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## **CARIM INDIA – DEVELOPING A KNOWLEDGE BASE FOR POLICYMAKING ON INDIA-EU MIGRATION**

Co-financed by the European Union

### ***Facilitating Migration between India and the EU: A Policy Perspective***

**Pralok Gupta**

CARIM-India Research Report 2013/06



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**CARIM-India**  
**Developing a knowledge base for policymaking on India-EU migration**

**Research Report**  
**Thematic Report**  
**CARIM-India RR2013/06**

**Facilitating Migration**  
**between India and the EU:**  
**A Policy Perspective**

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## **CARIM-India – Developing a knowledge base for policymaking on India-EU migration**

This project is co-financed by the European Union and carried out by the EUI in partnership with the Indian Council of Overseas Employment, (ICOE), the Indian Institute of Management Bangalore Association, (IIMB), and Maastricht University (Faculty of Law).

The proposed action is aimed at consolidating a constructive dialogue between the EU and India on migration covering all migration-related aspects. The objectives of the proposed action are aimed at:

- Assembling high-level Indian-EU expertise in major disciplines that deal with migration (demography, economics, law, sociology and politics) with a view to building up migration studies in India. This is an inherently international exercise in which experts will use standardised concepts and instruments that allow for aggregation and comparison. These experts will belong to all major disciplines that deal with migration, ranging from demography to law and from economics to sociology and political science.
- Providing the Government of India as well as the European Union, its Member States, the academia and civil society, with:
  1. Reliable, updated and comparative information on migration
  2. In-depth analyses on India-EU highly-skilled and circular migration, but also on low-skilled and irregular migration.
- Making research serve action by connecting experts with both policy-makers and the wider public through respectively policy-oriented research, training courses, and outreach programmes.

These three objectives will be pursued with a view to developing a knowledge base addressed to policy-makers and migration stakeholders in both the EU and India.

Results of the above activities are made available for public consultation through the website of the project: <http://www.india-eu-migration.eu/>

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## **Abstract**

Global migration to the European Union (EU) has expanded significantly since the 1990s and is being considered as an important tool to resolve domestic labour shortages in many of its Member States. Migration from India to the EU has so far not been significant except in the case of a few Member States and a few sectors. Nonetheless, there is a growing trend of Indians emigrating to the EU and the governments on both sides have also started looking at facilitating migration between the two regions. The emigration policies of the Indian Government and the policy orientation of the EU governments towards Indian migrants are important not only in deciding the quantum of Indian emigrants going to the EU but also their choice of destination country within the EU. Policy facilitation is also important for preventing exploitation of Indian emigrants both before and after leaving India.

Most of the emigration policies in India focus on migration to the Gulf countries and the EU countries have so far not been a focus area. Similarly, the EU's policy focus has been on intraregional migration or on inflows from a few developed countries outside the EU. The lack of appropriate policy initiatives by the governments on both sides has possibly affected India-EU migration in two ways. First, it may have reduced the extent of the flows from India to the EU in search of better job opportunities. Second, in the absence of information and policy guidelines, Indians in the EU countries, especially low skilled ones, have become more vulnerable to exploitation. A welcome step with respect to skilled workers is the negotiation of bilateral social security agreements between India and several EU Member States which can protect the interests of expatriate workers and companies on a reciprocal basis. However, the interests of the less skilled, remain unaddressed.

Therefore, it becomes important that the Government of India makes EU specific policies as it has in the case of Gulf countries and its policies should also take into consideration the welfare and integration of low skilled workers in these countries. The EU should also consider India as a potential source of labour supply to meet skill and labour shortages in its various sectors. Both the sides should come forward to frame policies to facilitate orderly migration and check irregular migration between the two regions.

## 1. Introduction

Emigration from India has expanded over the years not only in terms of the number of people who have emigrated but also the ways people have adopted to migrate overseas, including irregular migration. Hundreds of thousands of Indians are emigrating every year to the developed countries in search of a better quality of life and higher incomes (Subramanian, 2001; Dutta-Sachdeva and Baruah, 2001). The main pull factors for such large emigration flows are better work opportunities and relatively better pay and working conditions. According to Nangia and Saha (unspecified year), the charm of foreign jobs is so compelling that many of the aspiring emigrants, who could not get genuine work permits, adopt illegal means to go abroad.

An important fact related to emigration in India is that most of the Indian emigrants are fairly vulnerable to exploitation not only in India before their departure but also in overseas countries after their arrival, as these migrants are generally ignorant of relevant laws and procedures of the destination countries. Moreover, as many of these migrants go by adopting illegal means in the absence of genuine work permits, they become more prone to such exploitation. The white collar workers may be an exception and less vulnerable to such exploitation as their emigration is well documented and mostly routed through corporate bodies.

Immigration has also become an increasingly important phenomenon in the European Union (EU) and global migration to the EU has expanded significantly since the 1990s. As per a 2006 report of the Director General for Economic and Financial Affairs, European Commission, the average annual net entries for the EU-25 have more than tripled from 198,000 people per annum in the 1980s to around 750,000 persons per annum in the 1990s.<sup>1</sup> Immigration has also contributed to employment growth in the EU and it is being seen as an important tool to resolve domestic labour shortages in many of the EU Member States (EMN, 2011). However, migration from India to the EU has so far not been significant except in the case of a few Member States, such as, the UK, and Italy and in a few sectors, such as, IT, health services, dairy and agriculture. Nonetheless, a growing number of Indians are emigrating to the EU and the governments on both sides are looking at facilitating migration between the two regions.

In this context, the emigration policies of the Indian Government and the policy orientation of the EU governments towards Indian migration assume importance not only in deciding the quantum of Indian emigrants going to the EU but also in choosing their destination country within the EU. The policy facilitation is also important for preventing exploitation of Indian emigrants both before and after leaving India.

This paper discusses the current policy orientation of India as well as the EU towards migration and makes a case for enhanced policy emphasis by the governments on both sides to facilitate India-EU migration. Section 2 gives a snapshot of the labour market scenario in the EU to highlight demand supply mismatch and skill shortages in the EU. Section 3 provides the EU policy perspective towards inward migration. Section 4 highlights the status of Indian emigration in general and also with specific reference to the EU. Section 5 discusses the emigration initiatives and policies of the Government of India. Section 6 presents the likely implication of the current policy orientation of India and of the EU on Indian migration to EU Member States. Section 7 provides policy prescriptions to facilitate India-EU migration and Section 8 concludes by highlighting the main findings of the study.

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<sup>1</sup> See, Guardia and Pichelmann (2006), 'Labour Migration Patterns in Europe: Recent Trends, Future challenges', Economic Papers, European Commission, Director General For Economic and Financial Affairs, Brussels, available at [http://ec.europa.eu/economy\\_finance/publications/publication644\\_en.pdf](http://ec.europa.eu/economy_finance/publications/publication644_en.pdf)

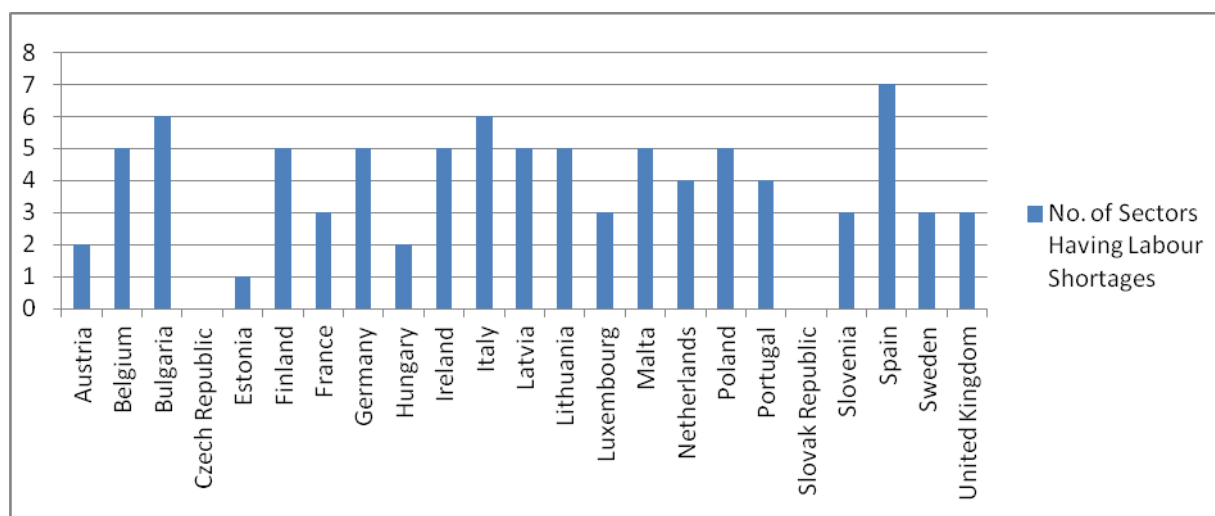
## 2. Labour Market Scenario in the EU<sup>2</sup>

As per the 2012 Eurostat publication ‘The EU in the world 2013 – a statistical portrait’, the labour force (aged 15 to 64) in the EU-27 was around 240.4 million persons, of whom 216.7 million were in employment in 2011.<sup>3</sup> An important issue related to the labour market in the EU is the ageing of its population. All Member States of the EU are facing the problem of ageing and this problem is expected to continue for at least another 50 years or so. This imbalance in the EU age pyramid has resulted in a declining ratio for the working population vis-a-vis those who are retiring or have already retired. As per the Eurostat Statistics<sup>4</sup>, there were four working age people (aged 15-64 years) for every EU citizen aged 65 years or over in 2008, but, by 2060, this figure is projected to come down to two. As a consequence, the share of people aged 65 years or over in the EU population is expected to increase from 17.1 % to 30.0 % during the same period.

This ageing phenomenon within the EU is likely to affect its Member States not only socially but also economically in a significant way in the coming decades. An important fall out of ageing in the EU is the demand-supply mismatch that has arisen in several of its Member States and which is likely to intensify in coming years if appropriate steps are not taken to resolve this imbalance. Another corollary of ageing and resultant demand-supply mismatch is the skill shortages that have emerged in the Member States of the EU.

A description of the labour market shortages in selected sectors/occupations for each of the Member States of the EU is given in Appendix-1. Figure 1 presents the number of sectors/occupations having labour shortages for each of the EU Member States and Figure 2 presents the number of the EU Member states having labour shortages in each of the selected sectors/occupations.

**Figure 1. No. of Sectors Having Labour Shortages in Each Member State of the EU**



Source: Author’s construction based on information retrieved from EMN (2011)

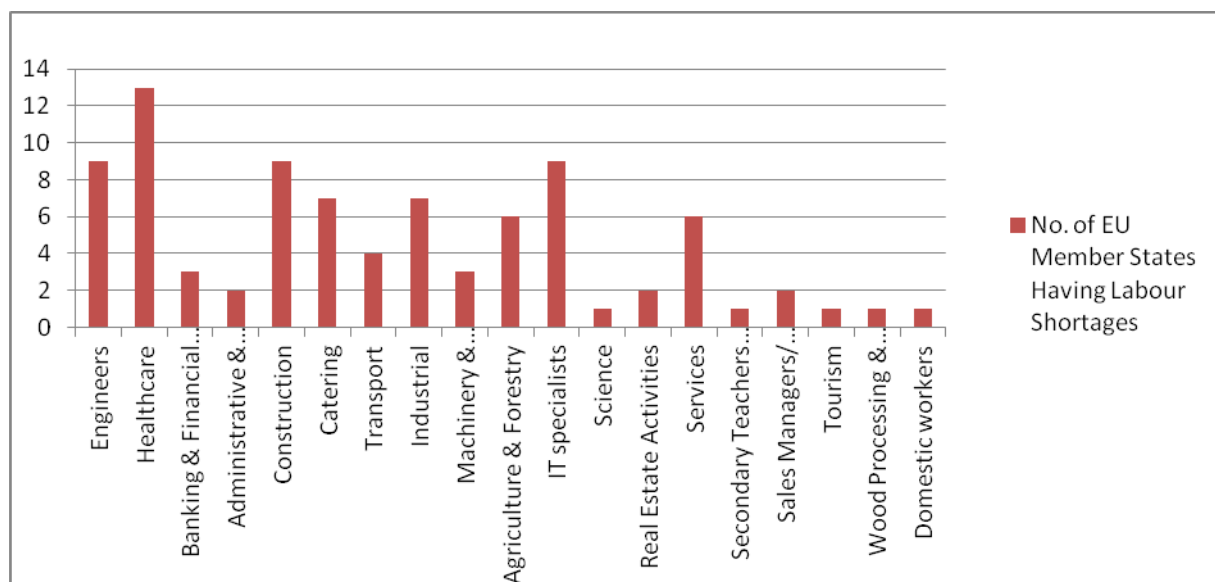
<sup>2</sup> The discussion in this section is based on the European Migration Network (EMN) (2011) report ‘Satisfying Labour Demand through Migration’ available at [http://ec.europa.eu/home-affairs/policies/immigration/docs/Satisfying\\_Labour\\_Demand\\_Through\\_Migration\\_FINAL\\_20110708.pdf](http://ec.europa.eu/home-affairs/policies/immigration/docs/Satisfying_Labour_Demand_Through_Migration_FINAL_20110708.pdf)

<sup>3</sup> See, Eurostat publication (2012), ‘The EU in the world 2013 – a statistical portrait’ [http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-30-12-861/EN/KS-30-12-861-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-30-12-861/EN/KS-30-12-861-EN.PDF)

<sup>4</sup> See, Eurostat Statistics, available at: [http://epp.eurostat.ec.europa.eu/statistics\\_explained/index.php/Population\\_projections](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Population_projections)

Figure 1 shows that Spain has the largest number of sectors (7) with labour shortages followed by Italy and Bulgaria (6 each) and Belgium, Finland, Germany, Ireland, Latvia, Lithuania, Malta and Poland (5 each). The UK has labour shortage in three sectors, namely, for engineers, healthcare and secondary teachers (Maths and Science). From a sectoral/occupational perspective, the healthcare sector is facing labour shortages in the greatest number of EU Member States (13), followed by engineering, construction and IT (9 each), catering and industrial sectors (7 each).

**Figure 2. No. of EU Member States Having Labour Shortages in Selected Occupations**



Source: Author's construction based on information retrieved from EMN (2011)

The labour shortage could be 'voluntary', when skilled or unskilled jobseekers are available and match the required job profile, but do not work in the given job due to unattractive labour conditions and low wages, or it could be 'compulsory', when nationals with the requisite skills and qualifications for particular occupations are not available. The compulsory shortages are more serious than the voluntary ones as they reflect structural deficiencies in the domestic economy. The EMN (2011) report has identified voluntary shortages in Belgium, Czech Republic, Estonia, Finland, France, Hungary, Italy, Luxembourg, Lithuania, Malta, Netherlands, Poland, Portugal, Slovenia whereas compulsory shortages were in Austria, Belgium, Czech Republic, Estonia, Finland, France, Hungary, Ireland, Italy, Luxembourg, Malta, Netherlands, Portugal, Slovenia, Spain and Sweden.

One policy option to resolve demand-supply mismatch and skill shortages is to put greater emphasis on education and training systems within these countries to fulfill their labour market needs. However, this is a long term measure with a significant gestation period. Moreover, the educational institutions in many of the EU Member States themselves are subject to the problem of skill shortages. On one hand, they may not have adequate trainers to teach the young population, and on the other, there may not be enough takers for education and training, given ageing of the population in the respective Member States.

The other policy option, which is gaining popularity among EU Member States, is to facilitate inward migration to their respective territories. The European Commission has also recognized the importance of immigration in the EU economy and suggested that immigration should be based on a common needs-based assessment of the EU labour markets. It should address all skills levels and sectors for enhancing the knowledge-based economy of Europe and advance economic growth in the EU. The Member States have also recognized the importance of migrants in their economies and accordingly, several initiatives have been taken by their governments. Section 3 discusses some of these policy initiatives.



### 3. Policy Initiatives of the EU to Facilitate Inward Migration

Considering migration as a potential solution to the problem of skill shortages, policy initiatives have been taken both at the EU level and at the level of individual Member states. The EU initiatives are in the form of legislative instruments (various directives) as well as Co-operative agreements with other countries. The Member States have also negotiated bilateral labour supply agreements with EU and non-EU countries to enable a regular flow of workers in desired sectors and occupations.

The EU Directive 2009/50/EC, known as the 'Blue Card Directive', is related to the entry and residence of third-country nationals in the EU for the purpose of highly qualified employment. The objective of this Directive is to make the EU a more attractive destination for highly-qualified third country nationals by establishing common criteria and a fast track procedure for issuing residence and work permits. This Directive entitles the Blue Card holders various socio-economic rights, favourable conditions for access to the labour market, family reunification and movement across the EU. Similarly, Directive 2005/71/EC aims at establishing a specific procedure for admitting third-country nationals for the purpose of scientific research. Hence, it is also known as the 'Researchers Directive'. The purpose of the Directive is to make Europe the most competitive knowledge-based economy of the world, by fostering the admission and mobility of third-country researchers.

Directive 2009/52/EC targets the employment of non-EU nationals who are illegally staying in the EU, in order to counteract irregular immigration. It provides for minimum common standards on sanctions and other measures (disqualification from public benefits, etc.) for irregular migrants and, in serious cases, criminal penalties against employers of said nationals. The directive requires Member States to prohibit the employment of illegally staying non-EU nationals.

Recently, the EU has adopted the Directive 2011/98/EU, often referred as the 'Single Permit Directive', in 2011. The Directive establishes a single application procedure for single permits for third-country nationals to reside and work in the territory of an EU Member State, and a common set of rights for third-country workers legally residing in a Member State.

Apart from these Directives which are already in existence, the EU is also discussing proposals for further Directives on the conditions concerning the entry and residence for seasonal workers and intra-corporate transferees. The aim is to simplify migration procedures and give migrants clear employment-related rights.

The EU has also signed Mobility Partnerships with some countries, such as, Moldova and Cape Verde in 2008, with Georgia in 2009 and with Armenia in 2011. The Mobility Partnership with Ghana is under negotiation since 2010 and such partnerships are also foreseen with Morocco, Egypt and Tunisia. These Mobility Partnerships aim at facilitating migration flows and providing better access to the EU from the respective countries and also intend to curb irregular migration.

The Member States have also established their legislative frameworks to regulate and facilitate the entry of migrants into their labour markets. A specific Act, the 'Foreign Employment Act' exists in many of the EU Member States, such as Austria, Italy, Lithuania, Ireland, Netherlands, Poland and Slovenia, to regulate the employment of third-country nationals.

Apart from the legislative frameworks for migration, many of the EU Member States have signed bilateral agreements for labour supply with non-EU countries. For instance, France has agreements for migration flows with its ex-colonies, such as Senegal and Cameroon. Spain has signed bilateral labour agreements for the inflow of migrant workers from a number of countries. Whereas some of these agreements focus on checking irregular immigration, other agreements aim at regulating migration flows from third countries and at facilitating circular migration through mechanisms for recruitment, entry, guaranteeing of social and legal rights, and by ensuring the voluntary return of foreign workers.

It is also important to note that apart from the generalized bilateral agreements signed by the individual Member States with third countries, many of the EU Member States have entered into sector

specific agreements with third countries, both within and outside the EU. However, outside the EU, most of these agreements are with developed countries such as Australia, Canada, and New Zealand. These agreements intend to ensure smooth supply of specific groups of labour migrants to their markets from the signatory third country. Some of these specific agreements are presented in Table 1.

**Table 1. EU Member State's Bilateral Agreements for Specific Groups of Migrants**

Member State of EU	Agreement with Third Country	Agreement for Type of Workers
Czech Republic	New Zealand	Vacation workers
	Canada	Young workers
Belgium	India, Japan, Uruguay and South Korea	Seconded workers
Germany	Croatia and other EU Accession countries (except Baltic countries)	Seasonal workers
	Bulgaria	Young workers
	Bulgaria	Interns
	Bulgaria	Domestic workers/ Hotel & Restaurant workers
	Bosnia, Croatia, Macedonia, Turkey	Contract workers/ Guest workers
Italy	Bulgaria	Nurses
Estonia	Australia, Canada, New Zealand	Young workers
Sweden	Australia, Canada, New Zealand	Young workers
Lithuania	Canada	Trainees
Luxembourg	Bulgaria	Interns
France	Bulgaria	Interns
UK	Australia, Canada, New Zealand, Japan, Monaco	Young workers

Source: Author's compilation based on information retrieved from EMN (2011)

Therefore, it can be concluded that the EU and its Member States are actively involved in negotiating labour supply agreements with non-EU countries, both at the EU level and at individual Member State level. However, developing countries such as India do not feature in these bilateral arrangements.

As India is an important supplier of labour across various sectors to the rest of the world, it must be recognized as a potential source country for migrants to the EU, including in sectors where the EU has been facing serious skill/labour shortages. In this context, it becomes all the more important to analyse not only the labour market dynamics and policies in the EU but also the current trends in emigration from India to other countries and the policies and programs of the Government of India to facilitate and regulate these flows. Such an analysis can help one understand the extent to which the current policies on both sides are conducive to facilitating migration between the two regions and the steps required on both sides to promote these flows in an orderly and mutually beneficial manner and to curb irregular migration.

#### 4. Status of Emigration in India

Though emigration is not a new phenomenon and existed even before independence, reliable historical time series data on international emigration from India are almost non-existent. The government did not make any serious efforts to obtain data on a regular basis and in a systematic manner (Premi and Mathur, 1995). Nangia and Saha mentioned that some researchers have used Census data and other sources to estimate the number of Indians in overseas countries (Davis, 1951; Desai, 1963; Jain, 1982; Madhvan, 1985). However, these figures do not reflect the actual emigration status as they were not collected with the prime intention of generating emigration statistics. Recently, the government has made efforts to collect emigration data considering the latter's importance for policy making. Accordingly, the National Sample Survey Office of the Ministry of Statistics and Programme Implementation, Government of India has collected information on migration in its 64<sup>th</sup> Round of Socio-Economic Survey (July 2007 - June 2008).<sup>5</sup>

##### 4.1 Annual Labour Outflows from India

Sasikumar and Hussain (2008) presented some data on annual labour outflows from India based on statistics provided by the Ministry of Overseas Indian Affairs, Government of India. Figure 3 presents annual labour outflows from India as indicated by the number of emigration clearances granted during 1990-2007 period.<sup>6</sup> The relevant data for Figure 3 is presented in Appendix-2.

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<sup>5</sup> Ministry of Statistics and Programme Implementation website  
([http://mospi.nic.in/Mospi\\_New/site/inner.aspx?status=3&menu\\_id=54](http://mospi.nic.in/Mospi_New/site/inner.aspx?status=3&menu_id=54))

<sup>6</sup> As per the Emigration Act, 1983, Emigration Check Required (ECR) categories of Indian passport holders are required to obtain 'Emigration Clearance' from the office of Protector of Emigrants (POE), Ministry of Overseas Indian Affairs for going to 8 countries, namely, United Arab Emirates, The Kingdom of Saudi Arabia (KSA), Qatar, Oman, Kuwait, Bahrain, Malaysia, Libya, Jordan, Yemen, Sudan, Brunei, Afghanistan, Indonesia, Syria, Lebanon, Thailand, Iraq (emigration banned). However, the Ministry of Overseas Indian Affairs have allowed ECR passport holders traveling abroad for purposes other than employment to leave the country on production of valid passport, valid visa and return ticket at the immigration counters at international airports in India w.e.f. Oct 01, 2007.

**Figure 3. Annual Labour Outflows from India as Indicated by Number of Emigration Clearance Granted: 1990-2007**



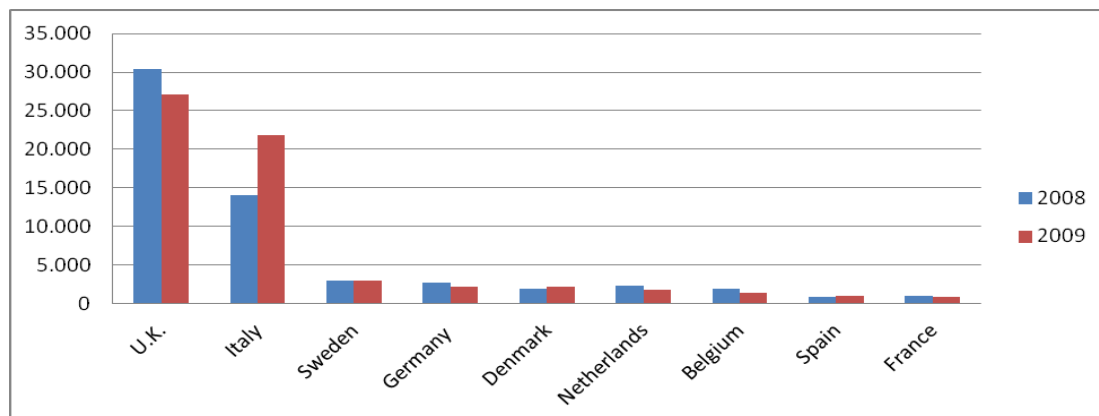
Source: Author’s construction based on Sasikumar and Husain (2008), Table 11, Page 50

Based on the available data, Sasikumar and Hussain (2008) argued that there are two visible patterns in emigration from India, particularly for emigration since the 1990s. Persons with professional expertise, technical qualifications and skills migrate to high-income developed and traditionally migrant receiving countries like the US, the UK, and Canada, either as permanent immigrants or to take up temporary employment, whereas unskilled and semi-skilled workers and professionals migrate as contract workers to the high-income countries in the Gulf (mainly to the GCC countries). They also observed that in recent years, the high income countries of South East Asia, such as Malaysia, have also attracted labour outflows from India.

#### 4.2 Emigration from India to the EU Countries

Though precise emigration data are not publicly available in India, many destination countries in the EU have recorded the number of Indians who have immigrated to their territories, in their immigration registers. Thus, some information is available from the receiving country side on the number of Indians who have migrated to these nations. Figure 4 reflects the annual migration from India to various European countries in 2008 and 2009, as obtained from the Eurostat database (see Appendix-3). The data is for migration related to remunerative activities and includes Highly Skilled Workers, Researchers, Seasonal Workers and Other Remunerative Activities.

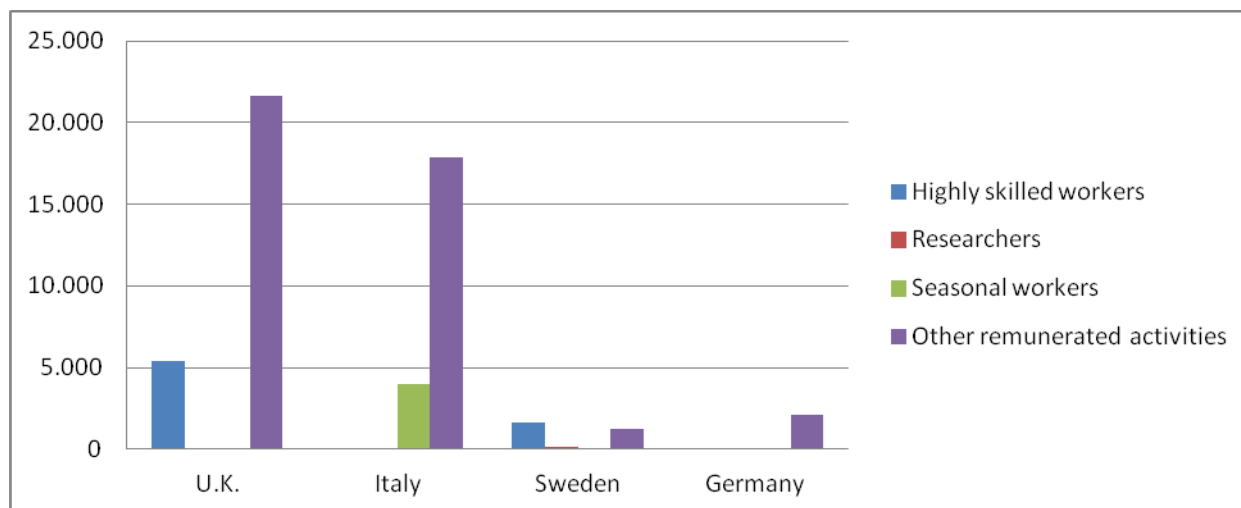
**Figure 4. Annual immigration to Selected EU Countries**



Source: Author’s construction based on data obtained from Eurostat Database (presented in Appendix-3)

Figure 4 graphically presents annual immigration to selected EU countries from India. It is quite evident that the UK is the leading country inviting the largest number of Indian emigrants followed by Italy, Sweden, Germany and Netherlands. It is important to note that the UK and Italy contribute to almost three fourths of total annual immigration to the EU from India for the period under consideration. Many of the EU Member States have invited only a small number of Indian emigrants during 2008 and 2009. Another interesting observation is that while annual immigration to the UK from India has declined in 2009 compared to that in 2008, it has increased significantly for Italy over the same period.

**Figure 5. Occupation wise Annual Immigration to Selected EU Countries, 2009**



Source: Author's construction based on data obtained from Eurostat Database (presented in Appendix-3)

An analysis of immigrants by their occupation categories reveals that a majority of these emigrants are either highly skilled workers or are involved in other remunerative activities. Figure 3 shows that for the UK, immigration was mostly in the highly skilled workers category and other remunerated activities in 2009. For Italy, apart from other remunerated activities, the 'seasonal workers' category is also important. 'Researchers' is not a very important category for any of the EU countries.

Sasikumar and Hussain (2008) have also highlighted that Germany, France, and Belgium are emerging as the main destination countries for Indian migrants, particularly for white collar jobs. These countries are facing acute skill shortages in many of their emerging sectors and hence have designed specialized employment programmes to solve such shortages. For instance, Germany introduced a specialized scheme, 'Green Card Scheme', in 2000 to attract IT specialists. The scheme was discontinued in December 2004 but the interesting observation is that the largest numbers of German Green Cards were issued to Indians. Germany has again introduced 'Blue Card Initiative' from August 1, 2012, which aimed at tapping professional skilled immigrants from non-EU countries.

## 5. Emigration Initiatives and Policies of Government of India<sup>7</sup>

### 5.1 Emigration Policies

Emigration in India is mainly governed by the Emigration Act of 1983. The latter Act defined 'Emigrate' and 'Emigration' as departure from India of any person with a view to taking up any employment (whether or not under an agreement or other arrangements and with or without the assistance of a recruiting agent or the employer) in any country or place outside India. It also defined the type of employment considered for emigration purposes, conditions for recruitment, eligibility for recruiting agents, etc. The salient features of the Act are described as below-

- No citizen of India is allowed to migrate without obtaining emigration clearance from the Protector of Emigrants.
- Various countries are classified into two categories - Emigration Check Required (ECR) countries and Emigration Check Not Required (ECNR) countries. All persons, having ECR endorsed passports and going to any of the 17 ECR countries<sup>8</sup> for taking up employment require emigration clearance. However, ECR passport holders going to any ECR country for purposes other than employment do not require emigration clearance.
- This Act was amended by the Government of India in 2009 to incorporate new terms and conditions for the recruiting agents so as to make them more accountable.

### 5.2 New Initiatives

As international migration is an important dimension impacting economic relations between India and other countries, the Government of India has initiated many steps for facilitating emigration from India to other countries. Some of these are described as below-

- Setting up of a separate Ministry of Overseas Indian Affairs (MOIA) to look after various issues related with international migration of Indians.
- Establishment of a specific division, called the Emigration Policy Division in the MOIA in March 2006, to facilitate and empower the emigrants from India<sup>9</sup>.
- Drafting of new Emigration legislation to replace the Emigration Act, 1983
- Proposals for signing MoUs with the Gulf countries
- Schemes for skill up gradation and pre-departure orientation of potential emigrants
- Building up a framework for carrying out on-site welfare measures
- Setting up Overseas Indian Centers to coordinate on-site welfare
- Replicating the best practices of other countries like Philippines in the area of emigrant welfare
- Revamping the recruitment system to make it more professional and accountable

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<sup>7</sup> Most of the content of this section is based on information available at the website of Ministry of Overseas Indian Affairs (<http://moia.gov.in/>).

<sup>8</sup> It has been recognized by the government that certain countries (at present 17) do not have strict laws regulating the entry and employment of foreign nationals and these countries also do not provide avenues for grievance redressal in case of any exploitation of Indian emigrants. These countries include United Arab Emirates, Saudi Arabia, Qatar, Oman, Kuwait, Bahrain, Malaysia, Libya, Jordan, Yemen, Sudan, Brunei, Afghanistan, Indonesia, Syria, Lebanon and Thailand.

<sup>9</sup> It deals with all policy matters relating to emigration of workers from India. Some of the key responsibilities of this division include Formulation of policies for improving Emigration Management, Proposing legislative changes, Implementing emigration reforms (including institutional changes and e-Governance), Formulation of welfare schemes for emigrants, and Promoting bilateral and multilateral co-operation in international migration.

- Establishment of the Council for Overseas Employment to advise the Government on overseas employment matters and to develop strategies and good practices in migration management through research and studies.

Based on the experience with the Emigration Act, 1983, the Ministry has proposed a host of reforms, such as social audit of security agents, the introduction of a rating system and the establishment of a national professional body of recruiting agents (RA). To check fraudulent practices, the Ministry has also asked recruiting agents to furnish the demand letter and the power of attorney issued by the foreign employer as well as a specimen employment contract for obtaining emigration clearance.

The Ministry of Overseas Indian Affairs has also launched a scheme for skill up gradation and pre-departure orientation of potential emigrants. The Ministry is operating a 24X7 Helpline under the Overseas Worker Resource Centre (OWRC) to provide information and assistance to the emigrants and their families. A multi-media awareness campaign has been launched to educate the emigrants about the emigration procedures, risks involved, precautions to be taken and the rights and obligations of the emigrants.

The Ministry has established the Indian Community Welfare Fund (ICWF) in the 43 Indian Missions across the world in countries that have a significant overseas Indian population.<sup>10</sup> The ICWF is aimed at providing 'on site' welfare services to Indians overseas on a means tested basis in the most deserving cases. The welfare services provided by ICWF include:

- Boarding and lodging for distressed overseas Indian workers in Household / domestic sectors and unskilled laborers
- Extending emergency medical care to the overseas Indians in need
- Providing air passage to stranded overseas Indians in need
- Providing initial legal assistance to the overseas Indians in deserving cases
- Expenditure on incidentals and for airlifting the mortal remains to India or local cremation/burial of the deceased overseas Indian in such cases where a sponsor is unable or unwilling to do so as per the contract and the family is unable to meet the cost.

The Ministry is also diversifying the list of destination countries that could potentially become a base for the Indian workers. It has been engaged in bilateral and multilateral dialogues with overseas countries and is in the process of signing labor mobility partnership agreements and MoUs with countries where employment opportunities for foreign workers are likely to emerge in future. Bilateral social security agreements are also being pursued with the developed countries to protect the social security interests of Indian professionals.

Thus, the policy environment for emigration has been gradually evolving in India and is increasingly aimed at protecting the interests of Indian emigrants. For this purpose, the government is acting both proactively and reactively. It is providing information to the potential emigrants before they leave and is also making all efforts to redress grievances of the emigrants in the destination countries, with the help of recruiting agents, the Indian Missions/posts abroad, foreign governments and/or foreign employers concerned. The Indian Missions provide assistance and take up complaints/grievances of Indian emigrant workers with the foreign authorities concerned for amicable settlement.

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<sup>10</sup> Currently the Fund is administered by the following Heads Missions: UAE, Saudi Arabia, Qatar, Oman, Kuwait, Bahrain, Malaysia, Libya, Jordan, Yemen, Sudan, Afghanistan, Indonesia, Syria, Lebanon, Thailand, Iraq and Maldives, Australia, Canada, Mauritius, Singapore, South Africa, Trinidad and Tobago, UK and USA, Fiji, Reunion Island, Guadeloupe/St. Martinique, France, Germany, Guyana, Israel, Italy, Jamaica, Kenya, Netherlands, New Zealand, the Philippines, Portugal, Suriname, Tanzania and Egypt.

### 5.3 Labour Mobility Partnership with the EU

Probably, the first initiative towards enhancing cooperation in order to facilitate the movement of people between India and the EU was the setting-up of the India-EU Joint Working Group on Consular Issues, following the first India-EU Summit in Lisbon in 2000. The mandate of the Working Group was to discuss issues of concern on either side, related to the speedy delivery of consular and visa services and enhancing business relations and tourism between the two regions. Thus, the Joint Working Group had a limited mandate and it did not cater to all the issues related to migration between India and the EU.

India and the EU have also been discussing since 2009 about signing a Labour Mobility Partnership Agreement (LMPA) to ensure orderly migration between the two regions. The partnership envisages exchange of information relating to diverse fields of employment. The aim of the LMPA is to provide for cooperation in areas of labour market expansion, employment facilitation, orderly migration, exchange of information and cooperation in introducing best practices.<sup>11</sup> However, in spite of more than three years of discussions, this LMPA has not so far seen the light of the day.

Labour mobility has also been discussed within the broader ambit of the India-EU Bilateral Trade and Investment Agreement that has been under negotiation since 2007. However, no significant breakthrough has happened till date and labour mobility restrictions in the EU and the complex procedures to obtain visa and work permits in India are serving as a major deterrent for Indian migrants interested in moving to the EU for providing their services.

## 6. Indian Emigration Policies and Implications for the EU Migration

Though a conducive policy environment for emigration is emerging in India, most of these emigration policies and initiatives tend to focus on migration to the Gulf countries. The EU countries have not so far become a focus area for emigration policies, in spite of the growing number of Indians migrating to the EU countries. A case in point is of LMPAs. Whereas, India has signed LMPAs with several of the Gulf countries to improve recruitment, employment conditions of workers and promote legal migration, the LMPA with the EU has not yet come into existence even after prolonged discussions.

Similarly, the Ministry of Overseas Indian Affairs has prepared country manuals for countries such as the UAE, Bahrain, Oman, Kuwait, Qatar, KSA and Malaysia. These manuals contain general information as well as specific information and data about the relevant destination countries and are aimed to provide useful information to the intending Indian emigration workers in India or abroad. However, no country manual has been prepared for any of the EU countries.

The Indian Community Welfare Fund (ICWF) that aims to provide 'on site' welfare services to Indian migrants overseas on a means tested basis in the most deserving cases has been established only for four EU countries, namely Germany, France, Italy and Netherlands, whereas most of the Gulf countries have ICWF facilities.

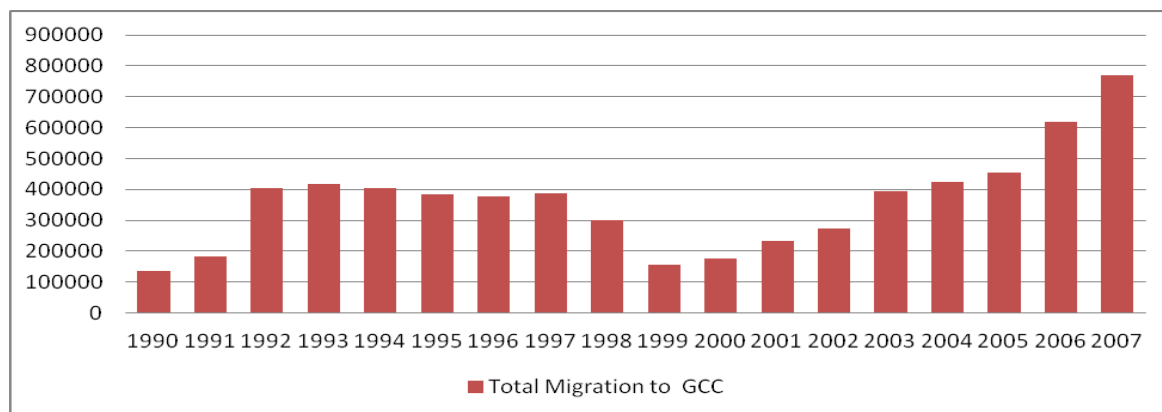
It could be said that the lack of appropriate policy initiatives by the governments on both sides has possibly affected India-EU migration in two ways. First, it may have reduced the number of Indians who could have migrated to the EU countries in search of better job opportunities. The data for Indian emigration to the GCC countries over the years is provided in Appendix-4. The following graphs show Indian labour migration to the GCC countries during 1990-2007 both in absolute and percentage terms.

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<sup>11</sup> See, The Economic Times, 'India, EU working to sign labour mobility pact', [http://articles.economictimes.indiatimes.com/2010-06-23/news/27601510\\_1\\_labour-mobility-pact-legal-migration-orderly-migration](http://articles.economictimes.indiatimes.com/2010-06-23/news/27601510_1_labour-mobility-pact-legal-migration-orderly-migration), June 23, 2010

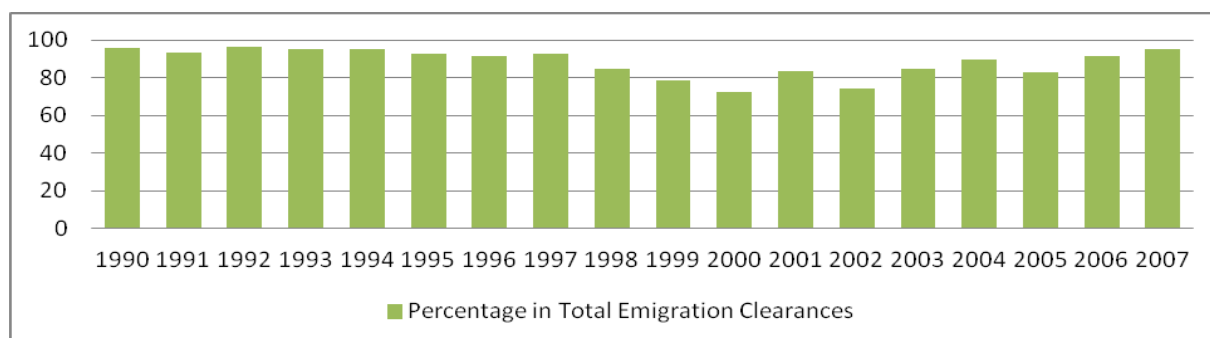


**Figure 6. Indian Labour Migration to GCC Countries: 1990-2007**



Source: Author’s Construction based on data available in Sasikumar and Husain (2008), Table 12, Page 51

**Figure 7. Indian Labour Migration to GCC Countries: 1990-2007  
(Percentage of Total Emigration Clearances)**



Source: Author’s Construction based on data available in Sasikumar and Husain (2008), Table 12, Page 51

It is evident from Figures 6 & 7 that a large number of Indian labour migrants have moved to the Gulf countries in search of employment during the period under consideration. It is possible to argue that if adequate policy facilitation and information had been made available, some of these workers might have considered the EU as their destination countries. Although India has not been a major migrant sending country to the EU so far, but in light of labour and skill shortages in the EU and India's supply of workers (at different skill levels), the EU could focus more on India as a potential source region for migrants in the future.

Second, in the absence of information and policy guidelines, Indians in the EU countries, especially low skilled workers, have become more vulnerable to exploitation. The exploitation starts from India itself when the emigrants come in contact with touts who take advantage of lack of information and information asymmetry. It continues even in the destination countries as the emigrants, who have taken illegal means to migrate and who do not possess necessary documents, are always under pressure till the time they get legal status in that country. According to the report of the United Nations Office on Drugs and Crime (2010), titled ‘Smuggling of Migrants from India to Europe and in Particular to UK: A Study on Punjab and Haryana’, every year more than 20,000 young men from Punjab attempt irregular immigration. It further states that a more alarming fact is that the pattern of irregular immigration from India is spreading to other states such as Haryana, Himachal Pradesh and Jammu and Kashmir.<sup>12</sup>

<sup>12</sup> The Economic Times, ‘Shady agents are to be blamed for illegal immigration from India’, [http://articles.economictimes.indiatimes.com/2012-07-01/news/32484863\\_1\\_unscrupulous-agents-immigration-consultants-prospective-immigrants](http://articles.economictimes.indiatimes.com/2012-07-01/news/32484863_1_unscrupulous-agents-immigration-consultants-prospective-immigrants) , Jul 01, 2012

In some of the cases of irregular migration, Indians go on a tourist visa to the selective EU countries, such as Italy, and stay there illegally beyond their permitted visa duration. They wait for the amnesty schemes of the host government, announced from time to time, to get converted into regular migrants. In such cases, these irregular migrants become vulnerable to exploitation in the receiving country till the time they get amnesty because they cannot complain about exploitation to authorities for fear of arrest. The exploitation could be in the form of wages well below the domestic minimum; arbitrary wage reductions; delays in pay or no pay at all; and long working hours.<sup>13</sup>

It is also interesting to note that some Indian emigrants are using innovative methods to circumvent the regulations for entering the EU countries, especially the UK. These include getting visas on humanitarian grounds for attending funerals with the help of forged death certificates of 'fake relatives'.<sup>14</sup> In such cases of irregular migration, the high cost of migration, which often includes hefty payments made to travel agents, together with exploitation, either in the form of low wages or poor working conditions, in the destination country tends to reduce the emigration benefits to the migrants.

## **7. Policy Suggestions to Facilitate India-EU Migration:**

Emigration from India to the EU countries has grown over the years and is likely to increase in the coming years due to the spread of education in India, increased awareness, labour shortages in the EU and growing avenues for employment and labour mobility across the EU. Therefore, keeping in view the growing numbers of Indian migrating to the EU, it becomes important that governments on both sides actively engage in dialogues and frame policies to facilitate orderly migration and curb irregular migration.

A prospective India-EU co-operation agreement on labour mobility should focus on those sectors/with those countries where there are 'compulsory' shortages, rather than 'voluntary' ones. As discussed earlier, the voluntary shortages reflect availability of local people for work but unattractive work conditions and low wage rates in the labour market, whereas the compulsory shortages are a result of non-availability of the required workforce and show systematic deficiencies in the economy. Some of the sectors having acute compulsory shortages of skilled workforce in the EU are healthcare, IT, engineering, construction, agriculture and forestry. The EU Member States in which compulsory shortages are occurring include Austria, Belgium, Czech Republic, Estonia, Finland, France, Hungary, Ireland, Italy, Luxembourg, Malta, Netherlands, Portugal, Slovenia, Spain and Sweden. If India-EU co-operation happens in those sectors/countries where voluntary shortages prevail, it will create discontent among the local people as they would look upon the Indian migrant workers as having taken away their jobs. This could create difficulties in easing labour mobility between the two sides especially at a time when the EU is undergoing a recession and its economic outlook remains uncertain. However, if the co-operation agreement is for sectors/countries wherein compulsory shortages prevail, the discontent is likely to be less.

Individual EU Member States may also design specialized programmes for the sectors/occupations in which they are facing severe skill shortages by allowing the entry and stay of Indian migrants to fulfill such shortages. A case in point is the 'Green card Scheme' (launched in 2000 and discontinued in 2004) and 'Blue Card Initiative' (launched in 2012) of Germany to attract professional skilled migrants from non-EU countries. As outlined earlier, majority of those, who were admitted under the Green Card Scheme, were Indians.

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<sup>13</sup> The Indian Express, 'Amnesty says migrants in Italy face widespread exploitation', <http://www.indianexpress.com/news/amnesty-says-migrants-in-italy-face-widespread-exploitation/1046971/1>, Dec 18, 2012

<sup>14</sup> The Times of India, 'Jalandhar youths 'die' to go abroad', [http://articles.timesofindia.indiatimes.com/2012-09-17/chandigarh/33901926\\_1\\_visa-application-centre-high-commission-jalandhar-police](http://articles.timesofindia.indiatimes.com/2012-09-17/chandigarh/33901926_1_visa-application-centre-high-commission-jalandhar-police), September 17, 2012

The inbound policies and programmes in the EU Member States are designed mostly to attract skilled professionals. Low skilled workers emigrating from India to the EU seem to be a neglected lot as far as the policy orientation in these countries is concerned. This is in contrast to the many bilateral agreements signed by several EU member countries with regard to seasonal and low skilled workers,, such as the France-Morocco agreement, the Spain-Ecuador agreement, etc.<sup>15</sup> The EU Member States may consider signing bilateral agreements with India for specific occupations involving low skilled workers, such as in agriculture and forestry, catering, domestic workers etc.

As there is evidence of growing irregular migration between India and a few Member States of the EU, such as, the UK and Italy, the border agencies on both sides need to cooperate with each other to curb such irregular migration. The Government of India should also tackle the recruiting agents/ touts who make possible irregular migration to the EU and other regions. It should impose severe penalties on such agents.

It has been noticed that travel agents and their sub-agents lure their victims using various media, including advertisements in newspapers, gaudy display signboards by promising hefty pay packages and a good life in foreign countries. There is a lack of regulatory vigilance on such unethical and misleading advertisements. Therefore, the Government of India must come down hard on such travel agents and others who make such promises to the innocent victims.

Proactive steps need to be taken by the concerned ministries/ departments of the Government of India so that Indian emigrants to the EU countries get informed and educated about the relevant rules and regulations and potential employment opportunities in these countries, before they leave India.

The Government of India should also make EU- specific policies as in the case of Gulf countries. The policies should also take into consideration the welfare and integration of low skilled workers in these countries as the latter are the most vulnerable to exploitation.

The Ministry of Overseas Indian Affairs should prepare country manuals for selected EU countries, based on past trends in migration from India and based on the future outlook for potential destination markets. These country manuals should give general and specific information for the respective country with regard to employment rules, civic rules, rights and obligations of the migrants, and cultural and social life in these countries. These manuals should be given wide publicity so that the potential emigrants to these EU countries become aware of relevant laws and procedures before leaving the country.

A welcome step is that bilateral social security agreements are being negotiated and signed by the Indian Government with various EU countries to protect the interests of expatriate workers and companies on a reciprocal basis. These countries include Belgium, the Czech Republic, Denmark, Finland, France, Germany, Hungary, Luxembourg and the Netherlands.<sup>16</sup> These agreements help workers by exempting them from social security contributions in case of short-term contracts; exportability of pension in case of relocation to the home country or any third country; and totalisation of the contribution periods. Negotiations are also in progress with Bulgaria, Austria, Cyprus, Greece and Italy. However, these agreements are mainly aimed at skilled workers whose recruitment and employment are through legal channels and who are subject to social security taxes in the EU countries. Low skilled workers, who often get employed in these countries without proper documentation and through touts, are not benefited by such social security agreements. For the low skilled workers, there is need to negotiate mobility in selected sectors and occupations and to ease entry restrictions so that the incentive to enter the EU market through irregular means is curbed.

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<sup>15</sup> The bilateral agreements for labour supply of the Member states of the EU with non-EU countries are discussed in detail in Section 3 of this paper.

<sup>16</sup> Out of these social security agreements, agreements with Belgium, Denmark, France, Germany, Luxembourg, and Netherlands are in force with effect from September 01, 2009, May 01, 2011, July 01, 2011, October 01, 2009, June 01, 2011 and December 01, 2011 respectively.

## **8. Conclusions**

Global migration to the EU has expanded significantly over the past two decades with a gradually increasing trend for migrants from India. The governments on both sides have ongoing discussions to facilitate India-EU migration. However, India's policy focus remained, by and large, on migration to the Gulf countries for low skilled/unskilled workers and for highly skilled workers, on a few developed countries such as the US, the UK, Canada and Australia. The EU's policy focus has also continued either with countries within the EU or with a few developed countries outside the EU, such as Australia, Canada and New Zealand. Thus, there seems to be a lack of policy focus on both sides with regard to India-EU migration, prospects and challenges.

Given the ageing problem and resulting labour/skill shortages, the EU may consider India as a potential source of labour supply to meet its requirements in various sectors. The Government of India may also consider devising EU specific policies as it has done in the case of Gulf countries. These policies should go beyond serving the interests of highly skilled workers and take into consideration the welfare and integration of low skilled workers in the EU market.

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## Appendix 1

### Labour Shortages in various Occupations and Sectors in the EU

Member State/ Occupation	Engineers	Healthcare	Banking & Financial Services	Administrative & Clerical Work	Construction	Catering	Transport	Industrial	Machinery & Equipment Operators	Agriculture & Forestry	IT specialists	Science	Real Estate Activities	Services	Secondary Teachers (Maths & Science)	Sales Managers/ Retail Sale-persons	Tourism	Wood Processing & Furniture Making	Domestic workers
Austria	•	•																	
Belgium	•	•			•				•		•								
Bulgaria								•		•	•			•			•	•	
Czech Republic																			
Estonia									•										
Finland		•		•	•			•		•									
France					•	•		•											
Germany	•	•		•							•			•					
Hungary	•										•								
Ireland	•	•	•								•	•							
Italy		•			•		•	•		•				•					
Latvia	•	•					•				•					•			

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Member State/ Occupation	Engineers	Healthcare	Banking & Financial Services	Administrative & Clerical Work	Construction	Catering	Transport	Industrial	Machinery & Equipment Operators	Agriculture & Forestry	IT specialists	Science	Real Estate Activities	Services	Secondary Teachers (Maths & Science)	Sales Managers/ Retail Sale-persons	Tourism	Wood Processing & Furniture Making	Domestic workers
Lithuania					•	•	•		•							•			
Luxembourg	•		•			•													
Malta		•				•		•			•			•					
Netherlands		•						•		•				•					
Poland			•		•	•				•			•						
Portugal					•	•							•	•					
Slovak Republic																			
Slovenia		•			•						•								
Spain		•			•	•	•	•		•									•
Sweden	•	•									•								
UK	•	•													•				

Source: Author's construction based on information from the EMN (2011)



## Appendix 2

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

Year	Annual Labour Outflows from India
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: Sasikumar and Husain (2008), Table 11, Page 50

## Appendix 3

## Annual Migration from India to various EU Countries in 2008 and 2009

REASON	Remunerated activities Total		Highly skilled workers		Researchers		Seasonal workers		Other remunerated activities	
	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009
Belgium	1,978	1,354	1,658	645	0	0	0	0	320	709
Bulgaria	11	38	:	:	:	:	:	:	:	:
Czech Republic	224	189	:	0	7	12	:	:	217	177
Denmark	1,934	2,147	:	1,433	:	74	:	:	1,934	640
Germany	2,716	2,148	4	7	5	7	0	0	2,707	2,134
Estonia	16	22	:	:	0	4	:	:	16	18
Ireland	853	609	671	416	35	31	:	:	147	162
Greece	99	123	0	0	1	6	0	0	98	117
Spain	840	1,050	226	195	27	28	1	0	586	827
France	1,040	913	188	367	249	277	0	0	603	269
Italy	14,012	21,837	:	:	7	18	1,856	3,951	12,149	17,868
Cyprus	889	880	35	16	0	0	144	139	744	725
Latvia	44	7	:	1	0	0	:	:	44	6
Lithuania	44	60	:	:	0	2	:	:	44	58
Luxembourg	:	:	:	:	:	:	:	:	:	:
Hungary	335	118	:	:	4	11	0	0	331	107
Malta	108	58	8	5	0	0	0	0	100	53
Netherlands	2,259	1,791	2,116	1,585	7	69	:	:	98	137
Austria	139	102	49	31	17	14	:	:	73	57
Poland	348	462	:	:	2	1	:	:	346	461
Portugal	461	481	25	36	:	:	:	:	436	445
Romania	156	105	:	:	:	:	:	:	:	:
Slovenia	18	6	0	0	1	0	0	0	17	6
Slovakia	60	35	:	0	0	1	0	0	60	34
Finland	82	44	:	:	:	:	:	:	:	44
Sweden	3,019	3,004	:	1,638	59	103	0	0	2,960	1,263
U.K.	30,355	27,074	1,717	5,409	:	:	:	:	28,638	21,665

Source: Eurostat Database [http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search\\_database](http://epp.eurostat.ec.europa.eu/portal/page/portal/statistics/search_database)

**Appendix 4****Indian Labour Migration to GCC Countries: 1990-2007**

<b>Year</b>	<b>Total Migration to GCC</b>	<b>%age in Total Emigration Clearances</b>
1990	137265	95.6
1991	184381	93.2
1992	402813	96.6
1993	418364	95.4
1994	404909	95.2
1995	384468	92.6
1996	378052	91.3
1997	386473	92.8
1998	300192	84.5
1999	156584	78.5
2000	175967	72.4
2001	232668	83.5
2002	273958	74.5
2003	395514	84.8
2004	425432	89.6
2005	454628	82.8
2006	618286	91.3
2007	770510	95.2

Source: Sasikumar and Husain (2008), Table 12, Page 51