotels in order to give more credibility to the event.

However, the picture painted by the representatives of foreign universities may not be as rosy as it appears to be. Some of these universities may be ranked quite low in their own countries but might be able to lure students from countries like India where, *prima facie*, a foreign degree is considered better than the native degree on the pretext of quality education and post-degree placements. In these kind of scenarios it is a genuine requirement from the

state regulatory authorities to prepare the list of foreign universities and educational institutions who are accredited to recruit students from India with their international rankings and publish it from time to time. There is also a need to attend the seminars and education fairs organised by education agents or international representatives of foreign universities so as to see if any false promises are being made or students are misguided, and in case of any malpractices penalties should be imposed on the universities as well as the education agents. The Indian High Commission in the destination countries can be asked to keep track of Indian students and collect feedback from them regarding the universities and education agents. The Indian High Commission should also try to build networks with student bodies in the respective host country as it would help them address student issues better.

5. Illegal Migrants

Illegal migration is increasingly taking centre stage in most migration debates. Many countries across the world, developed as well as developing, are facing large influx of illegal migrants. Most often, they come from the neighbouring countries. For example, Bangladesh and Nepal, countries that share physical borders with India, are prominent source of illegal migrants to India. Illegal migration causes several kinds of problems in the local community and sometimes may bring far reaching impact on the socio-demographic profile of the receiving region/state². They also affect employment opportunities for locals in the region, by taking up jobs, sometimes even at wage rates much below the prevalent wages. Illegal migrants can broadly be put in the following categories:

- Legal (skilled/semi-skilled/low-skilled) migrants who lost their legal status due to overstay in the destination country.
- Illegal migrants (skilled/semi-skilled/low-skilled) infiltrated voluntarily.
- Forced illegal migrants brought through hazardous routes such as trafficking.

Illegal migrants belonging to these categories differ in terms of their socio-economic profile, education, employment and inclination. Therefore, migration law should take into account certain issues such as: who are the illegal migrants and where they have come from; what are their motives; what are the areas of their operation; when did they arrive and who helped them reach the destination; how do/can they affect the interests of the local population? But whatever may be the causes and nature of illegal migration, migration policy should aim at minimising/curbing illegal migration in all forms.

Nation-states employ various mechanisms to deal with illegal migration. Deportation of illegal migrants to their own countries is one such method. Deportation, which might appear quite the simplest, however, is difficult to implement. For example India has been following the policy of deportation since long but it has not brought enthusiastic results³. Pre-emigration orientation focussing on introducing the prospective emigrants to the socio-cultural ethos and the legal system of the host countries as well as the validity of their own

² Large scale immigration from Bangladesh in Assam has brought many changes in the social and economic patterns in the state. "They are blamed for demographic invasion, spread of Islamic terrorism and the increasing crime rate". They also provide cheap labour and help political leaders in shaping their destiny. Out of the 500,000 Bangladeshi migrants most have entered through illegal routes. (Hindustan Times, New Delhi, July 24, 2005).

³ For example, the India has deported 1517 persons to Bangladesh from Assam in 2005 (Hindustan Times, New Delhi, July 24, 2005).

stay could be worked upon. Since a large part of illegal migration takes place through infiltration to the states that share physical borders, surveillance and rigorous immigration check on the border is necessary. A border surveillance system which can be entrusted with keeping the record of all migrants, with online satellite contacts with the destination countries can be worked upon.

In the last few decades bilateral agreements between the affected countries have emerged as more broadly acceptable tool to manage the flow of people, including illegal migration, across borders. UK and France, for example, who are amongst the countries with high numbers of illegal migrants, have signed several bilateral re-admission agreements. Further, UK and France are also encouraging illegal immigrants to return home voluntarily by offering them lump-sums and benefits to restart their livelihood. In 2006, Britain returned 6,000 illegal immigrants. However, this policy may also result in increasing the flow of illegal immigration in order to get good money and then come back.

III. Areas of Key Concern in Migration Cycle

1. Job Search/Education Search

It is a fact that majority of people who intend to move overseas do so for better employment prospects and therefore gather information regarding the job opportunities in the labour markets of their preferred destination countries from various sources, e.g., newspapers and employment news, online advertisements, companies' bulletins, personal contact of the people in the host country, and from recruitment agents. Likewise, students who intend to study abroad look for information related to the courses on offer suitable for their career aspirations, scholarships, duration of the courses, fee structures, etc. Their search generally depends on the advertisements in the newspapers, websites, contacts with the people in the concerned areas of academic interest, and now the frequently held education fairs. However, no systematic mechanism has been put in place for collecting, compiling and disseminating information about overseas job opportunities and educational avenues in India so far. Given the massive outflow of people from India in search of employment and for education as well systematic information related to different aspects of migration decision is imperative. This enunciates the need to develop an index for major destination countries based on certain variables such as access to labour market, prospects for family reunion, education, transportation, residential rights, political participation, political stability, migration governance, social security, climate and others.

2. Recruitment

Migrants are employed either directly by the employer or through some outsourcing agency or an agent. In India there are a large number of agents. As on 31st December 2007 there were 1835 recruiting agents in the country (MOIA, 2008). The task of these recruiting agents is to facilitate the process of emigration, particularly in case of low-skilled and semi-skilled people, and help them coordinate with their overseas employers. However, there are frequent reports of cheating by these agents⁴.

⁴ For Example, Dubai Immigration officials have launched an investigation into a company that allegedly supplied more than 50 visit visas to an Indian accused of being an illegal recruitment agent. The visas were

The registration of recruitment agents needs to be made more rigorous. It might be made mandatory for them to deposit a reasonable amount as security taking into account the number of emigrants recruited during a specified period, their performance in keeping and maintaining information about the foreign employers and the assistance extended to the emigrants. Further, they should be asked to verify the credibility of the foreign employer and keep comprehensive data of the employers falling in the ambit of their operation. Their track record of treating the foreign employees in the last few years (say for example five years), disbursement of salary and perks of the employees, housing and settlement facilities provided or arranged for the foreign workers, etc. The recruitment agents could be asked keep informing the concerned state authorities from time-to-time about their clients in foreign countries and about the credibility of employers. Registered recruiting agents can be extended logistic support based on public-private-partnership model for keeping and maintaining the database, like working in collaboration with employment exchanges in India.

But it is to be noted at the same time that everything is not topsy-turvy with migration agents. Many of them would be doing commendable jobs. But there is no system to recognise them and reward them accordingly. Incentives such as a running trophy, concession in deposit money, etc., should be provided to those agents who have been doing their job excellently. They can be ranked and can be accorded grades that would indicate their status in their business. Orientation programmes and training workshops, involving all stakeholders, could be organised focussing on issues of importance for each stakeholder like the code of conduct, bureaucratic delays, etc. These should not become one time activity but should be followed by regular appraisals.

3. Passport

A passport is a document that recognises the individual as a citizen of the country granting it. It is a right of every individual in India to obtain a passport within prescribed timeframe after the payment of certain fee. Under the Passport Act 1967, three kinds of passports may be issued: (i) ordinary passport - to the citizens of India, (ii) official passport - to the specified government officials of different categories, and (iii) diplomatic passport - to the officials of the Indian Foreign Services and some other specifically entitled for the same. Mainly three kinds of documents are required for getting the passport (i) age related (ii) residential address related, and (iii) Educational certificates.

Due to the lack of a centralised network connecting all the 28 passport offices across the Country, quite a few times an individual has been issued more than one passport. This can have serious consequences for national security as by this way erroneous people can get into India using fake passports. At present, passports are either delivered by post or can be obtained by the person from the counter at the passport office. Both these modes of passport delivery are continuing for several years and have been good enough. But certain problems have been creeping up regarding the efficacy of these mechanisms. Delivery by post has uncertain timings and can take a lot of time. Due to the long queues and the harassment

allegedly used by the accused Rajendran Gopalan to bring men into the country. The men have complained that they paid thousands of Dirhams (local currency) in India after being promised specific jobs, but on arrival in Dubai they were merely sent for interviews found in newspapers. Gopalan was arrested on Friday after job-seekers held him hostage for six hours, demanding return of Dhs.7,000 that each of them paid. There are several such companies which issue visas to recruitment agents (The Hindu, 2006).

caused by the system of getting passport at the counter is itself a very tedious and cumbersome task. Police verification is fraught with problems of delays and corruption. If one has to get the task done earlier one has to pay bribe to the police. This delay and corruption breeds middlemen and hinders mobility.

Modern technology in data handling combined with systemic reforms can make the system quick and efficient. A national database of citizenship can be prepared. This database can be linked up with crime records (reports of the violation of law, misconduct, or criminal offence) available with police departments and investigation agencies across the states, and the judiciary. The task of the regional passport offices then is to collate the data procured from various agencies. Information about any individual could be accessed at the click of a mouse. However, this is a very ambitious task.

4. Visa

A visa is an endorsement on the passport. It allows the holder to enter in the territory of the issuing country. However, unlike the passport, getting a visa is not the right of every individual. In order to get the visa for entering into a country one has to undergo the processes as specified by the government of that country. Depending upon the country's requirements and the terms of cooperation between nations there are different requirements and processes for getting visa for different countries. Visas are generally of three types: (i) *immigrant or permanent resident visa*, issued to the persons who intend to immigrate or settle permanently in destination/receiving country; (ii) *non-immigrant or temporary visa*, issued for a temporary period after which the holder of the visa will have to leave the country, visitor's visa, tourist visa, student visa, business, visa, work visa; and (iii) *transit visa*, required when somebody passes through a foreign country which comes in the way to reach another foreign country as the destination. For getting transit visa, to and fro tickets are necessary to be produced along with the destination country visa.

Besides these common forms, several other forms of visa have been introduced in the last few years, e.g., airport visa, working holiday maker's visa. Airport visa is issued to those who tend to change a flight at the airport en-route to some other country. Working holiday maker's visa is issued to those who are allowed to work in the country for a limited time to satisfy primarily non-economic objectives.

There are also cases where unscrupulous elements get involved in corruption and visa fraud⁵. Instructions regarding the issuance of visa therefore need to be spelt out very clearly mentioning every minute detail about the documents required, mode and amount of fee to be paid for each type of visa, method and duration of delivery, etc. Coordination with foreign missions and consulates might help save the emigrants from being exploited at the hands of touts.

⁵ Payal Goel and Bikas Mishra (2007) found that middlemen have been exploiting the system of H-1B visa by creating fake IT companies in the United States and obtaining these visas for a hefty sum without even a job. This leaves thousands of deserving candidates in the lurch since there are only 65,000 such visas issued every year. For most people, a stamp on the passport is the last hurdle crossed to launch their careers in the US. But for many getting this H-1B visa stamp is just the beginning of a painful journey of exploitation, underpayment, and unemployment. This is the world of H-1B visa fraud, a well-oiled nexus of fake employers, job counsellors and immigration experts.

5. Travel and Foreign Exchange

Travel involves several decisions such as the air route, the cost of travel, check-in, arrangements of foreign exchange, etc. Due to the lack of specified and categorical mechanism of providing information on such issues many people have to bank upon the services of middlemen and agents involved in this industry, even the credibility of whom is not known. This increases the probability of people being trapped into some fraud or misappropriation. There is a need to develop some mechanism of collecting up-to-date information about various aspects of travel and foreign exchange and then disseminate them among the people who are planning to travel abroad.

6. Settlement

Settlement in the host country involves many decisions starting from the choice of locality for accommodation, proximity from the site of employment, means of transportation, living conditions in the surroundings, and most importantly the cost of living. Also, one has to think about the medical facilities and security, especially in the countries where people are showing an increasing distrust and hatred towards the immigrants⁶. The situation even becomes worst when somebody from the immigrants belonging to a particular community or country is found involved in some stray incidents of law-breaking and anti-social activities. This sometimes erupts in a hate campaign against all the immigrants belonging to that particular community or country. Many a times this can lead to souring of ties between the countries and examples of this sort are abounding. There is a need for government intervention assuring people about their safety and security.

The growing scale of international migration is a response to the demand for workers in receiving countries. But, despite greater demand, the opportunities for legal entry and settlement of immigrant population are still limited. In addition to creating adverse employment conditions, lack of legal status can endanger people's lives. The country of origin should respect the right of individuals to leave the country in search of better opportunities, and countries that receive them should take the responsibility to safeguard the rights of migrants. Along with the countries of origin, the destination countries should also work in harmony to promote the safety and protection of migrants. Also, nation-states are required to ensure that migrants are granted secure legal status to enhance the possibility of free movement between countries of origin and destination. This is likely to protect the migrants from falling into the clandestine ways and protect them from exploitation. A number of migrants resort to fake marriages with the citizens of the destination countries in order to become eligible for citizenship⁷. However, laws have been amended in this concern in countries like the UK, but the resultant impact on the families is to be looked into as this causes unnecessary stress and troubles for honest migrants also.

⁶ The younger generation in Germany has, time and again, reacted violently towards the Indian community, for there is a growing feeling among them that the most important reason of their being unemployed is the presence of Indian migrant workers (Amar Ujala, July 29, 2007).

⁷ In the past there have been a number of cases of fake marriages in order to get citizenship in the developed countries. This has led to the change in law. Whereas in the US permanent status is given subject to the marriage having continued for two years (see Poole, 2008).

7. Integration

The issue of integration is one of the most widely debated one in migration literature. The term usually refers to the involvement of migrants in the social, economic, political and cultural life of the destination country. It is related to the adaptability of the migrants in their new home, that is, how and in what way migrants adapt themselves in the social and community life in the destination country maintaining their own socio-cultural artefacts. The integration of the migrants in the host country depends on several factors such as the socio-political conditions at the destination, diasporic presence of the people from their own country, prospects of getting permanent residential rights in the destination country, inevitability of return, and various other push-pull factors. Due to diverse socio-cultural or religious practices sometimes even a clash of values occurs between the migrants and the host communities that may lead to tension in the society causing ripple effects on the state policy as well. Social cohesion provides migrants and citizens alike with an opportunity to contribute to the host country, and is therefore, an important determinant of economic success. In order to maintain the cohesiveness in the host country and to reap the benefits of migration, integration is most desired. This was also pointed out by the Global Commission on International Migration:

Migrants and citizens of destination countries should respect their legal obligations and benefit from a mutual process of adaptation and integration that accommodates cultural diversity and fosters social cohesion. The integration process should be actively supported by local and national authorities, employers and members of civil society, and should be based on a commitment to non-discrimination and gender equity. It should also be informed by an objective public, political and media discourse on international migration (GCIM, 2005: p. 42).

Although nation-states have a sovereign right to draft their own policies it is yet desirable that integration policies are consistent with international human rights. Policies should recognize the migrants as members of their society to make them feel at home and fully contribute to their adopted country. Equal emphasis need to be given to all the migrants including temporary workers and asylum seekers. Moreover, the policy should not force the migrants to abandon their own culture and absorb in the majority culture. Following points can be taken into consideration in order to promote social cohesiveness and cooperation between the migrants and the host society:

- Naturalization can be facilitated within a more reasonable and flexible time frame.
- Dual citizenship can be extended to larger sets of migrants.
- Appropriate mechanisms should be devised in order to confirm that the migrants are able to get social security benefits such as healthcare, insurance, pension.
- Receiving countries which tend to take services of migrants for short durations and deport them when the shortage is over need to re-examine their policy stance. For example, Germany expected immigrants to come there for five years and then go back for in the meanwhile market would be able to adjust and so the services of immigrants would not be required.
- In order to deal with the language-related issues the host countries can provide facilities for those migrants who aspire to learn the new language.
- Policies should encourage members of the society, including migrants, to express their own cultural values and beliefs that subscribe to the common social values.

8. Return and Re-integration

In the age of globalisation where communication has become so instant and travelling to far off places/countries easier and cheaper than ever before not only the nation-states but the migrants themselves too sometimes favour frequent return between home and the host countries. Many migrants, especially the economic ones today prefer better opportunities irrespective of the place where they are offered to, provided that their safety and security concerns are taken care of. Moreover, emergence of job opportunities in various sectors at home particularly due to economic liberalization many high-skilled Indians who went abroad in search of better educational and professional opportunities are returning home. Source countries like India, which once viewed the migration of their educated individuals as brain drain for they had an inclination for permanent settlement in the destination countries, are no more worried about the current scale of migration, including those of highly skilled individuals, for they are witnessing now that a large number of people tend to return home after having some foreign exposure. Their return is being seen as beneficial for the source country, as return migrants come back with improved levels of knowledge and technical skills, i.e., human capital.

However, the impact of return migration in the domestic economy depends to a large extent on the kind of migrants, that is, with which skill category the migrants belong to. Return migration of some high-skilled professionals from developed countries may be highly beneficial for the source country for they bring with them the latest knowledge and skill components and may generate more employment at home while the return movement of unskilled migrants may not be as beneficial. Notwithstanding, the state should facilitate each and every individual who want to come back with open arm. Further, in order to harness the potential benefits of return migration a comprehensive approach aiming at integration of all categories of return migrants in the socio-economic structure is vital. It should inspire their confidence in their own country and 'homecoming' should no longer be felt a nightmare for potential returnees. It is very important to gain trust and confidence of the Indian overseas diaspora. As long as they do not perceive it worthwhile to return to the home country they will be hesitant.

IV. Overarching Domains

1. Gender and International Migration

At present, the number of people living outside their own country of birth is larger than at any time in history. Among the huge migrant population, nearly 50 percent are women. Unlike in the past, when women migrated mostly due to marriage, a large number of them are now migrating for work. In Asia, the number of women migrating from some countries has surpassed males. For example, in the Philippines, nearly 65 percent of those who left the country for work were women. In Sri Lanka, there were two women for every male emigrant in 2002. Between 2000 and 2003, about 70 percent of those who left Indonesia to work abroad were woman. Domestic work is the largest sector driving international women labour migration. Women tend to send a much larger share of their earnings home. A 2000 study by a UN organisation found that Bangladeshi women migrants sent 72 percent of their earnings home. These remittances have a great role in poverty reduction and development (UNFPA, 2006).

Migration can provide new opportunities for women to improve their lives, escape oppressive social relations, and support those who are left behind. But at the same time it can also expose them to new vulnerabilities as the result of their precarious legal status, abusive working conditions, exposure to certain health risks, and most importantly being perceived as weaker sex. Instances are abounding regarding the trafficking and exploitation of women by touts and agents, who sometimes force them into flesh trade. Due to the pitiable state of women migrants many source countries have started putting age restrictions, insisted on male guardian's consent and put temporary blanket bans. In the early 1990s, Bangladesh, India and Indonesia imposed minimum age restriction. Currently, the minimum age requirement for women to be eligible to migrate overseas in Indonesia and Pakistan is 22 years and 35 years, respectively. In 1998, Bangladesh banned women from migrating as domestic workers; four years later, the government was urged to remove the ban.

The Indian government's balancing act between protective considerations and economic imperative is articulated in the annual report of National Commission for Women (2006-07). In 2001, NCW was asked by the Labour Ministry to consider greater "flexibility and fewer impositions of age restrictions". NCW's concern was that minors should not be allowed to migrate for work as they could be easily exploited. It recommended that women below 30 years of age should not be allowed to migrate. Later on, the MOIA urged that the age-bar should be brought down to 21 years as it was adversely affecting employment opportunities for women (India Together, 2007). In 2007, again India banned the emigration for women under 30 going abroad to work as domestic help and caregivers. But this move would not stop women migration effectively. Rather, it will drive them into clandestine mobility mechanisms, putting them at greater risk to trafficking and exploitative treatment - the very concerns that have driven the ban. For instance, as observed by noted lawyer Flavia Agnes, during the campaign for the rights of bar girls in Mumbai some Bangladeshi women were jailed. Interviewed in prison, they asked Agnes and other campaigners to drop the campaign as they were frightened that within a few weeks they would be back through the clandestine networks (India Together, 2007).

Despite being a major source country India still does not have enough information on women migrants. There have been many studies from gender perspective in the field of international migration but significant work on the gender dimensions in international migration from India is not available. Khadria (2003, 2007) conducted studies in India but they were on migration of nurses. This gap needs to be bridged. Empirical studies on women migrants are required in region/state specific contexts capturing the condition of Indian women who have migrated either as immediate relatives and later on took jobs or directly migrating as economic migrants. The problems faced by them due to the triple effect of (i) being an immigrant, (ii) being a women, and (iii) profession specific as in the case of housemaids, etc., need in-depth investigation and fair treatment.

2. International Migration and Remittances

Increased labour mobility has led to an upsurge in the magnitude of money transfers across international borders as migrant workers send a large proportion of their earnings home to help families left behind. Remittances constitute a vast sub-economy upon which many nations depend to sustain their gross domestic product. Remittances have more than doubled in the past six years to \$318 billion in 2008, of which \$240 billion came from migrants from developing countries. Countries receiving the largest amount of money from their nationals

working abroad were India (\$27 billion), China (\$25.7 billion), Mexico (\$25 billion) and the Philippines (\$17 billion). The main sources of remittances were the US (\$42 billion) and Saudi Arabia (\$15.6 billion) (World Bank, 2008).

A major chunk of the remittances, comprising as much as 80-90 percent, is spent on consumption worldwide (Migration News, 2008), reflecting that the breadwinner is often abroad and that remittances substitute for local earnings. Some amount of remittances is also used in housing, education and healthcare, i.e., investment that makes it unnecessary for others to emigrate. The consumption of remittances, which is generally perceived as very high, policy makers intend to divert the maximum part of remittances to be utilized for investment purpose. But, the fact is that even that part of remittances used for consumption can not be simply termed as unproductive; rather the family that does not have money for its subsistence is saved from starving. In such cases remittances help in poverty alleviation too. If the remittances are spent on the locally produced goods or services the community as a whole benefits as significant proportions of remittances are spent on labour intensive activities. In this way, it enhances employment opportunities for low-skilled and semi-skilled people. Also, as the return migrants keep domestic helps, it gives employment to the local people mainly unskilled male or female. Therefore, the consumption part of remittances need not be of such high concern so far as it generates employment and reduces poverty. However, it needs to be studied what proportion of remittances is put into investment activities and what proportion is consumed.

Brady (2008) points out that migrants probably send as much as \$400 billion to their home countries each year, i.e., four times the West gives in aid. But the cost of transferring remittances can be extremely high. The Government of India has taken this issue with banks like the AXIS Bank and the State Bank of India and persuaded them to bring down the transfer cost reasonably low. In this regard some exclusive rights can be given to the banks to lower the transfer charges. Also, the migrants should be informed about the transfer rates charged by different banks.

3. Climate Change and International Migration

According to Dr. Thomas Fingar, Deputy Director of National Intelligence for Analysis and Chairman of the National Intelligence Council current research in Asia indicate that South, Southeast, and East Asia will face risks of reduced agricultural productivity as large parts of the region face increased risk of floods and droughts. By 2025, cereal crop yields will decrease 2.5-10 percent. We expect that economic refugees will perceive additional reasons to flee their homes because of harsher climatic conditions. Besides the movement within countries, especially to urban areas, many displaced persons will move into neighbouring developing countries, sometimes as a staging ground for subsequent movement onward to more developed and richer countries with greater economic opportunities. Many likely receiving nations will have neither the resources nor interest to host the climate induced migration. Receiving nations probably will have increased concern about migrants who may be exposed to or are carrying infectious diseases that may put host nation's populations at higher risk.

The consequences of global warming are expected to include faster rising sea levels (seas rose six to nine inches in the 20th century) and more precipitation at higher latitudes and less in semi-arid subtropical regions, many of which already suffer droughts. The US National Intelligence Council released a report in June 2008 that predicted destabilizing events around

the world in the wake of climate change, including ethnic violence and illegal immigration (NIC, 2008). Climate change, according to the NIC, "will worsen existing problems such as poverty, social tensions, environmental degradation, ineffectual leadership and weak political institutions." The NIC predicted that the effects of global warming are likely to be most severe in sub-Saharan Africa, the Middle East and Central and Southeast Asia, where farm output may drop and encourage rural-urban migration (Migration News, 2008).

As India has also been experiencing climatic changes we need to explore the impact that climate change and the consequent movements of people could have on migration. India should analyse the possibilities and the risks involved and also how to deal with such a situation of climate induced migration.

4. Terrorism and International Migration

The separatist movements in different countries and the increasing extremism related to some religions and sects have arisen as a serious threat to the very existence of a peaceful coexistence of distinct human identities across nations. This phenomenon has serious implications for international migration also and has been occupying significant space in migration debates particularly after the 9/11 incident. The Report of National Intelligence Council's 2020 Project succinctly describe the foreseeable impact of terrorism as under:

The key factors that spawned international terrorism show no signs of abating over the next some years. Facilitated by global communications, the revival of Muslim identity will create a framework for the spread of radical Islamic ideology inside and outside the Middle East, including Southeast Asia, Central Asia and Western Europe, where religious identity has traditionally not been as strong. This revival has been accompanied by a deepening solidarity among Muslims caught up in national or regional separatist struggles, such as Palestine, Chechnya, Iraq, Kashmir, Mindanao, and southern Thailand, and has emerged in response to government repression, corruption, and ineffectiveness. Informal networks of charitable foundations, madrassas, hawalas, and other mechanisms will continue to proliferate and be exploited by radical elements; alienation among unemployed youths will swell the ranks of those vulnerable to terrorist recruitment (NIC, 2004).

The report anticipates that by 2020 al-Qaida will be superseded by similarly inspired Islamic extremist groups, and there is a substantial risk that broad Islamic movements akin to al-Qaida will merge with local separatist movements. Information technology, allowing for instant connectivity, communication, and learning, will enable the terrorist threat to become increasingly decentralized, evolving into an eclectic array of groups, cells, and individuals that do not need a stationary headquarters to plan and carry out operations. Training materials, targeting guidance, weapons know-how, and fund-raising will become virtual, i.e., online.

India has been a victim of transnational terrorism since long. By indulging in violent activities, murders and planting of bombs at public places terrorists attempt to instil a sense of fear in the psyche of the people. Terrorist not only destroy property and kill innocent people but also cause great economic loss to the people of those places where terrorist incidents occur. Moreover, they harm the prospects of cross-border movement of people like international tourists by creating panic which affects the livelihood of the local populace quite adversely. On the linkages of migration and terrorism Mr. E. Ahamed, Minister for State for External Affairs, Government of India, once told the United Nations General Assembly that

many a times, illegal migrants have been found involved in terrorist activities in India (Indian Express, 2006). Besides tackling the issue on its own India has raised this issue time and again at bilateral and multilateral platforms, but the fact remains that no comprehensive mechanism to deal with this threat has yet evolved. There is an urgent need for India to win the confidence of the global community in its anti-terror mechanisms.

5. International Migration Law

Putting the international refugee regime aside, there is little international cooperation on migration at the global level and no truly international migration regime exists to date. There are the longstanding but under-subscribed conventions of the International Labour Organization (ILO), limited cooperation in practice on high-skilled migration under the General Agreement on Trade in Services (GATS) and increasing cooperation on illegal migration, human smuggling and trafficking within the context of the United Nations Convention on Transnational Organized Crime.

As policymakers recognize that economic development in many source countries depends largely on migrant remittances and that destination countries in turn increasingly depend upon immigration to support aging populations, there has been more discussion around establishing a regime to facilitate the international movement of labour, similar to the international trade regime on which the General Agreement on Tariffs and Trade, and subsequently the World Trade Organization, is premised. (Ghosh, 2000; Straubhaar, 2000). The fundamental obstacle to international cooperation on labour migration, as Ari Zolberg (1991;1992) and James Hollifield (1992) have pointed out, is that migrant destination countries have little incentive to join such a regime because foreign labour, especially low-skilled labour, is in abundant supply. If labour shortages develop during periods of economic growth, nation-states can get as much labour from abroad as they choose, either through bilateral agreements or simply by opening up labour markets to migrants, at the same time avoiding any commitment to keep these markets open during economic downturns. A global migration regime may make sense for reasons such as increasing economic efficiency world-wide, ensuring poor migrant source countries' access to the wealthier migrant destination markets, and for the sake of international development and reducing global inequalities.

6. Future of Migration

Due to shortage of labour in many of the developed countries, there has been an increasing competition among them to attract skilled labour from developing countries. This tendency of fulfilling labour shortage in the developed countries by imported manpower is perceived to pose certain challenges as well as provide opportunities for source countries. India being a leading labour export country has to ponder over the future impacts that this may have on the Indian economy as well as the Indian Diaspora. Considering the demographic shifts and India's own position in producing human capital two possible scenarios emerge for India:

a. India losing out

According to the World Population Council the productive population of India, i.e., people belonging to the age group 15-60, will stop increasing in the coming years and it will stabilise at 64 percent of the total population from 2025 to 2050 and will decrease thereafter to 62 percent of the total population in 2050 (Jain, 2008). It may lead to shortage of skilled labour

in India too, if the present rate of migration from the country continues unabated. The government is right now focusing on the immediate benefits associated with emigration. But the pattern of emigration shows that the migrants belong to the high-skilled categories such as the scientists, engineers, doctors, management and IT professionals, academicians, who are already in short supply, may lead to decline in productivity. Also, the education system shall face severe shortage of teachers and researchers resulting in poor quality students passing out from educational institutions.

b. India gains

The second scenario postulates that India along with China would emerge as a major global player having an immense impact on the geo-political landscape. India is well positioned to become a technology leader in the coming decades. Sustainable high economic growth, expanding military capabilities and large demographic dividend will be the contributing factors to the expected elevation of the country. Knowledge and technology involving the convergence of nano-, bio-, information and material technology could further its prospects in the forthcoming global economy. Substantial enhancement of financial recourses in social sector, especially on education and research, would help India to become the largest source of knowledge professionals in the world.

The two scenarios just described are based on the recent indicators of economic performance and potential for future growth. Nothing is sure to happen. Nevertheless, projections provide food for intellectual engagement and help moving ahead with certain degree of expected outcomes. Projections, therefore should be given due importance in policy perspectives if they are based on solid empirical indicators. Migration policy of India should, therefore, be based upon vital datasets of social and economic importance.

V. Research, Analysis and Development

In order to maximize the positive impacts of cross-border migration and minimize the negative consequences veritable statistics is fundamental requirement. Data related to various aspects of migration such as flow/stock of migrants, destination countries, countries of origin, profile of migrants, their intentions, mode of crossing borders, legal status, remittances, etc., for all migrants should be collected. However, the fact is that despite growing scale of international migratory flows necessary statistics in India is not easily available simply because it is neither collected properly nor maintained. At present, statistics relevant to migration is being collected in India for different purposes by different government departments and other organisations, namely, Bureau of Immigration, Protectorate of Emigrants, Ministry of External Affairs, Office of the Registrar General & Census Commissioner and National Sample Survey Organization (NSSO). Since migration statistics is collected by different agencies to meet their own individual requirements and differs in coverage, it purportedly lacks uniformity and comparability. Some academic institutions such as Centre for Development Studies, Kerala, are also engaged in collecting and analysing migration data with focus on unskilled migration. However, it would really be very ambitious to expect from individual institutions to provide a comprehensive coverage of migration from a country like India. This situation warrants sequential coordination between various government departments, universities and institutions involved in study and monitoring of migration.

VI. Concluding Remarks

This paper has tried to cover a wide range of issues concerning the subject of international migration in India today. It presumes that migration decision-making and processes are overarching fields which requires a well structured policy framework taking care of the concerns of both countries, i.e., the host country and the country of origin. Migration affects and gets affected too by a large number of issues and developments taking place in the larger socio-political context and can not be governed or managed by unilateral laws. In order to create a win-win situation for all the stakeholders, viz., the destination country and the host society, the country of origin, the local community and the migrants, developing a national migration regime necessitates working in tandem with other participating nation-states as well as the related international organizations through bilateral and multilateral dialogues. Various concerned departments such as education, labour, home, and foreign affairs need to work out a comprehensive long-term plan to reap the advantages of India's large quantum of un-nurtured or under-nurtured human resources.

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