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## Indian Migration to the Gulf: Overview of Trends and Policy Initiatives by India

Rupa Chanda and Pralok Gupta

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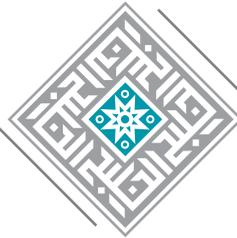
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## About the Gulf Research Center

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# About the Gulf Labour Markets, Migration, and Population (GLMM) Programme

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## IX

# Indian Migration to the Gulf: Overview of Trends and Policy Initiatives by India

*Rupa Chanda\* and Pralok Gupta\*\**

**Abstract:** India is a major contributor to the world's skilled, semi-skilled, and unskilled labour migrants. Within the overall Indian migration context, the India-Gulf migration corridor is of particular interest. Since the oil boom of the 1970s, the Gulf region has been a major destination for Indian workers. This chapter provides an overview of the India-Gulf migration relationship and the role of policies in shaping migration flows. The trends and characteristics in labour flows from India to the Gulf are presented followed by the policy initiatives taken by India for the welfare of Indian migrants in the Gulf including bilateral initiatives to better manage migration flows and realise associated benefits. This chapter also discusses the problems faced by Indian migrants in the Gulf and analyses the multilateral commitments of the GCC countries and how bilateral agreements with these countries could promote the interests of Indian migrants in the Gulf. The conclusion outlines steps that need to be taken to address gaps in the policy

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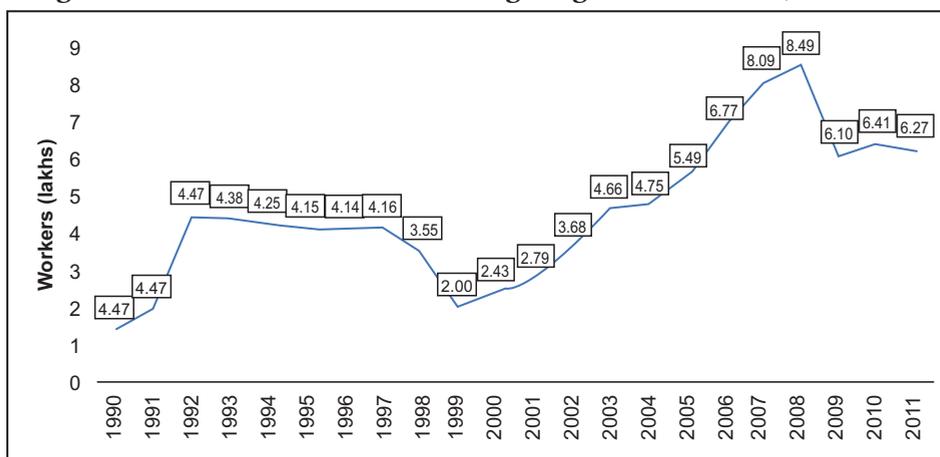
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framework to enable a strong, healthy and mutually beneficial labour mobility partnership.

### Overview of Indian Migration to the Gulf: Trends and Characteristics

Emigration from India to the Gulf region has a long history dating back centuries to the time of Arab traders and travellers. There have been several phases in this migration, driven by changes in economic conditions and immigration policies in the host countries. In the initial phase till the mid-1990s, there was massive migration from India to the Gulf countries due to rising oil revenues and the resulting expansion in economic activity, infrastructure development projects, and employment opportunities in the region. The next phase during the late 1990s saw a decline in emigration from India due to restrictive immigration policies and localisation policies to control the non-Arab population, as well as the completion of major projects and saturation of the labour market. The 2000-08 period witnessed a resurgence in demand for semi-skilled and unskilled workers following an increase in oil prices and the government of India's policies to promote international migration through state level facilitation measures. Overall, although there have been ebbs and flows in migration between India and the GCC countries, as shown in Figure 9.1, this relationship remains significant and the region continues to account for the lion's share of the category of Indian migrant workers requiring emigration clearance from the government of India, i.e. low-skilled workers.

**Figure 9.1: Number of Indians receiving emigration clearance, 1990-2011**



Source: Based on data from Ministry of Overseas Indian Affairs (2012-13).

There are several salient characteristics to emigration from India to the Gulf countries, in terms of occupational, skill, gender profile, and source- and destination-wise distribution within India and the Gulf region. These characteristics provide the larger context within which the associated benefits and problems as well as the labour and migration policies on both sides can be assessed.

### ***A Symmetric Bilateral Relationship***

The first noteworthy aspect of this relationship is the importance of each side for the other, i.e., the Gulf region's significance as a host market for Indians and India's importance as a source country for manpower for this region. In 2013, there were around 13.3 million South Asian migrants residing in the GCC countries, accounting for 59 per cent of the region's total migrant stock. India contributed the lion's share, with 6.8 million migrants or 51 per cent and 30 per cent of all South Asian migrants and all migrants, respectively. The absolute number of Indian migrants has increased significantly from 2.4 million in 1990 and 3.1 million in 2000 to nearly 7 million by 2013 (Sasikumar and Timothy 2015). The contribution of Indian migrants to the region's migrant population has remained roughly the same over time. These trends indicate India's continued importance as a source country for manpower for the Gulf region.

From the Indian perspective, the Gulf region constitutes a major destination market. The GCC countries together accounted for 68 per cent of emigration from India to the rest of the world in 2015, i.e., 7.8 million out of a total of 11.4 million emigrants to the world that year, and up from 58 per cent in 2012. In 2015, the United Arab Emirates (UAE) and Saudi Arabia accounted for 24.6 per cent and 23.1 per cent of all Indian migrants worldwide. There has been a visible shift in the distribution of the Indian migrant stock within the GCC region, away from Kuwait and towards the UAE and Oman. In 1990, Saudi Arabia accounted for 40 per cent of all Indian migrants in the GCC region, followed by Kuwait and the UAE with 23 per cent and 19 per cent, respectively. By 2015, Saudi Arabia's share of all Indian migrants in the GCC countries had declined to 35 per cent and Kuwait's share had declined considerably to 9.7 per cent. Meanwhile, the UAE has emerged as India's main destination market within the Gulf region and worldwide, accounting for over 33 per cent of all Indian migrants in the GCC countries in 2015 (Grant Thornton India LLP 2016). These trends reflect the growing dispersion of Indian migrants in this region and a clear shift towards some of the smaller GCC countries. The UAE's growing importance as a host market is especially noteworthy. According to a news report (Rukmini 2015), the number of Indian migrants in the UAE has grown six-

fold in 20 years while the overall Indian immigrant population has barely doubled over this same period, mainly due to the massive in-migration encouraged by the UAE in the early 2000s. Today, Indians form the largest immigrant subgroup in the UAE.

### ***Feminisation of Migrant Flows***

A second salient feature of labour flows from India to the Gulf is the increasing participation of female migrants. According to the United Nations Department of Economic and Social Affairs (UNDESA 2013), the total stock of female migrants in the GCC countries has more than doubled between 1990 and 2013. Nearly half of the female migrants are from South Asia. The Indian female migrant population in the GCC countries increased from around 0.7 million in 1990 to 1.6 million in 2013. It is interesting to note that this feminisation is more concentrated in certain GCC countries, namely, Saudi Arabia and Kuwait where the share of female migrants in the total Indian migrant population was 30 per cent and 25 per cent, respectively, in 2013 and as high as 30 per cent in 1990. The differing nature of jobs in terms of their gender orientation across the individual GCC markets explains the greater feminisation of the migrant workforce in certain countries over others.

### ***Occupational and Skill Characteristics***

The third distinguishing feature of India-Gulf migration is its occupational and skill profile, in that it is concentrated in the low- and semi-skilled occupations. Almost 70 per cent of Indian migrants in the Gulf region are in semi-skilled jobs as craftsmen, drivers, artisans, and other technical workers or in unskilled jobs as construction workers, domestic helpers, farm labour, and cleaners. Many are employed on-site as manual labourers in the oil and gas industry. The female migrant workforce is mainly engaged as housemaids, cleaners, and nurses and their predominance in Saudi Arabia and Kuwait reflects the greater demand for such occupations in those markets. The large number of emigration clearances for Indian migrants moving to the Gulf reflects the predominance of low-skilled occupations in India-Gulf labour flows as such clearance applies only to the less educated Indian migrants and not to the skilled and professional categories of Indian migrants.

There has, however, been a gradual shift in the occupational and skill profile of Indian migrants to the Gulf over the past few decades. In the 1970s and 1980s, nearly 90 per cent of Indian migrants in the Gulf were blue-collar workers. Today, the proportion of white-collar Indian expatriate workforce in this region has increased to 30 per cent or more in some of the countries [based on Khadria (2010)

and Parween (2013)]. These are mainly professionals in the service sector, including doctors, engineers, IT professionals, teachers, architects, accountants, and managers. Increasingly, knowledge-based workers from India and many other countries are being employed in high tech industries and in the banking and financial services sector, especially in the UAE. There are also several Indian entrepreneurs and businessmen who have set up successful businesses in the region and have emerged as self-made billionaires. Reflecting this occupational composition, most Indian migrants in the Gulf are either on employment-based or business and trade visas.

### ***Source Region and Community Characteristics***

Although most Indian immigrants in the Gulf are from the South Indian state of Kerala, there has been a change in the state origin for low skilled workers. Increasingly, some of the poorer North Indian states such as Uttar Pradesh and Bihar are emerging as key source regions for emigrants to the GCC countries, while the proportion of migrants from richer states like Kerala and Tamil Nadu has declined. This changing trend suggests that poverty, lack of job opportunities, and low wages in the poorer states of India are among the main drivers for these outflows to the Gulf. Low-skilled female emigrants are mainly from the states of Andhra Pradesh, Kerala, Maharashtra, and Tamil Nadu. Although the outflows remain male-dominated, the proportion of women migrants from states such as Kerala has increased, particularly in the nursing profession (Zachariah and Rajan 2010). In terms of religious distribution, most of the Indians in the Gulf are Muslim, followed by Christians and Hindus. The community and religious background of the Indian migrants plays an important role in their lives in the Gulf countries as their interaction with the local society tends to be limited, and it is the community associations based on commonality of origin, religion, and language which provide the much needed sense of identity and cultural mooring to the Indian migrants.

### **Government of India Policies Concerning Indian Migration to the Gulf<sup>1</sup>**

The Emigration Act, 1983 provides the regulatory framework for safe emigration of Indian workers for overseas employment and seeks to safeguard their interests and ensure their protection and welfare. Operational matters relating to emigration, provision of emigration services to emigrants, and enforcement of this Act are

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1. Based on Ministry of External Affairs, Government of India, *Welfare and Protection of Indians Abroad: Handbook of Indian Centre for Migration* (New Delhi: 2017) and Ministry of Overseas Indian Affairs, Government of India, *Annual Report* (New Delhi: 2014-15).

administered by the Protector General of Emigrants (PGE), a statutory authority under the Emigration Act responsible for the welfare and protection of emigrant workers who fall in the Emigration Check Required (ECR) category.

The government of India does not have any exclusive policy regarding Indian migration to the Gulf. However, specific elements for facilitating and protecting Indian migrants in the Gulf are included in various policies and programmes of the government that are intended to promote and protect Indian migration in ECR countries.<sup>2</sup>

The government's policies and programmes can be broadly divided into two categories: first, policies that are intended to promote and facilitate migration; and second, initiatives that are taken to protect and enhance the welfare of Indian migrants in the Gulf. It can be observed that many of these policies intend to fulfill both objectives. As mentioned earlier, these policies and programmes are not exclusively for migrants to the Gulf, barring a few which are exclusively for ECR countries, including the GCC countries.

### ***Policies to Facilitate Indian Migration to the Gulf***

The policies and programmes of the government of India to facilitate Indian migration to the Gulf are discussed below.

#### *eMigrate System*

The eMigrate project is a transformational initiative of the government of India to automate the current emigration processes and eco-system. It is an online system designed to facilitate emigration of Indians seeking overseas employment. The system links the Protector General of Emigrants (PGE) & Protectors of Emigrants (PoEs) with Indian Missions/Posts, Recruiting Agents (RAs), Foreign Employers (FEs), Project Exporters (PEs), migrant workers, insurance agencies, Bureau of Immigration (BoI) and the passport system of the Ministry of External Affairs. All foreign employers need to register in the eMigrate system and they can raise the demand for Indian workers in the system and seek a permit to recruit either directly or through recruiting agents online. The foreign employer is required to declare the terms and conditions of employment of each category of job at the time of applying for demand registration.

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2. 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), for going to 18 countries: United Arab Emirates (UAE), the Kingdom of Saudi Arabia (KSA), Qatar, Oman, Kuwait, Bahrain, Malaysia, Libya, Jordan, Yemen, Sudan, Afghanistan, Indonesia, Syria, Lebanon, Thailand, Iraq (emigration banned).

### *Pravasi Kaushal Vikas Yojana (PKVY)*

The Pravasi Kaushal Vikas Yojana aims at enhancing the skill set of potential emigrant workers in select sectors and job roles, in line with international standards, to facilitate overseas employment. It involves capacity building in the areas of skill development, standards, curricula, learning material, testing and certification on par with global standards. The initial focus is on sectors that are in demand in the ECR countries, and includes domestic workers, drivers, and construction workers.

### *Pre-Departure Orientation & Training (PDOT)*

Providing requisite Pre-Departure Orientation (PDO) is integral to the government's sustained efforts to ensure the protection of Indian migrant workers abroad. Imparting of the PDO is done along with the skill training upgradation. Timely PDO can help enhance a worker's migration experience by facilitating safe and legal migration abroad, enabling the migrant to live and work in his/her destination country without any problems, helping him/her integrate with the local community, and creating awareness among migrants of the dos and don'ts as well as the laws and regulations in the destination country.

### *Overseas Workers Resource Centre (OWRC)*

The Overseas Workers Resource Centre facilitates and provides support services to workers who intend to go abroad for employment. It acts as a single point window for registering, responding to, and monitoring complaints/grievances information dissemination on matters relating to emigration information on Recruiting Agents (RAs) and offers walk-in counselling for potential emigrants. This Centre provides a 24x7 help desk for both intending migrants and overseas Indians. The Centre's electronic platform attends to queries in 11 Indian languages. It is integrated with five Migrant Resource Centres (MRCs) set up at various locations.

### *Migration Resource Centres*

The government has set-up Migrant Resource Centres (MRCs) as walk-in counselling centres located in major source states to provide information, guidance, advice, and counselling to prospective migrants and overseas Indian workers on all aspects of overseas employment including legal and regulatory requirements; documentation and procedures; policies; and problems faced while working abroad. MRCs have been set up in five locations, Kochi, Hyderabad, Gurgaon, Chennai and Lucknow.

### *Media Campaign*

The Ministry of External Affairs has launched a media campaign titled ‘Surakshit Jaaye, Prashikshit Jaaye’ towards ensuring safe and legal migration. Advertisements have been released on the Lok Sabha TV channel, all Doordarshan channels, All India Radio stations, private TV channels, private radio/FM stations and digital cinema theatres in focus states, i.e., Uttar Pradesh, Bihar, Tamil Nadu, West Bengal, Punjab, Rajasthan, Kerala, Andhra Pradesh, Telangana, Maharashtra, Karnataka, and Delhi. The advertisements are in six languages, namely, Hindi, Malayalam, Punjabi, Tamil, Kannada, and Telugu.

### *Initiatives to Protect Indian Migrants in the Gulf*

The government of India has taken a number of steps to ensure the welfare and protection of the Indian community abroad. Indian missions and posts have been proactive in liaising with the host countries in resolving difficulties faced by Indian workers. In addition, the institutional framework for supporting their welfare has been considerably strengthened over the last few years. Some important steps taken in this direction by the government of India are discussed next.

#### *Pravasi Bharatiya Bima Yojana (PBBY)*

Pravasi Bharatiya Bima Yojana (PBBY) is a mandatory insurance scheme for the welfare of overseas workers in ECR countries. It provides insurance cover of upto Rs. 10 lakhs in cases of work-related death or permanent disability. Insurance is available with one-time premium of Rs. 275 and Rs. 375 for two and three years, respectively.

#### *Mahatma Gandhi Pravasi Suraksha Yojana (MGPSY)*

The Mahatma Gandhi Pravasi Suraksha Yojana (MGPSY) is a specially designed social security scheme for unskilled and semi-skilled Overseas Indian workers with ECR passports, working in ECR countries. It encourages and enables overseas Indian workers to make co-contribution to: (a) save for their return and resettlement in India (b) save for pension (c) obtain complimentary life insurance cover during the period of overseas employment.

### *Indian Community Welfare Fund (ICWF)*

The Indian Community Welfare Fund is aimed at assisting Overseas Indian nationals in distress on a 'means tested' basis. It was set up in all Indian missions and posts abroad and has over 80,000 beneficiaries. This fund enables Indian missions/posts to meet contingency expenditure for specific activities including air passage for stranded Indians, boarding and lodging, initial legal assistance, emergency medical support, and airlifting of mortal remains.

### *Open House Sessions by Indian Missions/Posts*

Indian missions/posts abroad hold Open House sessions at specific times. Any Indian citizen can walk in and interact with the officers at the mission/post without an appointment and submit complaints/grievances.

### *Emigration of Women for Employment in ECR Countries*

The government of India has fixed the minimum age of ECR category female workers proceeding for overseas employment to ECR countries at 30 years. All Indian women workers holding ECR passports and going to eighteen ECR countries for employment are required to emigrate only through state-run recruitment agencies. Foreign employers directly recruiting Domestic Service Workers (DSW) must deposit a security of \$2,500 in the form of a bank guarantee with the Indian mission, when based in notified countries under the Emigration Act, 1983. If the foreign employer wants to recruit Indian women workers through Indian Recruiting Agents (RAs), they must engage one of the six government/state run RAs.

### *Labour Agreements between India and GCC*

To facilitate migration from India to the GCC countries and to protect Indian migrants in these countries, India has signed labour agreements with individual GCC countries, Qatar being the first to sign in 1985 and Saudi Arabia being the last in 2014. All these agreements are for a period of four years, excepting those with Oman and Saudi Arabia, which are automatically extended unless terminated by either party.

All these agreements are broadly similar in content. Their salient features include provisions for the protection of employees under host country labour laws; outlining the rights and obligations of employers and employees; specification of conditions regarding qualifications, benefits, facilities and entitlements;

right to remit savings to the country of origin or elsewhere; dispute settlement provisions; institutional mechanisms like a Joint Working Group for implementing the agreement; duration of the agreement and extension terms. A summary of the provisions of GCC countries' labour agreements with India is presented in Table 9.1.

It can be observed that these agreements cover those Indian migrants who go through proper channels. However, as many Indian migrants go to these countries through unauthorised agents and touts, they remain vulnerable to exploitation by their employers. Many of these misinformed migrants find themselves trapped and even take the extreme step of ending their lives in the face of continuous exploitation.

**Table 9.1: Summary of provisions of GCC countries' labour agreements with India**

Country	Year	Important Provisions
Bahrain	2009	<ul style="list-style-type: none"> <li>• Need based placement and employee's protection under the labour law</li> <li>• Copy of the employment contract to be given to the employee by the employer within two months of his arrival</li> <li>• Contract to be for a specified period of time and subject to renewal</li> <li>• Right to remit savings to the country of origin or elsewhere</li> <li>• Disputes settlement by the Ministry of Labour and if an amicable settlement fails, then by judicial authority</li> </ul>
Kuwait	2007	<ul style="list-style-type: none"> <li>• Employment contract to be authenticated by Kuwait Chamber of Commerce and Industry, Kuwaiti Ministry of Foreign Affairs, Indian Mission in Kuwait and competent authority of the Ministry of Overseas Indian Affairs, now part of the Ministry of External Affairs.</li> <li>• Work permit, documents presented at the time of approval and an authenticated employment contract to be given to the employee by the employer within two months of his arrival</li> <li>• Disputes settlement by concerned government authorities and if an amicable settlement fails, then by the court</li> </ul>
Oman	2008	<ul style="list-style-type: none"> <li>• Employee's protection under the labour law</li> <li>• Contract to terminate with the expiry date; automatic renewal unless notified otherwise by one of the parties thirty days before the expiry</li> <li>• Right to remit savings to the country of origin or elsewhere</li> <li>• Disputes settlement by the Ministry of Labour and if an amicable settlement fails, then by courts</li> </ul>

Table 9.1 (contd.)

Qatar	1985	<ul style="list-style-type: none"> <li>• Applications regarding recruitment of Indian manpower by Qatar's employers to come to the Indian government through the Qatar government</li> <li>• Employer to bear travel costs of the worker to Qatar and return air passage at the end of his service</li> <li>• Contract to be authenticated by the Indian Embassy in Qatar</li> <li>• Contract to terminate with the expiry date, renewal by mutual agreement at least 30 days before termination of the contract</li> <li>• Right to remit savings to India</li> <li>• Disputes settlement by the Ministry of Labour and Social Affairs and if an amicable settlement fails, by judicial authorities in Qatar</li> </ul>
Saudi Arabia	2014	<ul style="list-style-type: none"> <li>• Recruitment directly or through licensed recruitment offices</li> <li>• To adopt a standard employment contract</li> <li>• Right of recourse to competent authorities in case of contractual dispute</li> <li>• Provisions to ensure that recruitment offices and the employer do not charge or deduct from the salary of the domestic worker or impose any kind of unauthorised salary deductions</li> </ul>
UAE	2006	<ul style="list-style-type: none"> <li>• Need based placement and employee's protection under the labour law</li> <li>• Contract to terminate with the expiry date automatic renewal unless notified otherwise by one of the parties thirty days before the expiry</li> <li>• Right to remit savings to the country of origin or elsewhere</li> <li>• Disputes settlement by the Ministry of Labour and if an amicable settlement fails, then by judicial authority.</li> </ul>

Source: Authors' construction based on GCC countries' labour agreements with India.

## Problems Faced by Indian Migrants in the Gulf

Indian migrants face a number of problems at the time of migration, during their stay, and at the time of return from the GCC countries. These problems relate to exorbitant visa fees charged by recruitment agents, exploitation by their employers, difficulties with financial transfers and exit visas, etc. Most of the problems result from the *kafala* system. This system enables exploitation and abuse of migrant workers by way of confiscation of passports by employers, abysmal salaries to blue collar workers, and poor working and living conditions. Workers are accommodated in ghetto-like labour camps that lack basic amenities such as drinking water and sanitation facilities. Lack of safety at the workplace is another concern. Accidents

at construction sites are common, leading to a number of labourer deaths every year [based on Aneja (2013), Rahman (2014) and Nagraj (2017)].

A large number of Indian workers commit suicide in the Gulf countries every year, mainly because of lack of money and the harsh working and living conditions. Also, the Gulf nations have the highest number of Indians who are jailed abroad. Most of them are blue-collar workers, accounting for nearly 45 per cent of the 6,483 Indians jailed abroad, a disproportionately high figure given Indian migrants to the Gulf account for 27 per cent of the Indian diaspora. Migrant rights organisations claim that this high number is due to the lackadaisical approach of the Indian government in providing help and legal aid to Indian migrant workers who fall prey to recruitment scams and end up in prison. In this context, it is important to note that India and the UAE had signed a prisoner exchange treaty in November 2011, which would allow Indian prisoners the choice to spend the remaining prison term in their own country. However, not a single Indian prisoner has been able to benefit from this treaty, indicating lack of willingness to implement it (Shaikh 2015).

In contrast with the conditions faced by unskilled and low-skilled workers, white-collar Indian workers in the Gulf lead comfortable lives. For instance, Qatar has witnessed a rise in the presence of Indians in villas and posh residential colonies. These Non-Resident Indians (NRIs) form a significant number of the consumers in malls, parks, and museums (Parween 2013). A study on white-collar Indians in Qatar found that NRIs are satisfied in terms of security, social life, and facilities (Kanchana 2012).

As the earnings of white-collar workers are significantly above the minimum prescribed wages, they can afford to bring their families and most choose early education for their children in the Gulf. To cater to this demand, a number of schools with Indian curricula have been set up in the region. These schools are affiliated to the Indian education system and provide primary and secondary education. This has led to a growing presence of Indian academics in the Gulf, as most of these schools are managed by Indian professionals (High Level Committee on the Indian Diaspora 2001). A number of Indian universities, mostly private, have also opened their campuses in the Gulf. The Indian schools and universities are set up primarily to cater to the demand of the Indian diaspora for Indian curricula based education for their children. However, these institutions are also open to non-Indian students.

## **Facilitating Indian Migrants to the Gulf: Role of Trade Agreements**

Temporary movement of natural persons for the supply of services (Mode 4) is one of the four modes of trade in services under the General Agreement on Trade in

Services (GATS) of the WTO. All GCC countries are members of the WTO and hence have inscribed their Schedules of Commitments for services trade, including on Mode 4. Apart from the GATS, the GCC as a bloc has two free trade agreements (FTAs) that cover services trade, namely, GCC-Singapore FTA and GCC-EFTA (European Free Trade Area) FTA. They do not have services trade agreements individually with any country. These agreements have commitments with respect to categories of natural persons (business visitors, intra-corporate transferee, etc.) and the period of stay allowed for the categories. They explicitly state that the presence of self-employed foreign natural persons is not allowed. Kuwait and Qatar also mention that housing and social programmes and some aspects of free healthcare are limited to citizens.

Except Saudi Arabia, no GCC country has undertaken significant commitments in the WTO for temporary movement of natural persons (Mode 4). In fact, Bahrain has not made any Mode 4 commitments in the WTO. However, these countries have undertaken more liberal Mode 4 commitments in their two FTAs. Therefore, the GCC countries do not offer anything significant to promote and facilitate movement of natural persons from India to the Gulf under their multilateral commitments. A brief assessment of GCC commitments under the GATS and the aforementioned FTAs is presented in Appendix Table 9A.1.

An FTA with the GCC countries could be an option for addressing the issues and promoting the interests of Indian migrants in the Gulf. As India is negotiating an FTA with the GCC, it should request more liberal commitments from the latter for Mode 4, covering both highly- and low-skilled workers. This is especially because most new age trade agreements have a chapter on movement of natural persons or movement of business persons. India should include a separate chapter on labour mobility in its FTA with the GCC. This chapter should include provisions not only for facilitating the movement of Indian workers to the Gulf but also for their protection and well-being while they are employed there.

Given the fact that most of the Indian migrants work in the construction sector, or as domestic helpers and nurses, it is important for India to seek meaningful commitments for movement of labour in these occupations. The India-GCC FTA should not only seek the removal and relaxation of market access and national treatment barriers on Mode 4 across all skill levels, but should also include a cooperation chapter on labour mobility which addresses issues pertaining to pre-departure, departure, stay, and return of migrants. The aim should be to make such flows mutually beneficial to both sides in terms of matching supply and demand, skilling initiatives, ensuring decent living and working conditions, and smooth flow

of remittances during the period of stay in these countries and facilitating return to India and circular mobility where so needed. The best practices in bilateral labour arrangements could be incorporated into such a cooperation chapter.

## **Conclusion and Policy Suggestions**

The Gulf region is an important destination market for Indian migrants and has contributed significantly to India's remittance inflows. The preceding discussion has highlighted that India has formulated policies and taken initiatives for the protection and welfare of Indian migrants in the Gulf. The Indian government provides support services at all stages of emigration-pre-departure, at destination, and return.

Indian migrants, particularly unskilled and low-skilled workers, are still subject to a number of abuses and exploitative practices in this region. Various policy initiatives and reforms have not succeeded in equalising the balance of power between employers and migrant workers. Moreover, very often, Indian migrants fall under the category of irregular migrants due to wrong information and cheating by recruitment agents. Such workers are the most vulnerable to exploitation by their employers as legal help and assistance by Indian missions is not available to them in most cases.

Due to the recession caused by the slump in oil prices, employers in the Gulf have been forced to retrench Indian migrant workers. Continued low oil prices would mean further retrenchment, which could lead to further exploitation of unskilled and low-skilled Indian migrants through lowering of wages and reduced availability of facilities. Therefore, governments on both sides need to take proactive actions to prevent further exploitation and extend protection to Indian migrants. Some of the required policy inputs include strictly implementing minimum wages laws, granting work permits that are not tied to a specific employer, enabling workers to renew their own permits, allowing workers to independently end their employment contracts without losing residency status, allowing workers to change employers without the consent of the current employer, and permitting workers to exit the country without seeking their employer's approval. Heavy penalties should be introduced for employers who confiscate workers' passports or travel documents. Such penalties should also be imposed on recruitment agents who cheat migrants by providing wrong information and extracting exorbitant visa charges. These recruitment agents should be barred from conducting future recruitment of Indian migrants to the Gulf. Existing bilateral labour agreements must be enforced in spirit

and necessary institutional support structures must be established or strengthened. As the India-Gulf migration corridor anchors a very important bilateral relationship and will continue to do so in the near future, all efforts must be made to mitigate the associated negatives and to realise the potential benefits.

## Appendix

**Table 9A.1: GCC commitments under the GATS and FTAs**

Country	Type of Commitments	GCC Commitments		
		GATS	GCC - EFTA	GCC - Singapore
Bahrain	Categories of Natural Persons	No commitments	<ul style="list-style-type: none"> <li>Business Visitors (BV)</li> <li>Intra Corporate Transferees (ICT)</li> <li>Contract Service Suppliers (CSS)</li> <li>Installers and Maintainers</li> </ul>	<ul style="list-style-type: none"> <li>Business Visitors (BV)</li> <li>Intra Corporate Transferees (ICT)</li> <li>Contract Service Suppliers (CSS)</li> <li>Installers and Maintainers</li> </ul>
	Period of Stay		<ul style="list-style-type: none"> <li>BVs: 3 weeks</li> <li>CSS and Installers and maintainers: 180 days</li> <li>ICTs : 2 years (renewable for similar period)</li> </ul>	<ul style="list-style-type: none"> <li>BVs: 2 weeks</li> <li>CSS and Installers and maintainers: 180 days (renewable)</li> <li>ICTs: 2 years (renewable for similar period)</li> </ul>
	Any Other		<ul style="list-style-type: none"> <li>Compulsory employment of Bahraini citizens</li> </ul>	<ul style="list-style-type: none"> <li>Compulsory employment of Bahraini citizens</li> </ul>
Kuwait	Categories of Natural Persons	<ul style="list-style-type: none"> <li>Managers</li> <li>Specialists</li> <li>Skilled technicians</li> </ul>	<ul style="list-style-type: none"> <li>BVs</li> <li>ICTs</li> </ul>	<ul style="list-style-type: none"> <li>BVs</li> <li>ICTs</li> </ul>
	Period of Stay		<ul style="list-style-type: none"> <li>BVs: 1 month (renewable for 90 days during one year)</li> <li>ICTs: 1 year (renewable for additional 1 year)</li> </ul>	<ul style="list-style-type: none"> <li>BVs: 1 month (renewable for 90 days during one year)</li> <li>ICTs: 1 year (renewable for additional 1 year)</li> </ul>
	Any Other			
Oman	Categories of Natural Persons	<ul style="list-style-type: none"> <li>BVs</li> <li>ICTs</li> </ul>	<ul style="list-style-type: none"> <li>BVs</li> <li>ICTs</li> <li>CSS</li> </ul>	<ul style="list-style-type: none"> <li>BVs</li> <li>ICTs</li> </ul>
	Period of Stay	<ul style="list-style-type: none"> <li>BVs: 90 days</li> <li>ICTs: 2 years (renewable for 2 years with a maximum of 4 years)</li> </ul>	<ul style="list-style-type: none"> <li>BVs: 90 days</li> <li>ICTs: 2 years (renewable for 2 years with a maximum of 4 years)</li> <li>CSS: 90 days</li> </ul>	<ul style="list-style-type: none"> <li>BVs: 90 days</li> <li>ICTs: 2 years (renewable for 2 years with a maximum of 4 years)</li> </ul>
	Any Other			

Table 9A.1: (contd.)

<b>Qatar</b>	Categories of Natural Persons	<ul style="list-style-type: none"> <li>Managers</li> <li>Specialists</li> <li>Skilled technicians</li> </ul>	<ul style="list-style-type: none"> <li>BVs</li> <li>ICTs</li> </ul>	<ul style="list-style-type: none"> <li>BVs</li> <li>ICTs</li> </ul>
	Period of Stay		<ul style="list-style-type: none"> <li>BVs: 90 days</li> <li>ICTs: 3 years (renewable annually) even beyond 3 years for managers and executives)</li> </ul>	<ul style="list-style-type: none"> <li>BVs: 90 days</li> <li>ICTs: 5 years (renewable annually)</li> </ul>
<b>Saudi Arabia</b>	Categories of Natural Persons	<ul style="list-style-type: none"> <li>BVs</li> <li>ICTs</li> <li>CSS</li> <li>Independent Professionals (IPs)</li> <li>Installers and Maintainers</li> </ul>	<ul style="list-style-type: none"> <li>BVs</li> <li>ICTs</li> <li>CSS</li> <li>IPs</li> <li>Installers and Maintainers</li> </ul>	<ul style="list-style-type: none"> <li>BVs</li> <li>ICTs</li> <li>CSS</li> <li>IPs</li> <li>Installers and Maintainers</li> </ul>
	Period of Stay	<ul style="list-style-type: none"> <li>BVs, CSS and IPs: 180 days (renewable)</li> <li>ICTs: 2 years (renewable for similar periods)</li> <li>Installers and maintainers: 90 days (renewable)</li> </ul>	<ul style="list-style-type: none"> <li>BVs, CSS and IPs: 180 days (renewable)</li> <li>ICTs: 2 years (renewable for similar periods)</li> <li>Installers and maintainers: 90 days (renewable)</li> </ul>	<ul style="list-style-type: none"> <li>BVs, CSS and IPs: 180 days (renewable)</li> <li>ICTs: 2 years (renewable for similar periods)</li> <li>Installers and maintainers: 90 days (renewable)</li> </ul>
	Any Other	<ul style="list-style-type: none"> <li>Market access to CSS and IPs in limited sectors</li> <li>Certain positions may be reserved for Saudi nationals in all categories of ICTs</li> <li>Maximum number of ICTs may be up to</li> </ul>	<ul style="list-style-type: none"> <li>Certain positions may be reserved for Saudi nationals in all categories of ICTs</li> <li>Maximum number of ICTs may be up to 25% of the total workforce of each service supplier</li> </ul>	<ul style="list-style-type: none"> <li>Market access to CSS and IPs in limited sectors</li> <li>Maximum number of ICTs may be up to 25% of the total workforce of each service supplier</li> </ul>
<b>UAE</b>	Categories of Natural Persons	<ul style="list-style-type: none"> <li>BVs</li> <li>ICTs</li> </ul>	<ul style="list-style-type: none"> <li>BVs</li> <li>ICTs</li> <li>CSS</li> </ul>	<ul style="list-style-type: none"> <li>BVs</li> <li>ICTs</li> <li>CSS</li> </ul>
	Period of Stay	<ul style="list-style-type: none"> <li>BVs: 90 days</li> <li>ICTs: 1 year (renewal for 2 additional years with a maximum of 3 years)</li> </ul>	<ul style="list-style-type: none"> <li>BVs: 90 days</li> <li>ICTs: 3 years (renewable for additional years)</li> <li>CSS: 90 days (renewable for a further equal period)</li> </ul>	<ul style="list-style-type: none"> <li>BVs: 90 days</li> <li>ICTs</li> <li>CSS: 90 days (renewable for a further equal period)</li> </ul>
	Any Other	<ul style="list-style-type: none"> <li>Max. number of ICTs be 50% of the total number of employees</li> </ul>	<ul style="list-style-type: none"> <li>Max. number of ICTs be 50% of the total number of employees</li> </ul>	<ul style="list-style-type: none"> <li>Max. number of ICTs be 50% of the total number of employees</li> </ul>

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## Migration to the Gulf: Policies in Sending and Receiving Countries

International migration is a ubiquitous reality in the Gulf states where foreign citizens are a majority in the workforce as well as in the total population of several states. Migration is instrumental in the Gulf nations' prosperity and at the same time regarded as a challenge to their identity. For many countries of origin in Asia, the Arab world and East Africa, migration to the Gulf is an integral part of the daily lives of tens of millions and a constitutive element of economies and societies.

On the sending side, there is a widespread view that emigrants serve the prosperity of their nation, through financial remittances, enhanced skills, and enlarged business networks, and that they must be protected in the countries where they live. State institutions have been created to look for migration opportunities and to defend the rights of their expatriate nationals in terms of living and working conditions. Fair recruitment and decent work have become an integral part of their agenda. Emigration is now regarded as a resource for national economies in the same way as trade, and a matter for external policies and politics.

On the receiving side, Gulf policies must address the challenge of admitting contract workers needed by ambitious development programmes and welfare goals, while tackling a number of migration-related imbalances: too much dependency on foreign labour; too few women in the labour force; too much unused education and wasted skills among nationals; too much money flooding out of the country in the form of workers' remittances; and too rigid regulations ending up in high levels of irregularity.

This book is about policies designed to regulate migration and protect the migrants and enable them to contribute to the prosperity of the Gulf and the development of their home countries. It brings unique knowledge to all those striving to improve current systems, from a state's as well as a migrant's perspective.

