India’s Migration Statistics – ( how many to which major countries? )

* India has a long history of migration. More than a century ago, large numbers of Indian migrants – many of them involuntary ones – moved to Africa, the Caribbean and within the Indian subcontinent itself. Some of the top destinations of Indian migrants in more recent decades include Persian Gulf countries, North America and Europe.

India is the top source of international migrants, with one-in-twenty migrants worldwide born in India. As of 2015, 15.6 million people born in India were living in other countries. India has been among the world’s top origin countries of migrants since the United Nations started tracking migrant origins in 1990. The number of international Indian migrants has more than doubled over the past 25 years, growing about twice as fast as the world’s total migrant population.

Nearly half of India’s migrants are in just three countries: the United Arab Emirates, Pakistan and the United States. About 3.5 million Indians live in the UAE, the top destination country for Indian migrants. Over the past two decades, millions of Indians have migrated there to find employment as laborers. Pakistan has the second-largest number of migrants, with 2 million.

Almost 2 million more live in the U.S., making up the country’s third-largest immigrant group. Among Indian Americans, nearly nine-in-ten were born in India. As a whole, Indian Americans are among the highest educated and have some of the highest income among racial and ethnic groups in the U.S.

What are the main migration corridors for Indian diaspora ( India-UAE, India-USA etc. )

* India has the largest diaspora population in the world with 18 million people from the country living outside their homeland in 2020, according to a report by the United Nations, which says the UAE, the US and Saudi Arabia host the largest number of migrants from India.

The report 'International Migration 2020 Highlights', by the Population Division of the UN Department of Economic and Social Affairs (UN DESA) said the spatial distribution of transnational populations varies greatly and India's diaspora, the largest in the world, is distributed across a number of major countries of destination.

In 2020, 18 million persons from India were living outside their country of birth.

India's large diaspora is distributed across the United Arab Emirates (3.5 million), the United States of America (2.7 million) and Saudi Arabia (2.5 million). Other countries hosting large numbers of Indian migrants included Australia, Canada, Kuwait, Oman, Pakistan, Qatar and the United Kingdom.

How much remittances do Indians send? ( latest figures from 2018-2021 )

* India received over USD 83 billion in remittances in 2020.
* In 2021, India, the world's largest recipient of remittances, received $87 billion with the United States being the biggest source, accounting for over 20% of these funds, according to the World Bank.

Remittance flows from migrants have greatly complemented government cash transfer programs to support families suffering economic hardships during the COVID-19 crisis.

Facilitating the flow of remittances to provide relief to strained household budgets should be a key component of government policies to support a global recovery from the pandemic," said Michal Rutkowski, World Bank Global Director for Social Protection and Jobs.

In India, remittances are projected to grow 3 per cent in 2022 to USD 89.6 billion, reflecting a drop in overall migrant stock, as a large proportion of returnees from the Arab countries await return.

Indian Immigration Policy

People started migrating in significant numbers as an era of globalization in pursuit of economic, political, and social stability. India, a country of diverse ethnicities and cultures, attracts immigrants from all over the world with a range of attractions. Immigration is the transfer of individuals from one nation to another for the intention of establishing a long-term residence. The biggest hurdle for immigrants is obtaining citizenship in the host nation and exercising fundamental rights in the country to which they have moved.

Articles 5 to 11 of Part II of the Indian Constitution deals with citizenship, defining a citizen as a person of Indian ancestry or a family member having Indian ancestry. Article 10 deals with the continued citizenship of foreigners in India, subject to any further laws adopted by the legislature. The Indian constitution recognizes just one citizenship across the country and does not allow for multiple citizenship.

It also states that a foreign citizen can get Indian citizenship through the Naturalization procedure (after having lived in India for at least 14 years) and foreigner registration with the FRRO (Foreigners Regional Registration Officer) or FRO (Foreigners Registration Officer). The Indian law follows jus sanguinis (citizenship by blood) as opposed to jus soli (citizenship by birth).

Immigrant rules and restrictions:

Certain laws have been enacted to streamline the process of foreigners obtaining citizenship, including:

* Foreigners entering India are obliged to get visas from India Missions under the Passport (Entry in India) Act, 1920.

The statute also specifies which papers must be submitted during their lawful journey in order to be admitted to the nation.

The Foreigners Statute, 1946 - This act governs foreigners' admission and stay within Indian boundaries till they leave.

* The Foreigners Registration Act of 1939 and the Foreigners Registration Rules of 1992 - Certain foreigners who remain longer than their visa period is required to register with the Registration Officer.

Visa for India:

* For lawful admission into Indian borders, all international visitors require a visa. This does not apply to Nepalese or Bhutanese citizens. The visas allow visitors to stay in the country for a maximum of 180 days (6 months). If a visa is needed for a longer period of time (greater than 180 days), the applicant must first register with the FRRO or FRO.
* Business visas, Employment visas, Intern visas, Transit visas, Student visas, Film visas, and so on are all available from the Indian government and can be obtained as a standard visa or an E-visa. Aside from the above-mentioned valid visas, there are limited regions inside India that require a specific entrance permission known as a Protected Area Permit (PAP), which allows travelers to access the restricted zones. This authorization must be obtained in addition to the usual visa requirement.

Registration of foreigners in India:

* Foreigners travelling for a lengthy period (more than 180 days) on a student visa, work visa, research visa, or medical visa must register with the Indian Missions/FRRO/FRO within 14 days of arrival, with the exception of Certain sorts of nationalities are restricted from participating in this procedure.
* Foreigners entering India on any form of visa other than the ones listed above are not needed to register unless they plan to stay in India for more than 180 days. In such circumstances, registration must be completed well before the 6-month term expires.
* Foreigners above the age of 16 are needed to register with the relevant Registration Officer in person or through an authorized agent. Minors under the age of 16 do not need to register.
* Foreign visitors with an Entry(X) visa, such as dependent visas and business visas, who plan to stay for more than 180 days must also register.
* Visitors with journalist visas and other visas that do not have any specific endorsements must register with the FRROS/FRO. The visas applied for registration will be stamped at all Indian missions.

Amendments made recently -

The Indian government has made a number of important amendments to the Indian Immigration Law, including:

* After arriving in India, every tourist on a work visa has the option of changing employers by submitting an application to the Ministry of Home Affairs.
* A dependent visa or (X) visa can be converted into an employment visa based on the X visa holder's eligibility and the spouse's job status.
* As of January 9, 2015, the PIO (People of Indian Origin) and OCI (Overseas Citizen of India) cards have been unified.

Who regulates immigrants in India? what are the provisions provided to foreigners living in India? ( Healthcare, Insurance etc )

These difficulties are normally handled by immigration-specific laws and policies that outline the procedure and limitations for obtaining citizenship. In the context of the Indian subcontinent, meanwhile, the rules of the Indian Constitution control immigration regulations.

A brief description on the provisions provided o foreigners living in India are as follows:

Healthcare

* For decades, India has been one of the most popular countries in the world for expats. It’s a top destination for people interested in alternative health, including yoga and Ayurveda care. India is also hugely popular for medical tourism. Home to some of the top private hospitals in Asia, medical tourists from the United States and elsewhere head to India for elective procedures at a fraction of their price at home. India has also made huge strides in improving the quality of its public healthcare.
* However, India ranks a poor 112th out of 191 countries on the World Health Organization’s list of the world’s most efficient healthcare systems. India’s infant mortality rate – a key public health benchmark – is 7 times higher than that of the United States. Furthermore, conditions such as diabetes and heart disease are on the rise. Yet very few people are being treated. In short, there is a lot for expats to consider when selecting health insurance in India. This is what they need to know.
* At present, there is no option for expats to qualify for public health insurance. This is because the Ayushman Bharat program is designed to serve the local population. Expats living in India and those traveling to India can usually be treated at public hospitals, but they will have to pay out of pocket as they aren’t citizens. The costs are very modest, and a consultation can be as little as a few dollars. However, the standard of care is so poor that private clinics and hospitals are hugely preferable.

Life Insurance

* The Indian government has made some provision in the laws, which allows foreign nationals to buy life insurance in India. There are many companies in India that offer insurance to foreign nationals. Furthermore, there are various types of insurance policies that you can choose from.

Housing

* Due to growing demand, there are now special housing complexes aimed at expats in many places.
* Expat complexes are usually gated communities consisting of modern, luxurious buildings with their own gardens and playgrounds for children. They are often serviced by a plethora of domestic staff and provide a safe and convenient environment for expats. On the downside, interaction with Indian society remains very limited, and it may feel like hotel accommodation rather than a real “home”, although expats will make friends with each other in no time.
* Quite a few expat families thus opt for individual accommodation in high-class urban neighborhoods. While this might prove more time consuming and nerve racking at first, the rewards in terms of value for money and contact with local residents often more than make up for the initial concerns.
* There is, of course, the question of whether to buy or rent property. There are some restrictions regarding foreigners purchasing and owning property in India. Expats must meet the residency requirement of 183 days per financial year in order to legally buy property. You cannot buy property on a tourist visa, either, as your visa type must stipulate that you intend to stay in India for an indefinite period of time. Apart from that, however, the process is rather straightforward.
* It is nevertheless strongly recommended to enlist the services of an independent local legal advisor, not a lawyer recommended by the seller of the property.

Indian Emigration Act 1983

The Emigration Act, 1983 is an Act passed by the Government of India to regulate emigration of people from India, with the stated goal of reducing fraud or exploitation of Indian workers recruited to work overseas. The Act imposed a requirement of obtaining emigration clearance (also called POE clearance) from the office of Protector of Emigrants (POE), Ministry of Overseas Indian Affairs for people emigrating from India for work.

Indians emigrated, both temporarily and permanently, to a number of countries, including the United States, United Kingdom, Germany, Canada, Australia, and the economies of south-east Asia. The bulk of emigration from the 1970s onward was to the Arab states of the Persian Gulf. Recruiting agents played a role in connecting workers to foreign jobs and charged the workers or the employers some share of the revenue. The Emigration Act, 1983 was passed to address concerns related to defrauding and exploitation of workers by the recruiting agents and other problems they might face upon going abroad.

Provisions

* Creation of the office of Protector of Emigrants

Chapter II, Section 3 of the Act provided that the Central Government may appoint a Protector General of Emigrants and as many Protectors of Emigrants (POE) as it sees fit, as well as their respective areas of operation. Later Sections of Chapter II defined the duties of Protectors of Emigrants in more detail, provided for emigration check-points, and provided for other emigration officers.

* Registration of recruiting agents

The Act made the Protector General of Emigrants and other Protectors of Emigrants the authorities who could register recruiting agents. A person could operate as a recruiting agent for emigrants only if registered. The Act also provided details on the application, terms and conditions, renewal, and cancellation of registration.

* Permits for recruitment by employers

All employers were required to recruit either through a recruiting agent with a valid registration, or obtain a permit for recruitment. The procedure for obtaining, validity period, and cancellation of permits was detailed in the law.

* Emigration clearance

Any citizen of India seeking to emigrate was required to have emigration clearance from the Protectorate of Emigrants (POE). The application process for emigration clearance, and potential grounds for rejection, were detailed.

As of 2017, passport holders could either have ECR status (emigration check required) in which case they need to obtain emigration clearance, or have ECNR status (emigration check not required) in which case they do not need to obtain emigration clearance.

The ECR/ECNR distinction does not appear to have been stated in the original language of the Emigration Act, 1983, which seems to suggest that anybody emigrating for work is required to obtain emigration clearance.

The requirements for getting to ECNR status have been progressively relaxed over time, starting from being restricted to people such as graduates and income tax payers and now applying to a much wider set of people including those who have completed matriculation (class 10 of school).

Indian Emigration Bill 2021,2019

India has the largest immigrant population in the world, recording at a staggering eighteen million. The Draft Emigration Bill, 2021 aims to replace the existing Emigration Act 1983. Several reports have highlighted the grave exploitation of Indian workers overseas. The Emigration Act, 1983 limits the service fee chargeable and establishes government clearance of travel and work-related documents. Migrants face problems at various stages, corruption and involvement of middlemen.

The Emigration Bill 2021 “Bill”, provides a long-overdue opportunity to reform the recruitment process for nationals seeking employment abroad. It also provides for welfare committees, establishes a help desk and a three-tier institutional framework.

Key features of the Bill

There has been a growing number of reports of exploitative practices like large recruitment charges, contract substitution, deception, retention of passports, non-payment, and underpayment of wages, poor living conditions, discrimination, and other forms of ill-treatment of the Indian migrant workers.

1. The Bill intends to replace the Emigration Act of 1983.
2. The Bill foresees comprehensive emigration management, institutes a regulatory mechanism governing overseas employment of Indian nationals, and creates a framework for protection and promotion of the welfare of emigrants.
3. The Bill proposes a three-tier institutional framework –

* It launches a new Emigration policy division which will be referred to as the Central Emigration Management Authority.
* It proposes a Bureau of Emigration policy and planning, a Bureau of Emigration administration shall handle day to day operational matters and oversee the welfare of emigrants.
* It proposes nodal agencies under a Chief Emigration officer to ensure the welfare and protection of the emigrants.
* It permits government authorities to punish workers by cancelling or suspending their passports and imposing a fine up to Rs. 50,000 for violating any provisions mentioned in the bill.
* When the law is enforced, it can be used to crackdown on workers who migrate through unregistered brokers or through tourist Visas.
* The proposed legislation will also maintain registration of human resources agencies, validity and renewal and cancellation of a certificate.
* Apart from these, authorities will have rights equivalent to the powers of civil court.

Need of the Bill

1. Migration of labourers is governed by the Emigration Act, 1983 which sets up a system for hiring through government-certified recruiting agents, public or private agencies.
2. It outlines compulsions for agents to conduct due diligence of prospective employers, sets up a capping on recruiting fees and generates a review by the government on travel and documentation process labourers.
3. The Act falls short in addressing the wide geo-economic, geo-political and geo-strategic impact that emigration has today.
4. From many years, independent investigations have disclosed various exploitation practices, such as: high recruitment fees, retention of passports, non-payment or under payment of wages, discrimination and other forms of ill treatment, health issues arising during mental stress and poor working conditions.

Loopholes in the Bill

1. Lack of human rights framework

* The Bill is criticised because it lacks the human rights framework which is required to secure the rights of migrants and their family members.
* In this law the migrant workers who use criminal ways to get things done and are punished because they are not aware of the law, get influenced by the middle man, or simply desperate to find a decent job.
* Migrant labourers in an irregular situation fear that they can be fined or have their passport revoked, do not make complaints or try to seek remedies for their problems.
* The migrants who go missing after travelling to other countries, this issue is addressed partially.

1. Act is not in sync with international standards

* The Bill allows manpower agencies to charge service fees to workers and even allows agents to set their own rules.
* As compared to the International Labour Organization, the principles of ILO state the employers will bear the recruitment fees instead of workers.
* Migrant labourers, go into heavy debts, because they lose their savings, take high interest jobs, go into debt bondage, just to find a job in other countries.

1. Gender aspect

* This Bill does not give clarity on the gender aspect of labour migration.
* Females are given less preference as compared to male counterparts. Females are likely to be employed in informal sectors and/ or isolated occupations in which labour, psychological and sexual abuse are common.

Typology of emigrants

1. Irregular migrants
2. Irregular entrants
3. Trafficking
4. Withdrawal of Visa
5. Asylum seekers
6. Labour migrants
7. Students

How does the Indian government engage with migrants abroad? (USA, Canada – Indian diaspora)

If, Atal Bihari Vajpayee, during his 1998-2004 tenure, is credited for having promoted serious engagement with the Indian diaspora to develop mutually beneficial linkages, current Prime Minister Narendra Modi is getting known for his enthusiasm in expanding those earlier efforts. The prime minister’s vigour in this arena has been evident since the day he took office in May 2014, and it begins with his public pronouncements. In foreign trips and outreach activities with India’s expatriate communities, he persuades them to “contribute to India’s growth story”.

The Government of India does not follow a specific definition, although it attempted to define the term in 2004 as “a generic term to describe the people who migrated from territories that are currently within the borders of the Republic of India. It also refers to their descendants.” Today, ‘diaspora’ is commonly understood to include Non-Resident Indians (NRIs), Persons of Indian Origin (PIOs) and Overseas Citizens of India (OCI), of which PIO and OCI card holders were merged under one category — OCI — in 2015. Broadly speaking, for the Indian government, the diaspora encompasses a group of people who can either trace their origins to India or who are Indian citizens living abroad, either temporarily or permanently.

Recent Policies

* The government’s initiatives towards the diaspora are two-pronged. For one, they cater to the needs of NRIs and OCIs by providing them with consular services, protection and conduct outreach activities to engage with them. At the same time, they create policies to encourage the diaspora to contribute to India’s growth through philanthropy, knowledge transfers, investments in innovation and assistance in other development projects.
* With this in mind, the Modi government has launched a string of initiatives and repackaged old schemes such as the ‘Know India Program’ (KIP). The last three years saw the launch of Head Post Offices as passport centres enabling thousands more to apply for a passport. For those looking to go abroad, training centres and orientation programmes are provided to train future employees on relevant skills and minimise culture shock.

The successful KIP, launched in 2003 by Atal Bihari Vajpayee, has been refashioned to include more participants and sessions every year.

* A number of policies were announced keeping in mind the protection of welfare and interest of Indians abroad. For example, the 2014 Minimum Referral Wages (MRW), applicable only to Emigration Check Required (ECR) countries, increased the minimum wage of Indian workers employed as industrial workers, domestic servants, cleaners and labourers. Furthermore, in 2015, the Ministry of External Affairs launched the e-migrate system that requires all foreign employers to register in the database. These policies are a step in the right direction but have faced criticism from countries like the UAE who claim it is a “breach of our sovereignty”.
* Also, The Ministry of External Affairs (MEA) set up the India Centre for Migration (ICM) formerly known as Indian Council for Overseas Employment, as a ‘not for profit’ society under the Societies Registration Act 1860, in July 2008. The India Centre of Migration (ICM) serves as a research think-tank to Ministry of External Affairs (MEA) on all matters relating to international migration and mobility. The Centre undertakes empirical, analytical and policy related research, and undertakes pilot projects to document good practices. Over the years, ICM has expanded its scope of work, by following a multi-pronged approach by actively organizing workshops, research studies and seminars in collaboration with academic institutions, state governments and international bodies.

Note - ICM conducts research studies which entails monitoring and analysis of the trends and dynamics of international labour market. It has also been contributing towards programs for skill development and skill upgradation to facilitate employment opportunities overseas.