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## **E-Migrate: Emigration in the 21st- Century India Governance**

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### **ABSTRACT:**

Notwithstanding a natural tendency to focus on the challenges that migration presents, so that they can be better understood and therefore managed, it is well worth revisiting briefly overseas existing recruitment practices and vulnerabilities faced by migrants in process of migration, and the crucial role that intermediaries play. This Paper seeks to create an understanding of the current structures of recruitment and operational linkages of recruitment agencies working through the sub-agents that facilitate migration by falsification of various documents at different stages in order to avoid various troublesome processes were also explored. Besides, the study establishes inducement to migrate by an agent, family or friends was also an important facilitating factor, as was the demonstration effect, the effect of witnessing is manifested in the form of chain migration in the study area. Study also focuses on working of e-migrate system.

**Keywords:** Migrants, Recruiting Agents, Emigration Clearance, Employment contract

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### **1. Introduction**

The Overseas recruitment industry in India has seen big changes and challenges in the last few years as the economic and technological advances have altered the way many companies hire. However, sub-agents have remained essential actors in the recruitment cycle as they possess access to remote locations and a database of candidates in those areas. In many cases, sub-agents are recommended by former migrants to prospective ones. Other ways to approach prospective workers are through pamphlets and local newspapers. However, as sub-agents are often trusted community members, many job seekers approach them directly. Study on the overseas recruitment practices in India (Rajan, Varghese, & Jayakumar, 2010), highlighted the irregularities in the recruitment process on the part of the various actors involved. Stories of the plight and exploitation of migrants are well-known in India, particularly in Kerala. Despite initiatives by India's Ministry of Overseas Affairs to regulate migration in order to fulfill its responsibility of ensuring migrants' protection and welfare, the process remains inefficient, and the exploitation of millions of migrants by recruitment or placement agents at various stages of migration exists (Samantray, 2014). Various initiatives and policies implemented by the Government of India to ensure the safety and protection of Indian migrants in host countries have been the target of major criticism for their lack of transparency and coordination, as well as non-compliance with international migrant labour conventions (Wickramasekara, 2011).

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### **2. Objectives of Study**

1. To find and comprehend the links between the various agents/agencies operating in recruitment industry.
2. To study the dynamics and modus operandi of informal channels of migration.
3. To review the appraisal and working of e-migrate system
4. To suggest policy recommendation for promotion of safe labour migration

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### **3. Research Methodology**

Both primary and secondary sources of data have been used for the analysis in the present study. The primary data have been collected through field survey from two villages of Nizamabad district of Telangana state.. Secondary data sources such as Annual Reports of Ministry of Overseas Indian Affairs and Ministry of External Affairs data was used and analyzed.

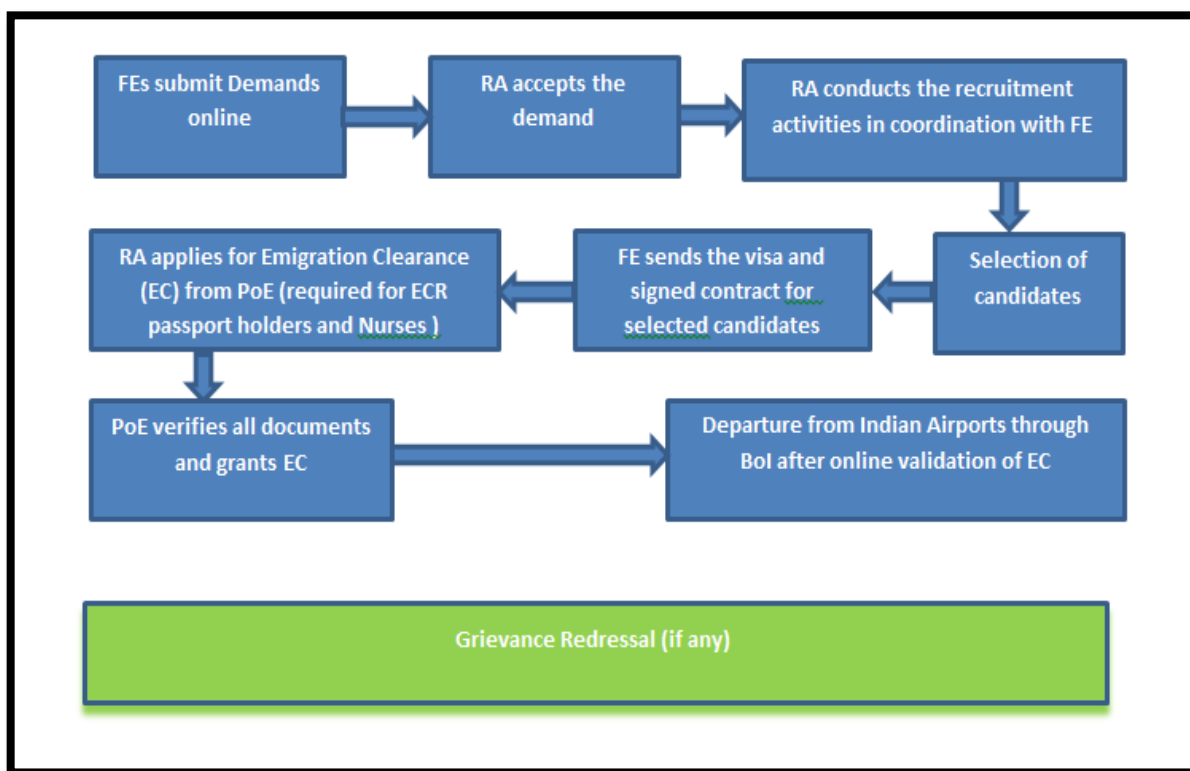
#### 4. Sample size

The sample households for the interviews in both the villages, irrespective of wards were obtained using the technique of the chain referral method or snow ball sampling keeping in view the inclusion and exclusion criteria of the study. Therefore, the total number of sample households surveyed in the study including both the villages was 300 with inclusion and exclusion criteria. The data collection took place in two phases. The first phase took place in Chepur village of Nizamabad district between October, November and December of 2017. The second phase was held in Kespalli of Nizamabad district, between May 2018 and June 2018.

#### 5. Overseas Recruitment Procedure: An Overview

In India, recruitment agencies registered under Section 10 of the Emigration Act of India, 1983 by the Protector General of Emigrants (PGE) are legally authorized to conduct the recruitment of Indian citizens for employment abroad. Recruitment process usually starts when an overseas employer issues a Demand Letter and Power of Attorney<sup>1</sup> to Recruiting Agencies (RA) to recruit labourers from the sending country. Both these documents need to be attested by the concerned Indian Embassies and Protector of emigrants grants approval for recruitment. After the recruitment, the Recruiting Agent has to get 'emigration clearance' in the case of Emigration check required (ECR) destination countries.

Figure.1 Recruitment Process Map



Source: Ministry of External Affairs, 2017

**FE:** Foreign employer, **RA:** Recruiting Agents, **POE:** Protector of emigrants,

**EC:** Emigration Clearance, **BOI:** Bureau of Immigration

All the Gulf Co-operation Council countries all listed in Indian emigration act of 1983. To protect vulnerable categories of unskilled, semi-skilled workers, and women going abroad, the Protector-General of Emigrants checks their labour contracts of migrants who have not passed class x, before they depart to ensure the contracts ensure fair wages and decent working and living conditions as per emigration Act 1983 and maintains records of workers in only those who require Emigration check before leaving India. These registered recruitment agencies come from both private and public sectors. Most of the states do not have recruitment agencies in the public sector. However, a few states like Kerala, Tamil Nadu, Andhra Pradesh and of late in Telangana (Telangana Overseas Manpower Company) have state-run agencies. These institutions are widely criticized due to their perceived inefficiency,

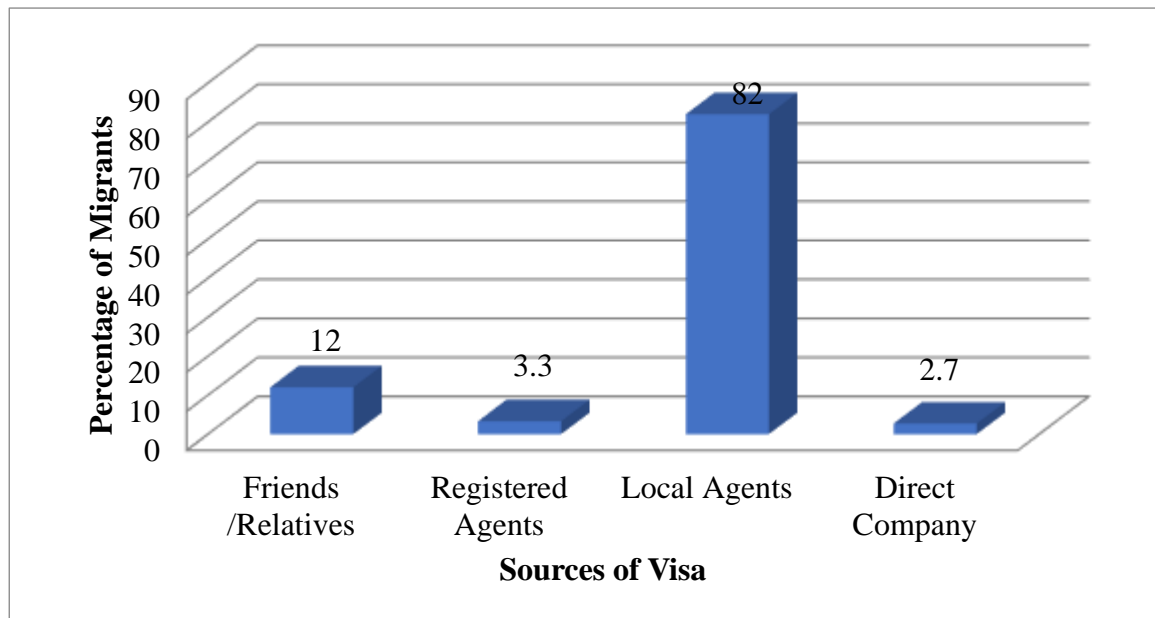
<sup>1</sup> Demand Letter specifies the details of labour in demand and Power of Attorney authorizes the RA to recruit a labourer on behalf of the concerned employer.

accessibility and slowness in market operations, as well as their lack of autonomy from the state and overall professionalism.(Rajan.,et.al.2010). Given the dearth of state government arrangements for the recruitments of contract workers, and general difficulties in obtaining information about openings overseas, labor migration has become increasingly commercialized in the hands of private recruiters" (Lucas, 2005). Though Govt. recruitment is considered safe, the volume of emigration taking place through this channel is minimal Private firms serving as recruitment intermediaries today account for major share of labor flows India. Along with recruiting agencies, some informal sub- agents located throughout the system come to assist the recruitment procedures. Though recruitment through non-registered agents – “sub-agents” – is considered illegal in India. They remain mostly untouched by regulatory frameworks or governance mechanisms (Gordon, 2015).. Thus involvement of multiple parties with vested interests makes recruitment procedures much more complex and multi-layered ,resulting in various forms of exploitation by actors in countries of origin and destination, such as undue delay of travel, contract substitution, overcharging, illegal recruitment, and fraud. (Heller, 2015)

## 6. Source of Visa: Role of Migrant Agents

Conventional wisdom suggests that once the flow of migration begins in a community or area, overtime, it becomes cumulative. And, then, there starts a chain migration in that community or area. It happens due to the development of strong social networks overtime. In our study area, migrants did not get job by their own efforts in Gulf countries. They were recruited through local agents and intermediaries,. These intermediaries are friends, family, relatives, community members, current and returnee migrants who build trust with the potential migrants and have guided them in the migration process. Because many of migrants are less educated and economically poor and the idea of traveling to a major city to interact with a licensed agent or with a government official is too daunting, expensive, or impractical. They often choose to work with sub-agents anyway because people find it easier and more accessible to initiate the migration process.

**Figure 2: Distribution of Migrants by Sources of Visa in the Gulf**



Source: Field Survey

Figure 2 illustrates that overwhelmingly more than 80 percent of migrants got jobs in Gulf countries from the local sub-agents.. As observed in study area, network of sub-agents attract local aspirants in general and youth in particular with pretext of arranging highly paid jobs in gulf countries. They generally keep track of workers interested in foreign employment in their communities, and approach them using their networks. Sub-agents usually evaluate and assess the potential candidates to ensure that they meet the requirements of the job demand prior to referring them to Recruitment agencies. They are usually a part of the migrants' community who invest on social relations to fulfill their self interest with commission. They often target less populated and less educated areas with strong social networks at village, and household levels. .Significant number of migrants in our study are less educated and some are illiterate. On the other hand 12 of the respondents came to know about these prospects and opportunities with the help of friends and relatives. Since the process of migration to the Gulf had been going on for a long time and almost every family would have had at least one of their relatives or friends already abroad, After the initial period of settlement of the at the destination, current migrant facilitates the migration process by provides information about employment oppurnuities to the aspirant migrants. It is interesting to note that less than 4 percent of educated migrants in made contacts with registered recruiting agencies through newspaper advertisements.. Remaining less than 3 percent migrants got visa directly company from community members, current and returnee migrants. From the above discussion, we conclude that dependence on local agents for migration found to be very significant. Recently in 2015, Government of Telangana has setup ,recruiting agency namely, Telangana Overseas Manpower company(TOMCOM) , to facilitate employment of the youth of Telangana in foreign countries.

### Comparison with Other Studies

It is interesting to find that source of migrants visa from our study is quite different from Kerala's migration. Our study shows that about 82 per cent of the migrants got jobs in Gulf countries from the local sub-agents, 12 per cent through relatives and friends and 3.3 per cent were recruited through registered recruiting agents and remaining 2.3 were directly recruited through foreign employer. Rajan.,et.al. (2010) found that nearly 73 per cent of the Kerala migrants relied on channel of social network, i.e., friends, relatives, and neighbors while another 6 per cent were directly recruited through the foreign employers and remaining 21 per cent were recruited by the recruiting agents. Among the recruiting agents. Only 42 per cent relied upon registered recruiting agents, while 46.7 per cent were not sure of this and 11.2 per cent were certain that they had no legal standing at all. However studies of Sahoo (2015) and David & Sara (2017) in state of state of Telangana reveal that, due to dearth of government-run recruitment agencies, often operate in urban areas on tight budgets, are unable to penetrate into remote areas, migrants heavily reliance on sub-agents. Thus, it is clear that social network plays facilitating role in case of Kerala emigration because of good network with friends and relatives in the host country. Unlike Kerala migrants, it should be noted from our study that a significant number of migrants are less educated and view local subagents as perhaps the only avenue to provide remedy to complex migration documentation process and has ultimately developed into the chain migration from study area.

## 7. Employment Contract

A major cause of concern is related to the recruitment process is employment contract, particularly with regard to salary, type of job, working and living conditions, food, lodging, working hours, overtime, facilities, and insurance etc, which is a mandatory requirement of emigration clearance(IOM,2016). In the study area it was found that 20 percent of the migrant workers reported that [had not seen their employment contract](#), no written documents had been provided to them explaining terms and conditions of their prospective job and information was usually given orally. Surprisingly, further it was observed that among those who had signed the contracts, 65 percent workers were not aware that what they had signed was an contract as they had no idea why they have visited to emigration clearance office. More than 15 percent reported that had partial knowledge about the terms of the contract. Even if they have signed contract they were forced to sign contracts that differ from the ones they signed back home and find that their pay is much lower than they expected. It was observed that 32 per cent of the emigrants were not given the promised job and 15 per cent were forced to sign fresh contracts. Our data show that he contract was signed in English in majority of cases with a relatively high proportion in a blend of English and Arabic. This suggests that in the majority of the cases in the sample, the terms of contract were apparently not understood by the workers, since the majority of them have had no knowledge of English and Arabic.

Interview of key informants in the study area reveal that Recruiting Agents get their clearance done with specimen contracts in duplicate, resulting in a situation in which an actual contract is not signed at all. More importantly, the survey reveals that a significant proportion of Recruiting Agents are either ignorant about the mandatory requirement or deliberately ignore the requirement of signing of the contracts. One agent mentioned that the signing of unofficial contracts prior to departure protected agents from any future complaints by workers, and ensured that workers were aware of all terms and conditions beforehand. Needless to say that such vulnerabilities are at a significantly higher level when emigration is through Local sub- agents and are found to be more at fault on this point.

## 8. Way Forward: The e-Migrate System

The e-Migrate system was launched by MOIA with effect from 1 June 2015 for the recruitment of blue-collar workers by the 18 ECR-countries.

**Vision:** To transform emigration into a simple, transparent, orderly and humane process

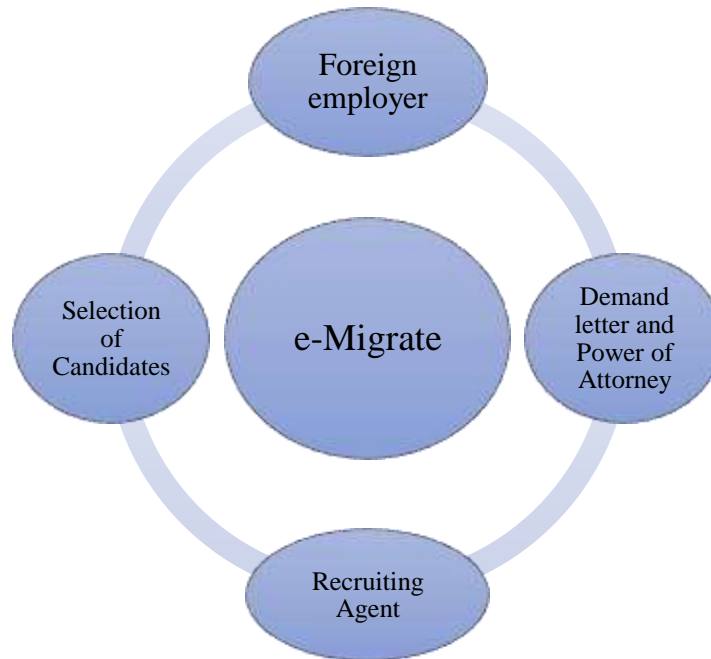
### Objectives

- 1) Design and implement process and applications that help safe emigration
- 2) Enhance quality of services to migrant workers by process change resulting in significant "Ease of Doing Business" & overall experience
- 3) Simplifying processes in the emigration cycle and improve their effectiveness
- 4) Establish interfaces among key stakeholders that are easy to access and interoperable

For registration with the e-Migrate system, the Foreign employer in Gulf has to fill out an online application form, and upload the required documents and details of vacancy, job description, salary, contract period, duty hours, overtime pay, if applicable, availability of medical facilities, transportation, accommodation etc. The Foreign employer in the Gulf selects a recruitment agency in India, records the agency's details in the e-Migrate system. The registered recruitment agency can then log into the e-Migrate system, and download the demand letter / job order published by the employer. The registered recruitment agency approaches the Protector of emigrants and central government with the documents to obtain permission to advertise, conduct interviews, and select workers from India for the employer firm. The recruitment agency can legally charge each prospective worker a fee of up to INR 30,000 (approx. USD 447) for services provided. The official fees include a service charge and other expenses borne by the recruitment agency to hold interviews and trade tests to select suitable candidates for overseas employment (MEA.2017). But in practice, urban centered recruiting agencies, encounter difficulty in locating aspirant migrant, who mostly hail from villages. As a result, the recruiting agents rely overwhelmingly on a group of

middlemen called sub-agents, who act as mediators between a prospective migrant and a licensed recruiting agents .They are widely spread in nuke and corners of dominant migrating states of India. Nonetheless, sub-agents, the exact numbers of whom are unknown .These highlights the important role of the sub-agent in migrant recruitment process .

**Figure 3. Transformational e-Migrate Portal in India**



Source: Ministry of External Affairs,2017

**Figure 4. Key stakeholders in e-Migrate portal**



Source: Ministry of External Affairs,2017

## 9. Review and Appraisal of e-Migrate system

e-Migrate system, serves as good examples for how regulation could be developed to protect migrant workers while potentially limiting the level of bureaucracy and reducing human resource needs, unnecessary delays, and fees. The e-Migrate System has made salary payment more efficient – and it reduces, but doesn't eliminate fraud and exploitation, particularly in the shape of contract substitution. However, obstacles caused by lack of intergovernmental collaboration and numerous unnecessary checks currently still persist and render these measures not only inefficient but even unfavourable to workers. What is more, the introduction of the e-Migrate System provides for the job offer letter now being sent through the Government officials in the Gulf countries, which prepares the contract based on the information included therein, such as job description, salary, and other terms and conditions. This is supposed to guarantee that both job offer and contract are identical in content. However, as the e-Migrate System is a one-sided initiative of the Government of India, and involves little actual coordination between the Indian and UAE governments, the system does not prevent agents and employers from having workers sign other contracts upon their arrival in the Gulf countries, where the contract signed in India is legally outweighed by any new contract signed in the Gulf countries. Cases where specific conditions of employment are not sufficiently explained to workers in advance, or where there are deliberate changes to employment contracts remain thus common. The study reveals that lack of coordination between countries of origin and destination can contribute to additional exploitation of workers. This was evident in the e-Migrate System. (IOM, 2016) Developed to protect workers vulnerable to exploitation, the system has ironically created further potential costs for workers to satisfy its requirements for additional documentation. On the other hand Systems such as e-Migrate require stronger coordination with countries of destination, otherwise they risk becoming inefficient and promoting further exploitation of migrant workers.

## 10. Conclusion

Migrant workers contribute substantially to the economic growth of labor receiving and sending countries. Ironically, migrants are often exploited by unscrupulous recruitment agents, sub-agents and others. The international norms and standards are often violated in order to promote individual interests. A change in the mindsets and policies of origin and destination governments is urgently necessary and long overdue. A change that not only acknowledges the economic benefits of migrant laborers, but that also recognizes, respects, and works to ensure the rights of migrant workers.

## 11. Policy Recommendations

- Establish a formal mandatory training programme for private recruitment agencies, and build capacities and professionalize government-run recruitment agencies.
- Regulate the sub-agents with the aim of their full official incorporation in the recruitment process.
- Decentralize and Digitalize delivery mechanisms of pre-departure orientation training (PDOT) to encompass workers living in rural and remote areas, and adjust contents to information needs of workers
- Establish an incentivized complaints mechanism for migrant workers, and increase awareness of complaints and grievance redressal mechanisms in the destination countries.
- Setup bilateral working groups within the recruitment cycle between countries of origin and destination i.e. through e-Migrate System of India.

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