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Immigrants and Immigration in India

A Fresh Approach

BINOD KHADRIA, PERVEEN KUMAR

India has been receiving large numbers of immigrants, mostly from the neighbouring countries of South Asia, and some from other parts of the world, and hence she needs to be seen as a major immigration country. The article provides a detailed discussion of the problems and concerns of cross-border migrants, and India's policy stance in dealing with immigration. It argues that India needs to differentiate between the stocks and the flows of its immigrant population. Also, it would no doubt be in the larger interests of the country to control the unabated flows of migrants from across the borders and minimise their negative effects, but one must not lose sight of the components of a humane migration policy, including investment in the human capital of the migrant population.

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1 Introduction

In the typical migration discourse, India is primarily known as a source country of immigrants. It caters to the manpower needs of many countries around the world — from low-skilled workers and artisans to professionals and international students (Kumar 2008, 2011a). The Indian Diaspora is the second largest in the world, comprising about 25 million people (GoI 2012-13). Whereas a majority of the technical and professional graduates and tertiary students tend to go to the advanced countries of the global North such as the US, the UK and Australia, a large number of the low- and semi-skilled Indians migrate to the oil-rich Gulf countries (Madhavan 1985; Khadria 1999; Lal 2007).

Nevertheless, India's recognition as a source country reveals only half of the story. It is important to note that India is also an important destination country and receives a large number of migrants, mainly from the neighbouring countries of South Asia and some from other parts of the world as well (Khadria 2009a; Bahera 2011; The Asia Foundation 2013). It is estimated that in 2010, India, with a stock of about 5.4 million international migrants, ranked at 8th position in the list of migrant-receiving countries (United Nations 2009). In terms of the proportion of all international immigrants, India is host to about 2.3% of world migrants (United Nations 2013a). Nevertheless, in terms of the proportion of the total population, immigrants constituted only about 0.4% in India (United Nations 2011). Given this context, it needs to be emphasised that India should not merely be considered as a "hinterland" where other destination countries come to recruit labour, but should as well be recognised

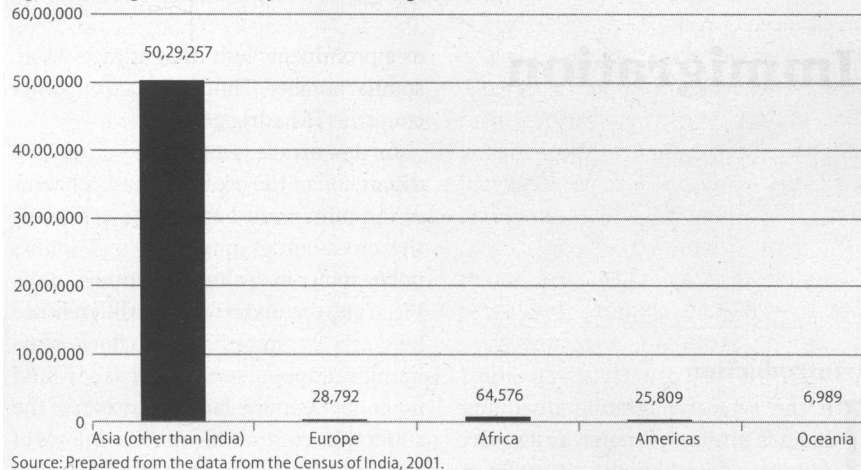
as a prominent "hub" that attracts a substantial number of immigrants from other countries (Khadria 2011).

In this article, we provide a detailed discussion of the problems and concerns of the immigrant population, especially the cross-border migrants, and India's policy stance in dealing with immigration. We argue that India needs to differentiate between the stocks and the flows of its immigrant population. Even as it would no doubt be in the larger interests of the country to control the unabated flows of migrants from across the borders and minimise their negative effects, policy-makers must also recognise potential avenues to tap the positive contribution of immigrants. In particular, we recommend investment in the human capital of the migrant population.

2 Pertinent Aspects of Immigration into India

India has a long history of immigration dating back to several centuries. People from many distant parts of the world came to India during various historical periods (e.g., the Aryans, the Mughals, and the Europeans) with varying intentions. While some of them returned after the fulfilment of their objectives, many others chose to stay in India permanently. Besides, certain events of the 20th century, especially the partition of the Indian subcontinent in 1947 and the formation of Bangladesh in 1971, on the one hand, and relatively faster economic development and political stability in India, on the other, have also created niches for people to migrate to India. According to the Census of India 2001, about 5.1 million international migrants were living in India at the turn of the century.

Lending credence to the findings by other migration researchers who say that an overwhelming majority of South-South migration takes place between countries with contiguous borders (Ratha and Shaw 2007 among others), immigration in India is largely a regional phenomenon with 98% of all immigrants having their last residence within Asia (Figure 1, p 66). Of the 5.1 million international migrants, about 3.0 million (almost 60%) were

Figure 1: Immigrants in India by Continental Regions (2001)

from Bangladesh, the largest source of international migrants in India (Census of India 2001).

It is to be noted that in 2010, with the stock of Bangladeshi immigrants in India rising to 3.3 million, the Bangladesh–India migration corridor was ranked fourth among the top international migration corridors in the world (World Bank 2011), and the first single-largest “bilateral stock” of international migrants residing in the global South (United Nations 2012). Pakistan (0.9 million) and Nepal (0.5 million), the two other neighbouring countries that share borders with India on two other sides, are also important source countries of international migrants (Census of India 2001). Other important Asian countries of origin include Sri Lanka, Myanmar, the United Arab Emirates and China (Table 1). After Asia, Africa is the second largest source region of immigrants in India. Other regions, viz, Europe, the Americas and Oceania together were the source of only about 1% of all international migrants in India.

Though the contribution of Indian emigrants, especially the professionals and knowledge workers and their eventual return, in the development of the host societies as well as in India has been fairly debated and documented (Bhagwati 1979; Khadria 1999, 2004; Kapur 2010), systematic understanding about the contribution of immigrants in India is rather scarce (Nandy 2005; Joseph and Narendran 2013). Nonetheless, it would be quite apt to mention that, besides adding to the social and

cultural diversity, migrants have been contributing to the Indian economy by putting their hard labour in various roles, particularly in the informal sector as construction workers, domestic helps, cleaners, bar and restaurant workers, petty traders, and so on. Unfortunately, such contributions have not been assessed or measured cardinally in terms of their quantitative share in the gross domestic product (GDP) of the country, primarily because they are mostly in the informal sector where payments of wages and salaries are, as a norm, made through cash and unaccounted for transactions, and not through banking channels. There is therefore a need to facilitate evidence-based research and

assessment of the immigrants’ contribution in the destination country.

3 Expectations and Experiences of International Migrants in India

An important dimension of intra-regional migration is the parity in terms of skill composition of the migrant population with the natives. It is largely found that a majority of the migrants moving from a developing country to another developing country belong to the low- or semi-skilled category whereas a majority of those moving from a developed country to another developed country are professionals (Kumar 2011b). Much of the South–South migration, therefore, is chiefly characterised by the presence of low- or semi-skilled people and the North–North migration by the dominance of professionals and knowledge workers. For example, a majority of the “service workers” comprising low- or semi-skilled Indians go to the Gulf countries whereas the “knowledge workers” comprising the highly-skilled migrants and tertiary students from India prefer going to the developed countries such as the us, Canada, UK or Australia (Khadria 1999).

Similarly, a majority of the poor, low- or semi-skilled migrants from Bangladesh go to the countries of west Asia and India whereas the professionals and knowledge workers tend to migrate to the developed

Table 1: Stocks of Foreign Immigrants in India by Origin Country (Last Residence) (2001)

| Asia | No of Immigrants | Africa | No of Immigrants |
|----------------------|------------------|----------------|------------------|
| Bangladesh | 30,84,826 | Kenya | 2,777 |
| Pakistan | 9,97,106 | Nigeria | 1,469 |
| Nepal | 5,96,696 | Zambia | 764 |
| Sri Lanka | 1,49,300 | Uganda | 694 |
| Myanmar | 49,086 | Mauritius | 399 |
| United Arab Emirates | 29,823 | Elsewhere | 58,473 |
| China | 23,721 | Europe | |
| Saudi Arabia | 16,395 | UK | 8,461 |
| Malaysia | 13,946 | Germany | 3,110 |
| Kuwait | 10,743 | France | 1,819 |
| Afghanistan | 9,194 | Portugal | 397 |
| Bhutan | 8,337 | Elsewhere | 15,005 |
| Singapore | 5,393 | Americas | |
| Kazakhstan | 2,568 | USA | 5,791 |
| Iran | 2,233 | Canada | 2,782 |
| Indonesia | 1,140 | Elsewhere | 17,236 |
| Japan | 1,042 | Oceania | |
| Iraq | 860 | Australia | 1,215 |
| Vietnam | 644 | Fiji | 202 |
| Maldives | 293 | Elsewhere | 5572 |
| Turkey | 176 | | |
| Elsewhere | 25,735 | Unclassifiable | 54,116 |

Source: Census of India, 2001. Reproduced from Khadria (2009a).

countries of the global North (DFID 2007; Ray et al 2007; Khadria 2009a). Since a vast majority of immigrants in India comes from the neighbouring countries, which also belong to the global South, it is pertinent to ask what attracts these migrants to come to India. The present section therefore attempts to provide a brief overview of the expectations and experiences of migrants, especially the cross-border migrant population, coming into India.

3.1 Composition and Economic Engagement

Since all the major source countries of migrants to India are other developing countries, where, like in India, the majority of professionals and knowledge workers tend to migrate to the developed countries of the global North and the semi-skilled to the rich countries of the Gulf, only the low-skilled are left with the option of crossing over to neighbouring India (Joseph and Narendran 2013). Because of factors like a shared history, contiguous and largely porous borders, and cultural and linguistic affinities, a majority of the migrants who come to India are poor, downtrodden and those who cannot afford going to the so-called “greener pastures of the West” in the global North.

Having its genesis in the partition of the subcontinent in 1947 and later in 1971,

Table 2: Immigrants (By Country of Last Residence) in India by Reason for Migration (2001)

| Reason | Gender | Asian Immigrants | Immigrants from Other Countries | Total Immigrants |
|----------------------|---------|------------------|---------------------------------|------------------|
| Work/employment | Persons | 4,34,702 | 17,530 | 4,52,232 |
| | Male | 3,85,521 | 15,382 | 4,00,903 |
| | Female | 49,181 | 2,148 | 51,329 |
| Business | Persons | 57,217 | 1,819 | 59,036 |
| | Male | 49,072 | 1,524 | 50,596 |
| | Female | 8,145 | 295 | 8,440 |
| Education | Persons | 37,443 | 4,501 | 41,944 |
| | Male | 29,529 | 2,838 | 32,367 |
| | Female | 7,914 | 1,663 | 9,577 |
| Marriage | Persons | 5,95,606 | 40,733 | 6,36,339 |
| | Male | 14,926 | 591 | 15,517 |
| | Female | 5,80,680 | 40,142 | 6,20,822 |
| Moved after birth | Persons | 25,902 | 4,230 | 30,132 |
| | Male | 15,835 | 2,353 | 18,188 |
| | Female | 10,067 | 1,877 | 11,944 |
| Moved with household | Persons | 20,30,978 | 28,336 | 20,59,314 |
| | Male | 9,91,607 | 11,062 | 10,02,669 |
| | Female | 10,39,371 | 17,274 | 10,56,645 |
| Other reasons | Persons | 18,47,409 | 29,017 | 18,76,426 |
| | Male | 11,47,999 | 15,675 | 11,63,674 |
| | Female | 6,99,410 | 13,342 | 7,12,752 |

Source: Census of India (2001); reproduced from Khadria (2009a).

earlier waves of immigration into India were fuelled by communal tension, social strife and political turmoil. For example, in 1971 when fatalities ensued in the wake of the Mukti Bahini's War of Liberation for secession from Pakistan, at least 10 million Bangladeshis migrated to West Bengal in India. The majority of those migrants were those fleeing persecution – rape, murder, forced conversion, and so on (Ghosh 2012). Though in the decades to follow, the reasons for migration were fairly diverse and economic and political factors as well as social networking emerged as the main forces propelling the migrants to enter India, there were both push and pull factors at work. These were shrinking employment opportunities in the domestic economy, rapid population growth and poor living and working conditions at home in Bangladesh on the push side, and expanding economic opportunities, better chances of livelihood (Sammadar 1999; Hazarika 2002; Samuels et al 2011) and a thriving democracy in India on the pull side. According to the Census of India 2001, the largest majority of male Asian immigrants cross the Indian border in order to get employment whereas a majority of female migrants came for marriage (Table 2).

The demand for labour in India during the last few decades has attracted people from the neighbouring countries, primarily Bangladesh and Nepal. Poor economic conditions in the countries of origin and lack of employment opportunities, lack of livelihood options, severe financial crunch and inability to repay loans taken back home are important factors that push them across the Indian border (Bahera 2011; Samuels et al 2011; Siddiqui 2013). Whereas a majority of the Nepali immigrants are Hindu and not irregular (because they do not require any official travel document to come to India), a majority of the Bangladeshi immigrants are Muslims and undocumented. The Census of India (2001) recorded over half a million Nepalese living in India; other estimates suggest that their numbers could be about 1 million (GON 2004). A

majority of Nepali migrants find jobs in India easily and are employed mainly as restaurant and bar workers, watchmen, factory workers, house servants or as seasonal labourers (Bhattarai 2007).

Unlike Bangladeshi migration, Nepali migration is more akin to internal migration between the states of India, and therefore often seasonal, involving to-and-fro circular migration which facilitates home visits, return migration and re-migration. A majority of the Bangladeshi migrants are also low-skilled and semi-skilled; they generally find work as casual labourers in the informal sector, often as domestic workers, construction labourers, rickshaw-pullers and ragpickers (Naujoks 2009) in the Indian metropolitan and other cities or as agricultural labourers in rural and semi-urban areas of various Indian states.

3.2 Problems Faced by the Immigrants

As discussed, immigrants cross the border to get employment in India and secure a better livelihood for themselves as well as for their families. However, they do not always find the reality matching their expectations. There are many who reach their destinations successfully and find jobs and shelter, and are able to make both ends meet. But for many others, particularly the women migrants, migration is a traumatic experience.

Several studies have pointed out that cross-border migrants often face harassment, are exploited by brokers, paid irregularly and sometimes substantially less than what they are promised by the employers, and are often ill-treated by the border security forces (Bhattarai 2007; The Asia Foundation 2013). Quite often, women migrants face violence and are exploited physically, sexually and economically. Few of the migrants are aware of their rights and most have no knowledge or very limited knowledge about them. Their problems get further accentuated due to their undefined, mostly illegal status in India.

We highlight the following problems faced by the migrants at source, during transit and at the destination after arriving in India:

(i) Harassment and Exploitation at the Border: For a majority of the migrants,

particularly the Bangladeshis, crossing the border is usually a painful experience. In order to get a passage, many migrants pay money to brokers and border police. Women are asked for sexual favours. It is alleged quite often that many migrants cross the border unofficially usually by paying considerable sums of money to agents or brokers or border agents to ensure quick and safe passage (Datta et al 2008; Mehdi 2010). Sometimes these intermediaries snatch away money from the migrants who are returning home. Some migrants also face violence and even death. According to a report by Human Rights Watch, 347 Bangladeshis and 164 Indians were killed along the border since 2006 (Human Rights Watch 2010).

(ii) Problems of Identity: A majority of immigrants in India do not possess any proof of identity of their country of origin, not to speak of the destination country. The problem is further complicated when the source countries, like Bangladesh, deny that they are their citizens (Ramachandran 2005; Nandy 2005). In addition, similarity of culture, language and customs of migrants with people in the bordering states of India make detection of foreign workers in host communities difficult. There are many migrants living in India for years who have no papers to prove their identity. Due to the lack of identity proof, these migrants perpetually remain deprived of access to basic minimum needs like housing, education, health and other essential services.

(iii) Physical Harassment, Sexual Abuse and Trafficking: Cross-border migrants, especially women, are vulnerable to physical torture and, quite often, sexual abuse. Women migrants often face harassment and sexual assault by the police and border authorities, and some of them eventually end up in prostitution (Nandy 2005). These women were vulnerable at different stages in their lives. It is also important to note that Bangladeshi men were not averse to marrying these women even as sex workers as they could be "utilized as an income source".

(iv) Vulnerable to Fatal Diseases Like HIV/AIDS and to Social Discrimination:

Migration increases the risk of being vulnerable to fatal diseases. Besides getting emaciated and losing their jobs, migrants usually face stigma and social discrimination. For example, in Nepal, the HIV epidemic is concentrated among particular sections of the population such as sex workers, transgender people, and migrants. HIV/AIDS is much prevalent among the needle-sharing drug users and sex workers in Nepal who migrate or are trafficked to Mumbai (IRIN 2011). In case of Bangladeshi migrants, several studies found that there is a link between mobility to India and HIV vulnerability (UNDP 2004; GOB 2011).

(v) Illiteracy and Lack of Education: Children of migrant workers are not always enrolled in schools, as often migrants do not stay at one place for long and keep changing their place of work. Though many migrants want to send their children to school, they face problems at the time of admissions due to lack of documents like address proof and birth certificate. This has serious repercussions not only for the migrants and their families but also for the host society. For example, the children of undocumented migrants too remain undocumented if their parents are not able to manage the required certificates. They are denied access to school and thus the cycle of deprivation continues ad infinitum.

(vi) Exploitation and Exclusion: Due to the lack of identity proof on the one hand and being employed in the informal sector of the economy on the other, the majority of migrants are excluded from the mainstream of the economic system. When they fail to open a bank account they have no option but to keep their savings in the form of cash with themselves or rely on their employers to keep some part of their wages and pay them only when they want to visit their homes, or when they send remittances to their homes with the help of brokers or middlemen. Apart from the loss of guaranteed interest, they face the risks of theft, misplacement, misappropriation, and so on. Transfer of cash boosts corruption and criminal activities. In many cases, migrants try to carry the cash with them when they visit their home. Many a time their cash

is snatched away by the border police and they are left with no money.

(vii) Violation of Human Rights: Migrants are not always treated with dignity, especially when they happen to be undocumented and cross the border through illegal channels. Often the employers, who manage to arrange government ID cards for their irregular immigrant employees, keep the ID cards with themselves. It has been observed widely that, especially in case of women employed as domestic servants, migrants are not allowed to take leave from their jobs even if they fall ill or want to visit their homes. They are discriminated against not only at the workplace but also in the residential community by the landlords. For example, the landlords charge more rent from the migrants than they do from the natives for the same type of accommodation, and sometimes they are not even provided basic amenities such as electricity and water. The migrants rarely complain about such ill-treatment to the police for fear of being caught and deported.

4 India's Policy Stance on International Migration

India's policy stance is skewed in relation to its treatment of the issues relating to immigration of foreigners into India. During the last two or three decades, India has shown a consistent enchantment towards Indian emigrant professionals, especially those going to the developed countries and has been celebrating their success stories back home. The Indian government usually keeps a close eye on the developments and fluctuations that occur in the migration stances of the developed countries of the global North and raises concerns with respect to those policy developments that might affect the interest of Indian migrants negatively. Immigration policy changes in the US, the UK and elsewhere, where Indians constitute significant stocks and flows, frequently draw the attention of the Indian government, media, business and industry. Changes in the H1B visa regimes in the US, and visa caps on skilled migrants from non-EU countries in the UK are live examples of this concern. Several bilateral agreements have been signed and many more are in the pipeline between

India and the destination countries in continental Europe regarding the protection of the rights of the Indian citizens there, e.g., portability of social security benefits to India when they return home (Khadria 2008). In return, these European countries seek assurance that irregular migration from India into their territories would be minimised.

India is also quite proactive in protecting Indian migrants living in the Gulf countries. For example, the issuing of ECR (emigration check required) passports has been a proactive measure of the Indian government to safeguard the low-skilled and uneducated migrants from exploitation in the destination countries in the Gulf, although it has remained controversial due to loopholes allowing for abuse and corruption. In fact, over time, Indian Gulf migration policy has undergone paradigm shifts — from protection of Indian migrants to their welfare, and further, to their participation in development in India (Khadria 2010).

In sharp contrast, India lacks a comprehensive policy framework on immigration issues despite being known to be a preferred destination for a large number of migrants from various countries and particularly from its neighbours in the north and the east, viz, Nepal and Bangladesh. Rather than having a well-crafted immigration policy, India deals with immigration-related issues in a perfunctory manner. Since, a majority of immigrants in India come from the neighbouring countries who share many attributes of the local population, there is widespread apprehension in official and policy circles in India that immigrants will “acquire a work permit and then eventually a ration card which entitles the family to all kinds of pro-poor schemes” (IOM 2005). Despite creating tension in some parts of the society and becoming “a focal point of debate among the policy makers, academics and defence circles in India” (Joseph and Narendran 2013), immigration has failed to generate a healthy debate, not to speak of an amicable policy stance.

5 The Way Forward

The above discussion reveals that migrants come to India with the expectation of better economic opportunities and a better

life ahead, and to fulfil these expectations they take several obvious and some unforeseen risks. Whereas migration to India has brought solace to some, there are many for whom the migration journey has been fraught with exploitation, discrimination and sufferings, sometimes life-shattering experiences. Khadria (2007; 2009b) has argued that India, as a major source country of migrants in the world, should involve the destination countries in “Equitable Adversary Analysis” (EAA)¹ while dealing with the issues of its emigrants as expatriates abroad for appropriately recognising their contribution in the host country’s economy, society and the polity, and ask for safeguards against the vulnerabilities and protection of their interests in the destination countries in exchange.

We think that there is a strong case to argue and emphasise that when it comes to India dealing with the immigration issue and immigrants in India, and in particular, cross-border immigrants coming from the two neighbouring countries, viz, Nepal and Bangladesh, policymakers and the government need to apply the same standards that it would expect from any other country while dealing with the issues of Indian migrants in that country. Being the destination country in this case, India would be in a bargaining role-reversal position to set this up as a model code of conduct before the countries of the global North as the destination of its own emigrants. Below, we delineate a number of points that India needs to take into account while dealing with the sensitive issue of immigration into the country, both in the larger interests of the migrant population and its own credibility as a responsible welfare state in an increasingly globalised world.

(i) Effective Control and Regulation at the International Border: Immigrants are widely perceived as a threat in India. The primary reason for this apathetic-at-best and hostile-at-worst attitude towards immigrants is the unabated flow of undocumented migrants through the long and porous border. The first, and the foremost, requirement is to put an effective control on the undocumented migration and create options for legal migration. In order to minimise the flows of undocumented migration, certain entry points could be

identified at some specific places along the border, through bilateral agreement, allowing the people to cross the international border with documented permission. Besides, the use of force must not be allowed to take life under any circumstances but only to protect it.

(ii) Collection of Data and Issuing of Identity Cards to Migrants: It is true that a large number of migrants are living in various parts of the country without any documentation. They live both in urban and rural areas and across the states and are employed in various sectors of the economy though mostly in the informal. However, they are not registered or counted anywhere in the national database records. Issuing of identity cards to these migrants and maintaining a database on them would help not only in the identification of the extent of their presence in the country but also help the governments — both central and states — to put forth before the international community the case for hosting such huge numbers of migrants. It would also provide these migrants some proof of residential identity which could be used for various authentication purposes, excepting to claim Indian citizenship.

(iii) Avoid Forced Deportation: It is well known that India has become a haven for a large number of migrants from the neighbouring countries who cross the border illegally, usually with the help of brokers and middlemen. Many of them are caught at the borders and some in the cities. Some of them have also been deported by the police. Not all of them are accepted back by their country of origin (Nandy 2005). These migrants are rendered stateless in the no man’s land near the border. This is pathetic and inhuman. Bilateral agreements between India and the source countries need to be formalised regarding the acceptance of these migrants deported by India. Also, forced deportation should be resorted to only as the very last option.

(iv) Recognise the Contribution of the Migrant Population at the Destination: Though the presence of the migrant population is much talked about in India, discourses on their contribution are scarce. Since migrants are mainly engaged in the

informal sector, their contribution in the country's gross domestic product is largely ignored. Extensive research therefore needs to be carried out regarding the economic and social contribution of migrants in India as well as in their countries of origin. Besides, there is a need to carry out awareness campaigns to highlight their positive roles and deconstruct the negative perception about the migrants among the local populace and public authorities, especially by highlighting the fact that these migrants often engage in 3-D jobs — “dirty, difficult and dangerous” — that the locals normally do not undertake.

(v) Ratify Relevant UN Conventions Related to International Migration: The United Nations and international agencies like the International Labour Organization have come up with various instruments and conventions from time to time to protect the rights of migrants and secure a dignified place for them in the society. However, a large number of countries, including India, Bangladesh and Pakistan, have shown reluctance to ratify these conventions, mainly due to reasons such as ethno-religious conflicts and politicisation of migration (Piper and Iredale 2003). India is one of them. It should ratify the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (2003), the Domestic Workers Convention (2011) as well as other important conventions without delay.

(vi) Intensify Discourses and Cooperation on Migration Through Regional and International Organisations: India, as well as all the major source countries of migrants, holds the membership of a number of regional organisations like the South Asian Association for Regional Cooperation (SAARC). However, migration does not get adequate attention in SAARC deliberations, primarily because it is considered a politically sensitive issue. India and other member countries need to use the SAARC platform to discuss migration-related concerns more intensely. Besides, other regional and international consultative processes dedicated to the issue of migration, such as the Colombo Process, could also be utilised by India and other

countries to intensify discourses on migration-related issues and identify the areas of cooperation such as the root causes of migration at the source, living conditions in the source countries and at the destination, facilitating the transfer of remittances through legal channels, issues of trafficking and protecting migrants' basic human rights in both the countries.

(vii) Capacity Building in the Source Countries Through Investment in Human Capital: Since a large part of migration is induced due to the lack of employment opportunities and predominance of extreme poverty in the source countries, it may be in the larger interest of India to extend its support in employment generation and alleviation of poverty in the source countries. Though India has been providing considerable financial and technical assistance to neighbouring countries like Nepal and Bhutan, being a leading country in South Asia, it is expected to assume greater responsibilities in the development of the region. Investment in education and health in the source countries would be beneficial for both India and the source countries. Whereas it would improve the well-being of the people in the source countries, thereby easing the pressure of migration and enabling better management of migrants' resources, it could have significantly positive implications for demographic composition and the labour market in India.

(viii) Entitle Migrants and Their Children to Education and Health: It is true that contemporary migration discourses increasingly focus on the linkages between migration and development. However, the contribution of the immigrant population in the development of India could not attract much attention despite the fact that quite a large number of these immigrants are engaged in various economic activities and contribute to the enhancement of the country's GDP (Khadria 2012a). There is a need to entitle the migrants and their children to education and health to enhance their welfare and give them a life of dignity. This would be equally, if not more, important for reasons of uplifting the average productivity of labour in India, both indigenous and expatriate.

6 Concluding Observations

Notwithstanding their large stocks in the country, it would be impossible to wish away immigrants, including the irregular immigrants, whether one likes it or not. Apart from the difficulty of not being able to distinguish between a citizen and an illegal immigrant, the fact remains that they have lived in this country for decades, often over two generations, and will continue to stay. The flows too cannot be reversed, but can at most be minimised and replaced by optimum levels of legal immigration. As a destination country it would be in India's self-interest to nurture the adopted stocks of cross-border immigrants by investing in their potential human capital — their health and education, not distinguishing between legitimate citizens and illegitimate expatriates.

In other words, economic integration rather than deportation must be the mantra of the immigration policy objective. This would help in the optimisation of human capital formation in India and maximisation of the contribution of immigrants to India's GDP — both resulting in higher average productivity of the pan-Indian labour force — an efficiency, not charity or philanthropy-based, rationale. The bottomline, therefore, for India would be to derive a lesson from the basic dictum of self-interest that the father of economics, Adam Smith (1776), gave the world as the basic driver of individual human activity some two and a half centuries ago, and apply it in crafting an innovative cross-border immigration policy.

In so doing, India must learn from major immigration countries like the United States where the new immigration law of 2013 is poised to legalise large numbers of illegal Mexican immigrants as American citizens. The high-point of this legislation lies in the fact that this step is considered to be in consonance with securing the sovereignty of the United States rather than compromising it.² India can thus lead in setting an example of fresh thinking for policy innovation in adapting this dictum of self-interest as the driver of collective state activity in dealing with its cross-border immigrants — for the rest of the developing world to follow.

Source countries like Nepal and Bangladesh must also play their respective

constructive roles in this endeavour through bilateral engagements with India. In this only would lie a strong case of a win-win situation for the immigrants and their families as the first part, the origin country of the immigrants as the second part, and above all, the destination state India as the custodian of its own citizens as the third part. We do not see any conflict of interest between any of these parties acting in the sensitive domain of immigration.

NOTE

- 1 "Equitable Adversary Analysis" (EAA) would be an instrument whereby a country of origin of migrants and a counterpart country of their destination are brought together for negotiations with a view to creating a win-win situation for both of them rather than "outsmarting" each other or even being indifferent. Going beyond the simple "adversary analysis" of Applbaum (2000), which involves stepping into each other's shoes and trying to defend the interest and position of the adversary rather than one's own, Khadria's EAA would call for an equitable commitment of the stronger party to have empathy for the weakness of the other party and thus ensuring a truly level playing field.
- 2 Section 2 of the "Border Security, Economic Opportunity, and Immigration Modernization Act" of 2013 states that passage of this act recognises that the primary tenets of its success depend on securing US sovereignty and establishing a coherent and just system for integrating those who seek to join American society" (emphasis added). Also see Khadria, ed (2012b).

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