

1. Emigration Policies: Challenges and Way Forward

Prelims Level: International

Mains Level: GS-II Effect of policies and politics of developed and developing countries on India's interests, Indian Diaspora.

- **India** has been home to one of the longest and largest episodes of emigration in the world, from the Second Century BC, when Alexander the Great took back Indians to Central Asia and Europe, to the present times where Indians, moving out on their own volition, form one of **the world's largest populations of emigrants**.
- This population is also **diverse in every aspect**, from its geographical presence and skill sets to their purposes for migration and migration strategies.

India is a Migration Superpower:

- India is the **top source** of international migrants, with one-in-twenty migrants worldwide born in India. The number of international Indian migrants has more than doubled over the past 25 years, growing about twice as fast as the world's total migrant population.
- **A large emigrant population has many benefits for India** - International **Remittances** (touched \$80 billion in 2018), and also a positive impact on **foreign direct investments, trade and foreign relations**. The Indian diaspora also provides much needed **philanthropic activities** in health and education to help achieve the Sustainable Development Goals. Nearly half of India's migrants are in just three countries: The **United Arab Emirates, Pakistan and the United States**. The major reasons of migrations are economical in nature – growing unemployment in India and attractive opportunities available in the West Asia.

Kafala: System of Modern Slavery:

- The '**kafala**' is an exploitative system used to monitor migrant laborers, working primarily in the construction and domestic sectors in **Gulf Cooperation Council** member states and a few neighbouring countries.
- The system requires all unskilled laborers to have an **in-country sponsor**, usually their employer, who is responsible for their visa and legal status.
- Through this system, an employer assumes responsibility for a hired migrant worker and must grant **Explicit Permission** before the worker can **Enter, Transfer Employment, or leave the country**. The kafala system gives the employer immense control over the worker.

Indians Amidst Kafala:

- A large number of people of India migrated to Gulf States for employment. The workers, mostly, are **unskilled or semi-skilled**, who require a **sponsor** to enter the immigrant country. They are mostly under-paid and are refused basic amenities like food and shelter.
- Recently, nine Indian fishermen undertook the perilous sea journey from **Yemen** to flee from their sponsor and arrived in Kerala. The Coast Guard rescued the fishermen who fled Yemen in a fishing vessel after being harassed by their sponsor in the Middle East nation.

Embassies and Consulates are Overburdened:

- Indian Embassies and consulates are often overburdened due to increasing issues related to NRIs, struck in Kafala system. **Women** stranded in the Kafala system are more disadvantaged than men.
- **Human Rights Watch** has pointed to the fact that most of the work in a **near-feudal conditions**, which is almost similar to "forced labour". The kafala or sponsorship system practised by GCC nations has been stated as the main reason for **abuse of the rights of low-income migrant workers**.
- GCC countries justify their act of imposing Kafala, saying that, these migrants form part of providers of critical services in their municipal sector, the transfer of such workers might affect the essential services.

The Increasing Trend of footfall towards the West Asia

- Indian workers in West Asian Countries face competition from the workers of other **less developed countries**. With knowledge about opportunities increasing, more such workers from African countries are flooding the gates. The competition, however, might reduce the wages of existing unskilled workers and may also increase the rigidity of the Kafala system.

Unprecedented Deporting Incidents:

- In October, 2019, nearly 300 Indians were deported from Mexico for trying to enter the US illegally. The incidents of deportations are increasing due to attempts to illegal means of **using tourist visa for other purposes**.

Why Proper Registration of Emigration is Necessary?

- International crime syndicates may use innocent migrants for **illegal trafficking of drugs and Terrorism**. The **women workers may also be trafficked** when they venture in to foreign nations without proper registration as a worker.

- Recently, the students from Andhra Pradesh and Telangana were sentenced to various durations of imprisonment for exploiting the **US student visa system**. Systematic streamlining of emigration processes might reduce such complications surrounding it.

Safeguarding the Emigrants:

- Since Independence, a steadily increasing number of low-skilled emigrants moved to destinations in West Asia. In order to safeguard their rights and welfare, the government enacted the Emigration Act, 1983. Perhaps it was an Act that was ‘formulated with the mindset of the 19th century, enacted in the 20th century and implemented in the 21st century’. In an effort to update and upgrade this framework, a draft Emigration Bill, 2019 was Released.

Draft Emigration Bill, 2019:

- It proposes a three-tier institutional framework, with the MEA as the nodal ministry. This could allow vertical policy coherence on emigration matters—particularly in promoting and managing safe, orderly and regular emigration.
- The draft bill lists at length the duties and functions of recruitment agencies and sub-agents.
- ✓ The draft Emigration Bill 2019 does improve upon the extant legislative framework by adopting a whole-of-cycle migration approach. But, the current international paradigm relating to labour market protectionism, demands a much wider approach.

Way Forward:

- Co-operation between External Affairs Ministry, Home Ministry and Ministry of HRD – should be strengthened Regulate recruitment agencies and educational Agencies that send citizens abroad. Social media can be used as an efficient way to reach the emigrants – For instance, Sushma Swaraj helped the diaspora in distress by her revolutionary social media outreach. Manpower recruitment agencies can be standardized like in Kerala and Gujarat.
- We should indulge in a shift from mere enactment of emigration management legislation to practising more broad-based diaspora engagement policies that could provide a cushion in these turbulent times.