

INTERACT – RESEARCHING THIRD COUNTRY NATIONALS’ INTEGRATION AS A THREE-WAY PROCESS - IMMIGRANTS, COUNTRIES OF EMIGRATION AND COUNTRIES OF IMMIGRATION AS ACTORS OF INTEGRATION

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Policy and Institutional Frameworks India Country Report

Meenakshi Thapan

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Immigrants, Countries of Emigration and Countries of Immigration as Actors of
Integration

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Policy and institutional frameworks – India Country Report

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INTERACT - Researching Third Country Nationals' Integration as a Three-way Process - Immigrants, Countries of Emigration and Countries of Immigration as Actors of Integration

Around 25 million persons born in a third country (TCNs) are currently living in the European Union (EU), representing 5% of its total population. Integrating immigrants, i.e. allowing them to participate in the host society at the same level as natives, is an active, not a passive, process that involves two parties, the host society and the immigrants, working together to build a cohesive society.

Policy-making on integration is commonly regarded as primarily a matter of concern for the receiving state, with general disregard for the role of the sending state. However, migrants belong to two places: first, where they come and second, where they now live. While integration takes place in the latter, migrants maintain a variety of links with the former. New means of communication facilitating contact between migrants and their homes, globalisation bringing greater cultural diversity to host countries, and nation-building in source countries seeing expatriate nationals as a strategic resource have all transformed the way migrants interact with their home country.

INTERACT project looks at the ways governments and non-governmental institutions in origin countries, including the media, make transnational bonds a reality, and have developed tools that operate economically (to boost financial transfers and investments); culturally (to maintain or revive cultural heritage); politically (to expand the constituency); legally (to support their rights).

INTERACT project explores several important questions: To what extent do policies pursued by EU member states to integrate immigrants, and policies pursued by governments and non-state actors in origin countries regarding expatriates, complement or contradict each other? What effective contribution do they make to the successful integration of migrants and what obstacles do they put in their way?

A considerable amount of high-quality research on the integration of migrants has been produced in the EU. Building on existing research to investigate the impact of origin countries on the integration of migrants in the host country remains to be done.

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Abstract

The Indian government has developed a policy framework in relation to emigration, as well as to its diaspora. The government, indeed, has recognized the significant role played by its diaspora in several countries and has taken measures to integrate these with the country of origin. The attempts have been geared, *inter alia*, towards: encouraging foreign investment in India through its emigrants; extending voting rights to a certain category of emigrants; getting dual citizenship for Indian emigrants in many countries; organizing annual events such as *Pravasi Bhartiya Divas* to offer a formal platform for recognition of the achievements of men and women with Indian origins abroad; and setting up high level committees and advisory boards on the Indian diaspora.

Key words: Indian diaspora, Indian migration, migration policy

Table of contents

- 1. Introduction 7
- 2. Description of state-level Emigration and Diaspora policies: national level 7
 - 2.1 Emigrants’ Political and Civic rights 8
 - 2.2 Socio-Economic Rights Of Emigrants 9
 - 2.3 Emigrants’ Cultural Rights 10
- 3. Relevant policies on local and/or regional level..... 10
- 4. Engagement of non-state actors 11
- 5. List of stakeholders and actors (Governmental and Non Governmental) 12
- 6. Conclusions 13
- References 13
- Appendix. Legal Documents 14

1. Introduction

The Indian government has developed a policy framework in relation to emigration, as well as to its diaspora. The government, indeed, has recognized the significant role played by its diaspora in several countries and has taken measures to integrate these with the country of origin. The attempts have been geared, *inter alia*, towards: encouraging foreign investment in India through its emigrants; extending voting rights to a certain category of emigrants; getting dual citizenship for Indian emigrants in many countries; organizing annual events such as *Pravasi Bhartiya Divas* to offer a formal platform for recognition of the achievements of men and women with Indian origins abroad; and setting up high level committees and advisory boards on the Indian diaspora. Bilateral agreements and Memorandums of Understanding (MOUs) have been signed with several host countries in order to safeguard the socio-economic rights of Indian migrants there. States that have a high percentage of emigrants such as Punjab, Gujarat, Kerala, Andhra Pradesh, Uttar Pradesh and Madhya Pradesh have initiated programmes that help link up with the state of destination, offering easy accessibility of services and investment facilities in the destination state (MOIA 2011; 2012a).

The prevalent public discourse in India centres around three key concerns. The first is the need to harness the success of Indian emigrants, for India's growth and development. The second is the need to safeguard the social and civil rights of the labour class migrants to the Gulf countries. The third is the need to ensure better cultural engagement of Indian emigrants with their country of origin.

2. Description of state-level Emigration and Diaspora policies: national level

Indian emigration policy primarily caters to the needs of low skilled workers, as well as highly-skilled professionals. The initiatives taken for the former include having MOUs signed with countries of the Gulf region (where many low-skilled Indian emigrant workers work) to safeguard these emigrants from exploitation and harassment. Overseas Workers Resource Centres (OWRC) have been set up in India for the same reason. The government ensures that only registered agents are allowed to deal with workers' migration.

The Ministry of Overseas Indian Affairs (MOIA) issues an advice panel for destination countries, in order to ensure a safe and harmonious working experience abroad. Highly-skilled emigrants are assisted, instead, through easy investment options, money transfer facilities, social security agreements and taxation agreements.¹

The MOIA has looked after the emigration of workers to other countries since 2004. An Emigration Policy Division was set up, in 2006, to manage these affairs. The India Centre for Migration (ICM) is another significant body set up by MOIA, in 2008, to focus on "International Migration". It works together with the Indian government Secretaries from the Department of Economic Affairs, the Ministry of Finance, the Ministry of Labour and Employment; the Secretaries of three State Governments by rotation and four external nominees. The Chief Executive Officer, ICM, functions as a Member Secretary of the Council and looks after the functions of the Council and its operations, assisted by a small team. The MOIA was established in September 2004. The Emigration Division of the Ministry of Labour and Employment was attached to the MOIA in December 2004 and now functions as the Emigration Services Division, which also has, within it, the Protectorate General of Emigrants (PGE).

The erstwhile Non-Resident Indian (NRI) Division of the Ministry of External Affairs now functions as the Diaspora Division within the Ministry. State Diaspora policy is geared towards an

¹ See the Emigration Rule, 1983, for the labour emigrants to foreign countries, available on: http://www.owrc.in/Upload/emigration_actrule.pdf [Accessed 1 August 2013].

enhanced cooperation with successful Indians abroad whose professional or entrepreneurial skills and expertise as well as investment potentials are seen as assets for the country of origin. The *Pravasi Bhartiya Divas* celebration, which has been held every year since 2003, and the *Pravasi Bhartiya Samman* (the Overseas Indian Award) all came out of this policy.

The institutions mentioned above are the ones primarily engaged in ensuring policy implementations.

So far as bilateral or multilateral agreements on readmission or forced return of emigrants are concerned, the Indian government has had no strong policy measures for return migrants. These return migrants are usually the low skilled, and sometimes illegal migrants to Gulf countries. As reported in February 2013, workers from the state of Andhra Pradesh in India faced difficulties due to their illegal status in the United Arab Emirates (UAE). Though the UAE government offered them amnesty from punishment and imprisonment, many could not afford return tickets to India. Similarly, in instances of return migration by emigrants from Kerala due to recession in the Gulf countries, the Indian government could not assist them in terms of policy provisions except for insurance against accidents. There was no other economic support on their forced return to India. However, the Indian government has signed MOUs with Gulf Countries such as the UAE (in 2006), Jordan (1988), Bahrain (2009), Kuwait (2007), Qatar (1985 and added to it in 2007) for protection of its workers and their employment opportunities in these countries. Such MOUs were signed primarily with Gulf countries to safeguard the rights of working class migrants as these were the labour-receiving countries from India. More such MOUs will be signed in the future with other receiving countries in Central and Eastern Europe and Asia.

The institutions mentioned above are engaged in ensuring policy implementation.²

2.1 Emigrants' Political and Civic rights

An NRI is an Indian citizen who typically resides outside India and holds an Indian Passport. Only NRIs have a right to cast a vote during elections in the country of origin i.e. India, in this instance.³ The Indian government estimated, in 2012, that there are about 10,037,761 NRIs spread across the world. This is less than 50 per cent of the overall population of Indian emigrants, which stands at approximately 21,909,875.⁴ The Representation of the People (Amendment) Bill, 2006, provided the right to vote during elections in the first instance and later, the Representation of the People Bill 2010 made amendments whereby the NRI was clearly defined, for voting purposes, as: (a) Indian citizens; (b) not on electoral rolls; (c) without second citizenship; and (d) absent from their usual place of residence.⁵

In order to exercise their right to vote from abroad the NRI has to get themselves registered for this process. They are allowed to vote even if they have been abroad for more than six months. Earlier, under the Representation of the People (Amendment) Bill, 2006, their voting right was cancelled if they stayed abroad for more than six months.

An NRI can cast a vote only if they are personally present in the country of origin on polling day.

² For information regarding emigration and diaspora related recent initiatives and strategy plan of the government of India, see MOIA 2013a; 2013b.

³ For more details, see Ministry of Home Affairs (MHA): <http://mha1.nic.in/pdfs/oci-chart.pdf> [Accessed 3 August 2013].

⁴ Data available on MOIA's website: <http://moia.gov.in/writereaddata/pdf/NRISPIOS-Data%2815-06-12%29new.pdf> [Accessed 15 November 2013].

⁵ A comparison between texts (2006 and 2010), available on: <http://www.prsindia.org/uploads/media/Representation/Representation%20of%20People%20Bill,%20Comparison%20with%20SC%20Report%20and%202010%20Bill.pdf> [Accessed 3 August 2013].

The NRI has to register to vote in their place of residence, as established by their passports. The validity of the vote will be applicable only for the specific electoral region.

Indians born abroad can have the nationality of the country of origin of their parents as Person of Indian Origin (PIO) under the 1955 Government of India Act.⁶ Any person who is or whose ancestors were an Indian national and who is presently holding another country's citizenship/nationality can be a PIO. Any person who at any time held an Indian Passport can be a PIO if parents or grandparents were born in or were permanently resident in India as defined in the 1955 Government of India Act and other territories that became part of India thereafter. This, in any case, as long, as neither was a citizen of Afghanistan, Bhutan, China, Nepal, Pakistan and Sri Lanka. PIO status can also be given to those whose spouse is a citizen of India or a person of Indian origin as mentioned above. In order to obtain PIO status an application has to be submitted in the prescribed form along with the requisite documents to the Ministry of Home Affairs (MHA) of the Government of India. The application form is available on the MHA website. In 2012 the estimated number of PIOs abroad stood at 11,872,114.

Dual citizenship is allowed only in certain cases. PIO from 16 countries have been allowed to have Dual Citizenship, through an amendment of the 1955 Citizenship Act, in December 2003. The 16 countries are: Australia, Canada, Cyprus, Finland, France, Greece Ireland, Israel, Italy the Netherlands, New Zealand, Portugal, Sweden Switzerland, the United Kingdom, and the USA.

The central government is responsible for framing relevant policies here.⁷

2.2 Socio-economic rights of emigrants

In order to safeguard the economic rights of Indian emigrants the Indian Government has signed Double Taxation Avoidance Agreements (DTAA), (Under the Income Tax Act 1961, India) with as many as 85 countries. With the insertion of Sec.90 (2) in the Indian Income Tax Act 1995, the tax payer has an option of choosing to be governed either by the provisions of particular DTAA or the provisions of the Income Tax Act, whichever are more beneficial. All EU countries, except Slovakia, Croatia and Latvia, have signed DTAA with India. However, as far as the bilateral agreements on the portability of social security rights are concerned, India had agreements with sixteen countries. Of these, only nine are in force now. These countries are: Denmark (2009), Hungary (not specified), Luxembourg (not specified), the Swiss Federation (2009), the Netherlands (2009), Belgium (2006), France (2008), Germany (2008) and South Korea (2010). Similar agreements have been finalized with Canada and the Federal Republic of Germany and are expected to be signed shortly. Negotiations are in progress with Bulgaria, Austria, Cyprus, Finland, Greece, Italy and Australia. Two rounds of exploratory talks have been held with the USA.⁸

As part of the policy framework regarding economic engagement with Indian emigrants, the MOIA, 2011-2012 Government of India report outlines the key issues. Its objectives have been outlined as offering sustained, symbiotic relations in providing services in social, economic and cultural matters. It also promises institutional support to the diaspora in contributing and participating in India's economic development; and better coordinated emigration management so links with the country of origin are not lost.⁹

The Ministry of External Affairs, the Ministry of Labour, the Ministry of Commerce and Industry, the Ministry of Finance, and the Ministry of Human Resource Development coordinate amongst

⁶ Text available on: http://mha1.nic.in/pdfs/ic_act55.pdf [Accessed 25 July 2013].

⁷ Source: Ministry of Overseas Indian Affairs <http://moia.gov.in/> [Accessed 20 July 2013].

⁸ <http://moia.gov.in/services.aspx?ID1=81&id=m4&idp=81&mainid=73> [Accessed 11 December 2013].

⁹ Source: MOIA 2012b.

themselves to ensure the implementation of these policies. The Reserve Bank of India (RBI) has made provisions for easy and smooth financial transactions for Indian emigrants since 2004 (RBI 2005).

2.3 Emigrants' Cultural Rights

Kendriya Vidyalaya, a system of central government schools under the Ministry of Human Resource Development, Government of India, has two schools outside of India, in Nepal and in Russia.¹⁰ There are other private trusts and foundations that have also established schools outside of India. For example, the Global Indian Foundation (GIF) has set up schools in countries abroad teaching the Indian national curriculum of India (CBSE International) with some adaptations to international standards. GIF schools have branches in Thailand, the UAE, Vietnam, Japan, Malaysia and Singapore.¹¹

There are several such schools in India. German Schools – German School (New Delhi), DSB International School (Mumbai); French Schools – Lycée Français de Delhi (New Delhi), Ecole Française Internationale (Mumbai), Lycée Français (Pondicherry), Mercedes-Benz International School, Pune; and the Canadian International School, Bangalore. It is not clear to what extent Indian students are enrolled in these schools.

The schools operating under the Global Indian Foundation teach a second language (other than English) to its students, such as, Tamil or Hindi. The *Kendriya Vidyalayas* also teach national languages abroad.

English remains a compulsory language in the Indian national curriculum. The other languages are the regional languages adopted by schools depending on the regions in which they are located. European languages such as French, Spanish, German or other languages are offered as optional subjects in some private schools in India.

Several news channels and entertainment channels (such as STAR, ZEE, SONY, NDTV, CNN-IBN) are broadcast abroad. While most of these channels are privately owned, there is a state sponsored news channel, as well as the All India Radio (AIR). The foreign languages in which All India Radio (AIR) broadcasts are: Arabic, Baluchi, Burmese, Chinese, Dari, French, Indonesian, Persian, Pushtu, Russian, Sinhala, Swahili, Thai, Tibetan and English (General Overseas Service).¹²

The Ministry for Information and Broadcasting is the Government of India agency dealing with issues related to media broadcast in India and overseas. The External Services Division (ESD) of AIR has been providing radio broadcasting services overseas since 1948.¹³

3. Relevant policies on local and/or regional level

Several state governments in India have offices to ensure better ties with NRIs and PIOs. Kerala, Punjab, Gujarat, Madhya Pradesh, Uttar Pradesh, Andhra Pradesh and Orissa are Indian states that have initiated measures to provide emigrant investment opportunities.¹⁴ The recently held *Pravasi Bhartiya Divas* (PBD) 2013 reflected the states' opening up their economic spheres for foreign

¹⁰ See: <http://kvsangathan.nic.in/> [Accessed 20 August 2013].

¹¹ See: <http://www.globalindianedu.org/giishyderabadpatancheru/AboutFoundation/GlobalIndianFoundation.aspx> [Accessed 20 August 2013].

¹² See: <http://allindiaradio.gov.in/Services/External/Pages/Default.aspx> [Accessed 29 November 2013].

¹³ Ibid.

¹⁴ See: http://business.gov.in/overseas/investment_opportunities_state.php [Accessed 29 November 2013].

investment through Indian emigrants investing in these states.¹⁵ The theme papers of the PBDs since 2008 show a constant acknowledgement of the increasing success of Indians in the world and attempts by the Indian government to have Indian communities abroad invest in India.¹⁶

4. Engagement of non-state actors

Several Non-Governmental Organizations (NGOs) are active in India. These are supported in part or entirely by the Indian diaspora. The Charities Aid Foundation (CAF) is one such concern, set up in 1998 in New Delhi: it organises diaspora assistance for India based NGOs.¹⁷ CAF accredits the NGOs in India so that the diaspora donors feel assured of the credibility of the organisation. NRIOL.com is a website service provided by a private company in India. It caters to the queries of the NRIs and provides important information and advice. Several religious and cultural organizations in India are engaged in reaching out to the Indian Diaspora. These include the International Sikh Youth Federation, the International Society for Krishna Consciousness (ISKCON), the Vishwa Hindu Parishad, and the World Sikh Organisation. Similarly there are also regional and language-based organisations such as the World Telugu Federation (WTF), the World Tamil Conferences (WTC), the Vishwa Gujarati Samaj (VGS) and an organisation for the Bhojpuri Diaspora.¹⁸ ICT Volunteer is an NGO started by the Indian Diaspora in Netherlands that provides assistance in technology and that provides humanitarian aid to the local community and the diaspora community as well¹⁹. Another non profit organization in the Netherlands is AADHAR that provides grass root level support to the underprivileged in India.²⁰ The Europe India Chamber of Commerce (EICC) is a non-profit, non-governmental organization that serves as the key liaising body representing views of European and Indian business and professional communities, and companies with business interest in Indian and abroad countries. It has offices in Poland, France, Spain, Italy, Luxembourg and the Netherlands.²¹

As indicated above, NGOs primarily aim to involve the diaspora abroad in assisting the social welfare in India. Several business organizations work together from the diaspora.²² The religious and regional organizations seek to promote the cultural values and simultaneously to receive monetary and organisational support from them. Private ventures like NRIOL provide advice and information to the NRIs and earn some income as well. At another level, Deloitte, UK's India Services Group, has been a link in facilitating trade and investment facilities for Indian concerns overseas and for Indian companies that seek global ventures (Deloitte 213).

The aims of these agencies have run in tandem with the Indian government's diaspora policies that seek investment and offer socio-cultural avenues of interacting and associating with the country of origin.

¹⁵ For further information, see: <http://moia.gov.in/services.aspx?ID1=364&id=m1&idp=25&mainid=23> [Accessed 20 November 2013].

¹⁶ List of the theme papers available on: <http://moia.gov.in/services.aspx?ID1=29&id=m1&idp=25&mainid=23> [Accessed 16 August 2013].

¹⁷ See: http://www.cafindia.org/pages/aboutUs1_01.htm [Accessed 29 November 2013].

¹⁸ For details on religious and cultural organizations see Bhat and Narayan 2010.

¹⁹ See: <http://www.ictvolunteer.org/> [Accessed 11 December 2013].

²⁰ See: <http://www.aadhaar.nl/> [Accessed 11 December 2013].

²¹ See: <http://www.eiccglobaleu.com/> [Accessed 11 December 2013].

²² See: <http://www.nriol.com/content/articles/article70.asp> [Accessed 13 November 2013].

5. List of stakeholders and actors (Governmental and Non Governmental)

- Ministry of External Affairs, Government of India
- Ministry of Labour, Government of India
- Ministry of Commerce and Industry, Government of India
- Ministry of Information and Broadcasting, Government of India
- Ministry of Overseas Indian Affairs, Government of India
- Ministry of Finance, Government of India
- Ministry of Human Resource Development, Government of India
- India Centre for Migration (MOIA), New Delhi
- Federation of Indian Chambers of Commerce and Industry, New Delhi
- Reserve Bank of India
- Centre for the Study of Indian Diaspora, Hyderabad
- Global Indian Network of Knowledge, MOIA, New Delhi
- Global Research Forum on Diaspora and Transnationalism
- Global Organization of People of Indian Origin
- Indo-Canadian Shastri Institute, New Delhi
- Alliance Française, New Delhi, Mumbai, Chennai, Bengaluru, Kolkata
- The Indo-Italian Chamber of Commerce & Industry Bengaluru, New Delhi
- Instituto Cervantes, New Delhi
- Confederation of Indian Industries, New Delhi
- Charities Aid Foundation (CAF)
- Voluntary Action Network India (VANI)
- The Europe India Chamber of Commerce (EICC), Poland, France, Spain, Italy, Luxembourg and the Netherlands in Europe
- World Sikh Organisation, Switzerland, Ottawa, USA
- ISKCON, Poland, Lithuania, Italy, Hungary, Belgium, Germany, France, Denmark, and other countries in Europe
- Gujarat State Non-Resident Gujaratis' Foundation
- Foundation for Critical Choices for India, Netherlands
- Indian Association Geneva, Geneva
- Indian Association Lausanne, Lausanne
- British Association of Physicians of Indian Origin, UK

6. Conclusions

The substance of policy frameworks has increasingly been implemented as it entails better development prospects for India. However on several issues the policy framework needs to be more efficient. One such issue is the protection of the rights of low skilled workers in the Gulf region. Mr. J.C. Sharma, one of the members of the High Level Committee on the Indian Diaspora, reiterates that Gulf oriented policy initiatives need to become more efficient and also notes that the MOIA is not, at present, up to the job of dealing with the diverse Indian diaspora communities that now exist around the world. More expertise must be harnessed from Indians abroad and better integration measures, such as political rights for the PIOs, are also to be recommended.²³

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²³ See: <http://www.slideshare.net/kamalakantadash1/roots-and-routes-may-2012> [Accessed 6 December 2013].

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