

# Emigration bill, 2021

July 28, 2021

## In news

Recently, the Ministry of External Affairs invited public inputs to the Emigration Bill 2021.

## Key features of the bill

- The proposed bill will **replace the Emigration act 1983**.
- It launches a new emigration policy division, establishes help desks and welfare committees, and requires manpower agencies to conduct pre-departure briefings for migrants.
- It increases accountability of brokers and other intermediaries who are also involved in labour hiring..
- The Bill also provides limited space for worker representation or civil society engagement in the policy and welfare bodies that it sets up.
- The provisions of the bill **cover labour migration and exploitation, remittances, student mobility and human trafficking**.
- There is a plan to set up **emigration check post with an officer of the Centre** or State government under the control and supervision of the Chief Emigration Officer.
- The proposed legislation will also **maintain registration of human resources agencies**, validity and renewal and cancellation of a certificate.
- **It permits government authorities to punish workers by cancelling or** suspending their passports and imposing fines up to Rs.50,000 for violating any of the Bill's provisions.
- Once enforced, it can be used as a tool to crack down on workers who migrate through unregistered brokers or via irregular arrangements such as on tourist visas.
- Besides, authorities will be empowered to have **certain**

**powers of the civil court.**

## **Bureau**

- As per the Bill, the Centre will establish a **Bureau of Emigration Policy and Planning** with a Chief of Emigration Policy and Planning and
- It also sets up the **Bureau of Emigration Administration** with a Chief Emigration Officer to ensure the welfare and protection of the emigrants.
- The **Bureau of Emigration Administration will maintain a digitised record of all Indian emigrants** sourced from the Bureau of Immigration and Human Resources organisations as well as black listed foreign employers and fraudulent manpower recruitment agencies.

## **Committees**

- The Centre plans to establish **nodal committees** in States and Union Territories with a Principal Secretary as chairperson.
- The committees will have representatives from the Labour, Non Resident Indians and Skill departments.
- The bill also proposes the **establishment of a labour and welfare wing and emigrants welfare committee** at the Indian Embassies and Consulates and **establishment of Sahayata Kendras** by Indian Mission and Post to cater to all issues concerning overseas employment and immigration of Indian emigrants.

## **Drawbacks of the bill**

- The 2021 Bill's purpose "to consolidate and amend the law relating to emigration of citizens of India", lacks a human rights framework aimed at securing the rights of migrants and their families.
- The Bill permits manpower agencies to charge workers' service fees, and even allows agents to set their own limits.

- The Bill does not also adequately reflect the gender dimensions of labour migration where women have limited agency in recruitment compared to their counterparts.

### **Population of Non Resident Indians**

Of the 32 million NRIs and Persons of Indian Origin, about 44.59 lakh reside in the United States, 34.25 lakh in United Arab Emirates (UAE), 29.87 lakh in Malaysia, 25.94 in Saudi Arabia, 18.92 in the United Kingdom, 16.89 lakh in Canada, 15.05 lakh in Sri Lanka, 14.09 lakh in South Africa and 10.90 lakh in Kuwait.

### **Emigration Act of 1983**

- The act regulates emigration of people from India, with the stated goal of reducing fraud or exploitation of Indian workers recruited to work overseas.
- The Act imposed a requirement of obtaining emigration clearance (also called POE clearance) from the office of Protector of Emigrants (POE), Ministry of Overseas Indian Affairs for people emigrating from India for work.
- As of 2017, this requirement applies only for people going to one of 18 listed countries