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Managing international labour migration from India: Policies and perspectives

S.K. Sasikumar & Zakir Hussain

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Executive Summary

The paper addresses issues related to the promotion and sustenance of international labour migration from India on the one hand and protection of migrant workers on the other. It reveals that labour migration flows from India since 1990s have not only registered impressive growth in respect of the traditional destinations like the United States of America, the United Kingdom, Canada and the Gulf countries but also have diversified and expanded to newly emerging migrant destinations in continental Europe, Australasia, East Asia and South-East Asia. The paper observes that a pro-active migration policy framework will further cement these trends.

The paper provides a detailed evaluation of the Emigration Act, 1983, the most important policy instrument governing the migration of Indian workers for overseas employment on a contractual basis. It argues that the Act needs to be reoriented so that it provides a legislative basis for better protection and welfare of the migrants on the one hand and for the active promotion of international labour migration from India on the other. It notes that the Act needs to be modified to check the activities of the unscrupulous agents and to make it harder for agents to cheat Indian workers who are keen on migrating overseas for employment. The grievance redressal system must also be made more effective. It observes that apart from strengthening and reorienting the Emigration Act, the system to monitor its implementation should be strengthened. The paper further highlights the need for international labour migration policy to provide increasing emphasis to promotion and facilitation of external labour flows from India and not be limited only to regulating and protecting functions of the State.

The paper observes that the rapid expansion of IT and IT enabled industry in India during the last decade is encouraging a large number of Indian migrants to return and set up business ventures in India. Such a trend of to and fro movement of professionals and ideas require that the migration of highly skilled labour be possibly situated within the framework of 'brain gain'. The paper notes that the changing immigration policies in major destination countries must be reviewed from time to time so that it serves as the basis for evolving more acceptable mutual agreements on labour migration between India and the destination countries.

Considering that India is the world's largest recipient of migrant workers' remittances, the paper notes that there is a need to evolve an information-based and value-generative plan to make optimum use of the available funds. The paper also highlights the need for strengthening multilateral cooperation to transform migration into an efficient, orderly and humane process.

Foreword

The debate on international labour migration has acquired a renewed sense of urgency in recent years. One of the fundamental questions being debated is how to manage labour migration effectively in order to enhance its positive effects on development and mitigate the negative. It is in this context that this paper by S.K. Sasikumar and Zakir Hussain provides a detailed analysis of the policies and issues with regard to managing international labour migration from India.

To begin with, the paper outlines the dimensions of and the trends in labour migration flows from India during the current phase of globalisation. Subsequently it examines the operation and relevance of Emigration Act, 1983, the key legislation relating to international labour migration from India. The paper also provides a review of the changing nature of immigration policies of few destination countries and analyses its implications for migration flows from India. In conclusion, the paper outlines certain policy contours and perspectives for managing labour migration effectively and thus maximizing the developmental potential of migration both from the standpoint of the nation as well as from the viewpoint of migrants.

The paper provides a number of suggestions to transform migration into an orderly and mutually beneficial process for all the concerned stakeholders. One of the areas requiring immediate policy intervention relates to enriching of the information base on international labour migration. There is also an urgent need to promote and direct migration flows from India through measures like monitoring and projecting manpower requirements, especially in new and emerging destinations, evolving a system to disseminate the overseas labour market information among the potential emigrants and identifying the emerging nature of skill requirements in the overseas labour markets and ensuring the available matching supply of skill sets. Emigration Act, 1983 needs to be reoriented so that it provides a legislative basis for better protection and welfare of the migrants of the one hand and for the active promotion of international labour migration from India on the other. Specialized pre-departure orientation programmes need to be designed and organised to cater to the requirements of vulnerable categories like domestic workers in order to equip them with information and protective measures to deal with gender specific exploitation. There is also a pertinent need to establish greater co-ordination among ministries/departments involved with migration.

The paper observes that though world migration pressures have risen, the progress of globalization in the area of migration is far slower than in trade and capital flows. It highlights the need for developing a comprehensive multilateral framework on international movement of people. It is vital that strategies are formulated at multilateral levels to strengthen dialogue between countries of origin and destinations. Such dialogue should endeavour to: exchange information on surpluses and shortages of labour; develop coordination of policy among labour exporting countries; and create harmony of policies among labour importing countries.

This paper was launched jointly by the ILO's Regional Office in Bangkok and the Sub Regional Office in Delhi, to analyse and understand the current challenges to safe and productive overseas employment for Indians.

Leyla Tegmo-Reddy

Director and ILO Representative in India
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International Labour Organization

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1. Introduction

International labour flows from the developing countries have increased significantly during the last two decades coinciding with globalisation and post-reform. In many ways, it has now come to occupy the core of the discourse on development - both as important drivers of the globalisation process and also as one of its more important consequences. Sharp divergence in demographic trends in the developed and developing countries, increased labour shortage in several high-income countries, growing economic imbalances across developed and developing countries, changing trend in consumerism, and the rapid advancement of transport and communication technologies are, *inter alia*, the key factors propelling large scale cross country labour flows (Martin, Abella and Kuptsch, 2006; GCIM, 2005; ILO, 2004a, 2005; IOM, 2005; OECD, 2006; UN, 2004, 2006a). This took place despite the fact that globalisation did not encompass any 'opening up' of national boundaries for human mobility across borders, although it contained all strategies to let capital and commodities flow across them unabated. More people live outside their country of origin today than at any time in history and the numbers of people who move across national boundaries, especially for better economic prospects, are expected to rise in future. It is also well recognised that migrant workers make huge contributions to economic and social development in both their host and home countries (OSCE, IOM and ILO, 2006).

India, with a vast reservoir of both highly skilled and semi and unskilled labour force, is a major contributor to the contemporary global labour flows. Available evidences indicate that migrant labour flows from India since the 1990s have not only registered impressive growth in respect of the traditional destinations like the United States of America (USA), the United Kingdom (UK), Canada and the Gulf countries but also have diversified and expanded to newly emerging migrant destinations in continental Europe (Germany, France, Belgium), Australasia (Australia, New Zealand), East Asia (Japan), and South-East Asia (Singapore, Malaysia). Consequently the proportion of Indian migrants in total immigration inflows in the major receiving countries has registered considerable increases in recent years.

Such an emerging scenario necessitates investigations, *inter alia*, on the issues related to promotion and sustenance of labour flows on the one hand and protection of migrants on the other. This paper addresses these two critical issues from an Indian perspective with the objective of providing inputs for further strengthening policy structures governing the management of labour migration in India.

We begin by assembling all available information to trace the magnitude and the composition of the labour flows from India. One of the important objectives of such an exercise is also to identify the existing information gap pertaining to international labour flows from India. The bridging of such an information gap is pivotal from the perspective of evolving relevant and sustainable migration management policies. Thereafter, we sketch the evolution of the overseas foreign employment policies in India and detail the major provisions of the most important legislative instrument of foreign employment policy in India, the Emigration Act, 1983. We also examine the operation and relevance of the Emigration Act, 1983 in the changing context. Subsequently, we outline some of the recent and major policy initiatives in India aimed at promoting labour migration and also protecting the migrants. This information is significant not only from the perspective of understanding the evolving nature of policies in India but also could serve as guidepost to other major labour sending countries in formulating their migration strategies. Then we provide a review of the changing nature of immigration policies of few destination countries and its implications for migration flows from India. In the concluding section, we outline certain policy contours and perspectives for managing labour migration effectively and thus maximizing the developmental potential of migration both from the standpoint of the nation as well as from the viewpoint of migrants.

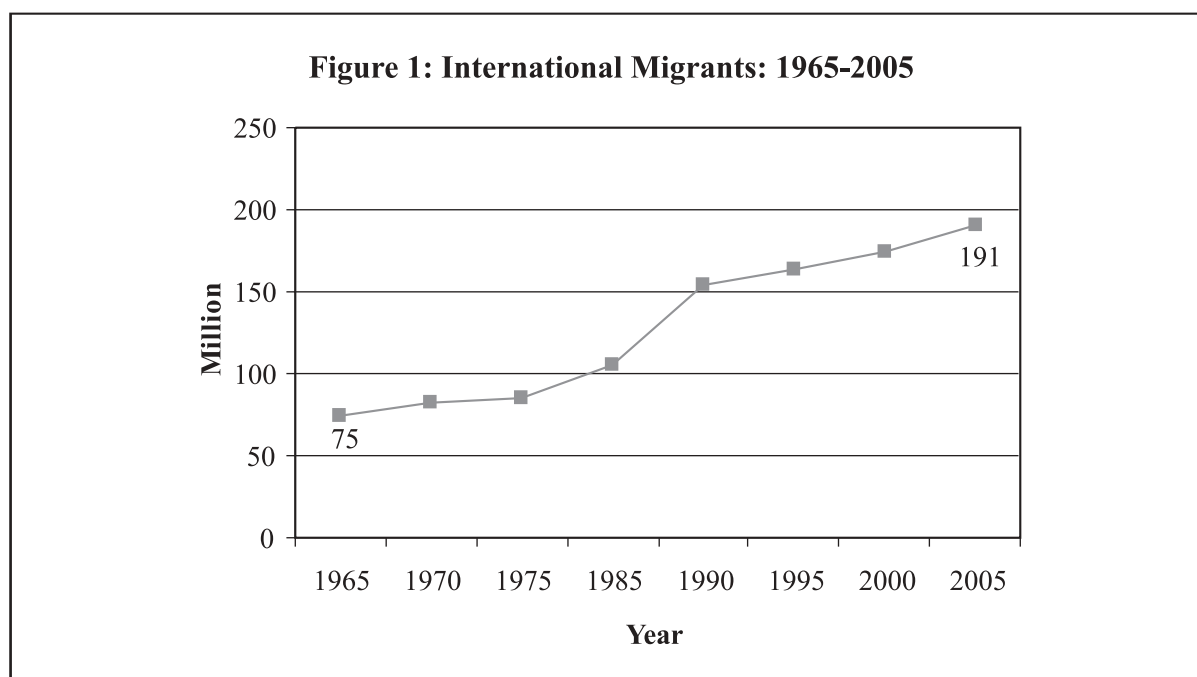
The paper draws observations and analytical insights from the already existing works. Besides the data and information at the macro level, we supplement our analysis wherever needed by integrating existing micro level research findings. In addition, information obtained through interviews and focus group discussions with a range of agencies (both at the national and the local level) including, migrants and migrant households, migrant associations, government officials, researchers and academics, have also been employed to add upon to the available information base.

2. Magnitude and patterns of international labour migration from India

2.1 Global migration: The facts and figures

Currently, nearly 191 million people are estimated to be international migrants, including 115 million, or 60 per cent in developed countries and 76 million, or 40 per cent in developing countries,¹ making one in every 35 persons on earth an international migrant, up from one in every 40 in 1965 (Table 1 & Figure 1). Although the share of migrants in global population is not high, it is acknowledged that their presence and visibility in economic, social, demographic and political terms is quite substantial (ILO, 2004b; IOM, 2005; Maimbo and Ratha, 2005; OECD, 2006; UN, 2006a).

The annual average growth rate of the migrant stock has been accelerating, increasing from 1.4 per cent during 1990-1995 to 1.9 per cent in 2000-2005. Between 1965 and 1985, the average annual flow of international migrants was 1.5 million people, which more than trebled in the next 20 years (1985-2005) to nearly 5 million per year.



Source: Based on Table 1

¹ These figures reflect the number of persons living outside their country of birth. Population censuses, which usually record the country of birth of the persons they count, provide the basic information leading to these estimates. Foreign-born persons are migrants because they must have moved at least once from the country of birth to the country where they live. But the foreign-born need not be foreigners. Foreign-born persons may be citizens at birth by, for instance, being the children of citizens of the country where they live, or they may be naturalized citizens (UN,2006a)

Estimates of the number of international migrants by sex show that the volume of international migrants has been nearly equal for both men and women. In 2005, female migrants constituted about half of the total migrants stock (49.6 per cent) of all international migrants, up from about 47 per cent in 1960. It is striking to note that in the developed countries, female migrants have outnumbered male migrants since 1990. However, in developing countries, and especially in the Gulf Co-operation Council (GCC) countries they are particularly under represented. In fact, recent estimates reveal that females constitute barely 29 per cent of the total migrant stock in the GCC countries.

Migrants are admitted in different countries under diverse categories like: migrant workers, migrants admitted for family reunification, students and refugees. Though a large number of foreigners are admitted in categories other than migrant workers, many of them may join the labour force. According to the latest ILO estimates, about half of all international migrants are in the labour force, that is, approximately 95 million.

2.2 International labour flows from India: Dimensions and patterns

Historical development

Movement of people across boundaries of the Indian sub continent is of old standing. Trade, political and religious links have necessitated regular contacts with southeast, eastern and central Asia and Africa. However, with the advent of colonial rule, international migratory movement entered a completely new phase. The imperial needs for labour led to the substantial recruitment of migrant labour from India in the plantations or mines in different British colonies: to far-away places such as Guyana, Jamaica, Trinidad and Fiji; to not so distant lands such as Mauritius, Malaysia, Singapore and South Africa; and even to neighbouring countries like Ceylon (now Sri Lanka) and Burma (now Myanmar) (Davis, 1951). The bulk of these migrants went as indentured labourers. Davis estimates that about 30.2 million Indians had emigrated between 1834 and 1937. This scale of movement was as large as the European migration to the Americas in the 19th century. It declined with the ending of indenture in 1921. However a significant free migration did continue with Indian workers migrating mainly to East Africa and Persian Gulf states.

The effect of such long-term migration pattern is visible in the size and diversity of the Indian diaspora in the contemporary world. The magnitude of the diasporic Indian community is estimated at 25 million residing in nearly 130 countries (Ministry of Overseas Indian Affairs, 2008). The Indian overseas community consists of both the persons of Indian origin (PIOs) who have acquired the citizenship of other countries and the Non Resident Indians (NRIs) who continue to hold Indian passports and are citizens of India. Estimates of country-wise size of overseas Indian community are presented in Appendix 1.

International labour migration from independent India

The pattern and dimension of international labour flows from independent India have been characterized by significant transformations over the past half a century (Nayyar, 1994; Indian Council of World Affairs, 2001; Sasikumar, 2001; Srivastava and Sasikumar, 2003). These changes have become all the more pronounced since the 1990s both in terms of the destinations and occupations of the migrants. We piece together all the latest available information to highlight the emerging trends and patterns of international labour flows from India.

Major flows of international labour from India since the 1990s can be schematized as follows: First, persons with professional expertise, technical qualifications and skills migrate to high-income developed and traditionally migrant receiving countries like USA, UK, and Canada, either as permanent immigrants or to take up temporary employment. Second, unskilled, semi-skilled and professionals

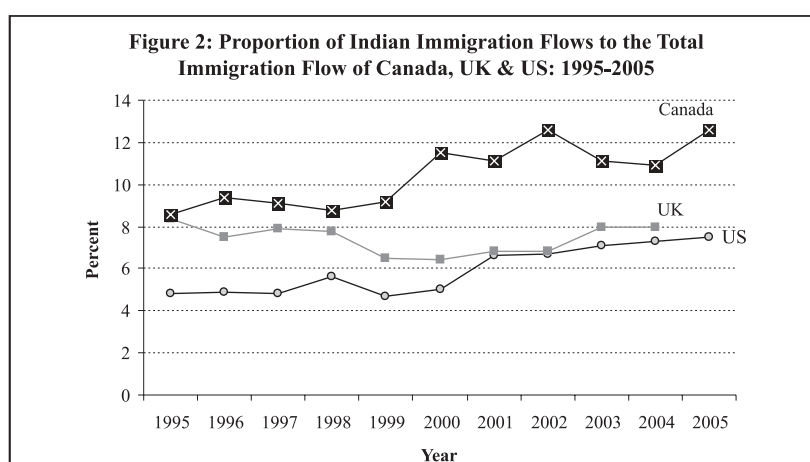
migrate as contract workers to the high-income countries in the Gulf (mainly to the GCC countries). In recent years such flows are also directed towards the high income countries of South East Asia such as Malaysia. Third, professionals, especially young IT professionals, migrate to the newly emerging destinations like continental Europe (Germany, France, and Belgium), Australasia (Australia and New Zealand) and East Asia (Japan and Singapore).

Migration of professionals and highly skilled

Although international migration flows from India to the industrialized and traditionally migrant receiving countries such as USA, UK and Canada have continued unabated for a long time, there is hardly any Indian data source on this phenomenon. We attempt to analyze the composition of these flows based on immigration statistics provided by the destination countries.

The available evidence on trends in permanent immigration from India to the selected industrialised countries, the USA, the UK and Canada, during the period 1995 to 2005 is presented in Table 2. The data clearly shows that considerable numbers of Indians are immigrating on a permanent basis to these industrialized nations. The average annual inflows of the Indian immigrants to all these countries recorded substantial growth since the 1990s as compared to the earlier decades. In the case of the United States, the average annual inflow of immigrants recorded at 26,184 persons during the 1980s (Nayyar, 1994) almost doubled to reach 48,844 during 1995 to 2005. As regards Canada, the average annual inflows which was 7930 persons in the 1980s more than tripled to reach 23,471 during the period 1995- 2005. Similarly, the average inflow of immigrants from India to the United Kingdom increased from 5400 persons during the 1980s to 6,576 during 1995-2005.

It is striking to note that there has been a further increase in the number of Indians immigrating on a permanent basis in all these three countries since turn of the 21st century. Such an increase has also considerably scaled up the proportion of Indians in the total immigration flows in these countries in recent years. For instance, in the case of the USA, this proportion which had more or less hovered around 5 per cent during 1995-2000 has registered rapid increases during 2000-2005 to reach 7.5 per cent by 2005. Similarly in Canada, the proportion of Indians as percentage of the total immigrants which averaged around 9.5 per cent during 1995-1999, rose up to an average of nearly 13 per cent during the 2000-2005. In the case of United Kingdom, the proportion of Indians which had indicated a declining trend from 1995-2002 (from around 8 per cent to 6.8 per cent) has registered increases since then reaching 8 per cent in 2004 (Figure 2).

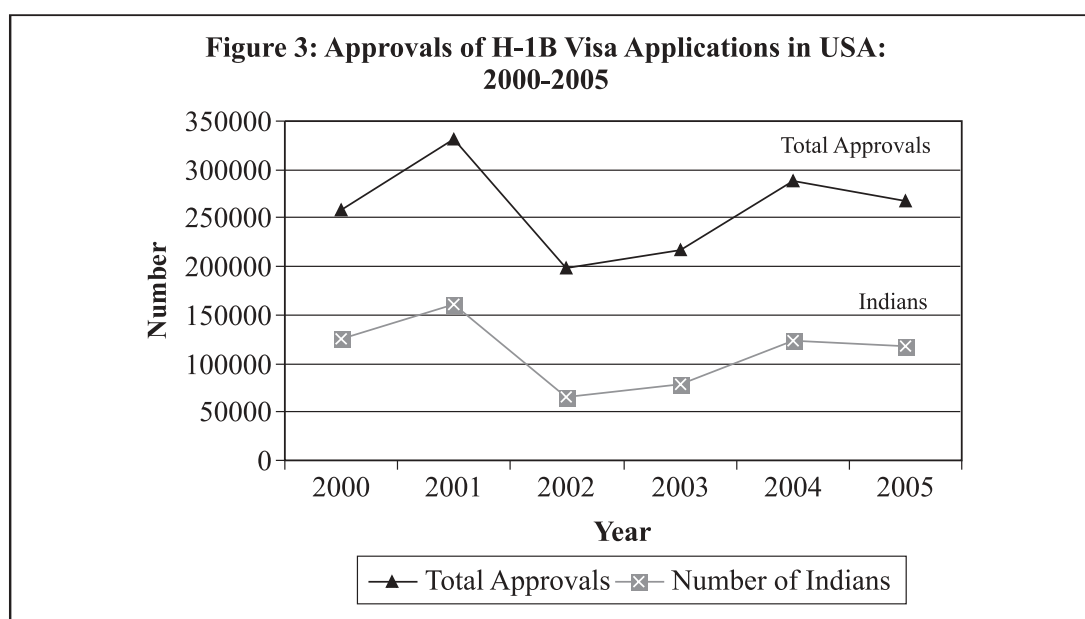


Source: Based on Table 2

One of the major characteristics of immigration from India to these countries during the period 1950-1990 was that such labour flows were made up almost entirely of permanent migration in so far as the proportion of immigrants who returned to India, after a finite period of time, were almost negligible (Nayyar,1994). However, such a trend has undergone significant transformations since the 1990s as a large number of Indian professionals and skilled personnel are migrating to these countries on temporary basis, thereby making 'return' an inevitable component. This is primarily due to the fact that all these countries have in the recent past introduced various temporary employment programmes to admit migrants, especially those with specialized professional skills, to meet specific the skill needs and labour shortages².

The most notable case is that of the United States which introduced the H-1B programme to admit migrants to perform services in 'specialty occupations' based on professional education, skills, and/or equivalent experience. Under the H-1B programme, specialty workers are permitted to be employed for as long as three years initially with extensions not exceeding three years. Specialty occupations mainly include computer systems analysts and programmers, physicians, professors, engineers, and accountants.

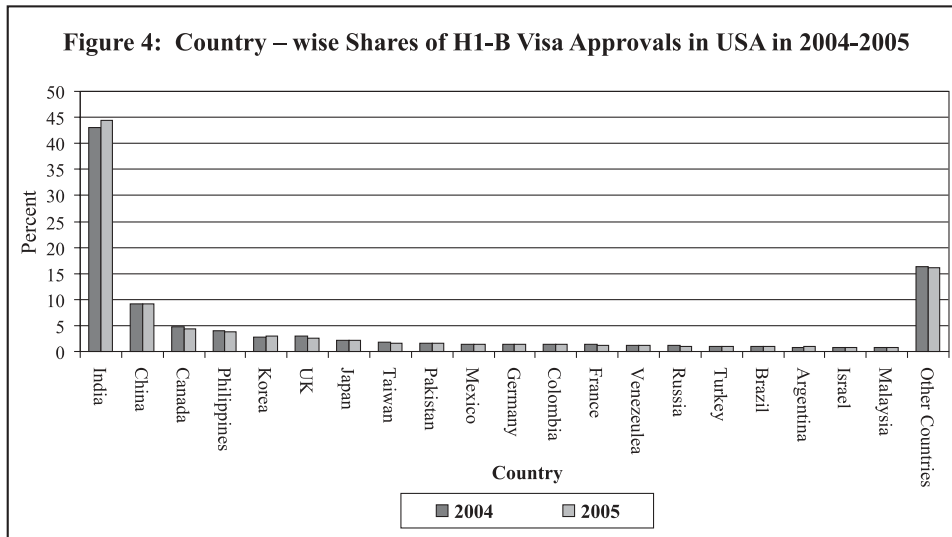
Large number of Indian professionals have availed H-1B visa route to seek employment in the United States during the past decade. The data pertaining to the number of Indians who have been granted the approval to take up employment under the H-1B programme during 2000-2005 are depicted in Figure 3 and Table 3.



Source: Based on Table 3

The data clearly shows that nearly half of the H-1B visa holders are from India. The dominance of India under this category of visa admission becomes all the more pronounced when we look at the shares of other sending countries in the H-1B admissions (Figure 4 and Table 4). The second largest sending nation, China currently accounts for less than 10 per cent of the total H-1B visa admissions as compared to nearly 45 per cent of India's share. Nearly half of the total admissions are, in fact, accounted by more than twenty major sending countries.

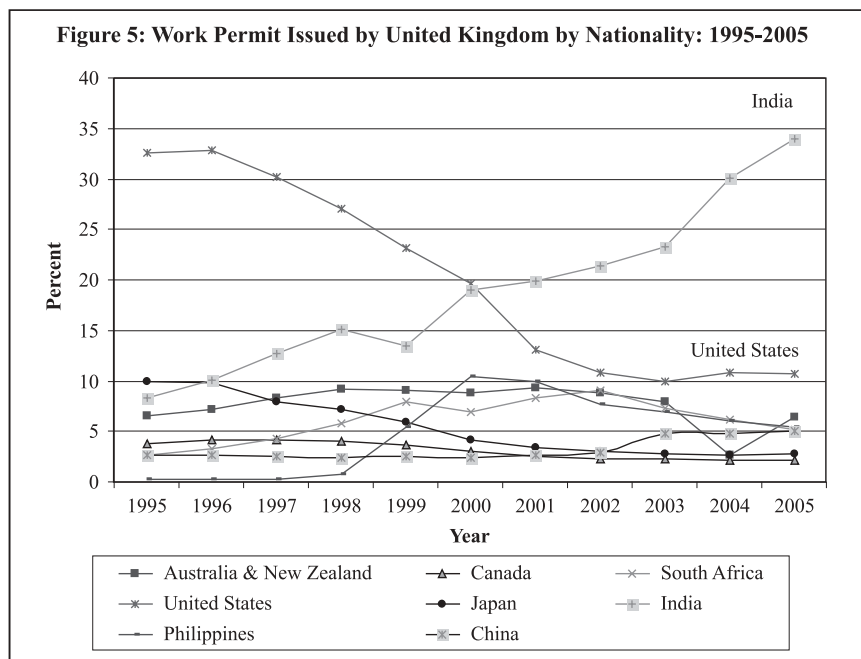
² These schemes are discussed in detail in Section 5 of the paper.



Source: Based on Table 4

Majority of Indians holding H-1B visas are computer related professionals. This clearly demonstrates the prominence of the Indian IT professionals in managing and operating the major IT activities in the world as the US is the global leader in this field (Table 5).

In the United Kingdom under the Work Permit Scheme, additional prospects are being granted to professionals in the IT related occupations, health and medical occupations and managers and administrators to migrate initially on a temporary basis. Available data indicate that there has been a dramatic growth in the number of work permits issued by the United Kingdom in the 1990s. In 1995 only about 24,000 applications for work permit were approved. Since then the number has risen to nearly 86,000 by 2005 (Table 6). It is significant to note that the proportion of Indians who have been granted work permits has nearly quadrupled from 8.3 per cent in 1995 to 33.9 per cent in 2005 (Figure 5).



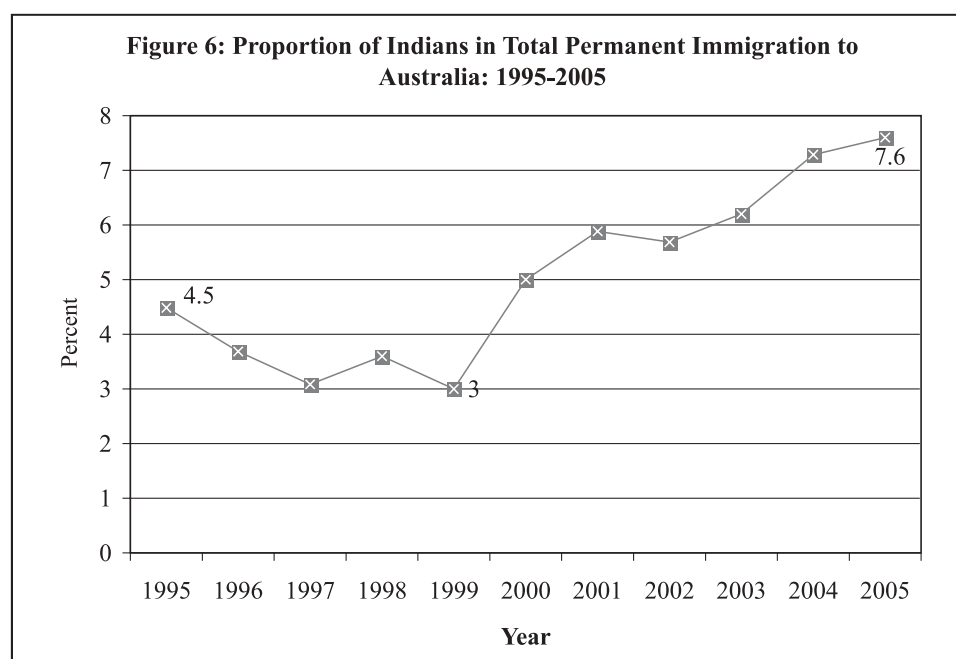
Source: Based on Table 6

In terms of occupational groups, health and medical services are reported to have grown significantly over time in relation to other sectors and occupations. A large number of Indians who have acquired work permits are engaged in health related professions. For instance, data on the stock of registered doctors in United Kingdom by country of qualification show that the largest number is accounted by Indian doctors (Table 7).

One of the salient features of international labour flow from India in recent years is that the destination of Indian migrants, especially high-skilled migrants, has diversified considerably. Significant numbers of Indian professionals are now heading towards new and emerging destinations in continental Europe, East Asia and Australasia.

As regards continental Europe, Germany, France, and Belgium are emerging as the major destination countries of Indian migrants. (Table 8) Although the proportion of Indians to the total immigrants in these countries are rather insignificant, it is noteworthy that majority of these Indians are being admitted under specialized employment programmes in order to address the acute skill shortages experienced in key and expanding sectors. Germany is the key case in point as it has introduced a specialized scheme, Green Card Scheme, in 2000 to attract IT specialists from countries like India. It is estimated that more than 60 per cent of those who have been admitted under Green Card Scheme are Indians. There is also increased in-take of Indian IT specialists in East Asian countries like Japan and Malaysia under specialised temporary employment schemes. For instance, nearly 10 per cent of the total IT engineers admitted to Japan during 2003 were Indians (Table 9).

Australia is another major destination of Indian professionals and high skilled workers. Number of Indians immigrating on a permanent basis to Australia has recorded significant increases since the 1990s and especially after the turn of the 21st century. The average inflow of Indian immigrants to Australia has almost doubled in the recent years with the numbers increasing from 3377 during 1995-2000 to 6957 during 2001-2005 (Table 10). Consequently the proportion of Indians in total immigration inflows has registered a noteworthy increase, from around 3.5 per cent in the late 1990s to 7.6 per cent by 2005 (Figure 6).



Source: Based on Table 10

Migration of semi-skilled and unskilled labour

Migration of unskilled and semi-skilled labour to work as contract labour is the most dominant form of international labour flows emanating from India. Although such labour flows, especially to the GCC countries, have attained substantial dimensions in the past two decades, lack of data about this movement of people has often bedeviled systematic appraisals of this phenomenon.

The primary source of information on international migration from India is the data published by the Office of the Protector General of Emigrants, Ministry of Overseas Indian Affairs, Government of India. Section 22 of the Emigration Act, 1983 provides that no citizen of India shall emigrate unless he/she obtains emigration clearance from the Protector of Emigrants. Such a clearance is granted only after the Protector of Emigrants verifies the relevant employment contracts. However, the Act exempts some categories of people for whom the emigration clearance is not required, referred to as Emigration Check is Not Required Category (ECNR Category). Therefore, this data set, which is the only Indian data source on international labour flows from India is partial as it includes only the number of those who require and had actually obtained emigration clearance, while migrating abroad to seek employment. An examination of the categories of persons who require the emigration clearance clearly shows that it targets primarily unskilled and semi-skilled labour. (List of persons/categories for whom the Emigration Check is Not Required Category (ECNR Category) is provided in Appendix II).

Annual labour outflows from India since 1990, as indicated by emigration clearances granted, are depicted in Figure 7 and Table 11.

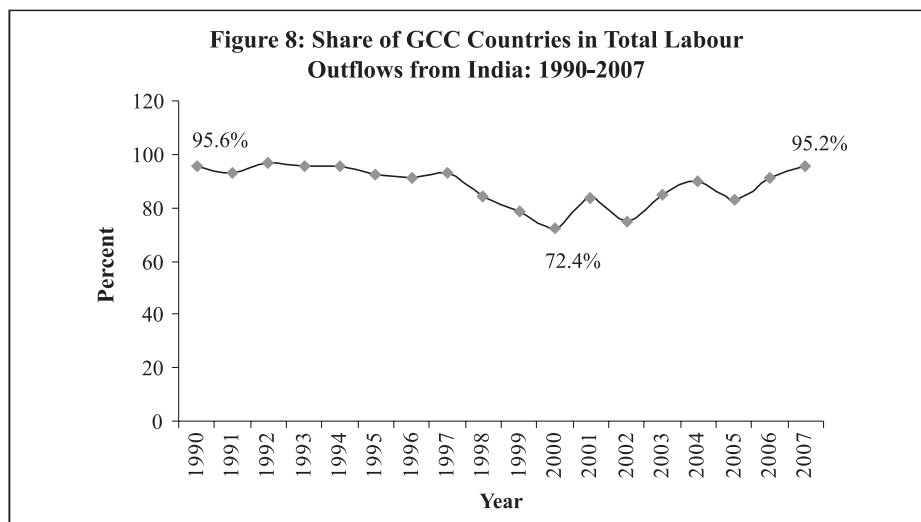


Source: Based on Table 11

The trends in the labour outflows during 1990-2007 exhibit cyclical nature as was the case since the 1970s thereby substantiating that these flows are primarily demand determined. It is evident that the labour flows had picked up substantial momentum since the initial hiatus in the early 1990s. Then we witness a sharp slump during the late 1990s. Thereafter the flows have consistently increased and outflows during the last three to four years have outstripped the flows recorded in the first half of 1990s. During 2003-2007, on an average 502,035 persons per annum migrated from India to take up contract

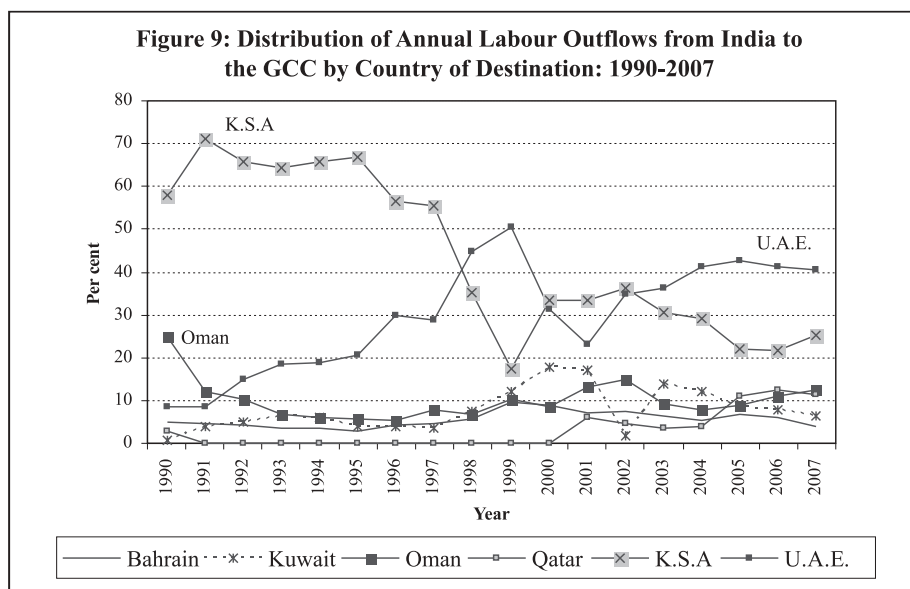
employment. This is significantly higher than the quantum of labour outflows from India attained even during the 'Gulf boom' of the late 1970s and early 1980s.

An overwhelming majority of those who migrate after obtaining emigration clearances are employed in the GCC countries (Figure 8 and Table 12). This is a trend evident since the 1970s when the oil price boom and the consequent spurt in demand for migrant labour in Gulf countries provided immense opportunities for labour abundant countries like India to supply the requisite manpower (Sasikumar, 1995).



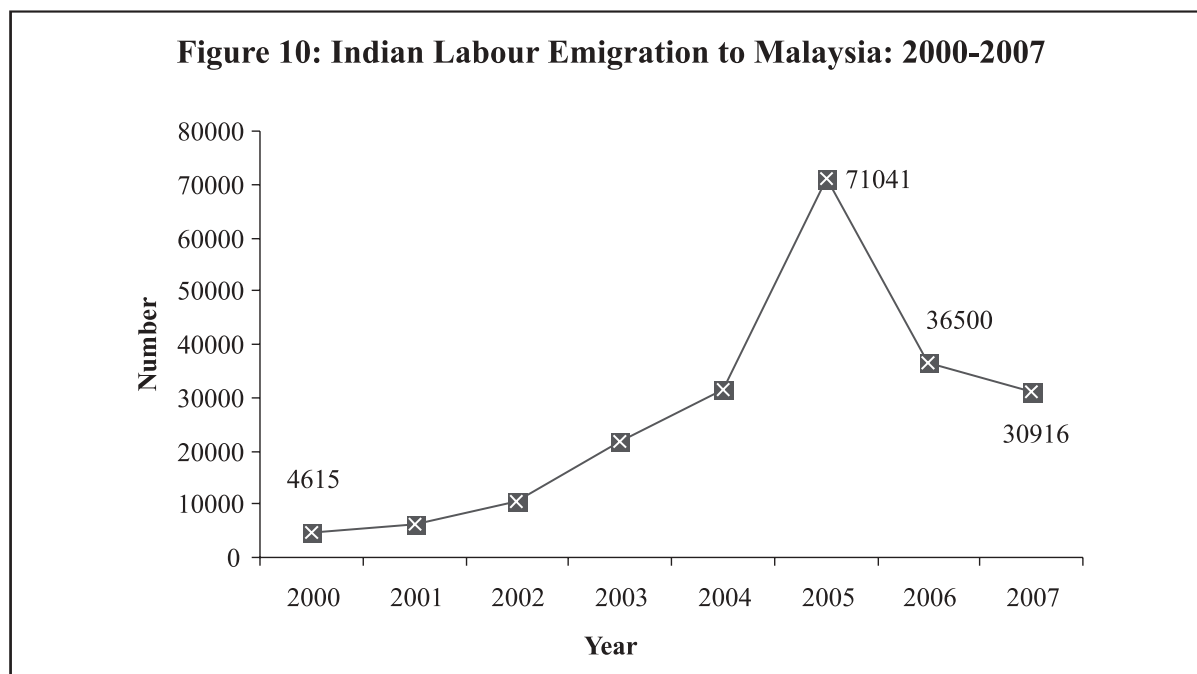
Source: Based on Table 12

Within the GCC countries, Kingdom of Saudi Arabia (KSA) and United Arab Emirates (UAE) are the major destinations of Indians and together they account for more than 60 per cent of the total deployment of Indian migrant workers. One major trend which is emerging is that while the share of KSA has declined significantly from nearly 60 per cent in the early 1990s to nearly 25 per cent by 2007, UAE is emerging as an increasingly important destination with its share registering a quantum jump from nearly 10 per cent to 40 per cent during the same period (Figure 9).



Source: Based on Table 12

One of the striking trends in relation to the unskilled/semi-skilled emigration from India in the recent years is the phenomenal increase in the numbers migrating to Malaysia. The figures on emigration clearances indicate that Indian labour flows to Malaysia have increased considerably since 2000 and the average annual outflows during 2004-2007 were almost four times those recorded during 2000-2003 (Figure 10 and Table 13).



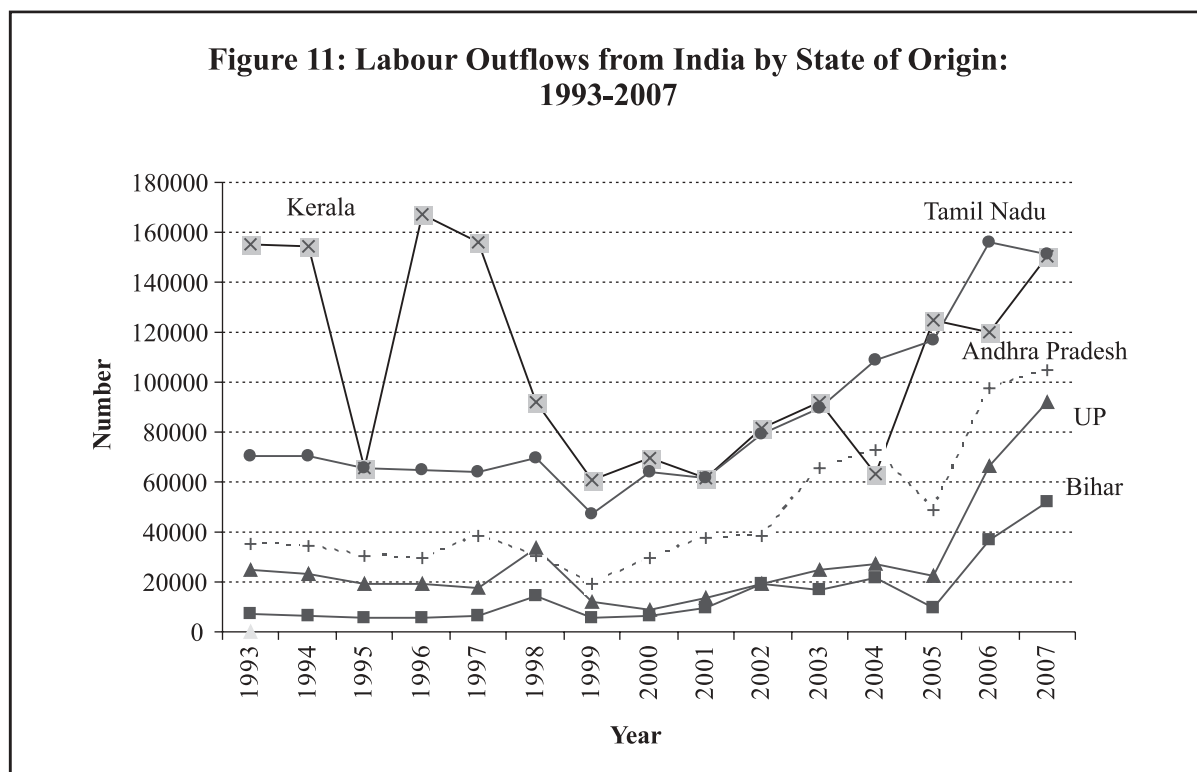
Source: Based on Table 13

Origin centres of semi-skilled and unskilled migrants

Within India, migration originates from a number of states. A macro perspective on the relative importance of the different states in relation to labour migration can be obtained from the emigration statistics, which, as we have mentioned earlier, are for unskilled workers who require emigration clearances. Keeping in mind the likely under-estimation, these data provide some evidence regarding the pattern of unskilled labour movement from India.

The state-wise distribution of the emigration clearances granted during the period 1993-2007 shows that nearly 16 states contribute to the process of emigration with varying degrees of importance (Figure 11 and Table 14). In terms of relative shares, three states - Kerala, Tamil Nadu and Andhra Pradesh - together contributed to about 60 per cent of those who have obtained emigration clearance. In terms of the share of these prominent states, there has been a decline in Kerala's contribution whereas the shares of Tamil Nadu and Andhra Pradesh have registered considerable increases. This could mean that larger numbers of people who are migrating from Kerala are now engaged in skilled/professional activities whereas there are larger outflows of unskilled labourers who require emigration clearance from states like Tamil Nadu and Andhra Pradesh.

Figure 11: Labour Outflows from India by State of Origin: 1993-2007



Source: Based on Table 14

Skill composition of migrants in GCC countries

Analysis of the skill mix of the Indian migrant workers engaged in the GCC labour markets is again difficult because of paucity of data. Whatever is available is restricted to certain rough estimates made by individual researchers on the basis of sample surveys and some figures pertaining to certain periods published by the Government sources. However, from the available estimates, it can be clearly gauged that the majority of those who migrated during the late 1970s and early 1980s belonged to the unskilled and semi-skilled category. One of the studies report that while about two thirds of the migrant workers were semi- skilled or unskilled, only about 14 per cent were employed in professional technical and managerial occupations (Eevit and Zachariah, 1978). From about the mid 1980s the outflow of workers engaged in construction activities, skilled and unskilled taken together, declined not only in absolute terms, but also as a proportion of the total out-migrants (Nayyar, 1994). This can be attributed to the completion of major construction projects taken up during the boom period and also the cut in expenditure on construction followed by many Gulf States. The 1990s have witnessed a further structural shift in the market for expatriate labour in majority of the Middle East economies. There is a marked change in demand for skills away from construction towards operations and maintenance, services, and transport and communications. In general there is a tendency to hire more professionals and skilled manpower as opposed to unskilled and semi-skilled workers. Countries like the U.A.E, in fact, have imposed strict restrictions on the entry of unskilled workers. There is no doubt that the skill composition of the labour outflows from India has changed its character accordingly. The occupational distribution of emigrants as reflected in a recent field survey conducted among Indian emigrants in the U.A.E. shows that more people who are migrating to the Gulf are those in the skilled/professional categories (Zachariah et al. 2002).

3. Policy regime governing international labour outflows from India: An evaluation with reference to Emigration Act, 1983

A review of the existing foreign employment policy regimes in different countries indicates that there are four main types of structures, namely, Laissez-faire, Regulated system, State-managed system, and State monopoly (Abella, 1997). Under the laissez-faire system, the decision to how and where the labour is to be employed, and on what conditions, are left completely to the market forces. Such a regime is essentially prevailing in high income countries. In regulated system, the State of origin adopts laws and regulations governing the recruitment of nationals for employment abroad. Such a system is prevalent in many countries including India. A State-managed foreign employment system exists where the State does not simply regulate foreign employment, but sets up State enterprises to recruit and place workers abroad. Philippines have gone furthest along the road of such a system. Under the system of State monopoly, State assumes full and sole responsibility for organizing labour migration, as for example in China. Chart 1 depicts the major features of the four types of foreign employment policy regimes.

India follows a regulated system in respect of foreign employment policy. The policy regime mainly addresses temporary and contract migration. The most important policy instrument, the Emigration Act, 1983 deals with the emigration of Indian workers for overseas employment on a contractual basis and seeks to safeguard their interest and ensure their welfare. Prior to the enactment of this legislation, the Emigration Act of 1922 governed the migration of Indians across national boundaries. The main purpose of this Act was to regulate and control the recruitment and emigration of unskilled agricultural workers. The Rules of the Act stipulated the procedures for emigration and the steps to be taken by the foreign agents in India for the welfare of such emigrants. According to the Act, emigration of unskilled workers involved notifications for specific countries. However, since the government issued no such notification, the emigration of unskilled workers progressively declined between 1923 and 1947. The Act did not specify any regulations governing the emigration of people with technical qualifications or professional expertise and therefore permanent migration to the industrialized countries, which began from the 1950s, was hardly regulated or monitored by the policy regime in India.

Chart 1 : Major Foreign Employment Policy Regimes

	Laissez-faire	Regulated system	State-managed system	State monopoly
Policy contents	None	Mainly protection	Protection and employment	Employment
Institutional requirements	Same as for domestic employment	Recruitment laws Minimum standards Regulatory body	Recruitment laws Minimum standards Foreign employment authority	State authority
Role of the market	Full	Regulated market	Regulated market	State negotiates as monopoly supplier of labour

	Laissez-faire	Regulated system	State-managed system	State monopoly
Organization of migration	Spontaneous unorganized movements	Largely spontaneous but only through authorized channels	Guided by State	Only State
Securing foreign jobs recruitment/ placement	Open market open entry	Private agencies Direct hiring/ private agencies	State promotion private and public agencies	State promotion State monopoly of recruitment
Transfer of earnings	Regular banking channels	Regular banking channels	Incentives to remit through regular channels	Through state agency/bank
Protection of migrants	Laws of States of employment only	Laws of States of employment and employment contracts	Labour attaché Compulsory insurance Bilateral agreements	Sending State assumes direct responsibility
Return/ reintegration	Spontaneous	Spontaneous	State incentives for return of talents/ loan for returnees	State assumes responsibility for employment

Source: Abella (1997)

The migration boom to the Middle East during the mid 1970s exposed the limitations of the Emigration Act, 1922 in safeguarding the interests of workers emigrating for employment. The period witnessed an incredible increase in the number of private recruiting agencies involved with the deployment of Indian nationals to the Middle East labour markets. As there were literally no controls over these agents, many of them charged exorbitant fees for their services and also employed exploitative recruitment practices. Breaching of contract, wherever entered into, was not at all rare. Quite often the poor and unskilled workers fell prey to the exorbitant charges demanded by the recruiting agents and their other misdeeds. Along with this, there also cropped up a large number of illegal agents who were chiefly responsible for encouraging clandestine migration. It was against this background that steps were initiated for repealing the Emigration Act, 1922 and Rules framed there under in order to make suitable provisions to enable effective regulation of deployment of semi-skilled and unskilled labour abroad. The basic consideration that governed the enactment of Emigration Act, 1983 was that it should facilitate recruitment of Indian workers abroad on best possible terms and conditions of employment. It was also felt that in this process the self-respect and dignity of the workers and prestige and honour of the country should in no way be compromised.

The operation of the Emigration Act, 1983 has had significant implications for the outflow of migrant labour from India during the last two decades. To begin with, the Act has put in place definite structures for regulating the flows of unskilled and semi skilled labour. Section 22 of the Act states that

all Indian citizens seeking to migrate for employment purposes must obtain emigration clearances from the Office of the Protector of Emigrants, Ministry of Overseas Indian Affairs. The Protector of Emigrants, while granting the emigration clearance, is required to examine the employment contracts to ensure that the terms and conditions are neither discriminatory nor exploitative and that provisions for travel, wages and working and living conditions are in conformity with the prescribed norms. With a view to facilitate free movement of manpower for overseas employment, several categories of persons have been exempted from the requirement of obtaining emigration clearances and placed under emigration check not required category (ECNR category) (see Appendix II for the list of ECNR categories). In fact, in recent years the emphasis has been to considerably liberalise the emigration clearance system and thereby bring in more and more migrants under the emigration check not required category. For instance, any one who has passed the matriculate examination is presently exempted from obtaining emigration clearance. Similarly the number of countries where emigration clearance is not required has been increased from 53 to 174. The emigration clearance is currently required only if a person is migrating to 18 selected destination countries (see Appendix III for the list of countries).

Currently, the migration of approximately 0.5 million persons annually from India are directly regulated by the provisions of the Emigration Act, 1983, as they require emigration clearances. As noted earlier, an overwhelming percentage of those who obtain emigration clearances migrate to the GCC countries and to Malaysia. As per the law, the employment contracts of all these workers are required to be scrutinized. However, divergences between the letter of the law and the actual experiences of the migrant workers are common. To begin with, in a large number of cases, the emigration authorities do not undertake proper verification of the employment contracts. In fact, the existing infrastructure in most POE offices is grossly inadequate to perform this crucial function efficiently. Along with this, there are hardly any systems to monitor the actual working conditions of the migrants in the destination countries. This is why unskilled and semi-skilled migrants, especially those working in the Gulf countries, still continue to encounter problems like premature termination of job contracts, changing the clauses of contract to the disadvantage of the workers, delay in payment of salary dues, violation of minimum wage standards, freezing of fringe benefits and other perks and forced over-time work without returns.

The Emigration Act 1983 focuses a great deal on regulating overseas employment recruitment systems in India. Section 10 of the Act states that no recruiting agent can carry out the business of recruitment without a registration certificate issued by the Protector General of Emigrants. The Certificate is granted after taking into account, *inter-alia*, the recruiting agent's financial soundness, trustworthiness, adequacy of premises, and experience in the field of handling manpower export and after obtaining security ranging from Rs.0.3 million to Rs.1 million. These provisions have ensured that the licensing of recruitment agencies in India has been streamlined over a period of time. In fact, the entire emphasis of the implementation machinery of the Act is geared towards the licensing procedures. In this process, addressing problems encountered by the migrants during the recruitment process, like over charging and cheating by sub-agents, has taken a back seat.

A key provision of the Emigration Act relates to the ceilings imposed on recruitment fees, the limits ranging from Rs.2000 for unskilled workers to Rs.3000 for the semi-skilled workers to Rs.5000 for skilled workers and to Rs.10000 for other than the above categories. Such limits are set primarily with two premises: one, keep the cost of emigration, especially for low-end workers, within reasonable limits; two, protect the workers from excessive profit making propositions of the recruiting agents. Both

these objectives have not been realized for a variety of reasons. To begin with, the existing recruitment fee ceilings are not in conformity with the market realities. For instance, it is a known fact that the expenditure incurred by recruitment agents has risen significantly over the last two decades. In most of the labour receiving countries, especially in the Gulf, the market for expatriate labour have transformed from a seller's to a buyer's market and the recruiting agents are required to make payments to the employers for obtaining placement orders. The amount demanded could vary according to the number of labourers demanded, salary offered, and relative supply conditions and so on. It is obvious that such increases in expenditure of the recruiting agents are directly transferred to the intending migrants. In spite of such a rise in expenditure, the limit set on recruitment fees, especially for the unskilled labour, has not been revised ever since 1983. That is, the same rate is operating for the last 25 years! Everyone in system, right from the migrant to the recruiting agent to the emigration officials, is fully aware of the fact that the provisions related to the ceiling on fees are grossly flouted.

Such a situation has provided the recruiting agents an opportunity to charge as much as they can obtain. In fact, in many emigration intensity pockets, the recruiting agent indulges in visa trading and sells the visa to the highest bidder. More often than not, it is the poor migrants who consider migration as the only strategy for economic upliftment who gets trapped in such situations. Our discussion with intending emigrants in 5-6 major emigrant centres revealed that the existing rates for obtaining a visa for working as an unskilled labour in the Gulf countries is anything between Rs.30,000-Rs.50,000 (excluding actual air fare) - that is, 15-25 times higher than the prescribed fees. That way, the Emigration Act in its current form has hardly succeeded in keeping the emigration cost to reasonable limits. Fixing recruitment service charges in conformity with the market realities and more effective monitoring of the activities of the agents at the field levels are, *inter alia*, key steps to make the Emigration Act more responsive to the needs of the poor emigrants.

Under the existing provisions of the Emigration Act, 1983, sub-agents/commission agents are prohibited within the migration system. However, it is very common to find that an agent or a set of agents are involved in connecting an intending emigrant from his/her destination to the registered recruiting agents. In fact most of the recruitment offences reported in India are committed by these local sub-agents. Although many of these sub-agents are working on a 'commission basis' on behalf of the registered recruiting agents, it is of common knowledge that the registered recruiting agents are not even made accountable for the fraudulent activities of these sub-agents. The sub-agents operate in a totally unregulated system. Such a situation warrants that appropriate amendments are made in the Emigration Act, 1983, to regulate and control the operation of the sub-agents.

Section 10 of the Emigration Act states that no recruiting agent can carry out the business of recruitment without a registration certificate issued by the Protector General of Emigrants. The Certificate is granted after taking into account, *inter alia*, the recruiting agent's financial soundness, trustworthiness, adequacy of premises, experience in the field of handling manpower export, etc., and after obtaining financial security. The bank guarantee is mainly intended to meet the cost of repatriation, if any, of the stranded workers recruited by the agents. The actual cost of repatriation involved in some cases where recruiting agents had to repatriate the stranded migrants are reported to be much higher than the bank guarantee. This even has resulted in delayed repatriation in some instances. Registration records of the recruiting agents show that a large number of recruiting agents who had obtained licenses to recruit up to 300 workers depositing a guarantee of Rs. 3 lakhs were actually not involved in recruitment and

were only 'servicing' the requirement of large-scale recruiters. Such practices are only further distancing the emigrant from the recruiters and paving way for exploitations. Although the PGE/POE offices have reasonably efficient systems for granting licenses, there are hardly any effective systems for monitoring the activities of the licensed recruiting agents. The emigration authorities find it necessary to intervene and evaluate the performance of licensed agents only when complaints are lodged against them. There is a strong need to make the eligibility criteria for registration of recruiting agents more stringent and also evolve appropriate systems for monitoring their performance on a regular basis.

The Emigration Act in its current form is primarily regulatory in nature. Consequently it has not provided the much needed legislative basis for the promotional and welfare considerations related to migration. For instance, although the issue of welfare of migrant workers and their families left behind has come to be recognised as potentially important for quite sometime now, the worthwhile proposition of the constitution of a welfare fund is yet to become a reality. Many labour sending countries like Philippines, Sri Lanka, Bangladesh, and Pakistan have formed migrant welfare funds based on self-supporting schemes. The Philippine experience with Overseas Worker Welfare Administration (OWWA) shows that protection of workers can be institutionalised through three elements: (i) repatriation; (ii) insurance and loans; and (iii) education and training. Agunias and Ruiz (2007) notes that a membership-driven welfare fund like OWWA can benefit migrants in three distinct ways: i) It allows the Governments to raise sufficient revenue to finance the needs of the migrants in destination countries; ii) It enables a Government to provide critical services, such as repatriation in emergency situations; and iii) If managed effectively, it has the potential to financially support activities that can leverage migrant resources for development.

Similarly, the absence of a legislative backing has been one of the most important reasons for the neglect of pre-departure orientation in the foreign employment policy in India. Pre-Departure Orientation Programme for the emigrants is recognised as one of the most effective means to address the problems encountered by the migrant workers in the destination countries and also to help the migrants to adapt efficiently to changed working conditions and to new socio-cultural environment. This is evident from the fact that such Pre-Departure Orientation Programmes constitute an integral component of foreign employment policy regimes in a number of major labour sending countries, especially in Asia. The best example in this regard can again be drawn from Philippines, where the Act governing foreign employment stipulates that all the applicants for foreign employment have to undergo a Pre-Departure Orientation Programme in order to be prepared for overseas employment. There is an immediate need to introduce such orientation programmes as an integral part of the policy regime in India. The Emigration Act must stipulate that all those who are migrating for employment and requiring clearances from the POE have to attend a Pre-Departure Orientation Programme prior to emigration.

Another area where the foreign employment policy regime in India has not made much headway is with respect to the promotion of international labour migration from India. The State has not accorded much emphasis on aspects like monitoring of the labour markets and assessing the emerging skill requirements in major labour importing countries. Adequate emphasis has also not been provided for assessing the skill sets within the country in relation to the emerging skill requirements at the global level. Such promotional functions are critical not only from the perspective of sustaining the flow of migration but also helping the overseas Indian workers to move up the wage chain in different destinations.

The Emigration Act, 1983 has not incorporated special provisions for protecting the interests of the women migrants, especially those emigrating as domestic workers. In fact, the transforming mode of technology and production system and ageing has encouraged the flow of female migration across the borders, mostly from developing to the developed and rich nations. Several origin countries like Philippines and Sri Lanka have developed separate sets of emigration rules in order to address the specific needs and requirements of the female migrants. They have not only incorporated particular provisions in their own legislations but also developed model contracts with the destination countries for fair treatment and protection of their female migrant workers. Steps initiated in India such as restricting women below 30 years from migrating as domestics, are more of a regulation than protecting the interests of women.

4. Migration management in India: Recent initiatives

A number of initiatives have been taken in India since independence to recognise and honour the significant contribution of overseas Indian community in India's social and economic progress. However, in most cases, these steps were taken in an *ad hoc* manner without considering the modalities to sustain them in a long-term perspective. This was surprising in view of the fact that the sustained international migration from India and its consequences provided massive potential for addressing different developmental concerns. The establishment of a separate Ministry, Ministry of Overseas Indian Affairs in May 2004, to deal with all matters pertaining to overseas Indians, comprising Persons of Indian Origin (PIO), Non-Resident Indians (NRIs) and Overseas Citizens of India (OCI), was a historic step to acknowledge the fact that the overseas Indian community constitutes a significant economic, social and cultural force and needs mainstream attention. The basic mission of this Ministry is to "promote, nurture and sustain a mutually beneficial relationship between India and its overseas community" (MOIA, 2007).

In achieving the above mission, the MOIA is guided by four key policy imperatives. First, the heterogeneous overseas Indian community spread across eight major regions of the world is a product of different waves of migration over hundreds of years and have distinct and often varied expectations from the home country. In facilitating the process of engagement the Ministry seeks to provide for this wide range of roles and expectations. Second, there is a need to bring a strategic dimension to the process of India's engagement with its overseas community. It is important to take a medium to long term view of overseas Indians and forge partnerships that will best serve India as an emerging economic power and meet the expectations of overseas Indians as a significant constituency across the world. Third, overseas Indians are both the products and the drivers of globalisation. They represent a reservoir of knowledge and resources in diverse fields - economic, social and cultural - and that this reservoir must be drawn upon as partners in development. Finally, the states of India are important players in this process. Any initiative that overseas Indians, individually or collectively, take must be anchored in one of the states. The states must therefore be encouraged to become natural stakeholder partners in the process of engagement with the overseas Indian community. Some of the major schemes initiated by the Indian Government to accomplish the above stated objectives are highlighted below.

Pravasi Bharatiya Divas

As per the recommendation of *High Level Committee on Indian Diaspora*, the Government of India had decided to celebrate 'Pravasi Bharatiya Divas' (PBD) in recognition and appreciation of the

constructive, economic and philanthropic role played by the Indian Diaspora, on the 9th day of January every year. January 9 has been chosen because it was on this day that Mahatma Gandhi, Father of the Nation and a Pravasi Bharatiya in South Africa for almost two decades, returned to India in 1915.

The first PBD was celebrated during January 9-11, 2003 at New Delhi. Since then this event held on an annual basis has become the major platform for discussions on a host of issues related to overseas Indians. The high level deliberations have been attended by significant numbers of overseas Indian community from across the globe. It has also become the centre stage for recognizing the contributions made by Indian Diaspora as the Pravasi Bharatiya Samman Award are conferred during this meet to prominent members of the Indian Diaspora.

Overseas Citizenship of India (OCI) Scheme

In response to a long and persistent demand for "dual citizenship" particularly from the Diaspora in North America and developed countries, the Government of India introduced Overseas Citizenship of India (OCI) Scheme in 2005 to cover all Persons of Indian Origin where local laws permit "dual citizenship" in some form or the other except Pakistan and Bangladesh. Accordingly, the citizenship (Amendment) Ordinance was promulgated on 28.06.2005 amending the Citizenship Act, 1955 extending the facility of Overseas Citizenship of India (OCI) to Persons of Indian Origin (PIOs) of all countries (who were citizens of India or eligible to become citizens of India on 26 January, 1950 and are citizens of the countries (except Pakistan and Bangladesh). Registered OCIs are entitled to the following benefits: (i) Multiple entry, multi-purpose life long visa to visit India; (ii) Exemption from reporting to the police for any length of stay in India ; and (iii) Parity with NRIs in financial, economic and educational fields except in the acquisition of agricultural or plantation properties. As on March 31, 2008, over 2.5 lakhs OCI documents have been issued (MOIA, 2008).

The Pravasi Bharatiya Bima Yojana, 2006

This is a new and upgraded version of the compulsory insurance scheme for the migrant workers introduced in 2003. Under the new scheme, the migrant workers are insured for a minimum cover of Rs. 0.3 million and the policy is valid for the entire period of the employment contract. The insurance is compulsory for all those who migrate for employment purposes after obtaining emigration clearance from Protector of Emigrants (POE). The salient features of this scheme are: (i) In the case of death, besides the cost of transporting the dead body, the cost incurred on the one-way airfare of one attendant shall be reimbursed by the insurance company; (ii) If a worker is not received by the employer on his/her arrival to the destination abroad or there is any substantive change in employment contract to his/her disadvantage or if the employment is pre-maturely terminated within the period of employment for no fault of the emigrant, the insurance company shall reimburse one way economy class airfare provided the grounds of repatriation are certified by the concerned Indian Mission/Post; (iii) In cases where the repatriation is arranged by the Indian Mission/Post, the insurance company shall reimburse the actual expenses to the concerned Indian Mission/Post; (iv) The insured person shall be reimbursed actual one way economy class airfare by the insurance company if he/she falls sick or is declared medically unfit to commence or continue working and the service contract is terminated by the foreign employer within twelve months of taking the insurance; (v) The insurance policy shall also provide medical cover of a minimum of Rs.50,000/- as cash-less hospitalization and/or reimbursement of actual medical expenses of the insured emigrant workers on grounds of accidental injuries and/or sickness/ailments/diseases

occurring during the period of insurance whether in India or in the country of his/her employment; (vi) An insured person shall be covered for a minimum sum of Rs.25,000/- in connection with the legal expenses incurred by him/her in any litigation relating to his/her employment; (vii) The insurance policy shall also provide maternity benefits, subject to a minimum cover of Rs.20,000/- in case of women emigrants. In case of medical treatment in the country of employment, the maternity benefits would be provided if the requisite documents are certified by the concerned Indian Mission/Post; and (viii) The family of emigrant worker in India consisting of spouse and two dependent children up to twenty one years of age shall be entitled to hospitalization cover in the event of death or permanent disability of the insured person for a maximum amount or Rs.25,000/- per annum.

There is no doubt that the insurance scheme is very comprehensive in terms of its benefits. However, although it has been presumed that the notified insurance companies would charge fair and reasonable premium, our preliminary discussions with those who have been insured indicate significant variations in terms of premiums charged by the different companies, which suggest that some companies may be over charging the emigrants. Considering that this is a scheme primarily targeting the low-end migrants, there is a need to stipulate certain limits in terms of premiums to be charged. There is also a requirement to monitor continuously the implementation of the scheme especially in relation to the accrual of benefits to the insured persons and their families.

Abolition of ECR Suspension

Another major policy initiative relates to the abolition of 'suspensions' since October, 01, 2007. Prior to this, those persons whose passports have been endorsed under the category 'emigration check required' had to get 'suspension' from the requirements of obtaining emigration clearance if they intended to travel abroad for non-employment purposes. While provisions were made to safeguard against the misuse of suspension, considerable numbers of people who obtained suspensions, especially to visit the Middle East, did not return and managed to secure a job or prolong their unauthorized stay. The suspension system also led to a lot of corruption and was incapable of meeting its objective of preventing misuse of visit visa for seeking overseas employment. As per the new policy, the ECR passport holders traveling abroad for purposes other than employment will be allowed to leave the country on production of valid passport, valid visa and return tickets, at the immigration counters at the International airports in India. The data on all such passengers going abroad in terms of the country and the duration of the visit are to be maintained by the Bureau of Immigration. There are two implications for such a policy: (i) Certain procedures for emigration for non-employment purposes has been dispensed with; (ii) the responsibility for verifying the documents of those who are traveling for non-employment purposes have been transferred from POE to the Bureau of Immigration at the international airports. Although this initiative is expected to considerably ease the travel of those in the ECR category for non-employment purposes, it still does not guarantee that those who migrate for non-employment purposes will not secure employment and stay unauthorized in the foreign country. The issue of irregular migration can be best tackled only if there is huge public campaign disseminating the adverse effects of such migration among the prospective migrants.

Special welfare measures

A number of special measures have also been taken in the recent past for ensuring better protection and welfare of Indian workers, especially the vulnerable sections like women emigrants. These

include: i) Application of the age restriction of 30 years to all women emigrating on ECR passports; ii) Defining a minimum wage for emigrants; iii) Stipulation of a security deposit 2500 US\$ per worker from the foreign employer directly hiring Indian worker; and iv) Compulsory attestation of employment documents for all women emigrants with ECR passport.

Bilateral agreements

One of the major successes of the overseas employment policy in India in the recent years has been the signing of bilateral agreements/MOUs with major labour-receiving countries. In December, 2006 an MOU was signed with the United Arab Emirates. In April, 2007 another MOU was signed with Kuwait. An additional protocol with Qatar to update the 1985 agreement has also been finalized. Negotiations are on with Malaysia and Oman and the MOUs with them are expected to be signed soon. These bilateral labour MOUs have been designed to protect the rights of the workers in the host countries and to promote their welfare. They are aimed at streamlining the deployment procedures and remove loopholes in the system. The MOUs also provide for a standing joint committee to meet twice a year to discuss bilateral issues relating to Indian workers and find solutions.

Recently, the Indian government has entered into a landmark social security agreement with Belgium for addressing the emerging needs of the highly skilled emigrants. As per the agreement, those working on a short term contract up to sixty months are exempted from social security contributions provided they continue to make social security payments in the home country. Additionally, those who work for longer than sixty months are entitled to the export of social security benefits should they relocate to the home country. Such social security arrangements are extremely critical considering that sizeable number of skilled workers are emigrating under the temporary programmes but have not been exempted from making social security contribution, the benefits of which they can reap only if they are able to convert their temporary status into a permanent residence status.

5. Immigration policies of select countries: New transformations and its implications

This section reviews the changing nature of immigration policies of few destination countries and its implications for migration flows from India. Broadly, we deal with two categories of countries. First, high- income developed countries which have introduced several new schemes and policy measures to facilitate entry of migrants at the higher end of the skill spectrum on both temporary and/or permanent basis. Secondly, GCC countries which have introduced a series of measures aimed primarily at pruning the size of immigrant labour in their respective countries.

Mobility of highly skilled

Abella (2006) notes that the following factors have induced several developed countries in recent years to adopt policies facilitating larger absorption of foreign workers in high-skilled categories. One, the liberalization of trade and the resultant expansion of cross-border economic activities of multi-national corporations have been accompanied by transfer and movement of skilled personnel; Two, rapid expansion of the knowledge economy has paved way for significant spurt in the demand for professionals with specialized skills, especially IT engineers; Three, rapid ageing of population are generating additional demand for the services of health care professionals; and Fourth, the growth of informal as well as flexible

form of employment have opened up market for migrant workers willing to enter the occupations and sectors abandoned by the native workers.

A review of immigration policies towards highly skilled foreign workers suggests that the existing mechanisms and policy initiatives used by countries to attract foreign expertise can be broadly schematized as follows. First, several countries have evolved specific and specialized schemes aimed at attracting highly skilled migrants primarily on a temporary basis. Many of such programmes have been targeted towards attracting and admitting IT professionals and health care workers. Second, changes have been made in the already existing work permit systems to facilitate quicker access to the labour market for the highly skilled personnel. Several countries have adopted 'points system' with the objective of attracting highly skilled foreigners, particularly those that their labour markets need.

H-1B Programme of the US is one of the most prominent temporary schemes to attract highly skilled migrants, especially the IT professionals. Under the H-1B programme, 'specialty workers'³ are admitted on renewable three-year visas. Although initially the extensions were granted for three-years, the new law allows H-1B workers to stay for more than six years if their green card applications have been under process for at least a year. One year extension is granted until the employment visa is approved and adjustment status is final. The H-1B visa has also been made fully portable meaning that the H-1B worker may switch employers as soon as a new employer files a petition with the Immigration and Naturalization Service (INS). The earlier law necessitated the approval of a petition before the worker could change the employers. H-1B route is considered extremely flexible enough to admit any profession for which there is demand (McLaughlin and Salt, 2002). In an effort to help the US employers compete internationally, the cap on number of H-1B visas has been raised from time to time. More than half of the H-1B workers are employed by the IT industry and the demands for raising the cap has come from mainly from the IT industry.

As regards Canada, immigration policies in recent years have placed greater emphasis over admitting the temporary workers, especially the skilled and qualified professionals. Citizenship and Immigration Canada (CIC) facilitates the temporary entry of workers needed to address labour market shortages and to provide other economic opportunities for Canadians such as job creation and the transfer of new skills and knowledge. The focus is now on selecting immigrants within the overall needs of the economy, rather than on qualifications for specific occupations. The current flexible and transferable skills needed to succeed in a rapidly changing, knowledge-based criteria place more emphasis on the applicants' level of education and previous work experience, and there is greater importance attached to their knowledge of English or French. In addition, applicants with pre-arranged employment are awarded extra points.

Some of recent changes in immigration regime in Canada have provided additional incentives to attract skilled foreign workers. These include permitting spouses to obtain work permits and exempting their primary and secondary school-aged children from the student permit requirement. Further, the Government approval process for admission of temporary workers is much quicker and simpler than the lengthy one for permanent resident approval. Temporary admissions are usually processed in weeks

³ Section 214(i) (1) of the Immigration and Nationality Act defines a specialty occupation as "an occupation that requires (A) the theoretical and practical application of a body of highly specialized knowledge, and (B) attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States".

or months, while processing of permanent resident application is measured in years (Clarke, Hogarth and Salt, 2004). The Immigration and Refugee Protection Act, 2006, *inter alia*, has further introduced certain enabling provisions under the temporary worker programme. Previously an employer had to show that there were no Canadians available to fill the job, now the requirement under the new regulations is only that the temporary workers have neutral or positive effects on the labour market. Similarly, the advertisement criteria on the part of the employers for a set period before making a job offer has been eliminated. These changes make it easier for Canadian employers to recruit skilled labour when they need it.

The main mechanism for managing labour immigration to the UK is the work permits system. Under this, the Government policy seeks to promote economic migration in order to meet the shortfall in the domestic supply of certain skills and to increase the competitiveness of the UK economy (Clarke and Salt, 2003). Recently, different programmes have been introduced at the high and low ends of the skills spectrum. Developing the system in this way is viewed by the Government as a way of increasing the national skills base and reducing the amount of irregular migration and illegal working through the expansion of legitimate entry routes. Clarke and Salt (2003) note that the work permits system currently in operation is more comprehensive than it has ever been. Among the different work permit schemes, Highly Skilled Migrant Programme (HSMP) is the main entry route for the skilled and qualified professionals in the United Kingdom. It was introduced basically to meet the high-skilled labour shortages, especially IT professionals, health and care professionals, etc. in the country. This was launched in January 2002 as a new initiative to allow individuals with exceptional professional skills and experience to come to the UK to seek and to take work or self-employment. Under the HSMP an individual can obtain a permit to come to the UK without a job offer if they satisfy a points-based test, administered by Work Permits.

Considering the enormous significance being attached towards managing the temporary migrant flows, UK has recently proposed a new 'points-based system. The new system is expected to register the following outcomes: (i) Better identifying and attracting of migrants who have most to contribute to the UK; (ii) A more efficient, transparent and objective application process; (iii) Improved compliance and reduced scope for abuse; and (iv) These will help deliver high-level benefits for the UK including increased economic competitiveness and cultural exchange (Home Office, 2006).

During the last two decades, the emphasis of the Australian immigration policy has tilted in favour of skilled and professional workers. Accordingly a number of skill selective programmes have been introduced to attract these workers. However what is of added significance is the fact that since 1996 there has been an active attempt to bring skilled workers to Australia on a temporary basis (Hugo, 2006). In fact, the proportion of total immigration in the skill categories has increased from 29.2 per cent in 1995-96 to 62.3 per cent in 2003-04. Two of the larger categories of skilled migrations are the Skilled-Independent (SI) and Skilled-Australian Sponsored (SAS) (McLaughlin and Salt 2002). Entry under both categories is dependent on a points test. The SI group forms the largest component of skilled migrants each year. Entry under this category is dependent on a points test. They are selected on the basis of their age, skills, and qualifications. Under the skilled or independent migrant selection system, the Migration Occupation Demand List (MODL) identifies occupations to be allocated extra points under the points test. Though IT skills featured strongly in the past under the SI category, currently it is the health professionals who dominate (Clarke, Hogarth and Salt, 2004).

Several other high-income countries have also introduced specialized schemes and programmes to attract and admit highly skilled and talent migrant workers. The Green Card scheme in Germany is an initiative introduced in 2000 to fill the large number of vacancies for skilled IT personnel which could not be filled from within Germany or the European Union (EU). The core elements of this programme are to grant top foreign IT specialists access to the German labour market and at the same time launching a major vocational and continuing education initiative for German employees and young people (Kohlmeier, et.al, 2005). Originally the Scheme arranged for the admission of 20,000 IT professionals per annum but later on taking into consideration the demands of the German business community the number has been increased to 60,000 per annum.

In France, the new immigration law authorises the government to identify particular professions and geographic zones of France that are "characterized by recruitment difficulties". For those identified employers, the government will facilitate the recruitment of immigrant workers with needed skills or qualifications. Under the new law, foreigners who possess skill sets of interest to French employers in the designated areas will be granted "skills and talents" visas, valid for three years. Eligible candidates are required to demonstrate that they will contribute to the economic or intellectual and cultural development of both France and their country of origin. New Zealand has made several changes in the Skill Migrant Category (SMC) policy in the recent past to facilitate the entry of talent workers. Increased points are being allocated to applicants with work experience and qualifications and the range of occupations considered as skilled have also been broadened (OECD, 2006). Belgian government has recently developed specific policies to facilitate the employment of highly skilled foreign workers. Most of these policies simplify administrative procedures for the admission of highly skilled migrant workers. For instance, highly skilled foreign workers are now allowed to renew their work permit for another four years, and even longer. They have also introduced new work permit scheme that allow migrant workers either to take up a specific job for a period of one year or multiple jobs within the specified timeframe. In Japan, a new plan under the E-Japan Strategy has been introduced in 2005 to bring in an additional 30,000 IT engineers (OECD, 2006).

It is quite evident that a number of countries are increasingly resorting to temporary immigration schemes and programmes to admit highly skilled migrant workers in order to meet the emerging skill shortages. Majority of these programmes have been targeted to admit IT and health care professionals. Our analysis of the trends in international labour flows from India clearly shows that India is emerging as one of the important source country for highly skilled migrants in sectors such as IT and health care. This has been enabled primarily by two factors: One, India possesses an abundant and high quality pool of talent workers which has been made possible by a large, expansive and established network of academic infrastructure. Also, with English being a widely accepted medium of instruction in the Indian education system, a large proportion of the graduate pool is proficient in English. Second, an unabated flow of Indian professionals during the last half a century to the traditionally immigrant receiving countries like US, UK and Canada have ensured that Indians are now one of the most highly educated ethnic groups with much higher median income than any other community in these countries. This has had a major 'demonstration effect' in stimulating further outflows of highly skilled labour from India.

As noted earlier, one of the prominent features of highly skilled labour mobility from India during the pre -1990s was that such flows were primarily 'permanent' in nature and there was hardly any return associated with them. However there has been a reversal of these trends since the 1990s mainly due to

the fact that the new schemes and programmes related to the entry of the highly skilled migrants aims to admit them purely on a temporary basis. Together with this, the rapid expansion of IT and IT enabled industry in India during the last decade is also encouraging a large number of Indians to return and set up business ventures, especially in key IT centres in India like Bangalore. Such a trend of to and fro movement of professionals and ideas require that the migration of highly skilled labour be possibly situated within the framework of 'brain gain'. However a severe dearth of empirical information both in relation to the number of highly skilled migrants returning to India and on their business ventures prevents us from probing into the 'brain gains' in detail. However we highlight some aspects of these gains. It is estimated that at least 35000 IT professionals have returned to either work in IT companies or set up business enterprises in Bangalore alone. In our limited discussions with some of those who have taken up new assignments in IT companies, it was revealed that their career prospects in India seem to be even much better than in the developed countries from where they returned. Our discussions with those who have established new IT and IT enabled enterprises indicated that the professional stint which they had in developed countries was a key stimulant for them to establish business enterprises. Many of them informed that they are currently taking up outsourcing work from the major IT companies in which they worked earlier. We strongly feel that there is an urgent need to undertake in-depth investigation on the nature and extent of return migration of highly skilled migrants, by looking at the major industries and professions and also the national and international factors facilitating such flows.

It is also vital that India monitors closely the changes being introduced in the immigration policies to attract highly skilled as some of these changes could have adverse implications for Indian migrants. For instance, the recent changes to the rules regarding the HSMP in Britain prescribing new criteria such as higher income levels and qualifications and the decision to implement them with retrospective effect, would adversely affect at least 15000 highly skilled Indians who had migrated five years ago. In fact, if the new provision is implemented it would result in the deportation of these immigrants.

Immigration policies of GCC countries

The past two decades have witnessed significant transformations in the policies relating to the deployment of migrant workers in all the GCC economies (Hussain, 2008). Delineations of the implications of such policy changes on labour flows from major migrant-sending countries like India to the GCC are almost non-existent. Such a description could provide vital insights towards evolving sustainable policies for Indian migration flows to the GCC. Given this context, we detail the labour policy changes that have been taking place in the GCC countries and their impact on current as well as future prospects on labour flows from major sending countries like India.

Although large-scale deployment of migrant labour in GCC countries has been a catalyst for the modernization and development of these economies, it has also given rise to new and complex issues related to labour and social policies in the recent past (Winckler, 1997, 2002). Since the early 1980s there was a view in some quarters that over-dependence on expatriates would adversely affect the future course of GCC countries (Looney, 1994, 2004). The rising rates of unemployment and underemployment among the natives of the GCC countries, especially in the 1990s, further stirred this up as an important policy concern.⁴ Most GCC States began to promote greater participation of nationals in the labour force so as to reduce the number of expatriate workers (Fasano and Goyal, 2004). These efforts have

⁴ *Wall Street Journal*, April 1, 2004, reports that in Saudi Arabia alone, the general unemployment rose to 13 per cent in 2004 and among youth it was estimated to be as high as 35 per cent.

been particularly intense in Bahrain, Oman and Saudi Arabia, and have recently been stepped up in Kuwait, Qatar and the United Arab Emirates. These policies have often been referred to as 'labour market indegenisation'.

A schematic representation of how the GCC countries currently view their immigration policies is outlined in Chart 2. It is evident that the GCC countries, especially Kuwait, Oman, Saudi Arabia and the United Arab Emirates, consider their present level of immigration to be too high and aim to reduce the levels of immigration. Reduction in migrant stock is considered as a key requirement for providing employment opportunities, especially to the unemployed youth in the national labour force.

Accordingly, the GCC countries have employed a host of policy tools during the last two decades to regulate and control the in-flow of migrant workers to their respective countries (Girgis, 2002; Shah, 2005; United Nations, 2006b). The major policy instruments used to this effect and their implications are discussed below.

Chart 2 : Immigration Levels and the Policies of the GCC Countries

Country	1975		2005	
	View	Policy	View	Policy
UAE	Satisfactory	Maintain	Too high	Lower
Saudi Arabia	Too low	Raise	Too high	Lower
Qatar	Satisfactory	Maintain	Satisfactory	Maintain
Oman	Satisfactory	Maintain	Too high	Lower
Kuwait	Satisfactory	Maintain	Too high	Lower
Bahrain	Satisfactory	Maintain	Satisfactory	No Intervention

Source: United Nations Wall Chart, 2005

Most of the GCC countries have raised the cost of living of migrant workers, through measures like, hiking health charges, raising the renewal charges, cutting fringe benefits, etc. Kuwait (1999) and Saudi Arabia (2001) instituted health fees for the expatriate workers. The Bahraini Cabinet has also instituted a health fee for expatriate workers in 2001, with an instruction that expatriates or the employers must buy health insurance, which should cover primary as well as secondary health services including regular check-ups and surgery. The UAE, which has had already instituted a health insurance policy has recently imposed a new fee of, approximately 500-4000 dirhams (US\$ 136 to \$1,089) for all surgical procedures.⁵ The main aim behind such a strategy is to raise revenue for the host country and finance the training programmes for the nationals. Besides, the reduction of wage differential margins is further expected to diminish the attractiveness of the Gulf labour market as a destination site for the expatriate workers (Shah, 2005).

All the GCC countries have started declaring repeated amnesties since the mid-1990s in order

⁵ *The Gulf News (UAE), September 9, 2003.*

to encourage the departure/regularisation of the unauthorized/illegal expatriate workers employed by companies and other doubtful sponsors. For instance, the United Arab Emirates launched in June, 2007 an amnesty and regularisation scheme to address the problem of an unacceptably high number of expatriate workers staying on in violation of its residency laws. The amnesty offer enabled a large number of them to get their stay regularised, and others to leave without facing punitive measures. By November, when the period of amnesty ended, some 95,000 illegal residents including 40,000 Indians had secured regularisation, many of them getting reabsorbed in the workforce.

The GCC countries in recent years have pursued policies to restrict the number of approved work visas (Fasano and Goyal, 2004). New visas would be available only for menial jobs that local labour is not willing to do or technical ones that citizens are not trained for. Saudi Arabia has adopted strategies to ban the issuing of visa to new companies and to those companies employing less than 10 workers. Instead, they are being encouraged to hire nationals in place of migrants.

Over a period of two to three decades, a new system of visa trading has been in operation in the GCC countries. The basic reason highlighted is the excess of demand for the visa than what was supplied by these governments. Many companies operate fictitious firms and obtain work permits, which in turn are sold to migrants at higher prices. The number of workers sponsored by these fictitious companies was estimated to be 600,000 or 27 per cent of the total migrants in the GCC countries. The Ministry of Labour, Saudi Arabia, recently noted that 70 per cent of the visas issued by the government are sold in the black market and the government was determined to crack down on this. Bahrain Ministry of Social Affairs recently pointed out that for 20 years the illegal sponsorship of the visas has plagued the job market, and decided to take action against 43 employers engaged in visa trading.

In KSA, millions of dollars are being spent on job training, technical schools and cash incentives for Saudi companies to hire Saudi citizens. In some cases, the government is subsidizing half the salary in order to encourage private sector employers to hire national workers. The higher prices of oil in 2004, which resulted in a budget surplus, were earmarked to the Human Development Fund, which subsidized the salaries of as many as 30,000 Saudis each year as an incentive for companies to hire them. It is also planned that technical and vocational training institutes will build 59 new campuses, doubling the number of skilled personnel in fields such as cosmology, computer programming and plumbing. Nearly all jobs in the above fields are currently manned by expatriates.

The policy of labour indigenization adopted by the GCC countries has invoked mixed responses. The GCC authorities opine that these policies have produced tangible results. In Bahrain, Kuwait, Oman and Saudi Arabia, the share of nationals in total employment rose during 1990 to 2000. However, some analysts argue that the nationalization drive has had impacts only in relation to public sector employment (Hussain, 2008). This is mainly on account of the strong preferences of national labour to secure public sector employment. The increasing proportion of nationals in public sector employment is considered beneficial from the perspective of both the State as well as national labour. From the State's perspective, the dominance of national labour in public sector employment sends strong signals about the intention of the State to make the labour market more national orientated. Dominance of the nationals in public employment is considered more desirable from the point of view of protecting the sovereignty of the State. Such a consideration has gained more currency, especially in the context of heightened tensions in the Gulf States since the early 1990s. As regards the national labour force, its additional deployment is considered beneficial from the perspective of long-term job security.

However, the long-term sustainability of State as provider of additional employment for the nationals is already being contested. It is argued that the absorption capacity of public sector has already reached saturation and any effort to further expand it would make the sector more inefficient and cost ineffective. In fact, in most of the GCC countries, except Saudi Arabia and Bahrain, more than 60 per cent of the national labour force is already employed in the public sector.

The policies relating to indigenization of labour markets have not had any perceptible impact on the private employment in the GCC countries for a variety of factors. Mismatch in skills supplied by the national workers and those demanded by the private sector is one of the most prominent factors as to why the private sector has failed to absorb additional national labour force. It is also important to view the above trends in relation to the fact that most expatriates in the GCC labour markets work for the non-oil private sector. On an average, more than 85 per cent of the total employed workers in the sector are expatriates. Private employers prefer to hire non-national workers because their cost (wages and fringe benefits) is relatively lower - though the difference in cost vis-à-vis national workers is narrower at the high-end of the labour market. Expatriate workers are better trained and have more flexible contract agreement that facilitates hiring and firing.

The indigenization policies have also given rise to a debate relating to whether the Arabs from the non-Gulf regions will replace Asians in the expatriate labour market (Girgis, 2002; Kapiszewski, 2006). The available evidence informs us that the dominance of Asians among the expatriate labour market, especially in private sector would only continue at least in the short to medium term (Shah, 2004). The major factors, which will sustain the Asian dominance, *inter alia*, include: i) Asians command lower wages, work longer hours and do not expect promotions over time. Moreover, it is not unusual to find highly skilled Asians willing to accept skilled jobs at even low pay. These expatriate workers also help the public sectors of the GCC countries to reduce fiscal burden; ii) The Asians' command of the English language is generally superior to that of an average Arab worker; iii) Asians selected to work in the private sector are more experienced than Arabs; and iv) Asians who join the labour force on contracts with fixed durations normally return to their homes at the end of the contract period. They also prefer to live without their immediate families in order to maximize their savings compared to Arabs.

It is important for major Asian labour-sending countries like India to situate the sustainability of labour flows to the GCC region from the perspective of the supply side of the problem. Several scholars opine that severe competition, if not properly monitored, may result in significant under-cutting of wages and hence decline in the labour standards of migrants in the GCC labour markets. There are three key policy issues that emerge in this regard for India. One, the need to evolve appropriate strategies to sustain the labour flows to the GCC countries; two, forge alliances with other labour-sending countries in setting minimum acceptable standards; and three, establish greater co-operation with the GCC countries.

It is imperative that the changing immigration policies are properly understood, so that there could be possibilities for evolving more acceptable mutual agreements on labour migration between India and the GCC countries. Such agreements are also critical for strengthening the long term Indo-GCC economic relation. Apart from this, it is also critical that India, which is the largest labour sending country to the GCC region, joins with other labour-exporting countries to evolve appropriate multilateral strategies to ensure that the rights of the migrant workers are adequately protected. This is critical from the perspective of ensuring that the migration process is mutually beneficial to the sending and the receiving countries.

6. Policy perspectives

In this section, we set out certain perspectives which would facilitate the formulation of a comprehensive and pro-active external labour migration policy framework in India.

Enriching the information base on international labour migration

Information and knowledge about the magnitudes and patterns of migration and characteristics of migration processes are vital from the perspective of evolving appropriate migration management strategies. It is evident from our analysis that the existing information base on international labour migration from India is partial and scanty. Data on unskilled migration, as provided by emigration clearances, is the only available macro-level information. This information is available in terms of state of origin of emigrants and the country of destination. It does not provide the gender and age-wise differentials of emigrants. In fact, this data is what is always used to portray the extent of labour migration from India in all national and international reports and analysis. However, the magnitude of migration from India is much larger than what is captured by this data source. It is also striking to note that there is hardly any data on return migration in India. Thus, the existing data hardly provide any basis for evolving a holistic strategy on migration.

The database on migration should encompass information on all major forms of labour migration and should be disaggregated in terms of critical variables like gender, age and educational/skill levels of migrants. Disaggregation would be a relatively simple task as far as the data on emigration clearances is concerned as such information are already sought and obtained from emigrants. It is only that they need to be processed and published. The on-going process of e-governance in emigration and automation of POE offices could considerably simplify this task.

Regarding those who migrate without obtaining emigration clearances, we may consider different alternatives. One, the available information in the major destination countries could be collected on a continuous basis (and not on a one-off basis) and used to develop a comprehensive database on Indians working abroad. Appropriate inter-governmental co-operation in sharing information on migration could facilitate such an endeavour. Second, the border control records could be used for more accurate measurement of international labour migration. International experiences suggest that it is possible to extract labour outflow and return flow data on key variables from embarkation/disembarkation cards. An essential first step to make use of this source is to redesign the existing arrival/departure cards to yield requisite information.

Besides quantitative data, there is also a need to generate appropriate qualitative information on key dimensions of migration process like difficulties encountered by intending emigrants, attitude of emigration officials to the emigrants, problems faced by emigrants abroad, investment plans of return migrants and so on. Such information could be generated and consistently updated by conducting 'selective' emigration surveys in high emigration-intensity regions in India. Specific case studies highlighting 'good practices in migration' could also be developed through such surveys for wider dissemination.

Promoting international labour migration from India

International labour migration policy ought to provide increasing emphasis to promotion and facilitation of external labour flows from India and not be limited only to regulating and protecting

functions of the State. Some of the specific modalities through which the State can engage in the facilitation and promotion of international labour migration from India include: i) Monitoring and projecting manpower requirements, especially in new and emerging destinations in Western Europe and East Asia; ii) Evolving a system to disseminate the overseas labour market information among the potential emigrants; iii) Identifying the emerging nature of skill requirements in the overseas labour markets and ensuring the available matching supply of skill sets. The matching of demand for skills in the destination countries and the supply of skills within the country should be done in such a way that the skill levels of Indian migrants should be made equivalent to the internationally recognized and accredited standards. Such a strategy would ensure that the comparative advantage of Indian migrants in terms of productivity would substantially improve and hence enable them to move up the wage chain in overseas labour markets; and iv) Monitoring and responding to the transformations in immigration policies in major destination countries and regions. These are some of the key issues which could be addressed by the proposed Central Council for Promotion of Overseas Employment, on a priority basis.

Strengthening and reorienting the Emigration Act, 1983

Evaluation of the Emigration Act indicates that the Act needs to be reoriented so that it provides a legislative basis for better protection and welfare of the migrants of the one hand and for the active promotion of international labour migration from India on the other. The Act needs to be modified to check the activities of the unscrupulous agents and to make it harder for agents to cheat Indian workers who are keen on migrating overseas for employment. The grievance redressal system must also be made more effective. Provisions of the Act which are very commonly violated need to be reassessed. Some of the feasible remedial measures are detailed below.

There is widespread violation of the provision relating to the maximum amount that the recruiting agents are authorized to charge as fees for the services rendered to the migrant workers recruited by them. In such a context, there is a need to pursue a more flexible position and reconsider the amount of maximum chargeable fee. It is important that the limits set on recruitment fees are in tune with the market realities. We could consider the recruitment fee system operating in Philippines where the recruitment agents obtain an amount equivalent to one month's salary of the workers they recruit as commission/fee. This system would ensure that the recruitment agents themselves would work as a pressure group to influence the employers to offer attractive wage rates as it would maximize their returns also. Another option is to abolish the limits in relation to the amount being charged as service charges. Once this is done, the recruiting agents should be required to provide a self-certification as to the amount being levied as service charges from the intending emigrants. Random inspections could be carried out by emigration officials to confirm the veracity of self-certification. The penalty for false certification should be stringent. For instance, any false certification should lead to the cancellation of license.

There is a requirement to make the conditions for registration as recruiting agents more stringent. As noted earlier, a large number of recruiting agents who had obtained licenses to operate in the lowest slab (i.e. recruiting up to 300 workers and depositing a guarantee of Rs.3 lakhs) were actually not involved in recruitment and are only servicing the requirement of large scale recruiters. One option which could be considered to tackle this problem is to raise the security deposits relating to the different recruitment slabs. For instance, the range of workers being deployed and the security deposits charged thereof could be revised as follows: (i) Minimum up to 1000 workers - Rs. 10 lakhs; (ii) 1001 to 2000 workers - Rs. 15 lakhs; and (iii) 2000 workers and above - Rs.20 lakhs.

There is an imperative need to bring the activities of the sub-agents who work for the recruiting agents under the ambit of the Emigration Act. The licensed recruiting agents, if availing the services of sub-agents, should be required to register their sub-agents providing relevant information such as their area of operation. This would make the registered recruiting agents accountable to the activities of their sub-agents.

Apart from strengthening and reorienting the Emigration Act, the system to monitor its implementation should be strengthened. A proper E-networking involving the Ministry of Overseas Indian Affairs, PGE, POE and registered recruiting agents is a pre-requisite to make the monitoring functional and effective. Once such a networking is established, all the licensed recruiting agents could be required to furnish on line information, may be on a quarterly basis, on aspects like quantum of recruitments, destination countries, fees charged, broad skills categories of the recruited persons and so on. Such information apart from providing the necessary basis for regular monitoring of the activities of the recruiting agents would also provide vital information for strengthening the information base on migration.

Another aspect that needs to be considered is the constitution of a welfare fund for the migrant workers. Although the issue for migrant workers and their family left behind has come to be recognized as potentially important for quite sometime now, the worthwhile proposition of the constitution of a welfare fund is still to be realized as a reality. Experiences from countries like Philippines and Sri Lanka show that such a welfare fund could be of considerable significance in the event of exigencies such as migrant getting stranded in alien lands, compensation for injury, accident, transportation of dead body etc. Such welfare fund would also be critical in addressing the welfare needs of the families left behind. Incentives such as attractive insurance scheme and tax relief should be offered to migrants contributing towards the fund. The fund could also be used for providing support for returnee rehabilitation projects. Incentives such as attractive insurance scheme and tax relief should be offered to migrants contributing towards the fund.

Organising pre-departure orientation programmes

One of the most neglected aspects of overseas employment policy in India is the absence of any form of pre-departure orientation to the intending emigrants. Pre-departure orientation, in fact, is the most pragmatic strategy to minimise the risks associated with temporary labour migration. Such pre-departure orientation should essentially address two sets of issues. One, it should prepare the migrants for travel, cultural, linguistic and legal reorientation and to make their stay overseas safe, and two, it should orient the migrants on employment related issues, especially in relation to the risks of engaging with illegal recruiters and migrants' rights and obligations in the destination countries. International experiences suggests that destination specific handbooks containing key information such as: i) General working and living conditions in specific countries of destination, including (if possible) brief reports on worker complaints and contract violations; ii) Conditions of admission and stay under the immigration laws of specific countries, and where relevant, useful details from bilateral agreements (e.g. on social security); iii) Names and addresses of national administrative bodies that oversee the conditions of migrant workers in countries of employment; iv) Addresses of diplomatic missions/labour attaches that can provide assistance on various matters, including foreign workers' rights under the laws of destination countries, procedures for registering complaints about contract violations and unfair treatment, mode of settlement of disputes with employers, and securing medical attention, social security

and employment injury insurance; v) Facilities available in destination countries for remittance of earnings; and vi) Services available to migrant workers and their families in the countries of employment, including medicare and schooling, could be developed and distributed to the emigrants as a part of the pre-departure orientation. Such handbooks should also be developed in regional languages.

It is also important that specialised pre-departure orientation programmes are designed to cater to the requirements of vulnerable categories like domestic workers in order to equip them with information and protective measures against gender specific exploitation. The government, registered recruitment agencies, returnee associations and non-governmental organizations working among the migrant workers can participate in providing pre-departure training to the potential emigrants.

Undertaking publicity /awareness campaign on migration issues

Most of the problems faced by the emigrants and the intending emigrants in the recruitment process are largely due to their ignorance about conditions of employment abroad and the procedures of recruitment and emigration within the country. Therefore, there is a need to further publicise correct procedures for deployment of workers and conditions of employment in different countries. The publicity campaign should also highlight methods adopted by unscrupulous agents to entice innocent workers so that such exploiters are avoided.

In view of the importance of the welfare of migrants and their families, there should be ample justification for the Government to take an active part in supplying as well as facilitating the dissemination of whatever information people need to make informed decisions in migration process. One of the central questions in this regard is: what information do migrant workers need? Information needs vary, depending on the stage in the migration process, which the workers have reached. Some kinds of information are perhaps most critically needed at the decision-making stage, before the commitment is made to accept an offer of employment. Such information should normally include the following: i) Names and addresses of state employment services and private licensed agencies in good standing, and where available, names of blacklisted foreign employers and their agents/recruiters; ii) Wage standards set by the government for the specific occupation or country of destination; iii) Clear guidelines on procedures for obtaining emigration clearances, including a description of prohibited recruitment practices; iv) List of countries recommended as destination and where employment is discouraged or banned; v) Average cost of transport to various destination countries; and vi) Recruitment fees normally charged by agents.

Another important component related to the publicity is the production of publications which tell prospective migrants about the "do's and don'ts" of migration. Such publications should contain advice on typical problems that nearly every migrant encounters - from choosing a licensed reputable recruiter to how to send money home through banks. An interesting variation that could be thought of is to supply tape-recorded instructions for departing migrant workers so that it would be useful even to the illiterate migrant workers.

An added vital component in the field of publicity is to inform and familiarize the public to issues relating to emigration via mass media. It is also worth considering in this context that certain foreign employment offices have gone so far as to produce commercially distributed films of stories woven around the actual experiences of migrants. They contain more vivid images of migrants' living and

employment conditions in foreign countries, and provide subtle advice about the need to go through legal channels and procedures for recruitment. They can convey much more powerfully than any other medium, the risks and pitfalls of resorting to clandestine emigration.

Setting up migration resource centres in high emigration intensity regions in the country could be one of the useful one-stop facility to disseminate information to potential and departing migrants.

Pro-active role of state governments in addressing the concerns of migrants

Emigration originates from a large number of States in India. However, efforts to address migration issues as a policy concern are clearly visible only in relation to the State of Kerala and partly in the States of Punjab, Andhra Pradesh and Gujarat. In most of the States, the emphasis is on attracting migrant investment rather than on addressing the concerns of the migrants, especially the unskilled and semi-skilled. While many States make concerted efforts (like advertisements depicting the investor-friendly ambience, promotional campaigns to attract NRI investment), they hardly make any attempt to address the requirements of the migrants like curbing the activities of the unscrupulous recruiting agents or undertaking campaigns aimed at informing the intending emigrants on fraudulent recruitment practices or initiating welfare programmes for the migrants. It is important that the concerned functionaries at the State level are appropriately sensitized, may be through training workshops, on the need to evolve and implement policies aimed at protecting the interests of migrants along with the promotion of investment.

Establishing greater co-ordination among ministries/departments involved with migration

Different departments under various Ministries are involved in one way or the other with overseas employment policies in India. These include PGE & POE offices under the Ministry of Overseas Indian Affairs; Immigration and Police Departments under the Ministry of Home Affairs; and Diplomatic Missions under the Ministry of External Affairs. These institutions perform different sets of functions but ultimately aim at protecting the interest of Indians emigrating abroad for employment purposes. Appropriate coordination between these agencies is critical from the perspective of mitigating the problems encountered by the migrant workers and also eliminating illegal migration. It is important that such coordination is established both at the Ministerial level as well as at the field level where different subordinate offices/departments are functioning. However, it is disconcerting to note that such coordination between the different agencies, especially at the field levels, is extremely minimal. For instance, there are no institutional arrangements for continuous coordination at the field level among institutions like POE offices, regional passport offices, immigration counters at the international airports, police departments etc. It is, therefore, vital that institutional arrangements for facilitating coordination among these field level offices are established at the earliest. Similarly, there are hardly any institutional coordination arrangements between the Indian diplomatic missions, especially in those countries, which deploy considerable number of Indians, and the field level POE offices. The limited contact between these two institutions occur only when issues relating to recruitment abuses and denial of workers rights are reported in the Indian mission; whereas a continuous interaction between the two institutions may result in elimination of such abuses. One of the chief and immediate requirements for establishing such coordination is to establish a network linking the different institutions, to begin with at least at the field levels.

Financing the cost of migration

It would be worthwhile if specialised schemes are developed to encourage commercial banks to offer loans, especially to the less well-off migrants, to meet migration related costs. The option of banks providing credit to migrant workers will have two distinct advantages: i) Migrants availing the bank credit would be encouraged to channelise their remittances back home through formal routes; and ii) As availing bank credit would require relevant migration documents, it would necessarily reduce the dependence on illegal forms of recruitment.

Introducing induction/orientation programmes for POE officials

Introducing induction programmes for emigration officials would considerably enhance the efficiency and quality of their services. Such a training programme should mainly aim at acquainting the officials with aspects like: importance of external migration flows to the economy; familiarizing and interpreting the provisions of the Emigration Act and Rules; procedures involved in granting clearances and conducting inspections; and dealing with existing and emerging problems encountered by emigrants and recruiting agents, and so on.

Incentives for recruiting agents

The Government could provide tax and other incentives for the recruiting agencies that meet good performance criteria. The performance evaluation may be based on a number of criteria such as quantum of recruitment, quality of those jobs, welfare activities, compliance with the rules and regulations etc. Suitable weights may be assigned to these criteria when evaluating and rating the performance of recruiting agencies.

Evolving policies on mobility of highly skilled

The existing policy regime on external labour migration in India does not reveal adequate concern about the emigration of persons with technical qualifications or professional expertise. An overwhelming proportion of such labour flows are to the industrialized countries. The distribution of the gains from this migration, between India as the exporter and the industrialized countries as the importers, is obviously unequal and is tremendously in favour of the latter. For instance, many Indian IT professionals who have migrated to the United States under the H-1B category, pay a range of social security taxes to the US government, but do not derive any substantial benefits since they are temporary labour. They pay but get nothing in return - neither adequate social security nor sufficient tax refunds. It is important that the Indian government highlights the issues related to the equitable distribution of gains from the international movement of labour in the related international forum.

The rapid expansion of IT and IT enabled industry in India during the last decade is encouraging a large number of Indian migrants to return and set up business ventures, especially in key IT centres in India like Bangalore. Such a trend of to and fro movement of professionals and ideas require that the migration of highly skilled labour be possibly situated within the framework of 'brain gain'. However a severe dearth of empirical information both in relation to the number of highly skilled migrants returning to India and on their business ventures prevents us from commenting on the policy issues related to 'brain gains' in detail. Some of the issues to be addressed in this context include: i) Undertaking in-depth investigation on the nature and extent of return migration of highly skilled migrants, by looking

at the major industries and professions and also the national and international factors facilitating such flows; ii) Creating an information base on highly skilled return migrants covering parameters like occupational profile, skills acquired and investment plans; iii) Encouraging and assisting the return of talent workers; and iv) Using diaspora knowledge network as a key resource for maximizing the developmental potential of highly skilled migration.

Promoting bilateral agreements with major labour importing countries

Bilateral agreements between sending and receiving countries are extremely valuable for advancing national goals and objectives in foreign employment. Effective bilateral agreements could lead to more orderly migration systems between countries. Such agreements were very rare in the context of India till recently. However, a number of initiatives have been taken in recent years to establish bilateral agreements with several labour importing countries with a view to promote the welfare of Indian migrants, to protect their rights and to transform the often exploitative migration process into a more orderly process. It is important that such bilateral agreements are followed up effectively to influence the rules governing the movement of migrant workers and not be situated as mere statement of intention to engage in regular dialogues over migration related issues. In addition, signing of bilateral agreements should not lead us to think that the countries of origin are the only ones expected to protect the migrant workers. The social security agreement signed with Belgium could serve as a model for similar bilateral agreements with other developed countries. It is important that such bilateral agreements/MOUs also focus on enhancing remittances and reducing the costs of transferring remittances through formal channels. The bilateral agreement developed by Mexico and United States in 2001 represents a pioneering effort in this direction. Under this agreement banks and wire transfer agencies in the United States have facilitated and reduced the costs of transferring money from United States to Mexico.

Investor-friendly policies to make optimal use of migrants' remittances

India now is the world's largest recipient of workers' remittances, amounting to nearly \$26 billion in 2007. This figure has acquired special importance for India since it has been consistently higher than net foreign direct investment and official financial flows. The inflows come from an Indian Diaspora estimated at 25 million across the world, and are quite stable.

While the government's policies on attracting migrant remittances and redirecting them to formal official channels⁶ have yielded results, the efforts to put the surplus resources thus brought in to optimum use have not met with as much success. Directing remittances to more productive investment could boost economic growth. Surprisingly, this is an area where most labour-exporting countries have yet to articulate a policy framework. India is no exception.

Initiatives may be made at three broad levels. First, we need policies designed to attract, encourage, facilitate and sustain investment activities like setting up enterprises either directly by migrants or through intermediate mechanisms. Second, we need fiscal and monetary incentives catering to the special needs of migrant investors (for example, preferential treatment in importing investment goods, raw materials and so on). And third, the question of the attitude and mindset of returnee migrants also needs to be addressed, so that their inherent diffidence does not inhibit them from undertaking entrepreneurial activities.

⁶ For a detailed account of policies relating to remittance transfers in India, see Sasikumar and Hussain (2007)

Given India's liberalization of the economy and new openness, the case for special incentives may sound dated. Yet, certain types of fiscal incentives such as the removal of restrictions on profit repatriation and elimination of needless licensing requirements continue to be relevant in the context of attracting investment. Similarly, there is also scope for incentives such as preferential allocation of land, easy availability of credit, and expeditious clearance of projects.

It is also important to note that attempts to guide the use of domestic resource equivalents of remittances through incentives or prices have been minimal. Some of the policy prescriptions which can overcome such a limitation may include: developing a database on remittance flows by country-of-origin, so that it is possible to monitor trends on a disaggregate basis, and experimenting with higher rates of return on remittance receipts placed in a specified assets in the domestic capital market.

As for training, returnees need programmes for post-arrival orientation that may offer information on investment opportunities, data on agencies that could facilitate their setting up of enterprises, and so on. These would also provide scope for establishing relevant linkages between institutions and agencies involved with investment, on the one hand, and migrant community and institutions involved with migrant workers, on the other. Entrepreneurship is as much a function of attitude and mindset as of capital and skills.

Another policy option for maximizing the developmental benefits of remittances is to channel them into small and micro enterprises through financial inter-mediaries. Savings and credit schemes and investment instruments specifically designed to suit migrant workers' risk profiles could be vehicles in this regard. Creating an information base on critical parameters like occupational profile, skills acquired, resource position and investment plans of returnees is also vital from the point of view of formulating an information-based and value-generative re-integration plan. Returnee migration associations in India and the Indian associations abroad could help.

Another suggestion. The Indian government's scheme of issuing specialized bonds had met with considerable success in raising funds from Indians working abroad. State governments like Kerala, Gujarat and Punjab, from where large numbers of people migrate to different countries, could explore the possibility of floating similar bonds (with remunerative interest rates). These funds could help developmental activities.

Enabling a multilateral framework on international migration

Though world migration pressures have risen, the progress of globalization in the area of migration is far slower than in trade and capital flows. There seems to be more emphasis on multilateral negotiations on trade rather than on labour flows. This could adversely affect the future migration prospects for developing countries like India. In such a context, it is important that India takes a lead role in highlighting the urgency for developing a comprehensive multilateral framework on international movement of people. It is vital that strategies are formulated at multilateral levels to initiating dialogue between countries of origin and destinations. Such dialogue should endeavour to: exchange information on surpluses and shortages of labour; develop coordination of policy among labour exporting countries; and create harmony of policies among labour importing countries.

One positive step relating to the multilateral negotiations framework is the Mode 4 proposal under GATS (General Agreement on Trade in Services). Although, very limited progress has been made in this regard since it was first negotiated in Uruguay Round, it is important that countries like India highlights concerns like cross- sectoral leverages (what will India have to offer in return), strategies and approaches for increasing the access under Mode 4; timeframes within which visa must be granted; and flexibility for visas on shorter notice for select categories of services provided, during the different stages of negotiations.

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Tables

Table 1 : International Migrants and Global Population, 1965-2005

Year	International Migrants (millions)	Global Population (billions)	Migrants as Percentage of Population
1965	75	3.3	2.3
1970	82	3.7	2.2
1975	85	4.1	2.1
1985	105	4.8	2.2
1990	154	5.3	2.9
1995	164	5.7	2.9
2000	175	6.1	2.9
2005	191	6.4	3.0

Source: UN, 2006a

**Table 2 : Indians Immigrating on a Permanent Basis to Major Industrialised Countries:
1995-2005**

(number of persons)

Year	U.S.A.			U.K.			Canada		
	Total Immigrants	Indian Immigrants	Indians as %ge of Total	Total Immigrants	Indian Immigrants	Indians as %ge of Total	Total Immigrants	Indian Immigrants	Indians as %ge of Total
1995	723,916	34,748	4.8	55,480	4,680	8.4	212,869	18,262	8.6
1996	915,560	44,838	4.9	61,730	4,620	7.5	226,072	21,291	9.4
1997	797,847	38,048	4.8	58,725	4,645	7.9	216,038	19,615	9.1
1998	653,206	36,414	5.6	69,790	5,430	7.8	174,198	15,376	8.8
1999	644,787	30,157	4.7	97,115	6,295	6.5	189,961	17,458	9.2
2000	841,002	41,903	5.0	125,090	8,045	6.4	227,463	26,126	11.5
2001	1,058,902	70,032	6.6	106,820	7,280	6.8	250,640	27,904	11.1
2002	1,059,356	70,823	6.7	118,255	8,005	6.8	229,047	28,838	12.6
2003	703,542	50,228	7.1	143,845	11,460	8.0	221,352	24,593	11.1
2004	957,883	70,151	7.3	147,700	11,870	8.0	235,824	25,576	10.9
2005	1,122,373	84,681	7.5	-	-	-	262,236	33,146	12.6

Sources: USA: Yearbook of Immigration Statistics, Office of Immigration Statistics, U.S. Department of Homeland Security; UK: Home office, Government of United Kingdom; Canada: Citizenship and Immigration Canada.

Table 3 : Total Approvals of H-1B Visa Applications in USA: 2000-2005

Year	Total Approvals	Number of Indians	Percentage of Indians in Total Approvals
2000	257640	124697	48.4
2001	331206	161561	48.8
2002	197537	64980	32.9
2003	217340	79166	36.4
2004	287418	123567	43.0
2005	267131	118520	44.4

Source: Office of Immigration Statistics, US Department of Homeland Security.

Table 4 : Country-wise H-1B Visa Approvals: 2004-2005

Country	2004	Percentage	2005	Percentage
India	123567	43.0	118520	44.4
China	26258	9.1	24561	9.2
Canada	13412	4.7	11780	4.4
Philippines	11300	3.9	9965	3.7
Korea	8159	2.8	8072	3.0
UK	8198	2.9	6796	2.5
Japan	6234	2.2	5727	2.1
Taiwan	4860	1.7	4285	1.6
Pakistan	4174	1.5	4120	1.5
Mexico	3884	1.4	3605	1.3
Germany	3981	1.4	3449	1.3
Colombia	3892	1.4	3444	1.3
France	3735	1.3	3116	1.2
Venezuela	3027	1.1	2930	1.1
Russia	3421	1.2	2694	1.0
Turkey	2796	1.0	2665	1.0
Brazil	2688	0.9	2506	0.9
Argentina	2384	0.8	2299	0.9
Israel	2173	0.8	1804	0.7
Malaysia	1975	0.7	1791	0.7
Other Countries	47147	16.4	43002	16.1
Total	287418	--	267131	--

Source: Office of Immigration Statistics, US Department of Homeland Security.

Table 5 : India's Share in H-1B Visas According to Occupations: 2000-2002*(percentage)*

Category	2000 India's share in Total	2001 India's share in Total	2002 India's share in Total
Computer-related	68.18	71.39	63.21
Fashion models	0.33	0.11	0.67
Managers and officials	12.28	13.92	11.42
Miscellaneous, professional, technical and managerial	11.49	15.98	13.97
Administrative specialization	13.88	17.14	12.74
Architecture, engineering and surveying	26.01	27.87	22.94
Art	3.36	4.64	3.90
Education	8.36	9.45	9.26
Entertainment and recreation	17.37	6.74	8.89
Law and jurisprudence	4.77	5.02	5.01
Life sciences	11.06	10.52	10.52
Mathematics and physical sciences	10.03	12.21	12.73
Medical and health	18.00	20.34	19.58
Museum, library and archival sciences	8.06	5.65	3.49
Religion and theology	4.41	6.02	5.93
Social sciences	16.37	13.46	13.30
Writing	6.18	7.73	5.23
Unknown	18.88	23.66	13.22
Total	48.42	48.78	32.89

Source: Statistical Yearbook of the Immigration and Naturalization Service

Table 6 : Work Permit Issued by United Kingdom to Major Countries: 1995-2005

Country	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
Australia & New Zealand	1575 (6.5)	1894 (7.2)	2640 (8.3)	3448 (9.2)	3790 (9.0)	5669 (8.8)	7906 (9.3)	7819 (8.8)	6803 (7.9)	2383 (2.7)	5548 (6.4)
Canada	923 (3.8)	1109 (4.2)	1387 (4.2)	1484 (4.0)	1530 (3.6)	1921 (3.0)	2089 (2.5)	2080 (2.3)	1949 (2.3)	1856 (2.1)	1885 (2.2)
South Africa	659 (2.7)	883 (3.3)	1367 (4.3)	2156 (5.8)	3306 (7.9)	4437 (6.9)	7098 (8.3)	7971 (9.0)	6265 (7.3)	5586 (6.2)	4404 (5.1)
United States	7876 (32.6)	8673 (32.8)	9583 (30.2)	10160 (27.1)	9731 (23.2)	12654 (19.6)	11140 (13.1)	9537 (10.8)	8550 (10.0)	9720 (10.8)	9186 (10.7)
Japan	2423 (10.0)	2593 (9.8)	2521 (7.9)	2700 (7.2)	2461 (5.9)	2645 (4.1)	2866 (3.4)	2661 (3.0)	2371 (2.8)	2368 (2.6)	2403 (2.8)
Czech Republic	199 (0.8)	169 (0.6)	184 (0.6)	234 (0.6)	265 (0.6)	429 (0.7)	571 (0.7)	551 (0.6)	528 (0.6)	94 (0.1)	0 (0.0)
Poland	615 (2.5)	342 (1.3)	453 (1.4)	525 (1.4)	471 (1.1)	687 (1.1)	979 (1.1)	1609 (1.8)	1769 (2.1)	450 (0.5)	0 (0.0)
Russia	735 (3.0)	642 (2.4)	776 (2.4)	880 (2.3)	787 (1.9)	1054 (1.6)	1112 (1.3)	997 (1.1)	831 (1.0)	784 (0.9)	938 (1.1)
India	1997 (8.3)	2679 (10.1)	4013 (12.7)	5678 (15.1)	5663 (13.5)	12292 (19.0)	16918 (19.9)	18999 (21.4)	19964 (23.3)	26939 (30.1)	29261 (33.9)
Philippines	66 (0.3)	76 (0.3)	104 (0.3)	273 (0.7)	2254 (5.4)	6772 (10.5)	8481 (10.0)	6831 (7.7)	5921 (6.9)	5426 (6.1)	4650 (5.4)
China	657 (2.7)	688 (2.6)	789 (2.5)	901 (2.4)	1064 (2.5)	1541 (2.4)	2259 (2.7)	2567 (2.9)	4077 (4.8)	4289 (4.8)	4332 (5.0)
Malaysia	296 (1.2)	373 (1.4)	412 (1.3)	742 (2.0)	755 (1.8)	866 (1.3)	1949 (2.3)	3353 (3.8)	2217 (2.6)	1737 (1.9)	1412 (1.6)
All Countries	24161 (100.0)	26432 (100.0)	31720 (100.0)	37528 (100.0)	41950 (100.0)	64571 (100.0)	85144 (100.0)	88622 (100.0)	85786 (100.0)	89454 (100.0)	86191 (100.0)

Note: Figures in brackets show the percentage to the total work permit approved.

Source: Salt and Millar, 2006

**Table 7 : Registered Doctors in UK by Country of Qualification,
Selected Developing Countries, 2003**

Country	No. of registrations		
	Full Registrations only	Full and Specialist Registration	Limited Registration
India	14252 (48.0)	2473 (43.2)	3842 (72.5)
South Africa	6418	989	--
Pakistan	2939	621	707
Egypt	1644	512	154
Sri Lanka	1427	450	211
Iraq	955	400	198
Jamaica	732	66	--
Bangladesh	562	71	62
Myanmar	526	64	79
Ghana	207	71	46
Total	29662	5717	5299

Note: Figures in brackets show the proportion of the Indian doctors in total registrations.

Source: Findlay, 2006.

Table 8 : Indian Immigration to Continental Europe: 2000-2004

Year	Germany		France		Belgium	
	Total	India	Total	India	Total	India
2000	649,249	6,265	91,875	1,004	57,295	662
2001	685,259	8,790	106,455	1,139	65,974	852
2002	658,341	8,999	123,210	1,253	70,230	959
2003	601,759	8,804	135,102	1,216	68,800	1,101
2004	-	-	140,033	1,160	-	-

Source: Immigration Departments/Centres of Different Countries

Table 9 : IT Engineers Admitted to Japan by Nationality, 2003

Country	Number	Percentage to Total
China	11,079	53.2
Korea	3,019	14.5
India	2,001	9.6
Philippines	789	3.8
US	568	2.7

Source: Kamibayashi, 2006

Table 10 : Indians Immigrating on a Permanent Basis to Australia: 1995-2005

(Number of persons)

Year	Total Immigrants	Indian Immigrants	Indians as percentage to Total
1995	87,428	3,908	4.5
1996	99,139	3,700	3.7
1997	85,752	2,681	3.1
1998	77,327	2,786	3.6
1999	84,143	2,557	3
2000	92,272	4,631	5
2001	107,366	6,336	5.9
2002	88,900	5,091	5.7
2003	93,914	5,783	6.2
2004	111,590	8,135	7.3
2005	123,424	9,414	7.6

Source: Government of Australia, Department of Immigration and Multicultural and Indigenous Affairs.

Table 11 : Annual Labour Outflows from India as Indicated by Number of Emigration Clearance Granted: 1990-2007

Year	Number
1990	143565
1991	197889
1992	416784
1993	438338
1994	425385
1995	415334
1996	414214
1997	416424
1998	355164
1999	199552
2000	243182
2001	278664
2002	367663
2003	466456
2004	474960
2005	548853
2006	676912
2007	809453

Source: Ministry of Overseas Indian Affairs, Government of India

Table 12 : Indian Labour Migration to GCC Countries: 1990-2007

Year	Bahrain	Kuwait	Oman	Qatar	K.S.A	U.A.E.	Total Indian Migration to GCC	Percentage in Total Emigration Clearances
1990	6782 (4.9)	1077 (0.8)	34267 (25.0)	3704 (2.7)	79473 (57.9)	11962 (8.7)	137265	95.6
1991	8630 (4.7)	7044 (3.8)	22333 (12.1)	N.A	130928 (71.0)	15446 (8.4)	184381	93.2
1992	16458 (4.1)	19782 (4.9)	40900 (10.2)	N.A	265180 (65.8)	60493 (15.0)	402813	96.6
1993	15622 (3.7)	26981 (6.4)	29056 (6.9)	N.A	269639 (64.5)	77066 (18.4)	418364	95.4
1994	13806 (3.4)	24324 (6.0)	25142 (6.2)	N.A	265875 (65.7)	75762 (18.7)	404909	95.2
1995	11235 (2.9)	14439 (3.8)	22338 (5.8)	N.A	256782 (66.8)	79674 (20.7)	384468	92.6
1996	16647 (4.4)	14580 (3.9)	20113 (5.3)	N.A	214068 (56.6)	112644 (29.8)	378052	91.3
1997	17944 (4.6)	13170 (3.4)	29994 (7.8)	N.A	214420 (55.5)	110945 (28.7)	386473	92.8
1998	16977 (5.7)	22462 (7.5)	20774 (6.9)	N.A	105239 (35.1)	134740 (44.9)	300192	84.5
1999	14905 (9.5)	19149 (12.2)	16101 (10.3)	N.A	27160 (17.3)	79269 (50.6)	156584	78.5
2000	15909 (9.0)	31082 (17.7)	15155 (8.6)	N.A	58722 (33.4)	55099 (31.3)	175967	72.4
2001	16382 (7.0)	39751 (17.1)	30985 (13.3)	13829 (5.9)	78048 (33.5)	53673 (23.1)	232668	83.5
2002	20807 (7.6)	4859 (1.8)	41209 (15.0)	12596 (4.6)	99453 (36.3)	95034 (34.7)	273958	74.5
2003	24778 (6.3)	54434 (13.8)	36816 (9.3)	14251 (3.6)	121431 (30.7)	143804 (36.4)	395514	84.8
2004	22980 (5.4)	52064 (12.2)	33275 (7.8)	16325 (3.8)	123522 (29.0)	175262 (41.2)	425432	89.6
2005	30060 (6.6)	39124 (8.6)	40931 (9.0)	50222 (11.0)	99879 (22.0)	194412 (42.8)	454628	82.8
2006	37688 (6.1)	47449 (7.7)	67992 (11.0)	76324 (12.3)	134059 (21.7)	254774 (41.2)	618286	91.3
2007	29966 (3.9)	48467 (6.3)	95462 (12.4)	88483 (11.5)	195437 (25.4)	312695 (40.6)	770510	95.2

Notes: Figures in brackets show the percentage share of Indian emigration to individual GCC countries. N.A: Not Available.

Source: Ministry of Overseas Indian Affairs, Government of India.

Table 13 : Indian Labour Emigration to Malaysia: 2000-2007

Year	Number
2000	4615
2001	6131
2002	10512
2003	21898
2004	31464
2005	71041
2006	36500
2007	30916

Source: Ministry of Overseas Indian Affairs, Government of India

Table 14 : State-wise Labour Outflows from India: 1993-2007

State	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Andhra Pradesh	35578	34508	30284	29995	38278	30599	18983	29999	37331	38417	65971	72580	48498	97,680	105044
Bihar	7518	6785	5867	5816	6369	14569	5866	6726	9711	19333	17104	21812	9366	36,493	51805
Delhi	4342	3816	3281	2892	2494	5535	3569	3165	3183	4018	6513	6052	6024	9098	5327
Goa	1702	157	969	962	1024	945	543	1331	2255	3545	3494	7053	1627	4063	3102
Gujarat	13742	112802	12182	11991	12792	8528	3956	5722	10294	11925	17012	22218	49923	13274	20066
Haryana	833	745	794	892	929	1692	288	52	154	424	1779	919	2313	193	1852
Karnataka	34380	32266	33496	33761	40396	11535	5287	10927	10095	14061	22641	19237	75384	24362	27014
Kerala	155208	154407	65629	167325	156102	91720	60445	69630	61548	81950	92044	63512	125075	120083	150475
M.P.	6542	5815	4248	4141	3897	6429	904	1706	5035	7411	10651	8888	5312	7047	3616
Maharashtra	35248	32178	26312	25214	25146	24657	9871	13346	22713	25477	29350	28670	29289	15356	21496
Orissa	3528	3612	3685	3441	3511	2079	549	576	3014	1742	5370	6999	1258	4114	6696
Punjab	14212	12445	11852	11751	12414	26876	15167	10025	12422	19638	24963	25302	24088	39311	53942
Rajasthan	25243	27418	28374	18221	28242	19824	9809	10170	14993	23254	37693	35108	21899	50236	70896
Tamil Nadu	70313	70525	65737	64991	63672	69793	47402	63878	61649	79165	89464	108964	117050	155631	150842
UP	25115	22815	18932	18962	17754	33728	11789	9157	13912	19288	24854	27428	22558	66131	91613
West Bengal	2821	2020	2278	2377	2254	3765	1559	1940	4830	8338	8906	8986	5102	14929	24817
Others	2013	3071	101414	11482	1150	2890	3565	4832	4895	9788	6882	8189	4894	1909	924
Total	438338	425385	415334	414214	416424	355164	199552	243182	278664	367663	464691	471917	548853	676912	809453

Source: Ministry of Overseas Indian Affairs, Government of India.

Appendix

Appendix 1

Estimated Size of Overseas Indian Community, 2000: Country-Wise

Country	PIOs	Indian citizens	Stateless	Total
Afghanistan	500			500
Algeria	5	40		45
Andorra		200		200
Angola	45	250		295
Argentina	1,200	400		1,600
Armenia		200		200
Australia	160,000	30,000		190,000
Austria	3,005	8,940		11,945
Azerbaijan		250		250
Bahrain	Nil	130,000		130,000
Barbados	2,100	100		2,200
Belarus		70		70
Belgium	Nil	7,000		7,000
Belize	500			500
Benin	450			450
Bhutan		1,500		1,500
Botswana	3,000	6,000		9,000
Brazil	1,500	400		1,900
Brunei	500	7,000	100	7,600
Bulgaria		20		20
Burundi	300			300
Cambodia	150	150		300
Cameroon	250			250
Canada	700,000	150,000	1,000	851,000
Cape Verde	4			4
Chad	125			125
Chile	39	611		650
China	5	300		305
Colombia	1	19		20
Comoros	50			50

Country	PIOs	Indian citizens	Stateless	Total
Costa Rica	1	15		16
Cote d'Ivoire	30	270		300
Croatia	10			10
Cyprus		300		300
Czech Republic	20	400		420
Denmark	900	1,252		2,152
Djibouti	280			280
Dominica		20		20
Ecuador		5		5
Egypt	40	1,350		1,390
Eritrea	30	1,723		1,753
Ethiopia	34	700		734
Fiji	336,579	250		336,829
Finland	410	750	10	1,170
France	55,000	10,000		65,000
G. Bissau	25			25
Gambia	135			135
Germany	10,000	25,000		35,000
Ghana	2,000	1,800		3,800
Greece		7,000		7,000
Guadeloupe	40,000			40,000
Guatemala	22			22
Guyana	395,250	100		395,350
Hong Kong	28,500	22,000		50,500
Indonesia	50,000	5,000		55,000
Iran		800		800
Iraq	50	60		110
Ireland	600	1,000		1,600
Israel	45,000	300		45,300
Italy	36,000	35,500		71,500
Jamaica	60,000	1,500		61,500
Japan	1,000	9,000		10,000
Jordan	30	900		930
Kazakhstan		1,127		1,127
Kenya	85,000	15,000	2,500	102,500

Country	PIOs	Indian citizens	Stateless	Total
Korea(DPRK)		5		5
Korea(ROK)	200	2,500		2,700
Kuwait	1,000	294,000		295,000
Kyrgyzstan	100			100
Laos	18	107		125
Lebanon	25	11,000		11,025
Libya	400	12,000		12,400
Lithuania		5		5
Madagascar	25,000	3,000	1,000	1,665,000
Maldives	1	9,000		9,001
Mali	20			20
Mauritius	704,640	11,116		715,756
Mexico	400			400
Mongolia		35		35
Morocco	25	350		375
Mozambique	20,000	870		20,870
Myanmar	2,500,000	2,000	400,000	2,902,000
Namibia	32	78		110
Netherlands	200,000	15,000	2,000	217,000
New Zealand	50,000	5,000		55,000
Nigeria	8,000	17,000		25,000
Norway		5,630		5,630
Oman	1,000	311,000		312,000
P.N. Guinea		1,000		1,000
Panama	211	1,953		2,164
Peru	10	135		145
Philippines	24,000	2,00	12,000	38,000
Poland	75	750		825
Portugal	65,000	5,000		70,000
Qatar	1,000	130,000		131,000
Reunion Island	220,000	55		220,055
Romania	2	489		491
Russia	44	16,000		16,044
Saudi Arabia		1,500,000		1,500,000
Senegal	13	8		21

Country	PIOs	Indian citizens	Stateless	Total
Seychelles	2,000	3,000		5,000
Singapore	217,000	90,000		307,000
Slovakia		100		100
Solomon Island		20		20
South Africa				1,000,000
Spain	16,000	13,000		29,000
St. Lucia		200		200
St. Vincent & The Grenadines		160		160
Sudan	300	1,200		1,500
Suriname	150,306	150		150,456
Sweden	9,000	2,000		11,000
Switzerland	8,400	4,800	300	13,500
Syria	1,800			1,800
Taiwan	1,800			1,800
Tajikistan	Nil	400		400
Tanzania	85,000	5,000		90,000
Thailand	70,000	15,000		85,000
Trinidad & Tobago	500,000	600		500,600
Tunisia		70		70
Turkey		300		300
UAE	50,000	900,000		950,000
Uganda	7,000	5,000		12,000
UK				1,200,000
Ukraine		3,400		3,400
USA				1,678,765
Uzbekistan	40	650		690
Vanuatu		50		50
Venezuela	400	280	10	690
Vietnam		320		320
Yemen	100,000	900		100,900
Zambia	10,000	3,000		13,000
Zimbabwe	15,500	1,200		16,700

Source: Report of the High Level Committee on the Indian Diaspora, 2001

Appendix II

List of Persons/Categories of Workers for Whom the Emigration Check is Not Required

Sl. No.	Category
1.	All holders of Diplomatic / Official Passports
2.	All Gazetted Government servants.
3.	All Income-Tax payees (including Agricultural Income tax payees) in their individual capacity
4.	All professional degree holders, such as Doctors holding MBBS degrees or Degrees in Ayurved or Homeopathy, Accredited Journalists, Engineers, Chartered Accountants, Lectures, Teachers, Scientists, Advocates etc.
5.	Spouses and dependent children of category of persons listed from (2) to (4).
6.	Persons holding class 10 qualifications or higher Degrees.
7.	Seamen who are in possession of CDC or Sea Cadets, Desk Cadets (i) who have passed final examination of three year B.Sc. Nautical Sciences Courses at T.S. Chanakya, Mumbai; and (ii) who have undergone three months Pre-sea training at any of the Government approved Training Institutes such as T.S. Chanakya, T.S. Rehman, T.S. Jawahar, MTI (SCI) and NIPM, Chennai after production of identity cards issued by the Shipping Master, Mumbai/Calcutta/ Chennai.
8.	Persons holding permanent immigration Visas, such as the visas of UK, USA and Australia.
9.	Persons possessing two years' diploma from any institute recognized by the National Council for Vocational Training (NCVT) or State Council of Vocational Training (SCVT) or persons holding three years' diploma/equivalent degree from institutions like Polytechnics recognised by Central/State Governments.
10.	Nurses possessing qualification recognised under the Indian Nursing Council Act, 1947.
11.	All persons above the age of 50 years.
12.	All persons who have been staying abroad for more than three years (the period of three years could be either in one stretch or broken) and spouses.
13.	Children below 18 years of age.

Source: Ministry of Overseas Indian Affairs, Annual Report 2007-2008.

Appendix III

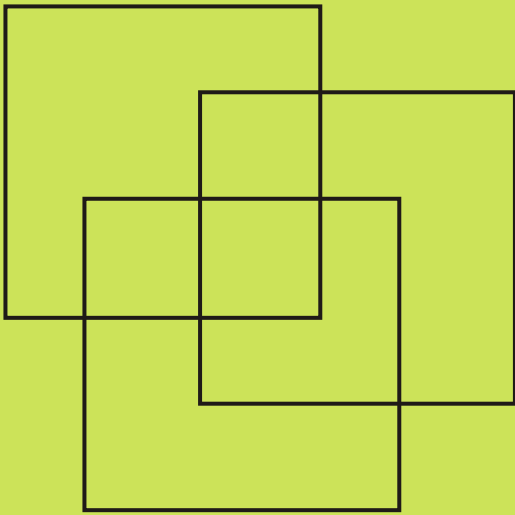
Emigration Check Required (ECR) Countries

Sl. No.	Country
1.	United Arab Emirates
2.	Saudi Arabia
3.	Qatar
4.	Oman
5.	Kuwait
6.	Bahrain
7.	Malaysia
8.	Libya
9.	Jordan
10.	Yemen
11.	Sudan
12.	Brunei
13.	Afghanistan
14.	Indonesia
15.	Syria
16.	Lebanon
17.	Thailand
18.	Iraq (emigration banned)

Source: Ministry of Overseas Indian Affairs, Government of India

Acronyms

ECNR	:	Emigration Check Not Required
ECR	:	Emigration Check Required
EU	:	European Union
GCC	:	Gulf Cooperation Council
GCIM	:	Global Commission on International Migration
HSMP	:	High Skilled Migrant Programme
ILO	:	International Labour Office
IOM	:	International Organisation for Migration
IT	:	Information Technology
KSA	:	Kingdom of Saudi Arabia
MOIA	:	Ministry of Overseas Indian Affairs
MOU	:	Memorandum of Understanding
NRI	:	Non-Resident Indians
OCI	:	Overseas Citizenship of India
OECD	:	Organisation for Economic Co-operation and Development
OIC	:	Overseas Indian Citizen
OSCE	:	Organisation for Security and Co-operation in Europe
PBD	:	Pravasi Bharatiya Divas
PGE	:	Protector General of Emigrants
PIO	:	Person of Indian Origin
POE	:	Protector of Emigrants
UAE	:	United Arab Emirates
UN	:	United Nations



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