

The Future of Migration from India

Policy, Strategy and Modes of Engagement

G. Gurucharan

Report
Senior Fellowship Programme
2013

Published by:-

India Centre for Migration

Ministry of External Affairs

Room No 1011, Akbar Bhavan,

Yashwant Place, Chanakyapuri, New Delhi - 110021

Phone : +91-11- 24675341 . Email– icm.moia@gmail.com

Website: <http://www.mea.gov.in/icm.htm>

About India Centre for Migration (ICM)

The Ministry of Overseas Indian Affairs (MOIA) set up the India Centre for Migration in 2008 with Cabinet approval as a 'not for profit' society, which serves as a research think-tank to the Ministry of External Affairs, Govt. of India, on all matters relating to 'International Migration'. The Centre is currently located in Akbar Bhavan, Chanakyapuri, New Delhi. The Centre undertakes empirical, analytical and policy related research, and projects to document good practices, to support informed policy making and enable strategic interventions for a coherent and harmonised response to the transnational movement of people from India.

About Senior Fellowship Programme

Under the Fellowship Program, India Centre for Migration (ICM) engage scholars, practitioners, academicians and policy makers from India working in the field of international migration, specifically international migration from India or related subjects that have a bearing on the discourse relating to the transnational movement of people. The Fellowship program provides the opportunity to carry out substantive policy research including analysis and providing inputs that are useful to the Ministry of External Affairs (MEA).

Correspondence should be addressed to:-

India Centre for Migration

Ministry of External Affairs

Room No 1011, Akbar Bhavan,

Yashwant Place, Chanakyapuri, New Delhi - 110021

Phone : +91-11- 24675341 . Email– icm.moia@gmail.com

Website: <http://www.mea.gov.in/icm.htm>

Design and Production: India Centre for Migration

©India Centre for Migration, 2016 . Printed, designed & circulated by ICM

Table of Contents

Preface

1. Introduction
2. A World View on Migration
3. Towards a Migration Policy
4. Changing Emigration Patterns
5. Irregular Migration
6. Policy Options for the Future
7. A Model Skills Initiative for Karnataka VIII. Strategic Engagement

Annexures

Annex I. Draft Mobility Partnership Agreement between India and (name of the destination country) to regulate the movement of skilled and semi-skilled workers

Annex II. Model Law : Prevention of Irregular Migration Act Annex III.

Model Employment Contract

Annex IV. Draft Outline of an Emigration Orientation Programme for intending Migrants to ECR Countries

Annex V. The Global Indian Fund for Technology, Entrepreneurship and Development (The-GIFTED)

Preface

This paper was written in fulfilment of my term as a senior fellow at the India Centre for Migration (ICM) under the Ministry of Overseas Indian Affairs. I have drawn on the experience, of policy and programme work on emigration, that I had the benefit of during my tenure as Joint Secretary in the ministry and thereafter as the CEO of the ICM.

This paper is meant to serve as a broad outline for migration praxis framework and therefore points to some of the lacunae in the policy and practice extant. It also suggests the direction of reforms in migration governance that ought to be considered for the future. This includes some actionable interventions which are placed as annexures to the paper.

I wish to place of record my debt of gratitude to Shri Rajiv Mehrishi, Secretary, MOIA and Chairman, ICM for the unstinted support and encouragement that he provided to me through out my fellowship. His guidance has been invaluable.

I wish to thank Shri Roul Buhril, the Protector General of Emigrants for providing me the ECR data for the period 2002-13 and for his assistance to me in carrying out a primary survey of intending emigrants in May-June of 2013. Shri Shiv Ratan provided me support in accessing the data that I needed including the data from the survey carried out by the Indian Embassy in Abu Dhabi on irregular emigrants, in April, 2013. These data sets have proved useful.

Finally, I must record my deep appreciation for Ms Natasha Chhabra, who has this past ten months, worked with me with patience and diligence. This paper would not have been possible without her outstanding abilities as a researcher.

G.Gurucharan

Senior Fellow

November 30, 2013

Executive Summary

The paper titled, 'The future of migration from India: policy, strategy and modes of engagement' was written by G. Gurucharan, under the Senior Fellowship Programme of India Centre for Migration, Ministry of External Affairs. The policy paper has total eight sections and five annexures. The eight sections of the paper attempt to examine issues concerning migration from India, which includes analysis of migration policy, changing migration patterns, irregular migration and policy recommendations for future. The paper also includes a Model Skill Initiative for Karnataka and recommendations for strategic engagement. The annexures of the paper include model frameworks and institutional set-up for better engagement with Indian migrants.

The paper tries to recommend a broad outline for migration praxis framework and therefore points to some of the lacunae in the policy and practice extant. It also suggest the direction of reform in migration governance that ought to be considered for the future. It analyses the emigration patterns from India based on the data available with the Protector General of Emigrants (PGE) as well as primary data gathered from field level surveys and looks at the prospects for future of migration from India over the next decade. It also takes a critical look at the emigration management framework extant focussing on four elements: policy, strategy, the institutional architecture and the modes of engagement. The objective of the paper is to point to the broad reform in migration governance necessary at both national and sub-national levels and across stakeholders to address the migration process from end to end.

The first and second sections of the paper, introduce the overall understanding about migration in Indian context. The sections argue that international migration has acquired a sense of urgency over the time in India. The migration pathways are changing within the country and the effects of emigration are impacting Indian states differently. For some states, migration has contributed and continues to contribute to economic development, social dynamics and cultural diversity. The author argues that, the 'India Migration' experience demonstrates in its size, spread and depth and across time and space that migration is integral to society. Thus India is well positioned to contribute to the global discourse on migration.

The third section of the paper reflects on migration policy. It talks about role of policy for issues related to international migration from India. The author argues that, India does not have a stated policy on international migration. A 'No policy' environment is not an option given the compelling circumstances that drive emigration and the profound socio-economic impact of migration both migrants and country of origin and destination. The author has presented a matrix, which illustrate the policy objectives and related elements of policy.

In the fourth section of the paper, the author has analysed the changing emigration patterns from India to destination countries. In this section, the author refers to statistical information related to skilled and unskilled migration and analyses the skill migration from India with analysis of H-Visa issued by USA during 20013-12 and stock of Indian students. This section on migration trends of the paper also deals with the labour migration

from India to Middle-East. The author argues that the remittances in the aggregate as well as per capita from overseas Indian workers in the Gulf are significantly higher than remittances received from other destination countries. Gulf has been a magnet drawing large number of migrant workers. But a combination of diverse factors- stagnating wages, rising cost of living, a growing trend of imposing restrictions on foreign workers and to a degree the declining fortunes of the Gulf- have somewhat dimmed the sheen of Gulf as a destination.

The fifth and sixth sections of the paper, discusses issues related to 'Irregular Migration' and 'Policy option for the future'. These sections include the outcomes of a survey conducted during the study period with irregular migrants in UAE. Findings of the survey are as follows:

For 57% of irregular migrants surveyed, friend and relatives abroad were the primary source of information for emigration and for finding a job.

30 % of the irregular migrants surveyed were people who willingly embarked on the journey without an offer of employment or the promise of a job. Workers are willing to risk emigration in search of a job.

Potential migrants are willing to pay anywhere between 40 to 100 percent of their future annual incomes to agents to arrange for their new jobs abroad.

75% of the migrants surveyed had emigrated on a work visa. This runs counter to the conventional view emerging from some of the case studies of irregular migration to Europe which pointed to a trend that the largest number of irregular migrants to the western world proceed on visit visas and then overstay their welcome.

27% went on a visit visa and then took up employment.

54% of the migrants identified, accessing correct information as most difficult thing in emigration.

Specific Recommendations from the Study:

- The policy of not allowing direct hiring by foreign employers without prior approval and the restrictions on the participation of foreign owned recruiting agencies has resulted in the formation of a cartel by local recruiting agents. There is no evidence to suggest that direct participation by foreign employer or foreign owned recruiters would in any way harm the interests of migrant workers aspiring to go overseas for employment. **Overseas employers should be allowed direct hiring from India and restrictions should be removed from India based operations of foreign recruitment agencies.**
- The fact that an Indian with an ECR passport, immediately placed at a disadvantage position in the migration process. It drives up transaction costs and makes workers a victim of the protection system in which s/he ends up paying significantly higher sums than the ECNR passport holder is not subject to. **India must move towards a**

system of a single class of passport for all citizens irrespective of their educational attributes or intended emigration destinations.

- **Abolish the Emigration Clearance Required (ECR) system for the migrant workers.** No citizen, who is in possession of valid travel documents should require prior approval to travel overseas legally. This will shift the burden of regulatory compliance and meeting the migration process standards to the recruitment industry.
- The regulatory framework extant should be replaced with a governance framework that will be based on **three fundamental institutions**;
 - First, the time is at hand **to establish an independent regulator for international migration in India.** The presence of multiple service providers in the migration process and the conflicts of interest between the various service holders suggest that an impartial and independent regulator can be the prime institutional intervention to ensure normative standards are met by all.
 - Second, there is a need to **establish a standard setting body** of which the foreign employers and foreign and local recruiters will be member of.
 - Third, the **offices of the Protectors of Emigrants must be converted into 'Migrant Resource Centre'** tasked with information dissemination, creating awareness on migration matters, providing counselling and advisory services, providing pre-departure orientation and imparting skills, training and undertaking advocacy on behalf of migrants with the regulators.

Policy Recommendations from Case Studies

VII- A model Skill Initiative for Karnataka

Karnataka State Overseas Skills Mission is an initiative to train the youth of Karnataka in Vocational Skills for grey and blue collard jobs abroad.

Implementation Plan: The skill mission will be a pilot for two years that will begin training in existing institutes across five cities of Karnataka. The author has proposed Hubli-Dharwad, Mysore, Gulbarga, Belgaum and Mangalore. The pilot will target to train a total of 2000 youths with a vision of training 10 lakh/1 million for overseas employment over the next 10 years. The identified sectors for skill training are: hospitality, construction, teaching and automobiles. The students on completion will be provided with international certification by a reputed, globally known certification body and will be assisted for acquiring job overseas. The course will have a robust curriculum that will ensure that these students are highly competent in their field of work.

Target beneficiaries: The initiative focuses on developing select skills in selected sectors. The target

youth for the programme are those who are unable to pursue professional education and due to lack of better opportunities are joining programs in college/institutions which offer non vocational course. The target youth will be between 18-23 years of age belonging to the lower income strata. Preference will be given to female candidates and to those belonging to marginalised sections.

VIII- Strategic Engagement

Four fundamentals suggest by author:

Fostering Circular Migration- it is important that India marshals the overseas Indian talent from amongst the scientists and technologists, this will require a concerned effort on a tripartite basis: A Public-Private-Partnership between government, industry and the overseas Indian community.

Nurturing soft power: Overseas Indians as a Strategic Resource: Overseas Indians, individually and collectively must be mobilized on issues that are of global significance to India and in forums where her voice need to be heard.

Positioning India as preferred country of origin- India must pursue an action plan that will entail identification of select sectors and select skill sets in which we have competitive advantage and implement a 'skills for employment abroad' programmes over the next 5-10 years. The second element of strategy should be to identify the select destination counties where on a demand driven basis, India can match the skill-sets required over the medium to long term.

Establishing strategic economic depth in new destination countries: Gaining the early mover advantage in focussing on agriculture, horticulture, mining, commodity trading, providing utility services and engaging in infrastructure sectors in newer destinations will give India the economic strategic depth that it will need to develop its sphere of influence in the emerging global financial architecture.

Annexure- 1: The author comes out with a draft mobility partnership agreement between India with country of destination to regulate the movement of skilled and semi-skilled workers.

Annexure-2: The author has suggested an act to prevent irregular migration from India i.e., Model law: Prevention of Irregular Migration Act.

Annexure- 3: In the annexure 3, the author has suggested a Model Employment Contract, which includes details of recruitment and settlement of emigrant labourers. .

Annexure- 4: In annexure 4, the author has suggested an emigration orientation programme for intending migrants to ECR countries.

Annexure- 5: In the annexure 5, author has suggested a programme, The Global Indian Fund for Technology, Entrepreneurship and Development (The-GIFTED) for the engagement of Indian diaspora.

.....

The Future of Migration from India

Policy, Strategy and Modes of Engagement

G. Gurucharan

International migration has acquired a sense of urgency in India in recent years. Emigration flows are growing in volumes, the composition of the emigrants is composite and complex, there is a steady feminisation of emigration and migration is becoming increasingly political influencing important changes in the manner in which migrants are perceived received and the circumstances under which they live and work. The migration pathways are changing within the country and the effects of emigration are impacting states differently. For some states, migration has contributed and continues to contribute to important goals such as economic development, social dynamism and cultural diversity. For others, the sense of urgency comes from questions on how to adjust to new migratory situations and develop effective policy responses to emerging challenges. The global economic slowdown following the financial crisis of 2008, the current Euro zone crisis and the consequent populist rhetoric pose serious challenges to the transnational movement of people. The global economic downturn has highlighted the vulnerability of migrants and their families as well as pointed to the importance of the preparedness of countries of origin to cope with large scale return of migrants, as a result of crisis. Though the global slowdown has reduced the emigration flows, this can only be a temporary dip both in India as well as in the rest of the world. Evidence is growing that freer mobility of people across borders will be the next frontier of globalization. All this taken together would suggest that our collective capacity to govern migration is not keeping pace with these developments. This is also the case with India. India, though important in the global governance of migration, simply because of the weight of numbers, is currently operating well below its potential. India is punching well below its weight in its global engagement on migration and is falling short of meeting its strategic goals in the political economy of migration.

India as a major country of origin, transit and destination is a major player in International migration. Consequently, what we do as a country, on migration and development will doubtless have implications for a large population over time and space. International Migration is of more than strategic importance to India as much as the world and cannot be left to uninformed debate or ad-hoc and fragmented interventions. India's engagement with the world and its future in international trade, business and industry as well as its sphere of influence is in some ways connected with how it manages international migration – both flows and stocks. Taken together this underlines the importance of good migration policy, strategy and choice of bilateral and multilateral instruments of engagement. The challenge in the governance of migration that India faces is to articulate a coherent policy framework, establish a cohesive administrative apparatus and undertake coordinated modes of engagement. While there have been important measures

taken after the formation of the Ministry of Overseas Indian Affairs (MOIA) for the welfare and protection of overseas Indian workers, the time is at hand to: build a coordinated policy framework that provides coherence on a government wide basis - horizontal and vertical; develop institutional capacities for migration governance; enhance the quality of interventions to maximize the development impact of migration for the migrants, their families and the community and take a strategic medium to long term perspective to best serve India's interests as a rapidly growing economic power.

This paper analyses the emigration patterns from India based on the data available with the Protector General of Emigrants as well as primary data generated from field level surveys and looks at the prospects for future of migration from India over the next decade. The paper also takes a critical look at the emigration management framework extant focusing on four elements: policy, strategy, the institutional architecture and the modes of engagement. The objective of this research paper is to point to the broad reforms in migration governance necessary at the national and sub-national levels and across stake-holders to address the migration process from end to end. This is necessary if India is to build the capacities required to handle the emigration from India in an orderly, efficient and humane manner. Reforming migration governance can significantly enhance the benefits to the migrants and their families, the community and the country and help India in its endeavour to reap its demographic dividend. It can also help build synergy with India's trade and investment policies.

While it is difficult to anticipate the future, the objective conditions of development in the country would suggest that the next decade and a half (till 2030) will see more emigration from India. In the past decade 2003-12, close to six million people were granted emigration clearance to the Gulf. The emigration flows over the past decade have more than doubled and this growth trend will likely accelerate in the next ten years spurred by sustained economic and social changes, rapid urbanization, better transportation and communication, and the strong Indo-Gulf migration networks. To understand the principal drivers for emigration from India, it is necessary to go beyond the 'push-pull' factors. As economic growth in some of the poorer states gains pace, it will provide people with the resources and the ability. In these states, the high fertility rates will result in large cohorts of a young working age population more likely to pursue their dreams overseas. With significantly higher outflows of emigrants from new and non-traditional states of origin, India will need to review its approach to migration management. The assumption that this is a central subject and ought to be handled only by the government of India is no longer valid. It will be necessary to engage the governments at the sub national level as well as to build partnerships with other major stake holders in the process. India is getting increasingly inte-

grated with the global economy and two features of this process: The progressive opening of the Indian economy to global economic flows and the growing transnationalism of the Indian diaspora will also accelerate migration in the future. This will require a more coordinated approach to deal with the movement not just of goods and capital but people as well.

India is on the threshold of a transformation that will see two processes unfolding in tandem over the next two decades – demographic transition and economic transition – that can be expected to result in a growing supply of potential migrants. ‘Migration and development are functionally and reciprocally connected processes’ (de Hass, 2007)¹. By 2025, India will become the world’s youngest nation with the largest workforce projected at over 832 million in the working age group (18 – 59) as compared to 658 million today (Census, 2011). This experience of the first stage of the migration transition is causing a youth bulge in many states, notably, the most populous state in India – Uttar Pradesh. Several factors will converge at that time influencing who will migrate, why and where: inter-state inequality and income disparities; rural displacement and urbanization; rising education standards and the rapid economic growth of the less developed states. More people amongst the aspiring population will be willing to take the risks and meet the costs of international migration, though the poorest people will not migrate because they lack the resources, education or the networks. The most dramatic increases in emigration are occurring as economic growth in the poorer states is resulting in higher incomes, demographic changes and better education and skills. We are already beginning to see a surge in numbers from the north and the east. Higher literacy rates (74 percent for the 7+ age group) and growing urbanization (31 percent of the population) as per the census data 2011 reinforce this argument. In fact, three cities in India – Mumbai, Delhi and Kolkata – will rank amongst the ten largest cities in the world with a projected combined population of 70 million people by 2025 UN, 2007)².

As more children in India complete secondary education, the demand for tertiary education is growing. Student mobility – Indian students seeking tertiary education overseas – is emerging as a major emigration pathway. Thus the composition and the points of origin of emigration are changing dramatically in India presenting many challenges in managing migration.

Meanwhile, the countries in the developed world are going through the second stage of demographic transition causing population decline and population ageing. As against the replacement fertility rate of 2.1, Europe for instance has a fertility rate of 1.5 at present while countries like Japan and Korea have fertility rates below 1.3. The economic consequence of these demographic changes is reflected in the higher dependency ratio - In Europe at the beginning of this century it was 49 and is projected to grow to 71 by 2050 (UN, 2009)³. Population ageing is exacerbated by the rising costs of care for the

elderly. This has placed considerable fiscal stress on the social welfare system of the countries in the developed world. While several solutions – extending the retirement age, encouraging women to work, increasing taxes and reducing benefits – have been attempted, there is recognition that the population decline and the labour and skill shortages arising are structural and not cyclical. The problem was serious enough for the United Nations in a report in the year 2000 to note that ‘only international migration could be instrumental in addressing population decline and population ageing in the short to medium term’ (UN, 2000)⁴. While technological progress and the march of automation are creating demand for highly skilled workers, most countries in the global north are already experiencing a visible contraction in the local supply of low skilled workers, especially in sectors where the jobs cannot be outsourced, offshored or by definition have to be performed on-site. The occupations with the fastest predicted growth over the next decade include: home care givers, nursing assistants, ward orderlies, medical assistants and housemaids (National Research Council, 2008)⁵. All of these changes present opportunities for India to position itself as the preferred source country for skilled and trained workers. This will however require significant enhancement in our national competitiveness, skill levels of the work force and a progressive migration praxis framework.

II. A World View on Migration:

India exemplifies the strengths of a large, tolerant, secular, live democracy with a pluralistic society in which people of different faiths, languages, ethnicities and political persuasions co-exist and thrive. Indeed, this milieu is the ‘sine qua non’ of any society that can create conditions for positive migratory movements and labour mobility for the benefit of all. This places India in a position to help contribute in the international community’s efforts to develop an appropriate world migration strategy. In preparing for the future of migration, it is necessary that India articulates a world view on migration. This is important because India is increasingly seen as an influential emerging economy. In November 2013, the OECD’s global economic outlook report suggested that India might now be the third largest economy of the world ahead of Japan, and after the United States and China. The report also projected that China would remain the fastest growing economy till 2020 after which India might well surpass China. India is widely recognised as a knowledge economy and from a migration perspective has decided advantages of being: an open society, democratic, secular, english speaking and with a strong pool of skilled and trained human resources. India’s experience as a major country of origin, transit and destination in the southern hemisphere places us in a unique position. The scale and spread of the Indian experience in Migration as well as Development and the intimate interplay of these two complex processes is matchless. While we have an estimated overseas Indian workforce of over five million, what is less known is

¹ Hein de Hass, 2007, ‘Turning the Tide? Why development will not stop migration’, *Development and Change* 38(5): 819-841, p.832

² United Nations, Department of Economic and Social Affairs, 2008, *World Urbanisation Prospects: the 2007 Revision*.

³ United Nations, 2009, *Population Prospects: The 2008 Revision*.

⁴ United Nations, 2000, ‘Replacement Migration: Is it a solution to declining and ageing populations?’

⁵ National Research Council, 2008, *Research on Future Skill Demands: A workshop summary*, The National Academies Press.

that India with its rapidly growing economy and its pluralistic society is also host to millions of migrants. The 'India Migration' experience demonstrates in its size, spread and depth and across time and space that migration is integral to society. Thus India is well positioned to contribute to the global discourse on migration. To be able to influence the pace and the direction of global migration policy India should first take a medium to long term view of migration. It should unequivocally articulate a long term vision of liberalized movement of people across borders as a natural corollary to the transnational movement of goods and capital.

The global migration agenda should be focused on a clear long term objective of progressively liberalizing the transnational movement of people. Just as free trade is desirable, India should champion the cause of migration as an integral part of globalization that holds the potential to benefit all countries and people. This world view should be based on some broad principles: extending transnational rights, including portable social security, on the principle of national treatment; access to safety and security, healthcare, education and other civic amenities on the basis of residence and not citizenship; advancing the protection and welfare of migrants and their families on the principle of non-discrimination; widening the avenues for legal migration while at the same time fighting xenophobia and migrant abuse; and improving the knowledge base on migration through more research and better data collection. Especially from the perspective of the future migration patterns likely to emerge in the country, India must voice the need for a multilateral framework that is binding and is based on harmonisation on a minimum set of initiatives: a harmonized multilateral instrument for social security coordination; expanding banking channels and reducing the costs of money transfer; ethical recruitment, more rigorous contract enforcement and bringing down the costs of emigration; ensuring mutual recognition of qualifications based on standardized curricula, training, testing and independent certification for skills; widening the avenues for legal migration, combating irregular migration and the voluntary return in safety and dignity, and sustainable reintegration of unauthorized migrants; and fostering empirical research in and building better data bases on international migration.

As we prepare for India's migration future we must recognize that there are also some trends that signify important departures from earlier patterns and processes and hence pose challenges. First, the numbers of women migrants from India are growing and a significant proportion today emigrate independently as primary economic migrants. Gender based labour market segmentation is pushing them to the margins of the services, health and hospitality sectors resulting in operational issues relating to their safety, protection and welfare. Second, the diversity of the states of origin is widening. While there is a deceleration in the rate of growth of migration from the traditional states owing to demography and development it is significant that new, populous and relatively backward states are emerging as important states of origin. These are states with weaker institutional apparatus for migration management and will face considerable challenge to cope with the growing numbers of emigrant workers. Third, given the geopolitical security environment, irregular migration is a matter of growing concern with social and security ramifications that are well beyond mere law enforcement. This has resulted in the growing securitization of migra-

tion. Concerns about human smuggling, trafficking and the presence of unscrupulous transnational intermediary cartels are legitimate and highlight the importance of international cooperation. However, the fact that migrants and their families are often subjected to exploitation, discrimination and prejudice is sometimes lost sight of. India does not have a clearly articulated migration policy, at least not embedded in the development policy (five year plans, for instance). The first principle to enhance India's capacity for migration governance is to engineer a paradigm shift in the roles and responsibilities of the principal actors engaged in the process. We must rethink the role of the state and implement a migration praxis framework that marshals the capacities of local governments, the private sector and civil society to position India as an important migration hub in the Southern hemisphere. This will serve as a pointer to many others in South Asia and can well become the model for the world.

Moving forward, temporary migration will gain prominence. This will be driven by the global search for talent by corporations as well as by the newer modes of production and the transnational supply chains. Despite the potential benefits of liberalizing the temporary movement of natural persons under GATS Mode 4, countries have made relatively limited commitments under Mode 4, largely as a result of problems presented by substantial incoherence between trade and migration regimes (both within and between countries). Mode 4 concepts and definitions are often not found in domestic migration regulatory frameworks, and are not uniformly defined at the national level. The absence of coherence in policy goals and lack of coordinated action has often meant fragmented responses. The need for minimum policy harmonisation to foster International cooperation amongst countries of origin and destination on the one hand and greater policy coherence amongst various departments of governments is central to enhancing our ability to manage migration better. Not least, to bridge the growing divide between increasingly restrictive and protectionist policies and the economy wide needs of industry across the globe for talented, young, trained and skilled people.

The challenges in managing migration effectively at the national level include finding and maintaining a balance between measures addressing various migration related issues, without creating improvement in one sphere to the detriment of another. Identifying essential component parts of an international migration policy is one important step in the development of a strategy to manage emigration flows from India. Should any or all migration policy issues be considered within a comprehensive national policy approach? Are some elements more important than others? Should the elements be common to all states or will each state develop its own package based on local priorities? Any discussion on elements of a managed migration approach would need to take into consideration both what constitutes a comprehensive set of elements, and who the partners required to implement these elements are. There is need for empirical and analytical work to explore the ways in which migrants are portrayed in both home and host societies, and how these images affect public opinion and policy decision-making. There is also a need to examine the role of key stakeholders, in particular governments, the media, worker associations, international organizations, civil society, as well as migrant associations and migrants, and the ways in which these stake-

holders can influence and shape perceptions about migrants in society and the options available to policy makers. Managing migration requires managing how migrants are perceived in society.

III. Towards a migration policy:

Despite significant migration along the India-Gulf corridor for over three decades and more recently the growing numbers in the mobility of professionals and students to the developed world, India does not have a stated policy on international migration. A 'No policy' environment is not an option given the compelling circumstances that drive emigration and the profound socio-economic impact of migration. Policy serves the purpose of defining long term goals, design related programmes and develop coordinated action and interventions on a real time basis. A policy statement seamlessly links the goals sought to be achieved with the elements of the policy that help advance these goals. It also serves the process of establishing an institutional infrastructure that enables implementation of the policy through programmes and interventions. But by far, the most important role of policy is to define the roles and responsibilities of the various stake holders engaged in the migration process.

This matrix is an illustration of the policy objectives and the related elements of policy:

Policy Objectives	Elements of Policy
o Overseas employment	Skills, diversification of destination base
o Orderly emigration	Facilitation & Regulation
o Safety/Rights at work	Protection and Enforcement
o Skill upgradation	Standards and Universal Recognition
o Workers welfare	On-site institutional support
o Gender sensitivity	Women worker specific interventions
o Remittance Use	Savers to investors
o Return & Reintegration	Social security

Though there has been no specific policy document, India's migration policy frame has been circumscribed by the legislative framework that governs emigration as set out in the Emigration Act 1983. The guidelines laid down by the Supreme Court in the Kanga and others Vs the Union of India form the basis of this framework. The structure of the Act is simple and in essence rests on a tripod: first, no citizen of India shall emigrate without the prior approval of the government; second, no person shall recruit an Indian citizen for overseas employment without being registered and third, there shall be a Protector General of Emigrants (PGE) vested with the authority to grant approval to intending emigrants and to register the prospective recruiting agents. The Act also vests in the Protector General the responsibility of ensuring the protection and welfare of the emigrants and to regulate the recruitment process to prevent malpractices. Ironically the Act, though well intentioned, mimicked the 1922 Act at least in its objects and institutional

architecture. The Emigration Act 1983 suffers from flaws - intrinsic and instrumental.

The first intrinsic flaw in India's regulatory framework for emigration is that it remains 'exit control' based. It filters who travels overseas and regulates the manner of exit. This is done through the administrative arrangement of issuing two different kinds of passports on an arbitrary basis – ECR, requiring prior approval to emigrate and ECNR – since neither the Emigration Act nor the Passport Act provide for such distinction being made. The situation on ground points to the fact that this does not ensure the protection and welfare of workers. The PGE has no control over the process after the worker's exit. The second flaw intrinsic to the regulatory framework is the conflict of interests that arise in the Protector General System. Three different functions serving three different stake holders are combined in one institution – the PGE is the policy maker; service provider; and licensing authority and regulator. In this situation the political economy of emigration influences the decision making process. Quite simply, the migrant worker ranks low in priority. The third intrinsic flaw is the system of 'third party' recruitment that dominates the emigration process. The recruitment Agent system creates significant enforcement limitations that jeopardize worker interests.

The system has also several instrumental weaknesses. The fragmentation in the policy framework and its enforcement is the most visible. The absence of policy coherence – horizontal and vertical – on a government wide basis across the various ministries of government at the centre and between the central and state governments has constrained reform and real time response in times of need. At the national level this has meant the absence of a coordinated response and hence sub-optimal performance. The scenario is even grimmer when you drill down to the states. It is the states in India that constitute the theatre of action on migration, yet are peripheral players in the process. The Emigration Act creates a centralized regulatory architecture that concentrates all powers in the Protector of emigrants with little role for the states. This simply means little or no capacity for migration management even amongst the major states of origin. The result of the top down excessively centralized regulatory framework has also meant policy interventions that are divorced from ground realities hence proving counterproductive. The restriction imposed on women under thirty from emigrating is a good example. It has spurred irregular migration circuits, raised rent seeking, increased the cost of migration and rendered the women even more vulnerable to exploitation.

IV. Changing emigration patterns:

India is an important country of origin. While the migration flows are small relative to its population, India's emigration represents features that characterize the complexity of migration in the 21st century – a composite mix of different skill levels, temporary and circular migration, significant student mobility and the growing importance of the feminization of migration. While the bulk of the emigration is of low skilled workers to the Gulf, the rise of the emigration of professionals of the knowledge economy from India outweighs the former. The size and spread of the overseas Indian community underlines the rise of trans-nationalism by which people straddle more than one country participating in full measure in the economy and society of both the country

of origin as also that of destination. Overseas Indians have demonstrated how mobility and migrant networks spur creativity, innovation and entrepreneurship. India is in small but significant ways also emerging as a country of destination thus underlining the fact that no country can remain only a country of origin or destination.

The economic reforms triggered in 1991 in India and its emergence as an information technology power coincided with the Immigration Act 1990 in the United States which introduced 'temporary migration' under the H1 B non-immigrant visa programme for 'specialty occupations'. This gave impetus to short term emigration for specific purposes of specialized knowledge workers. The H visa programme was to become the primary vehicle for Indian migration to the USA. 'Indian workers have been taking half of the H-1B visas. With Indians traveling on H-1B visas to fill high-technology jobs in the U.S., they doubled their population in the U.S. Between 1990 and 2000, the Indian population as a whole increased from 815,447 to 1.9 million. Almost 70% of these Indians are foreign-born' (Varma, 2007)⁶. The period from 1991- 2008 saw a steady tide of high skilled emigration from India to the US and as a matter of fact, 70 percent of all Indian immigrants in the United States counted at 2.9 million today arrived after 1990 (Wei Li & Lucia Lo, 2010)⁷.

Non immigrant H visas issued to Indians during the period 2003-12



Source: US State Department; Annual Reports of non immigrant visas issued by classification and nationality 2003 to 2012.

In brief the pattern of migration from India to North America can be discerned from the table below:

Period of Immigration to Canada	Percentage of all Indian-born immig in Canada	Period of Immig to the US	Percentage of all Indian-born imig to the US
Before 1981	20.4	Before 1980	12.7
Before 1991	14.9	1980-1989	17.3
1991-2000	35.6	1990-1999	35.6
2001-2006	29.1	2000-2006	34.4

There has been a visible rise in the number of Indian students seeking higher education outside the country. This has been the result as much of the weight of a young aspiring generation as it is of the supply side constraints in India. The best and the brightest continue to seek out the best schools overseas, especially in America in search of better opportunities. As a result Indian students rank amongst the biggest groups in the major destination countries. Student mobility has seen a steady rise in the last few years. The growth in the number of students in the major destinations during the period 2006-2010 is depicted below:

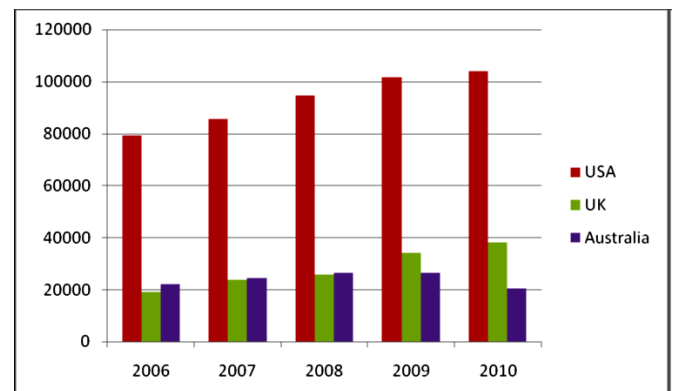
Stock of Students in Major Destinations 2006-2010

	2010	2009	2008	2007	2006
USA	103968	101563	94644	85687	79219
UK	38205	34065	25901	23833	19204
Australia	20429	26573	26520	24523	22039
New Zealand	6650	5710	4094	2452	1563
Canada	4617	4314 (Russia)	3257 (Germany)	-	2826
Total	173869	172225	154416	136495	124851

Source: UNESCO Institute for Statistics (2012).

Student mobility thus represents an important migration pathway for high skilled workers from India and one that needs greater policy support. Student mobility is sensitive to the international labour market conditions. At a macro level, students aspiring for tertiary education overseas do make a cost-benefit analysis that determines their decision on whether, where and when to go. The Global Recession of 2008 has had its impact on overseas study too.

The Growth in numbers in the Three Top Destinations 2006-2010



(Source: UNESCO Institute for Statistics, 2012)

We must now turn our attention to the India-Gulf migration corridor. Emigration to the Gulf constitutes over 90 percent of India's emigration volumes and occupies time and space in both policy and regulatory processes.

The economic and social significance of these important constituents of Overseas Indians can be judged by the spectacular growth in remittances by migrant Indian

⁶ Roli Varma, 2007, Changing Borders and Realities: Emigration of Indian Scientists and Engineers to the United States, Perspectives on Global Development and Technology, PGDT 6(2007) 539-556

⁷ Wei Li and Lucia Lo, 2010, High Skilled Indian Migrations in Canada and the US, IMDS, working Paper No 4 – 2009.

Workers from the Gulf. About 47 percent of India's remittances – close to USD 33 billion – come from the overseas Indians in the six GCC countries. The temporary migration of un-skilled, semi-skilled or skilled workers mostly to the Middle-East is also unique, in that, the social cost of education or vocational training is modest while the economic and social benefits derived from remittances or skill formation are significant. There is evidence to suggest that remittances in the aggregate as well as per capita from Overseas Indian Workers in the Gulf are significantly higher than remittances from others. Total and Per capita Remittances received by India from 12 major countries in 2012

Country	Remittance (in USD Million)	Population in Millions	Per capita Remittance
UAE	15685	1.75	8962.857
Kuwait	2947	0.579	5089.81
Oman	2614	0.718	3640.668
Qatar	2294	0.5	4588
Bahrain	760	0.35	2171.428
Saudi Arabia	8382	1.789	4685.299
Total Gulf	32682	5.686	5747.8
USA	11956	2.245	5325.61
UK	4267	1.5	2844.666
Canada	3463	1	3463
Australia	1388	0.448	3098.214
Italy	631	0.0991	6367.3
Germany	457	0.0705	6093.33
Total North	22162	5.362	4133.159
Grand Total	54844	11.048	4964.156
Gulf Percent	59.59		
North Percent	40.41		

Source: Authors' calculations based on the data from the PGE and the MOIA.

Since migration to the Gulf constitutes the bulk of India's migration, it is useful to analyse the complete primary data set for the period 2002-2012. During this period the gross flows of emigrants out of India was a phenomenal 6.82 million. Of this number, 6 million Indians went to the six GCC countries alone. The total emigrating population grew at 7% over the last decade on average, with a peak in 2008 of 847,000 workers. The financial crisis impacted numbers in 2009 but the numbers have since bounced back, particularly in 2012. Despite these large numbers over the last decade, the population of overseas Indians in the Gulf grew by much less. As against the gross flows of a little over 6 million people to the six GCC countries over the period 2002-2012, the overseas Indian Population in these countries grew by only 2.37 million. The increase in each of the six GCC countries is depicted in the table below:

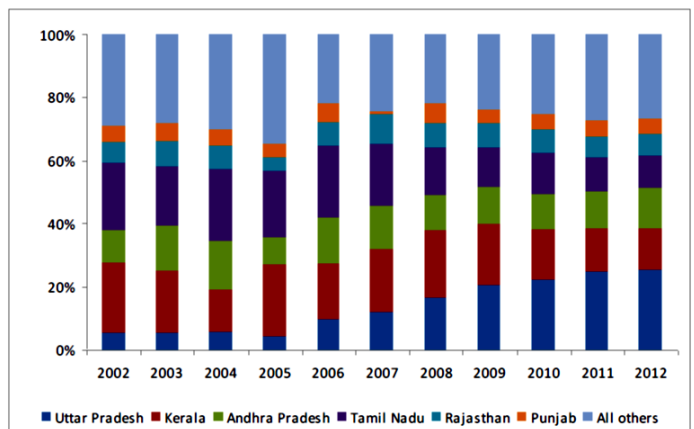
Population of Overseas Indians in the GCC countries 2002 and 2012

Country	2012	2002	Increase	Percentage
Bahrain	350,000	130,000	220,000	169
Kuwait	579,390	295,000	284,390	96
Oman	718,642	312,000	406,642	130
Qatar	500,000	131,000	369,000	281
S.Arabia	1,789,000	1,500,000	289,000	2
UAE	1,750,000	950,000	800,000	84
Total	5,687,032	3,318,000	2,369,032	71

Based on the data from the Ministry of Overseas Indian Affairs, 2012

This implies that about two thirds of the emigrants, over 4 million, either returned to India on completion of their contracts or migrated to other countries in the Gulf or elsewhere.

Emigration from the Major States of India - 2002-2012

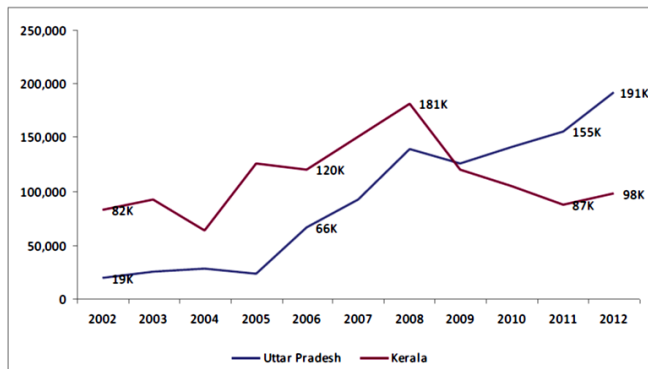


Source: Based on the data from the Protector General of Emigrants, Government of India, 2013.

The India-Gulf pathway thus represents an example, though in our view a bad one, of circular migration. The ugly trinity of: the high cost of migration, including recruitment costs, fees for visas and work permits borne by the migrant worker resulting in high indebtedness; the absence of standards in work contracts and their enforcement resulting in exploitative living and working conditions; and the complete absence of social security as a result of which they most of them have no old age support to fall back on. During the first decade of the 21st century quite remarkable demographic and development transition effects were altering the patterns of migration from India to the Middle East in unprecedented ways. During the period 2002-12 that we analysed the data for, the highlight was that the share of Uttar Pradesh (UP), the largest and arguably the poorest state in India, in the total migrant population increased dramatically from 5% to 26%. International migration from UP has grown at an annual rate of 26% against the national average of 7%. Tamil Nadu's (TN) share of the total has shrunk from 22% to 10% in the last 10 years, with the total number of migrants in 2012 at roughly the same level as in 2002. The other states to grow faster than the national average were Andhra Pradesh and Rajasthan. The Contrasting fortunes of two

states is striking - UP has emerged as the biggest contributor to migrant population in the last decade while Kerala, the traditional bastion of migration to the Gulf has seen significant deceleration in the emigration numbers and has dropped to 2nd place on the back of 2% annual growth in migrant labor to the Gulf.

Contrasting Fortunes - Emigration flows from UP and Kerala 2002-2012

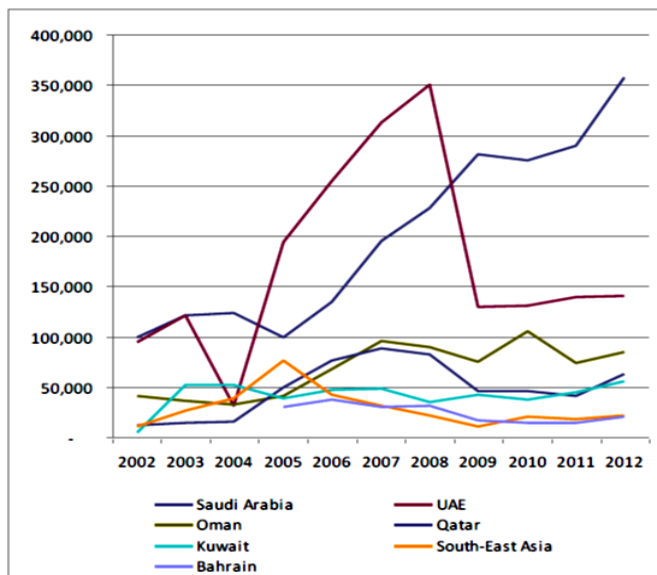


Source: Based on data from the Protector General of Emigrants, 2013.

Amongst the destination countries Saudi Arabia is the most popular destination for Indian migrant workers. Emigration numbers have grown at 14 percent in the last decade against 7 percent overall increasing Saudi Arabia's share from 27 percent to 48 percent or nearly half the migrant population. Within the GCC, Saudi, Oman, Qatar and Kuwait have grown at or above the overall average of 7% while UAE has only grown at 4 percent. Qatar and Kuwait have steadily grown their share of overall migrant population by growing at 17 percent and 28 percent, on average, respectively.

The graph below gives a dramatic representation of the emigration flows to the major destination countries during the period 2002-2012. Clearly, the year 2008 was a crisis year. In the GCC states, it was the United Arab Emirates in general and Dubai in particular which were affected the most. The emigration to the UAE which had peaked at about 350,000 in 2008 dropped precipitously to a little over 130,000 in 2009 and is yet to recover. In contrast, Saudi Arabia after a pause in growth in 2010 has recovered to the earlier trend rate.

Trends in Emigration to Major Destinations 2002-12



Source: Data from the Protector General of Emigrants, 2013.

Thus far the Gulf has been a magnet drawing large number of migrant workers. But a combination of diverse factors – stagnating wages, rising costs of living, a growing trend of imposing restrictions on foreign workers and to a degree the declining fortunes of the Gulf - have somewhat dimmed the sheen off the Gulf as a destination. The Nitaqat law in Saudi Arabia and increasing emiratization in the UAE as also the absence of justiceable workers' rights including the freedom of assembly raise serious questions on the human rights record of the Gulf countries. The Kafala system of 'free visas' ironically imposes restrictions on workers that often border on abuse and exploitation. India needs to pursue bilateral agreements with the GCC countries with dogged perseverance, if we want to enhance the safety, security and welfare of the over five million overseas Indian workers living and working in the Gulf. **A draft mobility partnership agreement is placed at Annex -I, which the MOIA might like to consider .**

V. Irregular Migration:

While it is difficult to put exact numbers to the irregular migrants from India, evidence supports the assertion that they count amongst the lowest in the world both as a percentage of the emigrating population as well as in absolute numbers.

Estimates of Irregular migrants in the EU 2008-2011

Source: European Migration Network, 2012; EU, 2013

The bulk of Indian migration is to the Gulf and it is axiomatic that it is also along the India-Gulf migration path-

Category	2008	2009	2010	2011
Refused Entry at the EU's external borders	3140	2260	2205	1720
Found to be irregularly present	20285	16675	14945	15130
Ordered to leave	18795	17025	15490	15325
Returned to India	5125	6660	7790	7165

way that the risks of irregular migration are higher. In the context of emigration to the GCC countries it is important to understand who is an irregular migrant. In addition to 'illegal entry and overstay, a more subtle irregularity may exist whereby a migrant worker ends up working for an employer other than the one who sponsored him/her. The latter is likely to be a result of the process of visa trading through which nationals may sell work visas to prospective migrants but may not have any jobs for them. In theory, the above is illegal but is fairly widespread in many of the Gulf countries. Finally, a migrant may become illegal by running away from his/her employer' (Shah, 2009).

In December 2012, the UAE government announced an amnesty for irregular migrants. They could try and find a

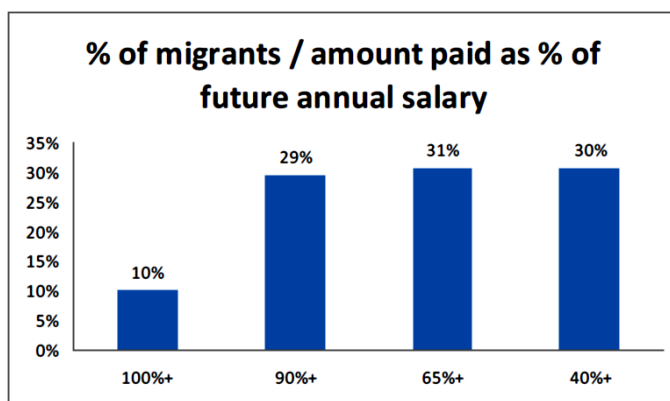
sponsor and regularise their stay or choose to return to their home country after paying a small penalty. A large number of Indians approached the Indian mission in Abu Dhabi for financial assistance and issue of emergency certificates. The embassy administered a survey instrument to about 2500 irregular Indian migrants. The analysis of this data presents interesting insights.

Four major states of India – Andhra Pradesh, Tamil Nadu, Kerala and the Punjab – contribute almost 80 percent of the irregular migrants. This finding on the basis of primary data, in fact, corroborates the widely held view arising from anecdotal evidence that these states are indeed the high risk areas that need concerted action. These high risk areas are also the geographies with extensive networks of travel agents, recruiting agents, educational consultants and other active intermediaries who play the role of catalysts in the irregular migration process.

For an overwhelming majority – 57 percent – of the irregular migrants surveyed, friends and relatives abroad were the primary source of information for emigrating and also the avenue for finding a job. The power of the unscrupulous intermediaries engaged in irregular migration or people smuggling to weave dreams and sell them to unsuspecting, poor, uneducated and unskilled rural folk in India is profound. It is not surprising therefore that nearly 30 percent of the irregular migrants surveyed were people who willingly embarked on the journey without an offer of employment or the promise of a job. They were willing to risk emigration in search of a job. One of the questions in the survey was how much the migrant had paid to the agent who facilitated their migration.

Amounts paid by the irregular migrants to agents:

What stands out is that potential migrants are willing to pay anywhere between 40 to 100 percent of their future annual incomes to agents to arrange for their new jobs



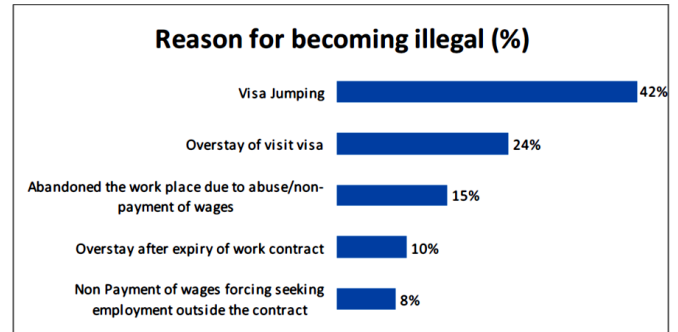
abroad.

Another significant finding from the survey was that almost 75 percent of the migrants surveyed had emigrated on a work visa. This runs counter to the conventional view emerging from some of the case studies of irregular migration to Europe which pointed to a trend that the largest number of irregular migrants to the western world proceed on visit visas and then overstay their welcome. In the case of the respondents of this survey, only 27 percent went on a visit visa and then took up employment. This simply means that most of the workers migrate through a legal process and are rendered irregular during the tenure of their work contract. This throws up a lot of concerns on how a person who has

entered legally can be reduced to irregular status quite so easily in the Gulf. Worse still, that there does not seem to be any oversight or regulation on the cavalier manner in which sponsors can adversely affect the lives of these workers should engage the attention of governments of both origin and destination. The data shows that reasons for migrants with a legal status becoming irregular almost overnight are myriad. An analysis of the replies of the respondents produced interesting results:

Source: Based on the data of the survey done by the Indian Embassy in Abu Dhabi.

In a sense the state has ceded ground, now occupied



by organized networks of private players who run an irregular migration industry with a seamless presence in the countries of origin, transit and destination. There is a need for strong legislative action. A draft law titled **'Prevention of Irregular migration Act'** is placed at Annex – II which MOIA might like to consider proposing.

When asked what help or intervention they wanted from the government, more effective regulation of recruitment practices and institutional support were the most frequently cited areas for improvement. An overwhelming majority of 66 percent felt that government should act to regulate recruitment of migrant workers and recruiting agents more stringently.

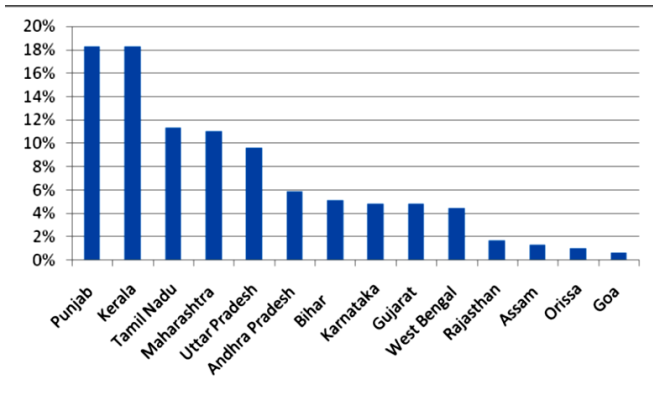
VI. Policy options for the future:

The experience of the past has shown that India must take a pragmatic turn and move away from exit controls as the basis for improving the protection and welfare of migrants. In its place the basis must be: empowerment of the migrant. Such empowerment must achieve fuller and informed mobilization of the migrants themselves in the process: to enable her to understand the migration process better, engage in the free market equitably and, mitigate the risks encountered along the way. This turn to empowerment of migrants as the organizing principle for migration praxis is premised on the idea that a migrant must have the information and knowledge, the required skill sets and the freedom to make her own choices rather than being patronized, either by the government or by the recruitment industry. This will entail a 'life-cycle' approach to migration that will seek to mobilize the important stake holders in the emigration process.

An important pre-requisite is to understand the gaps that exist between current migration praxis and the objective conditions that the migrants face on ground. To get a sense of these gaps we carried out a pan Indian survey of 1000 intending migrants who prior to their exit were on the verge of applying for and obtaining emigration clearance from eight offices of the Protectors of

Emigrants located at cities in eight major states of origin in India.

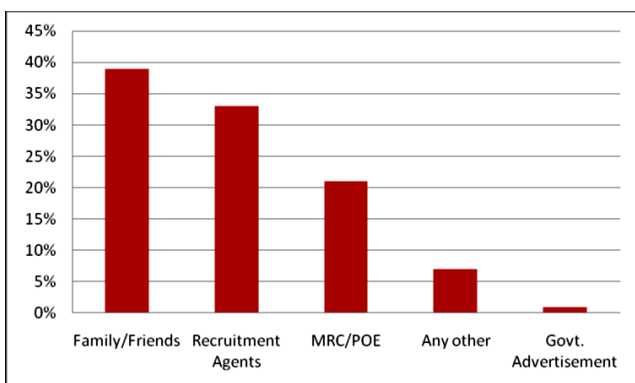
States of Origin of the migrants surveyed at the time of emigration clearance:



Source: Authors' construction based on the data from the survey done at the offices of the Protectors of Emigrants, 2013.

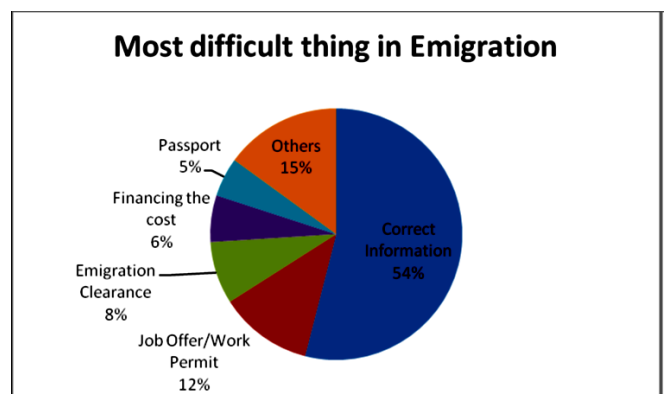
The intending migrants were administered a simple questionnaire on the emigration process. The analysis of the data shows interesting pointers to the policy options for the future. The survey was carried out at eight offices – Delhi, Mumbai, Chennai, Trivandrum, Cochin, Hyderabad and Kolkata - of the Protectors of Emigrants during May-June of 2013. About 75 percent of the potential migrants surveyed at the pre-departure stage came from six states – Punjab, Kerala, Tamil Nadu, Uttar Pradesh, Andhra Pradesh and Maharashtra. This broadly corresponds with the macro annual data for the ten year period 2003-2012 in which except Maharashtra which is at the eighth position and the Punjab at the seventh position, the other states are the top four states of origin. Interestingly, the states of Andhra Pradesh, Tamil Nadu, Kerala and the Punjab also figured as the top four states for irregular migrants surveyed in the UAE during the amnesty and analysed in the earlier section. The potential migrants were asked what the principal source of their information on migration was. Again, about 70 percent of the respondents said that they got the first information about emigration and related matters from friends and relatives or Recruiting agents. The fact that less than one percent of the potential migrants relied on government advertisements was an eye opener. What is even more disturbing is the fact that a mere 20 percent of the respondents got their information from the Protectors of Emigrants or the Migrant Resource Centres.

Principal sources of information to potential migrants:

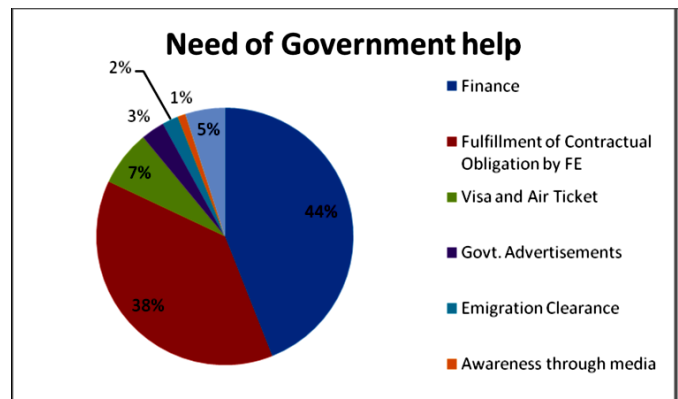


Source: Authors' construction based on the data from the survey done at offices of Protectors of Emigrants, 2013

When asked, what the most difficult aspect of emigration was for an intending migrant, more than half the respondents – 54 percent - identified accessing correct information as the most difficult. Ironically, it is in this area that the absence of the government is most felt. It is a reflection of our policy priorities that considerable resources are spent on the functions that rank much lower in the felt needs of migrants – emigration clearance, passport issues, reviewing model work contracts – but little attention is paid, if at all to information and awareness. The critical path for an orderly and fair emigration process is the 'first mile connectivity'. It is the first effort of the poor, country based, unskilled worker to seek information on migration that is crucial to the success of the emigrant as well as of the process as equitable engagement for one who is at the centre and around whom the other service providers revolve.



Source: Authors' construction from based on the data from survey done at offices of Protectors of Emigrants, 2013.



The importance of these two issues arises from the fact these are two domains in which government and only government can intercede on their behalf effectively. The policy of not allowing direct hiring by foreign employers without prior approval and the restrictions on the participation of foreign owned recruiting agencies has resulted in the formation of a cartel by local recruiting agents. There is no evidence to suggest that direct participation by foreign employers or foreign owned recruiters would in anyway harm the interests of migrant workers aspiring to go overseas for employment. These protectionist measures raise migration costs besides encouraging rent seeking; expose the migrant worker to enhanced risk of non-compliance by the employer owing to 'third party' recruitment and, left the migrant workers with no choice. The first major policy change then

should be to allow direct hiring by overseas employers and to remove restrictions on foreign owned recruitment agencies on operating in India. Second, India should move away from the narrow objective of 'protection' of emigrants to the broader rationale of liberalising the mobility of economic migrants. The Emigration Act 1983 which forms the legislative framework for migration is based on the principle of exit control of specified categories of citizens. It provides for protection by exception to only those with poor educational qualifications or to those going to destination countries with a relatively poor record of honouring workers' rights. The fact that an Indian is an ECR passport holder immediately places her at a disadvantage in the migration process. It drives up transaction costs and makes her a victim of the protection system in which she ends up paying significantly higher sums than the ECNR passport holder is not subjected to. India must therefore move towards a system of a single class of passport for all citizens irrespective of their educational attributes or intended emigration destinations. This will be a far reaching reform that will, over time, enable citizens to take responsibility for their own decisions on international migration.

The logical third step would be to abolish the Emigration Clearance Required (ECR) system for the migrant worker. No citizen who is in possession of valid travel documents should require prior approval to travel overseas legally. The system of declaring certain countries that do not conform to international standards in non-discrimination and equal treatment; have poor labour laws; less than credible justice systems; sub standard living and working conditions for foreign workers and a poor track record on upholding human rights as Emigration Clearance Required (ECR) countries and placing them on a negative list can, however, continue. The regulatory oversight on the emigration of Indian citizens, especially the low skilled migrants to, as also the enforcement of the normative standards enshrined in the migration regulation - of recruitment, employment and fair working and living conditions - for the foreign employers and foreign recruiters as also local recruiting agents from these countries can be rigorous. This will shift the burden of regulatory compliance and meeting the migration process standards to the recruitment industry. Finally, the regulatory framework extant should be replaced with a governance framework that will be based on three fundamental institutions: First, the time is at hand to establish an independent regulator for international migration in India. The presence of multiple service providers in the migration process and the conflicts of interest between the various stake holders suggests that an impartial and independent regulator can be the prime institutional intervention to ensure normative standards are met by all. Second, there is need to establish a standard setting body of which the foreign employers and foreign and local recruiters will be members of. The charter of the body will be to develop and enforce adherence to standards amongst its members. This body will be akin to the professional bodies like the Institute of Chartered Accountants or the Institute of Cost Accountants and such like. Third, the offices of the Protectors of Emigrants must be converted into 'Migrant Resource Centres' tasked with information dissemination, creating awareness on migration matters, providing counseling and advisory services, providing pre-

departure orientation and imparting skills training and, undertaking advocacy on behalf of the migrants with the regulator. **A model work contract that should form the basis for contracting is placed at Annex -III.** The MOIA might like to take this up in the joint working groups with the GCC countries under the MoU's extant and insist on their adoption. **An outline for a migrant orientation programme is placed at Annex IV. This must be introduced in the major states of origin especially for women migrants.**

VII. A model skills initiative for Karnataka

India has a unique opportunity and responsibility to prevent its demographic dividend from becoming a demographic disaster. In order for this to happen, it is important that the State Governments and institutions at the State level undertake skilling of the youth. However, this cannot be a, 'one size fits all' approach. States should capitalize on their comparative advantage in skilling. In this section, I have outlined what a skills mission for the youth may look like. This model may be called the Karnataka State Overseas Skills Mission. It may be an initiative to train the youth of Karnataka in Vocational Skills for grey and blue collared jobs abroad. Karnataka is known as an IT hub and employs a huge population across various IT companies in Bangalore. Many of these employees migrate to work overseas mostly for white and upper grey collared jobs. To promote this highly-skilled and professional employment no government intervention, as such, is required. The purpose of the Karnataka skills mission aims to widen the opportunities for the youth who intent to migrate overseas for employment by training people belonging to the lower income strata, who are often unable to complete their education, in vocational skills for blue and grey collared employment. The document proposes for a two-year pilot for Vocational training for selected sectors across identified cities in Karnataka, detailed below are the state profile; demographic profile; rationale for the skills mission initiative; ongoing vocational initiatives in Karnataka; about the skills mission and other implementation details; and the document ends with the conclusion.

Karnataka is located in the southern region of India, with a population of 52.8 million⁸ making it the ninth largest state by population in India. It is bordered by Maharashtra and Goa on the north, Andhra Pradesh on the east, Tamil Nadu and Kerala on the south, and on the west it opens out to the Arabian Sea. The state is divided into 29 administrative districts



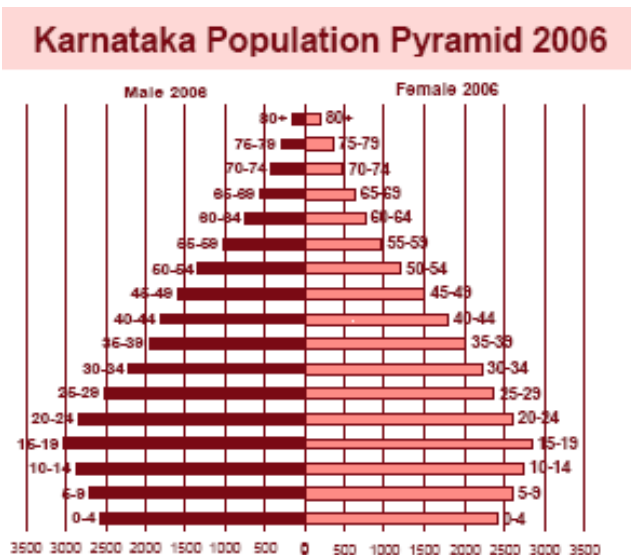
⁸ Census of India, 2001

with approximately 31% of the population urban. Off the Urban population approximately 5 million live in the state's capital city of Bangalore. Information Technology (IT) is a thriving industry, concentrated in and around Bangalore. Bangalore is also called the 'Silicon Valley of India' and accounts for software exports in the range of US \$8.5 billion annually⁹. The state has a 66.6% literacy rate¹⁰.

State demographic profile

Karnataka's had a share of 5.31% of the nation's total population in 1991 which has now reduced to around 5% in 2008. The State's decadal growth rate of population has also been declining, the population density of the state is 276 persons/ sq km, which is relatively low compared to other States. The share of the State's rural population is estimated to have declined from 69% in 1991 to about 64% in 2008. According to population projections by the Census Commissioner of India, this share is likely to further reduce to around 58% by 2026, by when the total population is likely to be 66.9 million. Rural population is expected to increase marginally from 36.7 million currently, to 38.6 million in 2026, whereas a significant growth is expected in the urban population, which is likely to reach 28.2 million in 2026 from the current 20.8 million.

Total fertility rate in the State has reduced to 2.08 in 2005-06¹¹ and expected to further go down to 1.8 by 2012. And the State has witnessed a consistent improvement in life expectancy at birth with 49.7 years for males and 50.6 years for females in 1971, the figures now stand at 62.8 years and 66.2 years in 2008. These trends of demographic transition show healthy signs of population dynamics moving towards sustainability based on carrying capacity of the State. The population pyramids below forecast the male and female population for the year 2026.



Source: Karnataka State Planning Board, Government of Karnataka, 2008

From the data in the population pyramids, we can infer

⁹ Public information domain

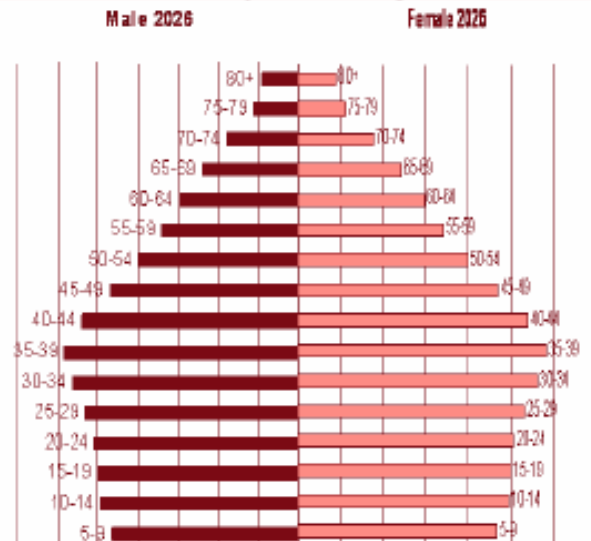
¹⁰ India Brand Equity Foundation (IBEF), State Profile of Karnataka, 2009

¹¹ National Family Health Survey (NFHS), Survey III, Ministry of Health & Family Welfare initiative

¹² Karnataka- A Vision for Development, Karnataka State Planning Board, December 2008

the following: (i) Population growth is being contained: an absolute decrease in the population between 0-9

Karnataka Population Pyramid 2026



years by 2026, this can be translated in to low pressure on infrastructure, primary education and childcare facilities. Greater emphasis can be laid on the quality and outcome of these services; (ii) Potential benefit from Demographic Dividend: an increased 7.7 million of workforce population (15-59 years) is expected to be added by 2026 in Karnataka. This can be an opportunity for the state if the increasing population is made employable and optimum options to employ this growing population are created; (iii) Significant ageing population: the median age of population is going to increase from 23.4 yrs in 2001 to 33.4 yrs in 2026, at the same time 60+ population is also expected to significantly increase.

The above mentioned points highlight the growing working age youth population in Karnataka by 2026, which can work positively for the growth and prosperity of Karnataka. Thus, the state needs to accordingly build the capacities to educate this growing population along with finding ways and opportunities to employ this growing youth population. The section below states the rationale for an imperative Skills Mission that is directed towards Skills development for overseas employment. Please note that although the mission aims at overseas employment, it will focus on equipping this youth with the skills that will make them employable anywhere in the world.

Rationale for an overseas skills mission

Karnataka possesses a huge demographic advantage with an increased 7.7 million of workforce population (15-59 years) by 2026 that is expected to add in Karnataka with a total of 43.5 million youth in the state¹². While the world population is ageing and the economic powers like US, Germany and Japan will have majority of their population above the age of 65¹³. This ageing population, shortage of young people and the lack of manpower with requisite skills will lead to 'Human De-

velopment Deficiency (HDD)' globally. Thus, there needs to be an increased emphasis in the future on skills development of the growing youth population in India both for domestic and international market. Given the increasing working age population in Karnataka, there is also growing unemployment and limited capacities to feed the employment demand domestically. Thus, along with skills development initiatives there is an imperative to explore avenues of employment for our expanding youth population over the decades. Economic Migration or migrating overseas for employment is one of the solutions for curbing unemployment in the country and serves as a value addition for the emigrant, the home countries of the emigrant and the destination country. Thus, with increasing employment opportunities overseas, given the skills shortages and the ageing population, migration for employment serves as a viable source of channelizing its huge youth population and reaping the benefit of its 'Demographic Dividend'. Every migrant who goes for employment overseas, leaves a job back home, creating employment opportunities back home. Migration is now viewed as a 'brain gain' rather than the earlier view of 'brain drain' from a perspective of both the migrant receiving and sending country. The migrants that go abroad add value to destination country by their skills and expertise and add to the country's economy. For their home countries migrant not only have economic value addition in the form of remittances but also migrants are now coming back to help their home countries with their enhanced expertise for the country's development; increasing entrepreneurial networks; and creating and providing jobs to more Indians. There is significant migration trend from Karnataka to the rest of the world for employment opportunities. This skills mission is an initiative to widen the opportunities for the youth who intent to migrate overseas for employment by training people belonging to the lower income strata, who are often unable to complete their education, in vocational skills for blue and grey collared employment

Ongoing Vocational training initiatives in the Karnataka

There are a few ongoing Vocational Education Training (VET) initiatives in the state like the Modular Employability Scheme (MES) that operates under the Skills Development Initiative Scheme (SDIS) and the Craftsman Training Scheme.¹⁴

The State Governments through Industrial Training Institutes/Industrial Training Centers (ITIs/ITCs) impart institutionalized vocational training under Craftsman Training Scheme, one of the flagship programmes run by the DGE&T.¹⁵ The MES was also launched recently by the Government to bridge the employability and skills gap for school drop outs and youth who are not able to complete their education. The MES claims to provide a 'minimum skills set' which is sufficient for gainful employment. The MES provides training of short term courses for automobile, electronics, banking & accounting, chemical, Information technology, Garment making, Retail, Hospitality and beauty culture & hair dressing courses. Along with a few public initiatives, the private

sector is also entering the VET space. Recently in July 2010, the state government along with Team Lease Services established a Karnataka Employability Center (KEC), which will country's first employment exchange in a Public-Private Partnership. The PPP also is working closely to establish 200 skill development centers across the state¹⁶. Our proposed mission does not compete with any of these programs which are all focused on domestic economy. We are only focused on overseas skills which allow our emigrants to move up the value-compensation chain in overseas destination markets. About the 'Karnataka state overseas skills mission'

a. Implementation plan

The skills mission will be a pilot for 2 years that will begin training in existing educational institutes across 5 cities of Karnataka. We are proposing Hubli-Dharwad, Mysore, Gulbarga, Belgaum and Mangalore. The pilot will target to train a total of 2,000 youth with a vision of training 10 lakh/1 million for overseas employment over the next 10 years. The identified sectors for skills training will be Hospitality, Healthcare, Construction, Teaching and Automotive. The students on completion will be provided with international certification by a reputed, globally known certification body and will be assisted for acquiring jobs overseas. The course will have a robust curriculum that will ensure that these students are highly competent in their field of work.

b. Target beneficiaries

The initiative focuses on developing select skills in selected sectors. The target youth for this program are those who are unable to pursue professional education and due to lack of better opportunities are joining programs in college/institutions which offer non vocational courses. The target youth will be between 18-23 years of age belonging to the lower income strata. Preference will be given to female candidates and to those belonging to marginalized sections.

Merits of a skills mission for overseas employment

Vocational Education is meaningful and a powerful tool for a good purpose. Impact will be highly visible if the mass of marginalized youth that cannot afford to pursue education would get employed for skilled jobs. The target for this project is the bottom of the pyramid for skills development, this segment of the society is huge in volume, their needs are immediate, and they have a lot at stake to get good and steady jobs. The advantage of pursuing a vocational training is that they can continue to enhance and build on the skills they already have on the job. They can also exercise a choice to become self-employed which helps the community because now there can be employment generated by one person.

Skilled workers will also be in demand across the world in the future, as the working age population of most of the developed countries like Japan, Germany and Europe will age. Karnataka will have a youth bulge of the working age population. Karnataka currently sends a huge number of highly skilled and professional personnel for overseas employment; this initiative is an oppor-

¹³ ibid. Ref. 5

¹⁴ <http://www.karskills.com/mes.html>, accessed in October 2011

¹⁵ Ibid. Ref. 8

¹⁶ <http://hindu.com/2010/11/12/stories/2010111265990900.htm>, accessed in October 2011

tunity for Karnataka for inclusive skills development for the marginalized and the weaker sections of the society to be better positioned in the global skills market.

This demographic opportunity if tapped in time can reap significant returns for the state and the world, as we move up the employability ladder domestically and globally we can seizing the opportunity for our demographic dividend globally with the Indian Diaspora essentially becoming- 'Skills and Knowledge Diaspora' and also economically it benefits India as Indians abroad sending huge amount of remittances and also contributing to the local economies of the destination countries.

The budget for the initiative will be divided in to (i) Capital expenditure for building and upgrading skills development centers; (ii) International content, certification and training; (iii) management cost; and (iv) liaison with international employers.

Thus, as the youth population of Karnataka will grow in the coming decade, it is bound to have a huge emigrant population, majority of which will be economic migrants. The Skills mission proposes to enhance on this opportunity to equip the youth population with the abilities and capacities to be respectfully employed across the globe. This will benefit Karnataka economically, directly through increased remittances and indirectly the additional social spin offs of these remittances.

VIII. Strategic Engagement:

In the last two decades, several countries with significant overseas scientific communities have consciously adopted policies to attract the return of their expatriate 'knowledge workers'. Fostering transnational mobility is not really a matter of compensation or perquisites. It has everything to do with creating conditions for learning, discovering and innovating; allowing independence of the scientific temper; building institutions that encourage innovation and promoting a market friendly environment that rewards scientific discovery and innovation. In the countries that have consciously attempted to benefit from 'brain circulation', it is clear in hindsight, that more than the individual incentives, four factors contributed to significant return migration of high skilled professionals:

- Conditions were ripe for entrepreneurship and innovative business models in response to consumer demand.
- Institutional partnerships enabled centres of higher education and excellence in destination countries to establish a campus presence in the country of origin.
- Funding by industry and angel investors catalysed programmes to link the expatriate scientific community with the scientific establishment in the home country on an institutional basis.
- Enhanced frequency and quality of the exchanges in potentially high performance verticals within the national research system that reflected grand

societal challenges.

This will require a policy framework that can reinforce the idea whose time has come – of making such mobility strategic, sustainable and symbiotic. India must focus on four fundamentals:

Fostering Circular Migration

It is inconceivable and indeed, counter-intuitive to want or to expect overseas Indians to relocate to India to engage in its development process. Professionals, with the desire, ability and willingness to dedicate time, knowledge and effort to partnering in development of or assisting in projects in India must be invited to register as members of a 'Social Entrepreneurs Network'. The focus of the mobility strategy and the knowledge transfer programme must be on generating applications, products and services to address 'Grand Societal Challenges', with the objective of catalysing social sector development and innovation (ideas to market), thus enabling India's rural/urban middle class youth to become science entrepreneurs as opposed to job-seekers. Sectors that need innovation and technological interventions to improve service delivery, can benefit from community capacity building through training and visits and attain critical mass in measurable outcomes should be the priority. It is important that India marshals the overseas Indian talent from amongst the scientists and Technologists. This will require a concerted effort on a tripartite basis: A Public-Private-Partnership between government, industry and the overseas Indian community. A draft programme titled 'The – GIFTED' to foster collaborative work between overseas Indian scientists and researchers and Indian industry is placed at Annex V. MOIA may like to consider developing this programme.

Nurturing soft power: Overseas Indians as a Strategic Resource

In a rapidly globalising world the diasporic community is both the result as well as the driver of globalisation. The Indian diaspora is characterised by distinct communities across the globe whose uniqueness has been determined by the circumstances of their migration. There are many of Indian origin who are serving in the higher echelons of strategic leadership in the private sector as well as in government in several countries and can if engaged sagaciously, provide India a relative competitive advantage. India must therefore position the Overseas Indian community and support it as a strategic reserve to be leveraged over the medium to long term primarily for advocacy of India's interest on the global stage. Whether it is India's position on climate change, economic development, the new and emerging global financial architecture or indeed political issues such as India's bid for a permanent seat at the United Nation Security Council (UNSC), India would be well advised to engage eminent Overseas Indians who represent civil society. As India takes its place at the global high table, overseas Indians, individually and collectively must be mobilized on issues that are of global significance to

¹³ Ibid. Ref. 5

¹⁴ <http://www.karskills.com/mes.html>, accessed in October 2011

¹⁵ Ibid. Ref. 8

¹⁶ <http://hindu.com/2010/11/12/stories/2010111265990900.htm>, accessed in October 2011

India and in forums where her voice needs to be heard.

Positioning India as a preferred country of origin

India is major player in International migration. As a major country of origin, transit and destination, India has strategic interest in how international migration policy is articulated. While from a policy perspective, to migrate or not to migrate, is an individual choice exercised by a free citizen, India certainly can benefit from a robust, transparent and orderly migration management framework. Modernising the migration regulatory regime should really mean re-engineering the role of the state. The state must focus on strategic interventions – bilateral and multilateral engagement – and policy formulation leaving regulation in the responsible hands of an independent market regulator and service providing to the private sector to provide market driven services. Central to the robustness of such a migration law will be substantive provisions to counter irregular migration and people smuggling for these can, if unchecked, become the scourge of mobility in the future.

The key challenge that India needs to address is to see how the much talked about demographic dividend potential can be transformed into real job opportunities for Indians abroad. The mismatch in the demand for and supply of workers in most countries, with serious demographic deficits, will be structural and not cyclical. Most ageing economies will therefore have to source foreign workers. If India has to benefit from this opportunity it must focus on building a large work force that can meet International standards of skills. This will require significant domestic, bilateral and multilateral interventions over the short to medium term. Central, however, to our ability to position India as a preferred country of origin to source human resources would be predicated on our ability to ensure that we build a strong cadre of skilled, trained human resources. In achieving this objective our focus should be three fold:

- Developing standard curricula at par with the international standard;
- Introducing standardised testing of skill levels; and
- Independent third party certification of skills.

India must pursue an action plan that will entail identification of select sectors and select skill sets in which we have competitive advantages and implement a 'skills for employment abroad' programme over the next 5-10 years. The second element of the strategy should be to identify the select destination countries where on a demand driven basis, we can then match the skill-sets required over the medium to long term.

Establishing strategic economic depth in new destination countries

India is an emerging economic power and will also in the foreseeable future be the youngest country in the world. This will potentially give it great appetite for savings and investments. But it will also mean that as a nation, it will have a humungous appetite and demand for energy (oil, gas, and nuclear power), food, natural resources and jobs. Opening its economy to the world, integrating with the global economy and facilitating greater mobility of the best talent from and to the country will best serve its long term interests. Greater mobility of skilled and trained people across a wide gamut of sectors and geographies will also enable it to build strategic economic partnerships with countries that are resource rich and relatively under-developed. The African continent beckons in this regard. Our economic migration priorities must subsume the need to diversify our destination base – going beyond the traditional countries in the Middle East, South East Asia and the western world – and include select countries in Africa, the Caribbean and Latin America. Gaining strategic economic depth will also imply that there has to be a change in the patterns of 'out-migration' – going beyond blue collared, grey collared and white collared workers – to include the migration of farmers, small and medium entrepreneurs and service providers. Gaining the early mover advantage in focusing on agriculture, horticulture, mining, commodity trading, providing utility services and engaging in infrastructure sectors in these newer destinations will give India the strategic economic depth that it will need to develop its sphere of influence in the emerging global financial architecture. It will also be able to play a role in shaping the future economic progress of those countries too.

The migration futures that are possible are myriad but all of them envisage a borderless world. While nation states will remain for some time yet and borders more difficult to cross, there is certain inevitability to the process of free movement of people. It is not just an economic imperative it is a historical process of movement towards a shared future. If India is to play its rightful role in the migration futures of the world it will do well to recall the perspicacious words of Jawaharlal Nehru, its first Prime Minister who at the stroke of midnight when India gained independence speaking of India's tryst with destiny said and we quote 'And so we have to labour and to work and work hard to give reality to our dreams. Those dreams are for India, but they are also for the world, for all the nations and peoples are too closely knit together today for anyone of them to imagine that it can live apart. Peace has been said to be indivisible; so is freedom, so is prosperity now and so also is disaster in this one world that can no longer be split in isolated fragments'. These words have greater resonance today than ever before.



Annex-I**Draft Mobility Partnership Agreement between India and (name of the destination country) to regulate the movement of skilled and semi-skilled workers**

The Government of the Republic of India and the Kingdom of ..., hereinafter the contracting parties, inspired by their shared desire to reaffirm their special historical and cultural bonds through the mobility of people; seeking to regulate the existing migratory flows from India to (name of country of destination) in an orderly and coordinated manner; pursuing the objective of enabling Indian workers who come to (country) to enjoy the rights guaranteed by international law and conventions; convinced that migration is a socio-economic phenomenon that enriches its people and can contribute to economic and social development, foster cultural diversity, and stimulate technological transfer; aware of the need to respect the rights, duties, and guarantees set forth in their national legislations; joining in the efforts to promote respect for human rights, prevent irregular migration and exploitation of workers, regulate return and resettlement, and in the context of common interests, have agreed as follows:

Preamble**Article 1**

For the purposes of this agreement the competent authorities shall be: For India, the Ministry of Overseas Indian Affairs, and For (country), the Ministry of Labour.

Article 2

For the purposes of this agreement, migrant workers are Indian citizens authorized to live and work in (country) for the period specified in the work visa issued by (country) to them.

CHAPTER I

Notification of offers of employment

Article 3

The (country) authorities, through the Embassy in New Delhi, shall notify the Indian authorities at the beginning of each year, of the number and type of workers needed, taking into account existing job vacancies. The Indian authorities shall notify the (country) authorities, through the (country) Embassy in New Delhi, of the possibility of meeting this demand with Indian workers willing to go to (country).

The job offer shall include at least:

The sector, geographic zone of the activity and the employers hiring the workers.

The number of workers to be hired by each employer.

The process and the time frame for their selection, appointment and commencement of work.

Duration of the contract.

Information on working conditions, wages, housing, social security and other benefits.

3. The Indian authorities shall notify the (country) authorities of job offers they may have received from the employers in (country).

CHAPTER II

Evaluation of qualifications, travel, and clearance of migrant workers

Article 4

Evaluation of qualifications and travel of migrant workers shall be governed by the following rules:

1. Pre-screening of qualified candidates shall be done by the Protector General of Emigrants in India through appropriate approved agencies designated at the state level. Candidates meeting the skill requirements shall

- undergo a medical exam and an orientation training period.
2. Test checks will be carried out by the representatives of the contracting parties' governments, and may include the employer or his agents, and shall be responsible for selecting the best qualified workers for the existing job offers, conducting any training courses that may be needed, and advising and assisting workers throughout the process. If both parties so request, representatives of civil society, intergovernmental and nongovernmental organizations active in the field of migration and cooperation for development designated by the contracting parties may participate in the process as observers.
 3. Workers who are selected shall sign a contract, generally within 30 days, and shall receive travel documents upon request. A copy of the work contract shall be provided to the Indian authorities. The work contract may be amended, when necessary, only with the approval of the joint committee established under Article 15 of this agreement.
 4. Requests for work visas within the framework of this agreement shall be processed on priority by the appropriate (country) consular office. The visa stamped in the passport shall specify its type, purpose, and duration of authorized stay in (country). When the duration is one year or less, the visa shall suffice to document that stay.

Article 5

1. The Indian officials together with those of (country), within their respective areas of competence, shall provide all assistance in the process of pre-screening by the Protector General of emigrants. They shall assist in the processes of orientation and training of the selected workers, if needed, and for their travel to (country) within the time periods approved and specified in the work contracts. The expenditure on the travel and the other administrative procedures related to the journey from India to (country) shall be borne by the employers.
2. Before traveling, the workers shall receive information needed to reach their destination, and everything they need to know about conditions for their stay, work, lodging, and wages.
3. The appropriate (country) authorities shall give the immigrants the necessary permits for their stay and work on priority and within the time periods approved.

CHAPTER III

The migrant workers' labour and social rights

Article 6

In accordance with its domestic legislation and international law, once the required work visas are issued, (country) shall give the migrant workers all facilities for undertaking remunerative labour or skilled or unskilled work for themselves on an equal footing with the citizens of (country).

If the contract period exceeds three years, the Indian migrant workers shall have the right to bring their families to (country) and shall be allowed residence during the period of the work contract.

Article 7

The migrant workers' pay, and other working conditions, including their participation in the social security system, shall be set forth in their work contract and will be in accordance with the existing legislation on (country) workers doing the same work with similar qualifications.

The social security arrangement will comprise contribution of 7 percent of the basic salary by the worker and a matching contribution of 7 percent by the employer every month. This amount will go towards a pension to be paid to the workers.

Article 8

The migrant workers shall be subject to the obligations and enjoy the benefits of Social Security as set out in Article 7 and as per the process to be finalized by the Joint Committee set up as per Article 15 of this agreement.

Article 9

Any differences that may arise between employers and migrant workers shall be resolved in accordance with country law and this bilateral agreement. The Joint Committee shall serve as a dispute resolution mechanism on matters relating to policy.

CHAPTER IV

The return and resettlement of migrant workers

Article 10

The contracting parties undertake to adopt coordinated measures to ensure the orderly return to and the resettlement of workers in India on completion of their work contracts.

To this end India shall take resettlement measures in a manner that will draw on the skills and experience of the returning migrant workers in the establishment of small and medium enterprises of migrants who return to India; and to encourage activities that promote human resource development and the transfer of technology.

Article 11

1. Without prejudice to the rights and guarantees contained in each country's legislation, each contracting party shall readmit to its territory, at the request of the other contracting party, any person who while in the territory of the requesting party violates or fails to comply with entry or residence requirements in force, provided that it is demonstrated that the person is a citizen of the contracting party to which the request is addressed.
2. The requesting contracting party shall readmit the person in question provided it is demonstrated that he or she was not a citizen of the contracting party to which the request was addressed at the time of departure from the territory of the requesting contracting party.
3. Notwithstanding the provisions of paragraph 1 of this article, the authorities of the requesting contracting party shall undertake to facilitate voluntary repatriation of undocumented persons in their territory, so that those who so request are guaranteed that the respective embassies will provide fast-track treatment for their residence and work visas, with the guarantee of a job in the requesting contracting party's territory.

CHAPTER V

Provisions for application and coordination of this agreement

Article 12

The Ministry of labour of (country), government of (country) and the Ministry of Overseas Indian Affairs, government of India shall be the designated competent authorities for the enforcement of this agreement. and shall co-operate and consult with each other directly as required for its application.

Prior to the entry in force of this agreement the contracting parties shall notify each other through diplomatic channels of the names of the authorities designated by those specified in Article 1 who will carry out the procedures established in the agreement.

Should difficulties arise in the application of this agreement there shall be consultations between the designated competent authorities through diplomatic channels.

Article 13

Indian and (country) authorities undertake to strengthen bilateral cooperation for the orderly management of migratory flows, especially in order to ensure that the basic rights of Indian migrant workers are respected and their protection and welfare ensured. This cooperation shall also include closer coordination in the fight against irregular migration.

Article 14

As an element of the cooperation mentioned in the previous article, the contracting parties shall mount and carry out educational campaigns for potential migrants to inform them of their rights and social obligations and prevent the risks and consequences of irregular migration and the use of counterfeit or altered documents, and to discourage the use of intermediaries.

Article 15

A Joint Coordination Committee comprising not more than four members from each country shall be established under this agreement to:

1. Ensure the full implementation of this agreement, and determine necessary measures for the purpose.
2. Propose amendments where appropriate.
3. Make provisions in both countries for timely dissemination of the contents of the agreement.
4. Settle any difficulties that may arise in its application.

The Committee shall meet alternately in India and (country), at the request of either of the contracting parties, under the conditions and on the dates set by mutual agreement, at least once each year. The competent authorities of each country shall designate the members.

Article 16

1. Each contracting party shall notify to the the other contracting party when the domestic legal requirements for entry into force of this agreement are fulfilled.
2. This agreement shall enter into force on the first day of the second month after both parties have notified each other that the domestic legal requirements for entry into force of this agreement have been satisfied.
3. This agreement shall be applied provisionally after 30 days from the date of its signature.
4. This agreement shall have indefinite duration.
5. Each contracting party may totally or partially suspend the application of this agreement for a Specified period for reasons of security, public order or of public health. The adoption or cancellation of this measure shall be reported with all due speed by diplomatic channels. Suspension of the application of this agreement shall enter into force on the date of notification to the other contracting party of such suspension.
6. Either contracting party may renounce this agreement in writing through diplomatic channels. The agreement shall terminate 90 days after notification of renunciation.

Signed in, in two equally valid copies in the English language, this twenty-ninth day of May in the year 2001.

For the Government of India

For the Government of (country)

Annex – II**Model Law: Prevention of Irregular Migration Act**

An Act to prevent irregular migration from India.

Be it enacted by Parliament in the ---- year of the Republic of India as follows:

Chapter I. General provisions 1. Short Title, extent, application and commencement

- (1) This Act may be called the Prevention of Irregular Migration Act, 2014.
- (2) It extends to the whole of India and shall also apply to citizens of India outside India.
- (3) It shall come into force on such date as the Central Government may, by notification, appoint and different dates may be appointed for different provisions of this Act

2. Definitions

(1) In this Act:

- a. 'Child' shall mean a person under the age of 18 years;
- b. 'Commercial carrier' shall mean a legal or natural person who engages in the transportation of goods or people for commercial gain;
- c. 'Financial or other material benefit' shall include any type of financial or non-financial inducement, payment, bribe, reward, advantage, privilege or service (including sexual or other services);
- d. 'Fraudulent travel or identity document' shall mean any travel or identity document:
- e. That has been falsely made or altered in some material way by anyone other than a person or agency lawfully authorized to make or issue the travel or identity document on behalf of a State;
- f. That has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or
- g. That is being used by a person other than the rightful holder;
- h. 'Irregular entry' shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State;
- i. 'Non-refoulement' refers to the principle of international law which prohibits the return by a State, in any manner whatsoever, of an individual to the frontiers of territories where his or her life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion, or would run the risk of torture, inhuman and degrading treatment or other forms of irreparable harm. Refoulement includes any action having the effect of returning the individual to a State, including expulsion, deportation, extradition, rejection at the border, extraterritorial interception and physical return;
- j. 'Serious crime' shall mean an offence punishable by a maximum imprisonment of at least four years or a more serious penalty;
- k. 'Irregular Migration' shall mean all conduct criminalized under chapter II of this Law;
- l. 'Irregular migrant' shall mean any person who has been the object of conduct criminalized under chapter II of this Law, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted;
- m. 'Protocol State' shall mean a State party to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;
- n. 'Vessel' shall mean any type of watercraft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water, except a warship, naval auxiliary or other vessel owned or

operated by a Government and used, for the time being, only on government non-commercial service.

3. Statement of purpose

1. The purposes of this Act are:

- a. To prevent and combat irregular migration;
- b. To protect the rights of irregular migrants; and
- c. To promote and facilitate national and international cooperation to meet these objectives.

2. This Law shall apply to all forms of smuggling of migrants, whether or not connected with organized crime [an organized criminal group].

Chapter II. Criminal offences

4. Irregular Migration

Any person who intentionally, in order to obtain directly or indirectly a financial or other material benefit, procures the irregular entry of a person into a Protocol State of which the person is not a national or a permanent resident, commits an offence punishable by imprisonment for not less than six years.

5. Offences in relation to travel or identity documents

Any person who intentionally, in order to obtain directly or indirectly a financial or other material benefit, produces, procures, provides or possesses a fraudulent travel or identity document for the purpose of enabling the smuggling of migrants, commits an offence punishable by imprisonment for not less than four years.

6. Enabling irregular residence

Any person who intentionally, in order to obtain directly or indirectly a financial or material benefit, uses irregular means to enable a person who is not a national or a permanent resident to remain in the State without complying with the necessary requirements for legally remaining in the State, commits an offence punishable by imprisonment for not less than four years.

7. Attempts at irregular migration

Any person who attempts to commit an offence under this chapter is subject to imprisonment for not less than three years.

8. Participating as an accomplice in irregular migration

Any person who participates as an accomplice to an offence under articles 5.A, 5.B or 5.C where this involves producing a fraudulent travel or identity document, commits an offence under this chapter punishable by imprisonment for not less than three years.

9. Organizing or directing irregular migration

Any person who organizes or directs another person or persons to commit an offence under this chapter is subject to imprisonment for not less than six years.

10. Smuggling of migrants and enabling irregular stay

Any person who intentionally, in order to obtain directly or indirectly a financial or material benefit, engages in conduct for the purpose of procuring, facilitating or promoting the actual or intended entry into, transit across or stay in [name of State] or a Protocol State of another person in breach of the law commits an offence punishable by imprisonment for not less than six years.

11. Offences in relation to fraudulent travel or identity documents

Any person who intentionally, in order to obtain directly or indirectly a financial or other material benefit, engages in conduct for the purpose of offering, distributing, producing, procuring, providing or possessing a fraudulent travel or identity document, in circumstances where the person knows or should reasonably have known or suspected that the document is to be used for the purpose of enabling the smuggling of migrants, commits an offence punishable

by imprisonment for not less than four years.

12. Offences in relation to smuggling of migrants

1. Any person who, in order to obtain directly or indirectly a financial or other material benefit, intentionally engages in conduct for the purpose of facilitating or enabling a person who is not a national or a permanent resident of that state or of a Protocol State to enter, transit across or be in that State in breach of immigration law, commits an offence under this Act..

2. A person convicted under paragraph 1 above is subject to a penalty of imprisonment for not less than six years and not exceeding ten years.

13. Aggravating circumstances

1. If any of the following circumstances are present, the offences under this chapter shall be punishable by imprisonment of not less than seven years and not more than twelve years:
2. The offence involved circumstances that endangered or were likely to endanger the life or safety of the irregular migrant;
3. The offence involved circumstances that entailed inhuman or degrading treatment, including for exploitation of the irregular migrants;
4. The offence involved serious injury or death of the irregular migrant or another person, including death as a result of suicide;
5. The offender took advantage of or abused the particular vulnerability or dependency of the irregular migrant for financial or other material gain;
6. The offender has committed the same or similar offences before;
7. The offence was committed as part of the activity of an organized criminal group;
8. The offender used drugs, medications or weapons in the commission of the offence;
9. The offence involved a large number of irregular migrants;
10. The offender was, at the relevant time, a public official;
11. The offender abused his or her position of authority or position as a public official in the commission of the offence;
12. The irregular migrant is a child;
13. The offender used a child as an accomplice or participant in the criminal conduct; The irregular migrant is pregnant;
14. The irregular migrant has an intellectual or physical disability;
15. The offender used or threatened to use any form of violence against the irregular migrant or their family;
16. The offender confiscated, destroyed or attempted to destroy the travel or identity documents of the irregular migrant.

14. Abuse of vulnerability of irregular migrants

A person who intentionally takes advantage of or abuses the obvious or known vulnerability or dependency of a irregular migrant, including vulnerability or dependency that arises from having entered or being in the State irregularly or without proper documentation, pregnancy, physical or mental disease, disability or reduced capacity to form judgments by virtue of being a child, for profit or other material benefit, commits an offence punishable by imprisonment for not less than five years.

15. Additional measures

1. Where any person has been found guilty of an offence under this Law, a court may, in addition to any penalty imposed under this Law and without limiting any other powers of the court, order the following measures:
2. Confiscation of assets, proceeds of crime and instruments of crime;
3. Payment of restitution or compensation to victims of crime;
4. Publicizing the legal decision;
5. Prohibiting the exercise, directly or indirectly, of one or more social or professional activities permanently or for a maximum period of five years;
6. Temporary or permanent closure of any establishment or enterprise that was used to commit the offence in question;
7. Exclusion from public bidding and/or from entitlement to public benefits or aid;
8. Temporary or permanent disqualification from participation in public procurement;
9. Temporary or permanent disqualification from practice of other commercial activities and/or from creation of another legal person; and
10. Any other non-custodial measures as appropriate.

16. Criminal liability of irregular migrants

Without prejudice to the applicability of other laws establishing criminal offences, irregular migrants shall not become liable to criminal prosecution under this Law for the fact of having been the object of conduct set forth in chapter II of this Law.

17. Duty of and offence by commercial carriers

1. Any commercial carrier that fails to verify that every passenger possesses the identity and/or travel documents required to enter the destination State and any transit State, commits an offence and is liable to a fine of not less than Rs Three lakhs.
2. Any commercial carrier that fails to notify the competent authorities that a person has attempted to or has travelled on that carrier without the identity and travel documents required to enter the destination State or any transit State with knowledge or in reckless disregard of the fact that the person was a irregular migrant, commits an offence and is liable to a fine of Rs Two lakhs.
3. A commercial carrier does not commit an offence under this article if:
 - a. There were reasonable grounds to believe that the documents that the transported person has are the travel documents required for lawful entry in the country of destination;
 - b. The transported person possessed the lawful travel documents when boarded, or last boarded the means of transport to travel to the country of destination;
 - c. The entry into the country of destination occurred only because of circumstances beyond the control of the commercial carrier;
 - d. The entry into the country of destination resulted from a rescue at sea or on land.

18. Facilitating entry or stay for justice processes

The competent authority may grant a residence permit to an irregular migrant in order to facilitate the prosecution of an offence under this Law.

Chapter III. Protection and assistance measures

19. Right to urgent medical care

1. Irregular migrants shall have the right to receive any medical care that is urgently required for the preservation of their life or the avoidance of irreparable harm to their health on the basis of equality of treatment with nationals of the country of destination.
2. Such emergency medical care shall not be refused to them by reason of any irregularity with regard to their entry or stay in the country of destination.

20. Protection of migrants against violence

The competent authority shall develop guidelines on appropriate measures to provide migrants appropriate protection against violence that may be inflicted upon them, whether by individuals or groups, by reason of being the object of conduct described in chapter II of this Law. These measures shall take into account the special needs of women and children.

21. Assistance to migrants whose lives or safety are in danger

The competent authority shall develop guidelines on appropriate assistance to migrants Whose lives or safety are endangered by reason of being the object of conduct described in chapter II of this Law. These measures shall take into account the special needs of women and children.

22. Judicial proceedings

1. An irregular migrant who has been subjected to violence, torture or other cruel, inhuman or degrading treatment or punishment, or threats to his or her life or safety as a result of being the object of conduct criminalized by this Law shall have the right to institute judicial proceedings to claim material and non-material damage suffered as a result of the acts specified.
2. The right to pursue a judicial proceeding for material or non- material damages shall not be affected by the existence of criminal proceedings in connection with the same acts from which the civil claim derives.
3. The immigration status or return of the irregular migrant to his or her home country or other absence of the irregular migrant from the jurisdiction shall not prevent the court from ordering payment of compensation under this article.

23. Access to consular officials for irregular migrants

1. Where an irregular migrant has been arrested, detained or is in custody, the arresting or detaining authority is required to inform the irregular migrant without delay about his or her right to communicate with consular officers, and all reasonable steps are to be taken to facilitate such communication.
2. If the irregular migrant expresses interest in making contact with consular officers, the arresting or detaining authority is required to notify the relevant consul or consuls that a national of that State has been arrested or detained, provide the location where the irregular migrant is being held and facilitate contact.
3. If an irregular migrant indicates that they do not want to have contact with the consular office, that choice is to be respected.
4. Irregular migrants who are being held in custody or detention shall have the following rights:

- a. To receive visits from consular officers;
 - b. To converse and correspond with consular officers; and
 - c. To receive communications sent by consular authorities without delay.
- 1.
 2. The arresting or detaining authority shall take all reasonable steps to facilitate such visits and communication.
 3. The arresting or detaining authority shall forward all correspondence from the irregular migrant that is addressed to the relevant consular office without delay.

Chapter IV. Coordination and cooperation

24. Establishment of a National Coordination Committee

1. The Ministry of Overseas Indian Affairs shall establish a national coordination committee to be called 'National Task Force on Preventing Irregular Migration' to be comprised of officials from the ministries of external affairs, home, labour, women and child development, state governments concerned and non-governmental service providers.
2. The National Task Force on Preventing Irregular Migration shall:
 - a. Oversee and coordinate the implementation of this Law;
 - b. Develop policy, regulations, guidelines, procedures and other measures to facilitate the implementation of this Law;
 - c. Develop a national plan of action to ensure comprehensive and effective implementation of this Law, which shall include a process of periodic review of achievement of aims and objectives;
 - d. Oversee and report to the Parliament on the implementation of obligations under the Smuggling of Migrants Protocol;
 - e. Facilitate inter-agency and multidisciplinary cooperation between the various government agencies, international organizations and non-governmental organizations; and
 - f. Facilitate cooperation with relevant countries of origin, transit and destination..
3. The Secretary of the Ministry of Overseas Indian Affairs shall be appointed as the chairman of the National Task Force. The Committee shall establish subcommittees/working groups as required.

25. Training and Awareness

The National Task Force shall:

- a. Develop and disseminate to the state governments, local governments, the police, immigration and criminal justice officers, who are likely to encounter irregular migrants, information, materials and training to assist them to prevent and combat irregular migration, while protecting and preserving the rights of irregular migrants;
- b. Develop and disseminate public information programmes to increase public awareness of the fact that smuggling of migrants is a criminal activity frequently perpetrated by organized criminal groups for profit and that it poses a serious risk [threat] to irregular migrants;
- c. Promote and strengthen development programmes and cooperation at the national level, taking into account the socio-economic realities of migration and paying special attention to economically and socially depressed areas, in order to combat the root socio-economic causes of the smuggling of migrants, such as poverty and underdevelopment.

Chapter VI. Processes related to the return of irregular migrants

26. Designation of agency or agencies

1. The competent authority shall perform the functions described in this chapter.
2. In performing its functions, the competent authority:
 - A. May cooperate with relevant international organizations, including the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration; and
 - B. Shall comply with any other relevant national and international laws.

27. Legitimacy and validity of documents

The competent authority shall, at the request of the appropriate authority or representative of another Protocol State, verify within a reasonable time the legitimacy and validity of travel or identity documents issued or purported to have been issued and suspected of being used for the purposes of smuggling of migrants.

28. Facilitating return of irregular migrants

The competent authority shall:

- a. At the request of the appropriate authority or representative of another Protocol State, of the irregular migrant or of its own initiative, facilitate without undue or unreasonable delay, the return to India of an irregular migrant

- who is a national of India at the time of return;
- b. At the request of the appropriate authority or representative of another Protocol State, verify without undue or unreasonable delay whether an irregular migrant is an Indian national;
- c. At the request of the appropriate authority or representative of another Protocol State, facilitate the issue of documents or other authorization as necessary to enable an irregular migrant who is an Indian national to travel and return to India.

29. Protection of irregular migrants in the return process

1. The competent authority shall ensure that any planned or actual return of a irregular migrant is consistent with international law, in particular human rights, refugee and humanitarian law, including the principle of non-refoulement, the principle of non-discrimination, the right to life, the prohibition on torture and other forms of cruel, inhuman or degrading treatment or punishment, and, where children are involved, the best interests of the child.
2. In facilitating the return of irregular migrants, the competent authority shall take appropriate measures to ensure that any planned or actual return of irregular migrants occurs in an orderly manner and with due regard for the safety and dignity of the persons involved.
3. Every effort should be made to limit the use of force in the return process. The only forms of restraint which are acceptable are those constituting responses that are strictly proportional to the actual or reasonably anticipated resistance of the particular returnee with a view to controlling him or her.

30. Protection of existing arrangements

Nothing in this chapter prejudices:

- a. Any rights or remedies afforded or available to persons who have been the object of any offence related to smuggling of migrants under any other law;
- b. Any obligations entered into under any applicable treaty, bilateral or multilateral, or any other applicable operational agreement that governs, in whole or in part, the return of persons who have been the object of smuggling of migrants.

Model Employment Contract

This employment contract is executed and entered into by and between:

A. Employer:

Address and Telephone no:

B. Employee Represented

by:

Name of agent/company:

C. Employee

Passport no:

Address: Place and Date of Issue:

The employer and the employee shall voluntarily bind themselves to the following terms and conditions:

1. Site of employment
2. Contract duration _____ commencing from to
3. Employee's position
4. Basic monthly salary
5. Regular working hours: maximum of 8 hours per day, six days a week
6. Overtime pay
- (a) Work over regular working hours
- (b) Work on designated rest days and holidays
7. Leave with full pay
 - (a) Vacation leave
 - (b) Sick leave
8. Social security contribution by the employer
9. Free transportation to the site of employment and, in the following cases, free return transportation to the point of origin:
 - a. Expiration of the contract
 - b. Termination of the contract by the employer without just cause
 - c. If the employee is unable to continue to work due to connected or work-aggravated injury or illness
10. Free food or compensatory allowance of US\$ _____, free suitable housing.
11. Free emergency medical and dental services and facilities including medicine.
12. Personal life and accident insurance in accordance with the host government and/or _____ government laws without cost to the worker. In addition, for areas declared by the _____ government as conflict areas, a conflict risk insurance of not less than _____ shall be provided by the employer at no cost to the worker.
13. In the event of death of the employee during the terms of this agreement, his remains and the personal belongings shall be repatriated to the _____ at the expense of the employer. In case the repatriation of the remains is not possible, the same may be disposed of upon prior approval of the employee's next of kin and/or by the _____ Embassy/Consulate nearest the job site.
14. The employer shall assist the employee in remitting a percentage of his/her salary through the proper banking channel or other means authorized by law.
15. Termination:

A. Termination by employer: The employer may terminate this Contract on the following just causes: serious misconduct, willful disobedience of employer's lawful orders, habitual neglect of duties, absenteeism, insubordination, revealing secrets of the establishment, when employee violates customs, traditions, and laws of

_____ and/or terms of this Agreement. The employee shall shoulder the repatriation expenses.

B. Termination by employee: The employee may terminate this Contract without serving any notice to the employer for any of the following just causes: serious insult by the employer or his representative, inhuman and unbearable treatment accorded the employee by the employer or his representative, commission of a crime/offense by the employer or his representative and violation of the terms and conditions of employment contract by the employer or his representative. Employer shall pay the repatriation expenses back to _____.

B1. The employee may terminate this Contract without just cause by serving a notice in writing, one (1) month in advance to the employer. The employer upon whom no such notice was served may hold the employee liable for damages. In either case, the employee shall shoulder all the expenses relative to his repatriation back to his point of origin.

C. Termination due to illness: Either party may terminate the Contract on the ground of illness, disease or injury suffered by the employee. The employer shall met the cost of repatriation.

16. Settlement of Disputes: All claims and complaints relative to the employment contact of the employee shall be settled in accordance with Company policies, rules and regulations. In case the employee contests the decision of the employer, the matter shall be settled amicably with the participation of the Labor Attaché or any other authorized representative of _____

Embassy or Consulate General of India nearest the site of employment. In case the amicable settlement fails, the matter shall be submitted to the competent or appropriate body in (host country) or _____ if permissible by the host country laws at the option of the complaining party.

17. The employee shall observe employer's company rules and abide by the pertinent laws of the host country and respect its customs and traditions.

18. Applicable law: Other terms and conditions of employment, which are consistent with the above provisions, shall be governed by the pertinent laws of _____.

Draft Outline of an Emigration Orientation Programme for intending Migrants to ECR Countries

1. Legal and Consular Module

The legal and consular orientation module will familiarize the intending migrant with the legal requirements of documentation and the process to be followed in both the country of origin as well as the country of destination. It will seek to raise awareness in the migrant worker with regard to exit, entry, stay and return especially in the context of the six countries of the GCC and will broadly deal with:

- Travel documents – passport, visa, work permit, work contract.
- Exit procedures - emigration clearance, immigration desk at exit point Entry rights – Immigration, visas and work related legislation
- Stay in the country – Visas, residence permits, citizenship rules
- legislation regarding health, social welfare, security, safety and temporary protection; Deportation, expulsions.

2. Emigration Orientation Module

This module will familiarize the intending migrant with the market process of recruitment, work contract, travel, financing and support services provided by the private sector players. It will aim to raise awareness on the likely pitfalls and the precautions necessary in living and working in the country of destination. It will also facilitate the placement of migrant workers in line with their vocational skills and employment objectives. It also provides trainers with guidelines to assist migrants in the job search process:

- Accessing migration information on countries and jobs
- Recruitment process, work contracts, living and working Conditions
- Costs of recruitment – passport, visa, work permit, air ticket, insurance
- Banking facilities, financing costs, remittances.
- Grievance redress, emergencies.

3. Cultural and social orientation

The cultural and social orientation module will familiarize the intending migrant with an overview of the social and cultural milieu of the GCC countries. It will aim to raise awareness of the migrant with the social etiquette, the norms of social and cultural conduct and behaviour to avoid conflict situations:

- General rights and obligations of citizens;
- Cultural and religious sensitivities
- Dress, cuisine and entertainment
- Public administration, police and law and order.

4. Health and Psycho-social orientation

The health and psycho-social training module will familiarize the intending migrant with the importance of health care to ensure physical and mental well being. It will aim to instill in the migrant the required understanding of how the psychological, cultural and social dynamics are in an alien country and how best to cope with the problems of loneliness, separation from family, work related stress, financial stress, ill health; and how to seek help.

5. Linguistic orientation

This module aims at granting participants the initial cultural and linguistic tools in order to develop or improve their individual communication skills by: providing some fundamental communicative functions for work related and social interaction; basic oral and written communication skills; a specialized lexicon and some basic linguistic structures.

The suggested duration of the orientation course for the first four modules is 40 hours, spread over six days. The suggested duration for the language training is 80 hours, spread over two weeks. The total orientation model is 120 hours and should be spread over three weeks.

Implementation Framework:

1. The programme must be voluntary but recognized by the government with appropriate certification. This will add value and over time incentivise greater participation.
2. A beginning should be made with women emigrants.
3. The programme should be piloted in two states – Andhra Pradesh for women and Uttar Pradesh for men.
4. The programme must be delegated to state governments to be implemented through the private sector training institutions. This will help build capacity in the states of origin.
5. The curriculum, orientation material, training methodology and the pedagogical tools must be designed and developed by the Protector General.
6. The training fees should be paid for by the migrant as part of the emigration clearance process. The fee should be part of the ECR fee.
7. The Protector General must oversee quality control and certification through test performance audits by external auditors.
8. This programme must be made part and parcel of the skill upgradation plan scheme.

The Global Indian Fund for Technology, Entrepreneurship and Development (The-GIFTED)

Keywords	<p>Global Indian scientific diaspora; brain gain; circular migration; scientists and technologists of Indian origin; overseas citizens of India; overseas Indian research cooperation; NRI and PIO scientists and technologists.</p> <p>The mission of the 'The Global Indian Fund for Technology, Entrepreneurship and Development' (The- GIFTED) is to foster a robust partnership between the Overseas Indian Scientific Community and the National Science Establishment in India to foster higher learning, scientific research and discovery, innovation and entrepreneurship; and education to support a 'knowledge based' society and economy. The programme will be launched as a Public-private Partnership programme by the Ministry of Overseas Indian Affairs in collaboration with select science and technology ministries and departments and Indian industry represented by the Confederation of Indian Industry and the Federation of the Chambers of Commerce and Industry.</p>
Mission, Overview and Goals)	<p>Under the motto 'Strategic, Symbiotic and Sustainable Scientific Partnerships for Development' 'the GIFTED' will focus on accomplishing three primary goals:</p> <p>(a) encourage scientists and professionals of Indian origin working abroad (Diaspora) to return and work in India and/or get connected with the local scientists/ scientific institutions; (b) encourage Indian institutions and researchers to use the potential of the overseas Indian scientific and professional Diaspora (c) build collaborative long term research partnerships between overseas Indian and Indian scientists in fields relating to grand societal challenges that India faces.</p> <p>The Fund will serve to demonstrate good practice in promoting the linkages between migration and development by providing an opportunity for overseas Indians to partner with and contribute to scientific research and enterprise development, as well as facilitate their professional advancement.</p>
Background and rationale	<p>The programme is inspired by the nascent phenomenon i.e. return migration of skilled and qualified people of Indian origin from the developed countries to drive innovation, entrepreneurship and development.</p> <p>Scientists and Technologists of Indian origin have a significant presence across the world. They need to be incentivised to work with and/or in India to catalyse the knowledge sectors of the economy. Therefore, the main challenge for the Fund is to establish a number of supporting programmes to attract these scientists from abroad to return home or to cooperate with scientists at home in order to enhance India's competi-</p>
Overview of policy priorities	<p>The ultimate policy priority of the 'GIFTED' is to create a Network of the Indian Scientific Diaspora. To fulfil this task the following policy priorities are identified:</p> <ul style="list-style-type: none"> • Motivating expatriate Indians to undertake scientific research in India with a focus on innovation; • Creating programmes for short-term placements of expatriate scientists with Indian research institutes and industry; • Appointments of expatriate scholars in Indian scientific institutions; • Incentivising the return of qualified and trained expatriates to engage in entrepreneurial activities.
List of policy priorities	<ol style="list-style-type: none"> 1. Mobility of researchers (e.g. brain-gain, transferability of rights); 2. Recruitment of researchers (e.g. fiscal incentives);. 3. Career development (e.g. long-term contracts for university researchers) 4. Enterprise development (e.g. facilitating start-up's)
Targeting specific sector	Not sector specific
Targeted Research and Technology Fields	<p>The Programme is not targeted at any specific research theme or discipline. It will support all relevant ideas coming from Diaspora research or from collaboration with the Diaspora that are:</p> <ol style="list-style-type: none"> 1. competitive at the international level; 2. create added value through innovations on an economy wide basis; 3. help catalyse scientific research and development. 4. drive entrepreneurship.

Selected research and technology fields	No specific thematic focus
Country	India
Start date	2014
Expected end date	2020
Relationship to other support measures	This programme is novel and has no relation to a previous programmes
Replacing existing measure (s)	This programme is novel and has no relation to the previous programmes.
Additional details	The programme is inspired by the practice of other countries, especially the United States, to attract skilled workers, educated labour force, researchers and scientists who create the critical intellectual capital needed for contemporary economic development.
Geographic coverage	The programme will be nation-wide and across disciplines. The programme will support, in addition to the Indian citizens living in India, the Indian citizens living abroad and foreign citizens of Indian origin willing to contribute to India's science and technology programme.
Target beneficiaries	Scientists / researchers (as individuals)
Groups eligible for funding	Scientists / researchers (as individuals); Higher education institutions' research units/centres; non-profit research organisations; industry supported technology and innovation centres (non-profit); New technology based firms/new knowledge intensive service firms
More details on the target groups	Users and beneficiaries of the Fund's support will be Indian institutions, companies and organizations, i.e. Indian legal entities. The target groups in India will be select universities and institutes, technology-based small and medium enterprises, research and development centres, and young professionals in the scientific establishment. The target groups from abroad are: young professionals, doctoral students, experts, scientists and second and third generation individuals of Indian origin who are OCI/PIO card holders.
Type of Research Activities targeted	Basic research; Problem driven (basic) research; Applied industrial research; Social sciences research; Knowledge transfer (between researchers); Human resources development; and International research collaboration.
Overall implementation structure of the measure	The GIFTED programme will be a tripartite partnership between the MOIA, the DST and CII-FICCI. The seed capital will be invested equally by all four partners to establish the fund. The primary funding support will be mobilised through Indian industry. For this purpose a core group comprising the four partners and select industries from important knowledge sectors to be called 'Friends of the GIFTED' will be constituted. The fund will operate via competition based public calls for project grants organised within the main four programmes and their sub-programmes (see sub-structure of the programme). The projects financed within the programmes may include one or more of the Fund's instruments, as follows: research project, post-doctoral research, early stage research, short-term visit, long-term visit, hi-tech

entrepreneurship and development of research infrastructure. The total sum of financial support for a project will not exceed 2% of the total budget of the Fund. The financing will be based on an approved business plan and financial plan of a particular project. The short listing of the projects from amongst the applicants and the financing scheme will be determined on a case-by-case basis for each project by an independent jury comprising experts representing and nominated by the four partners. The Fund will never finance the total cost of a project. The Fund's contribution to an approved project cannot exceed 85% of the total cost of the project. A minimum of 15% of the costs should be provided from other sources (host institution, sponsors, etc). Final decisions for award of the projects and the approved funding pattern will from amongst projects short listed by the jury will be made by the Approval Committee comprising the four partners with the Secretary, MOIA as chair. Once a project is approved, the Fund will mentor the project, ensure its implementation and enable its success.

Sub-measure structure and activities	<p>The GIFTED programme will consist of the following four sub-programmes:</p> <p>Research Collaboration Programme:</p> <p>'Homeward' Grant</p> <p>Cross borders' grant</p> <p>Connectivity Programme</p> <p>'Gaining experience' grant</p> <p>'Homeland visit' grant</p> <p>Young Researcher Programme</p> <p>'My first research topic' grant</p> <p>'Reintegration' grant</p> <p>'Research in industry' grant</p> <p>Creativity Programme</p> <p>'Innovation' grant</p> <p>'IPR protection' grant</p>
Management structure	<p>Since the GIFTED programme will be primarily for the overseas Indian scientists but with the active participation and support of several line ministries, the general responsibility for the programme's implementation will be led by the Ministry of Overseas Indian Affairs as the coordinator. However, in order to manage the programme, there shall be an Inter-Ministerial Empowered Committee. In addition, there shall be two committees: the Steering committee (SC) which will oversee the initiation of individual programs, final designs of programme's proposals, pre-evaluations and similar operational tasks including project performance review; and the Approval committee (AC) which approves selection and funding of the projects short listed by the jury and oversee the progress of</p>
Review of progress	<p>The review of progress will be carried out by the GIFTED management for administrative purposes and presented to the Inter-Ministerial Empowered Committee, periodically. Besides, a set of common key performance indicators (KPI) will be defined in advance in order to judge the achievements of the programme after its finalisation. For example, if the project is launched from the FY 2014, the KPI could be that by the end of the FY 2016, the GIFTED will support about 20 joint research projects between Diaspora, industry and Indian research organisations, 20 joint publications, 5 patents, and 10 projects for young scientists.</p>
Selection criteria	<p>Projects will be evaluated according to sets of criteria which are common to each programme. However, a set of general criteria are also defined, as follows:</p> <ul style="list-style-type: none"> • scientific/technological quality and innovativeness of research, originality and feasibility of project; • - scientific track record of project leader and other collaborators; • - strategic importance of the project for Indian society and economy; • - project's future potential to achieve international co-financing and/or co-funding from industry; • - project's potential for creating added values in India's economy (potential applications, innovations, patents, new products or processes); • - Potential contribution to knowledge transfer to India.
Selection of projects/ participants	<p>The GIFTED will announce calls for proposals in certain specified time periods each year from January 1- till February 28. The selection process completed and the projects approvals communicated by April 30th.</p>

Mode of funding	Grants										
Eligible costs	Labour costs (including overheads); Infrastructure; Equipment; Training (including study trips); External expertise (consultants, studies, etc.); Other: IP protection										
Sources of financing	Plan Funding from MOIA and Industry Grants.										
Overall budget	Rs 1000 Crores										
	<table border="1"> <tr> <td>Year 1</td><td>2014: Rs 5 crores (nominal grant)</td></tr> <tr> <td>Year 2</td><td>2015: Rs 100 crores</td></tr> <tr> <td>Year 3</td><td>2016: Rs 150 crores</td></tr> <tr> <td>Year 4</td><td>2017: Rs 150 crores</td></tr> <tr> <td>Year 5</td><td>2018: Rs 250 crores 2019: Rs 350 crores</td></tr> </table>	Year 1	2014: Rs 5 crores (nominal grant)	Year 2	2015: Rs 100 crores	Year 3	2016: Rs 150 crores	Year 4	2017: Rs 150 crores	Year 5	2018: Rs 250 crores 2019: Rs 350 crores
Year 1	2014: Rs 5 crores (nominal grant)										
Year 2	2015: Rs 100 crores										
Year 3	2016: Rs 150 crores										
Year 4	2017: Rs 150 crores										
Year 5	2018: Rs 250 crores 2019: Rs 350 crores										
Indicators specified ex ante	No										
Details on indicators specified ex ante	A set of common key performance indicators (KPI) are defined in advance in order to judge the achievements of the programme after its finalisation. For example, it is expected that by 2016 the fund will support about 20 joint research projects between the Indian Diaspora, Indian industry and Indian research organisations, 20 joint publications, 5 patents, and 10 projects for young scientists.										
Support measure evaluation	Ex-ante: Yes On-going / Mid-term: Yes Final / Ex-post: Yes										

Publications of the ICM

S. No.	Title	Author/ Year
1.	Labour Market Assessment in 6 EU Countries	ICM in collaboration with International Organization for Migration (IOM) - 2011
2.	India EU Engagement and International Migration: Implications for Policy and Way Forward	Basant Potnuru and Vishishta Sam, India Centre for Migration (ICM) - 2012
3.	India- EU Mobility: Building Bonds through Remittances and Philanthropy	Puja Guha, Indian Statistical Institute, Bangalore - 2013
4.	Awareness and Information Dissemination: Lessons from a Field Publicity Campaign in the Punjab project	Paramjit Sahai, CRRID, Chandigarh - 2013
5.	Irregular migration from India to the EU: Evidence from Punjab	V.K. Bhawra, Punjab Police - 2013
6.	Patterns of Migration from Punjab to Italy in the Agriculture/Dairy Sector (Punjab- Italy Corridor & Cheese Making)	Kathryn Lum and Paramjit Sahai, EUI and CRRID - 2013
7.	International Mobility of Nurses from India (Kerala) to the EU: Prospects and Challenges with special reference to the Netherlands and Denmark	Praveena Kodoth and Tina Kuriakose, Centre for Development Studies and ICM - 2013
8.	Working with the Diaspora for Development: Policy Perspectives from India	Didar Singh, Formerly, MOIA - 2013
9.	Background Paper on Remittances from the GCC to India: Trends, Challenges and Way Forward	T.L.S.Bhaskar, ICM - 2013
10.	Instruments of Engagement: Assessing India's PIO and OCI Schemes	Sohali Verma, ICM - 2014
11.	Cultural Continuity and Identity: a Study of Surinami Hindustanis	Limanungla Longkumer, ICM - 2014
12.	Ethnicity and Diasporic Identity	Mohan Gautam, Leiden University, the Netherlands -1 2014
13.	Gulf Migration, Social Remittances and Religion: The Changing dynamics of Kerala Christians	Ginu Zacharia Oommen - 2015
14.	Indian Migrants in Myanmar: Emerging Trends and Challenges	Medha Chaturvedi - 2015

© India Centre for Migration, 2016

INDIA CENTRE FOR MIGRATION (ICM)

Published by:-

India Centre for Migration

Ministry of External Affairs

Room No 1011, Akbar Bhavan,

Yashwant Place, Chanakyapuri, New Delhi - 110021

Phone : +91-11- 24675341 . Email– icm.moia@gmail.com

Website: <http://www.mea.gov.in/icm.htm>