



EVENT REPORT

Virtual Seminar on Preventing and Tackling Irregular Migration



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EU-India Cooperation and Dialogue on Migration and Mobility (EU-India CDMM) project is implemented by the International Centre for Migration Policy Development (ICMPD), International Labour Organization (ILO) and our local partner, India Centre for Migration (ICM).

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Background

International migration and mobility between the European Union (EU) and India is mainly characterised by positive and legal flows of mutually beneficial talent, students, tourists, family, and/or intra-corporate transfer workers. Acting within the long standing and existing framework for cooperation, and in recognition of the important implications the movement of people has on the EU and India, the EU-India Common Agenda on Migration and Mobility (CAMM), was endorsed on 30 March 2016.

The EU-funded project entitled '[EU-India Cooperation and Di-](#)

[alogue on Migration and Mobility](#)' facilitates the joint implementation and delivery of the commitments outlined within the CAMM addressing four pillars: better organised regular migration and the fostering of well-managed mobility; prevention of irregular migration and trafficking in human beings; maximising the development impact of migration and mobility; and the promotion of international protection. It is implemented by the **International Centre for Migration Policy Development (ICMPD)** and the **International Labour Organisation (ILO)**, in collaboration with a local partner: the India Centre for Migration (ICM).

Virtual Seminar

In an effort to deliver on the CAMM commitments and deepen the cooperation between both EU and India, a **Virtual Seminar on Preventing and Tackling Irregular Migration** took place on the 10th of June 2021. The inaugural dialogue exemplified the willingness of officials - from the EU and Government of India – to report and update on efforts from both sides, to prevent irregular migration and ensure the safe and efficient return of Indians irregular migrants.

The Indian delegation was comprised of representatives from the Ministry of External Affairs (Protector General of Emigrants – PGE – and Overseas Indian Affairs division – OIA 1), as well

as the India Centre for Migration (ICM). The EU side included representatives from the EU Delegation to India, European Commission, Directorate- General for Migration and Home Affairs, FRONTEX (European Border and Coast Guard Agency), as well as select EU Member States (representatives from the Ministry of Interior of Austria, Netherlands, and Belgium). The EU delegation was led by H. E. Raimund Magis (Deputy Ambassador, EU Delegation to India) whilst the Government of India was led by Mr. Yogeshwar Sangwan (Joint Secretary (OE) and Protector General of Emigrants (PGE), Ministry of External Affairs (MEA) India.

Opening Remarks

- › **Ms. Sedef Dearing**, Head of Regional Office for South and West Asia, ICMPD
- › **H. E. Raimund Magis**, Deputy Ambassador, EU Delegation to India and Bhutan
- › **Mr. Yogeshwar Sangwan**, Joint Secretary (OE) and Protector General of Emigrants (PGE), Ministry of External Affairs (MEA), Government of India Representative, Co-Chair
- › **Mr. Abbagani Ramu**, Joint Secretary, Overseas Indian Affairs-I division, Ministry of External Affairs

Moderator: Mr. Naozad Hodiwala, Country Coordinator for India, ICMPD

The two-hour virtual seminar- moderated by ICMPD- began with a series of opening remarks from the lead representatives of the EU delegation and the Ministry of External Affairs, India. Several themes related to EU-India migration corridor were highlighted, including the new and closer cooperation between the two partners, EU and India's efforts on irregular migration, and the importance of mobility and people-to-people connectivity for both the EU and India.

- › In the context of the strengthened strategic partnership envisaged in the EU-India Leaders' Meeting in May 2021, both the EU and Indian representatives underlined that the virtual seminar came at an opportune time and will further cooperation on irregular migration, a natural component of migration management. The forum offered 'food for thought', a platform for direct communication on irregular migration, and took stock of relevant policy developments. This contributes to achieving the priorities outlined within the CAMM.
- › Indian officials noted that irregular migration is a facet of mobility that equally faces the EU, its Member States, and India. It expressed its full support for the voluntary return of its citizens found to be in an irregular situation in the

EU provided that nationality is confirmed. For this, the Bureau of Immigration within the Ministry of Home Affairs is involved by the MEA and supports the verification procedures. India's policy efforts to foster legal migration channels through various bilateral agreements with EU member states (France, Benelux, Germany, and Italy) was noted as a possible instrument to encourage cooperation on readmission, promote return, whilst also creating legal channels for Indian and EU citizens.

- › Various migration related policy developments in the EU were highlighted: the newly adopted Pact on Migration and Asylum, EU Strategy on Voluntary Return and Reintegration, policy communication on enhancing cooperation on return and readmission and the revised Visa Code. All these exemplify a 'Team Europe' approach and a coordinated dialogue with partner countries, for a better, more structured and predictable cooperation on migration and asylum issues.
- › Officials underlined that continued specialised dialogue on irregular migration will contribute to ensuring an efficient and human rights based return and readmission cooperation.

Data, Policy, and Strategy on Irregular migration

› **Overview of EU-India Irregular Migration: Definitions and Data:** Mr. Paul Voss, Risk Analysis Unit, FRONTEX

› **Presentation on the latest EU policy developments:** Mr. Bruno De Boni, Senior Expert and Ms. Silvia Mosneaga, Policy Officer, Irregular Migration and Returns, DG HOME, European Commission

› **Presentation on Government of India's efforts for awareness raising, preventing and tackling irregular migration:** Dr Surabhi Singh, Chief Administrative Officer, India Centre for Migration (ICM), Government of India

Moderator: Mr. Naozad Hodiwala, Country Coordinator for India, ICMPD

The first session offered a snapshot on EU-India irregular migration patterns (by FRONTEX) and an overview of policy developments from both sides (DG HOME and ICM).

OVERVIEW OF EU-INDIA IRREGULAR MIGRATION

The presentation from FRONTEX offered key data on irregular migration in the EU-India corridor and highlighted the comparative numbers of EU-border crossing of Indian nationals and the distinctive nature of irregularity in the corridor, specifically overstay of visa/residence permit, secondary migration, use of air travel, etc. The presentation noted that irregular migration from India is relatively different from irregular migration from other regions. It also underlined that the number of irregular migrants recorded from India was small compared to some of its neighbouring countries.

Two extrapolations can be inferred from the data presented:

- › Presumed Indian citizens (pending confirmation of nationality) who were found to be in an irregular situation by an EU Member State either overstayed their permitted period of stay (as issued in their visa) or incorrect documentation. Such cases were mainly observed in Germany and Austria, which detected the largest numbers of irregular Indians in the EU.

- › Some of those presumed to be Indian irregular migrants were found by EU Member State authorities in an EU member state other than the one they originally held a visa from (due to an absence of internal border checks within the Schengen Zone).

Similarly, the statistics on refusal of entry at the EU border show a distinctive feature for Indian nationals. Compared to its neighbouring countries, a large number of Indian national have a travel document (Indian passport). However, the major reason for their 'refusal of entry' to the EU was due to the absence of valid residence permit or Visa. Statistics also show that the number of Indian nationals being refused at the EU borders have significantly decreased in the past couple of years.

Finally, another important positive indicator noted in the EU-India migration corridor is the high number of visa applications and Schengen visa issuance rate in India (over 1.1 million applicants and 1 million visas were granted in 2019¹), compared to its neighbouring countries (Pakistan, Bangladesh and Afghanistan).

LATEST MIGRATION-RELATED POLICY DEVELOPMENTS IN THE EU

At the policy level, various updates on the recently announced EU Pact on Migration and Asylum as well as various accompanying initiatives were shared by both representatives from DG HOME. These offer a starting point for a common integrated European framework that will set out the principles and structures needed for migration and asylum policy.

- › The comprehensive approach proposed under the New Pact on Migration and Asylum aims at introducing more efficient asylum and faster return procedures, rethinking the balance between solidarity and responsibility sharing and strengthening partnerships with partner countries.

1. As per FRONTEX data for 2019

- › An important pillar of the [New Pact on Migration and Asylum](#) is related to the external dimension of migration. This significant external component seeks to establish tailor-made and mutually beneficial partnerships that will help address common challenges such as migrant smuggling. In addition, it will help develop legal pathways and will tackle the effective implementation of readmission agreements and arrangements.
- › In practice, it will include stepping up cooperation on return, readmission and reintegration with partner countries through the effective implementation and development of EU readmission agreements and arrangements, mobilisation of different policies and tools alongside readmission cooperation and promotion of voluntary return and reintegration.
- › The EU also adopted last year new rules on short-stay visas. This makes it easier for travellers to apply for a visa to come to Europe, facilitating tourism, trade and business, while providing more resources for countering irregular migration risks and threats to internal security. Under the new rules, the Commission is conducting a yearly assessment of how third countries cooperate with the EU on readmission and will use the report's findings to engage partner countries where improvements are needed, as part of the comprehensive approach on migration. Under the [revised Visa Code](#), the Commission could also make use of the possibility to propose more restrictive or more

favourable visa measures based on readmission cooperation, whilst taking into account the Union's overall relations with the countries concerned.

- › Further, with the objectives of helping partner countries to increase the uptake of voluntary return and ensure sustainable reintegration, the EU has developed a comprehensive framework through the introduction of the first [EU strategy on voluntary return and reintegration](#).
- › The strategy aims to address some of the key existing challenges through a seven-pillar approach. This includes a more effective legal and operation framework, effective return counselling and referral, enhanced coordination between all stakeholders including institutions in partner countries supporting the return and reintegration of migrants from EU as well as between partner countries, fostering sustainability of reintegration support and ownership of partner countries.
- › Another key policy development that was highlighted as part of the new pact on migration and asylum was the [EU-action plan against migrant smuggling \(2021-25\)](#). Some of the important priorities under the plan includes combatting criminal networks, enhancing cooperation with partner countries and ensuring general support to law enforcement mechanisms.

GOVERNMENT OF INDIA'S EFFORTS FOR AWARENESS RAISING, PREVENTING AND TACKLING IRREGULAR MIGRATION

India is an important player in global migration dynamics and has the largest diaspora population in the world adding up to approximately 32 million people out of which, around 2.8 million are residing in Europe². The country has established various collaborative frameworks both domestically and internationally to facilitate safe, orderly and regular migration. In this regard, the representative of the Government of India (GoI) noted the significance of the CAMM as a recognition of the migratory movement between India and Europe. Further, addressing irregularity in the migration cycle as a complex phenomenon, the MEA representative highlighted the various response measures taken by the government at the international, bilateral, national, and state levels to prevent irregular migration and combat human trafficking.

- › At the international level, India is a signatory of the Global Compact on Migration (GCM) and the UN convention on transnational organised crimes and accompanying protocol

to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000) and the Protocol against the Smuggling of Migrants by Land, Sea and Air (2000).³

- › At the bilateral level, India has been cooperating with several EU member states to establish legal channels of mobility thereby diminishing the need/desire for irregular pathways. As a result, India has signed Labour/Migration Mobility Partnership Agreements (LMPAs) with France in 2018, and more recently with the UK. Similar agreements are being negotiated with some individual EU Member States: Austria, the Benelux countries (jointly), Germany, Italy, and Portugal. These bilateral instruments also include provisions regarding return and readmission. To this extent, the speaker noted India's conformity to readmission as an obligation under international law (once the identity is validated by Indian authorities) and promotion of voluntary return to India and vice versa.

2. As per MEA data- http://mea.gov.in/images/attach/NRIs-and-PIOs_1.pdf

3. <https://www.unodc.org/southasia/en/frontpage/2011/june/significance-of-the-untoc-to-address-human-trafficking-interview-with-mr-g-k-pillai.html>

- › At the national level, various efforts by the government are largely governed by three fundamental acts that constitute the policy framework from and to India. These are the Indian *Emigration Act, 1983, the Indian Passports Act, 1967 and the Foreigners Act, 1948*. The Emigration Act established the office of the Protector General of Emigrants whose main activities focus on the welfare and protection of Indian citizens destined for employment abroad including their grievance redress. Along with it, other functions include monitoring and regulation of recruitment agents, and initiating action against illegal overseas recruitment, which is an important aspect of preventing irregular migration and human trafficking.
 - › It was also noted that a new Emigration bill is in the pipeline for 2021 which will set up a comprehensive framework under a 'Bureau of Emigration Administration' to check fraudulent recruitment practices, which has been the major cause of irregular migration.
 - › Another transformational initiative of the Government of India is the e-Migrate system. This online portal brings transparency to the migration process and checks fraudulent recruitment promptly, by electronically linking all the relevant stakeholders (Protector General of Emigrants (PGE), Bureau of Immigration, Office of Protector of Emigrants (POE), Indians missions, recruitments and insurance companies) to the portal to provide transparent and accessible service. Currently, the portal is in the process of upgrading (version 2.0) that will ensure improved automation and data capturing abilities to better suit the emigration ecosystem.
 - › Within the Indian recruitment ecosystem, apart from certified and approved private recruitment agencies (RAs), there are also Government RAs. The purpose of government entering the recruitment cycle is to check cheating and fraud and also to curb on clandestine flows to destination countries. PoE offices across the length and breadth of the country keep an eye on instances of fraud and cheating.
 - › Additionally, there are several migrant awareness rising initiatives introduced, including the flagship Pre-Departure Orientation Training (PDOT) program. Currently, over one hundred thousand workers have received the training, sensitizing them to the benefits of safe and legal migration and also raising awareness on the perils of using irregular migration channels⁴. Furthermore, media campaign with the motto "Surakshit Jao, Prashikshit Jao" (translated to 'Go Safe and Go Trained') run on television and radio in Hindi and regional languages throughout the country and particularly in the major labour exporting Indian states.
- The main target of these trainings remain Indian citizens (lacking a high school diploma) and destined to take up low or semiskilled employment in "Emigration Check Required" countries⁵. A PDOT handbook is also under development – within the EU-India CAMM project – targeting Indians travelling to the EU⁶.
- › India Centre for Migration (ICM) has developed a range of publicity material on awareness generation like handbooks, posters and flyers. Two new additions have been on Aspiring Women Workers and for law enforcement agencies.
 - › The Government's effort for migrant welfare and support is also extended through assisting Indian migrants through welfare initiatives like the Indian Community Welfare Fund (ICWF), which provides aid to Indians in distress abroad.
 - › To combat human trafficking, the government has put several legislative mechanisms and administrative interventions. The National Crime Records Bureau in India collects data on human trafficking (since 2014). At the policy front, the Ministry of Home Affairs has established Anti Trafficking cells across the country to deal with matters relating to law enforcement response on trafficking in human beings and act as focal points for effective communication with the state and central governments. Further, people found to be indulging in abusive practices and sending people through clandestine means are actively tracked and imposed penalties and blacklisted.
 - › Currently the Ministry of Women and Child Development is also working toward developing a trafficking of person bills, which holds provisions for stringent anti trafficking laws⁷.
- Going forward, the MEA noted the need to consider practical and tailored measures related to pre-departure, admission, stay and return in legislation and policies of individuals in an irregular situation with a particular focus on women, children and vulnerable migrants. Along with tackling the issue of irregular migration, the representative also emphasised the necessity for both EU and India to enhance cooperation on diversifying ways to facilitate safe and legal migration both for short and long term in an atmosphere of mutual respect for laws and regulations of sovereign nation states.

4. As per MEA data available, as of July, 2021.

5. <https://www.mea.gov.in/emigration-abroad-for-emp.htm>

6. Similarly, the EU, under leadership of the UK, ran an information campaign in 2018-19 centred on Punjab.

7. <https://prsindia.org/billtrack/the-trafficking-of-persons-prevention-protection-and-rehabilitation-bill-2018>

Practical Cooperation on Return and Readmission Processes and Procedures between EU Member States and Government of India

- › **Ms. Stephanie Goos**, Belgian Ministry of Interior (IBZ)
- › **Mr. Thomas Jacobse**, Repatriation and Departure Service (DT&V), Ministry of Justice and security, Netherlands
- › **Ms. Christine Oberauer**, Ministry of Interior, Austria
- › **Mr. Ruud van Lieshout**, European Return and Migration Liaison Officer (EURLO)

Moderator: Mr. Naozad Hodiwala, Country Coordinator for India, ICMPD

The focus of this session was to improve mutual understanding of the practical cooperation modalities that exist between the EU Member States and Indian authorities relevant to return and readmission procedures and processes. Representatives of Austria, Belgium and Netherlands noted the improved and enhanced communication and cooperation between the Government of India, especially between the Indian embassies and EU member states on migration management issues. However, speakers also drew attention to the need to improve cooperation in certain areas including:

- › **The need for cooperation concerning transit migrants**, as they often fail to submit any identity documents and provide false documents in order to avoid their return to India. Additional attention may be paid to transit migrants by increasing awareness through information campaigns. For example, in 2018-19, information campaigns were organized in Belgium with posters, flyers and road signs addressing the issue of transit migrants. In the past, Belgian authorities had also organized information campaigns in India to inform locals on the dangers of irregular migration using different mediums such as road shows, music and theatre, which had a considerable impact on the number of irregular arrivals in Belgium.
- › **Timely and effective nationality verification process of irregular migrants** identified as Indian by the destination country's authorities. In this regard, speakers from different EU member states noted the important role of Indian embassies and the need for efficient processes to be defined (especially in circumstances when the individual is identified as an Indian national by the host authority, but lacks any identity documentation to facilitate the verification procedure on the Indian side). In such instances, the use of biometric data is one area where Member States called for improved cooperation.

- › **Memorandums of Understanding (MoUs)** were highlighted by Member States as a possible instrument to improve cooperation on return and readmission and highlighted ongoing negotiations with India. For example, the Dutch representative noted the ongoing negotiations with India on behalf of Benelux countries on migration and mobility, and on visa waiver.

To address the issue of nationality verification, EU Member States suggested various practical recommendations such as:

- › Developing a joint Standard Operating Procedure (SOP) for nationality verification and emergency travel certificate (ETC) issuance, where efficient procedures, processes, and timelines could be mutually agreed upon;
- › When physical interviews are not possible, a joint interview process through video conferencing may be considered especially when written communication can be delayed;
- › Use of biometric tools such as fingerprint verification, or the use of the one-time host authority travel document for return purposes (for ex. the EU Travel Document for Return Purposes).

Additionally, the European Return and Migration Liaison Officer (based in Dhaka) responsible for India also expressed his interest in supporting return and reintegration efforts of Indian irregular migrants.

In response to the comments and suggestions from the various EU member states representatives, the Government of India confirmed its strong commitment, highlighted some of the measures that are being taken at the national level to quicken the nationality verification process (provided in the box below) and would come back on some of the points made by EU representatives.

Recent Initiatives by the Government of India

Nationality Verification Portal

- › The online [Nationality Status Verification Portal](#) is set up by the Ministry of External Affairs to ensure a timely nationality verification of presumed Indian citizens. The portal is a significant step towards reducing the time taken by each actor at different (national, state and district) level to verify the documents and communicate their findings. Through this portal, the verification request uploaded by Indian embassies are now available in real time to all the different stakeholders in the process and does not have to go through each agency in a sequential manner. However, this is only a first step towards enhancing the nationality verification procedure. The process gets complicated and leads to a low success rate, when an identity document (passport or any other document) is not received by the Indian Mission. This leads to a further delay in the return and readmission process.
- › Additionally, under the [Passport Seva Programme \(PSP\)](#) of Ministry of External Affairs (MEA), various efforts to digitalize the passport services through initiatives such as [DigiLocker](#) and [mPassport Police](#) and [mPassport Seva Apps](#) has led to improvements in systems and customer satisfaction. The production of e-Passports would be another step that would enhance the nationality verification procedure.

Concluding Remarks

- › **Mr. Mauro Gagliardi**, Acting Head of Unit, Irregular Migration and Returns, DG HOME, European Commission
- › **Mr. Yogeshwar Sangwan**, Joint Secretary (OE) and Protector General of Emigrants (PGE), Ministry of External Affairs (MEA), Government of India Representative, Co-Chair

The virtual exchange highlighted an interesting level of convergence between both parties (the EU and India) on their respective policy and actions to prevent irregular migration and human trafficking. Several key policy developments and initiatives relevant to the EU-India migration corridor were shared and the commitment of both sides towards return (if possible voluntary) and readmission was reaffirmed. Various EU member state representatives also commented on their improved and enhanced communication - and cooperation - between the Indian embassies and host authorities on return and readmission issues. Considering the strong commitment and interest by both India and the EU, participants noted that the virtual exchange is a starting point to resume bilateral discussions on the topic of irregular migration and highlighted the opportunity for better cooperation through follow-up activities.

As a way forward, some of the possible measures suggested by the EU member states included technical discussions on some of the challenges identified in the virtual discussion, including exploring the feasibility of carrying out nationality verification procedures of irregular migrants via virtual conference calls. Participants also expressed an interest in holding a joint consular **workshop to enhance best practice and mutual understanding of nationality verification procedures**, including the use of existing biometric or technical tools.

To conclude, both EU and Indian representatives underlined the need to continue the discussion on the topic of irregular migration and noted that the outcomes of the virtual discussion would contribute to the EU-India High Level Dialogue on Migration and Mobility.

Annex 1: List of Attendees

Ministry of External Affairs, India

1	Mr. Yogeshwar Sangwan	JS, Overseas Employment (OE) Division, Protectorate General of Emigrants (PGE), Ministry of External Affairs (MEA)
2	Mr. Abbagani Ramu	Joint Secretary, Overseas Indian Affairs-I, MEA
3	Mr. Raj Kumar	Under Secretary, Overseas Indian Affairs-I, MEA
4	Dr. Surabhi Singh	Chief Administrative Officer, India Centre for Migration (ICM)
5	Ms. Priyadarshika Subba	Research Assistant, ICM

EU Delegation to India

6	H. E., Raimund Magis	Deputy Ambassador
7	Mr. Benoît Sauveroche	First Counsellor - Migration and Home Affairs

European Commission - DG HOME

8	Ms. Silvena Pesta	Deputy Head of Unit, International Affairs Unit, DG HOME
9	Mr. Mauro Gagliardi	Acting Head of Unit, Irregular Migration and Return Unit, DG HOME
10	Mr. Marco Funk	International Relations Officer, International Affairs Unit, DG HOME
11	Mr. Bruno De Boni	Senior expert, Irregular Migration and Return Unit, DG HOME
12	Ms. Silvia Mosneaga	Policy officer, Irregular Migration and Return Unit, DG HOME
13	Ms. Edyta Bera	Coordinating Officer, European Centre for Returns, Operational Response Division, FRONTEX
14	Ms. Paul Voss	Risk Analysis Unit, FRONTEX
15	Mr. Ruud van Lieshout	European Return and Migration Liaison Officer (EURLO)

EU Member State Representatives

16	Ms. Christine Oberauer	Ministry of Interior, Austria
17	Ms. Thomas Jacobse	Repatriation and Departure Service (DT&V), Ministry of Justice and security, Netherlands
18	Ms. Stephanie Goos	Belgian immigration office (IBZ)

ICMPD

19	Ms. Sedef Dearing	Head of Regional Office for South and West Asia, ICMPD
20	Mr. Naozad Hodiwala	Country Coordinator for India
21	Mr. Ameen Arimbra	Associate Project Officer, EU-India CDMM

ILO

22	Ms. Seeta Sharma	Project Manager, ILO New Delhi
23	Ms. Shruti Rane	Research Assistant, ILO New Delhi

