



## **CARIM INDIA – DEVELOPING A KNOWLEDGE BASE FOR POLICYMAKING ON INDIA-EU MIGRATION**

Co-financed by the European Union

### ***Proceedings of the National Consultation Workshop on Facilitating Safe and Legal Migration and Prevention of Irregular Migration***

***6 and 7 September 2012, organised by  
the India Centre for Migration (ICM), New Delhi***

CARIM-India Research Report 2013/18



© 2013. All rights reserved.  
No part of this paper may be distributed, quoted  
or reproduced in any form without permission from  
the CARIM-India Project.



**CARIM-India**  
**Developing a knowledge base for policymaking on India-EU migration**

**Research Report**  
**Training Session Report**  
**CARIM-India RR2013/18**

**Proceedings of the National Consultation Workshop on Facilitating Safe  
and Legal Migration and Prevention of Irregular Migration**

**6 and 7 September 2012, organised by the India Centre for Migration (ICM),  
New Delhi**

© 2013, European University Institute  
Robert Schuman Centre for Advanced Studies

This text may be downloaded only for personal research purposes. Any additional reproduction for other purposes, whether in hard copies or electronically, requires the consent of the Robert Schuman Centre for Advanced Studies.

Requests should be addressed to [India-EU.Migration@eui.eu](mailto:India-EU.Migration@eui.eu)

If cited or quoted, reference should be made as follows:

India Centre for Migration (ICM), Proceedings of the National Consultation Workshop on Facilitating Safe and Legal Migration and Prevention of Irregular Migration - 6 and 7 September 2012, organised by the India Centre for Migration (ICM), New Delhi, CARIM-India RR 2013/18, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): European University Institute, 2013.

THE VIEWS EXPRESSED IN THIS PUBLICATION CANNOT IN ANY CIRCUMSTANCES BE REGARDED AS THE OFFICIAL POSITION OF THE EUROPEAN UNION

European University Institute  
Badia Fiesolana  
I – 50014 San Domenico di Fiesole (FI)  
Italy

<http://www.eui.eu/RSCAS/Publications/>  
<http://www.india-eu-migration.eu/publications/>  
<http://cadmus.eui.eu>

## **CARIM-India – Developing a knowledge base for policymaking on India-EU migration**

This project is co-financed by the European Union and carried out by the EUI in partnership with the Indian Council of Overseas Employment, (ICOE), the Indian Institute of Management Bangalore Association, (IIMB), and Maastricht University (Faculty of Law).

The proposed action is aimed at consolidating a constructive dialogue between the EU and India on migration covering all migration-related aspects. The objectives of the proposed action are aimed at:

- Assembling high-level Indian-EU expertise in major disciplines that deal with migration (demography, economics, law, sociology and politics) with a view to building up migration studies in India. This is an inherently international exercise in which experts will use standardised concepts and instruments that allow for aggregation and comparison. These experts will belong to all major disciplines that deal with migration, ranging from demography to law and from economics to sociology and political science.
- Providing the Government of India as well as the European Union, its Member States, the academia and civil society, with:
  1. Reliable, updated and comparative information on migration
  2. In-depth analyses on India-EU highly-skilled and circular migration, but also on low-skilled and irregular migration.
- Making research serve action by connecting experts with both policy-makers and the wider public through respectively policy-oriented research, training courses, and outreach programmes.

These three objectives will be pursued with a view to developing a knowledge base addressed to policy-makers and migration stakeholders in both the EU and India.

Results of the above activities are made available for public consultation through the website of the project: <http://www.india-eu-migration.eu/>

*For more information:*

CARIM-India

Robert Schuman Centre for Advanced Studies (EUI)

Convento

Via delle Fontanelle 19

50014 San Domenico di Fiesole

Italy

Tel: +39 055 46 85 817

Fax: + 39 055 46 85 770

Email: [India-EU.Migration@eui.eu](mailto:India-EU.Migration@eui.eu)

**Robert Schuman Centre for Advanced Studies**

<http://www.eui.eu/RSCAS/>





**Team ICM**

#### *About ICM*

The India Centre for Migration (ICM) is a 'not-for profit' society established by the Ministry of Overseas Indian Affairs (MOIA) in July, 2008 to serve as a think tank on all matters related to international migration. The ICM undertakes empirical, analytical and policy related research, implements pilot projects to document good practices and assists in capacity building at the sub-national level amongst stakeholders in the field. The mandate of the Centre is to devise and execute medium to long term strategies to enable Indian emigrant workers and professionals to move up the value chain and to position India as a preferred source of qualified, skilled and trained human resources across a wide gamut of sectors.

#### *Vision*

The ICM seeks to lead 'evidence based' work on international migration to support informed policy making and enable strategic interventions for a coherent and harmonised response to the transnational movement of people.

#### *Mission*

To further its vision, the ICM partners with individuals, institutions and governments to drive empirical, analytical and policy related research; enhance capacities and pilot good practices in international migration and its governance.

## A. Executive summary

The “National Consultation Workshop on Facilitating Safe and Legal Migration and Preventing Irregular Migration” was organised by the India Centre for Migration (ICM) on the 6<sup>th</sup> and 7<sup>th</sup> of September, 2012 under the India-EU Project, “Developing a Knowledge base for Migration Policy Making on India EU Migration.” The venue of the Workshop was the Claridges, New Delhi.

The response to the Workshop was encouraging. It was well attended, with more than a hundred participants which included senior officers of the Central and State governments, representatives of the EU Delegation in India, representatives of the EU Member States in India including the Ambassador of Greece to India, members of civil society organisations (CSOs), judicial bodies from across India and distinguished academics. Representatives of intergovernmental bodies such as the International Labour Organisation (ILO), UN Women, and the International Organisation for Migration (IOM) were also present as observers.

The objective of the Workshop was to create awareness and disseminate information related to irregular migration from India to the EU. The priority for the Indian government to curb irregular migration is clear for a number of reasons. Irregular migration is known to not only undermine the rule of law and exert a heavy toll on the migrants themselves but also weakens public support for immigration and gives rise to a backlash that extends to legal migration as well. The Workshop therefore sought to explore the links between opportunities for safe and legal migration and the risks of irregular migration. It also sought to highlight the challenges faced in preventing irregular migration in order to identify the ingredients of a suitable governance structure at sub-national level to combat irregular migration. Through case studies, sharing of information on campaigns for building awareness on the risks of irregular migration and experience of officers ‘on the ground’ in key labour emigration states in India such as the Punjab and Andhra Pradesh, the Workshop helped underscore the need for a sub-national framework to tackle irregular migration.

The one and a half day Workshop revealed that any attempt to curb irregular migration must first be addressed on the basis of an evidence-base wherein relevant data is available to identify the root causes of irregular migration, modes and strategies employed by those involved in facilitating irregular migration so as to enable the state to stay ahead of unscrupulous agents. Joint integrated training for officers involved in migration management was also suggested. Furthermore, the Workshop emphasised that a constructive state level strategy in India would require not only working with the migrants but also their families, the community and civil society organisations. A number of participants at the Workshop also mentioned the need to stop viewing “irregular” migrants as criminals. Instead, governments need to ensure that the human rights of these persons are not violated and adequate assistance is offered at both ends of the migration pathway.

The Workshop offered both India and the EU a chance to know each other’s perspectives and efforts undertaken to curb irregular migration and thus indicate a possible roadmap for future cooperation. At the end of the Workshop, there was by and large an understanding that there needs to be a focus on *outreach*, *capacity building*, finding better ways of driving *evidence based research* and also on *cooperation in exchanging good data* that will help in understanding the problem better and also finding solutions to the problem.

The Workshop was successful on all accounts. The ICM looks forward to organizing more of such fruitful workshops in the coming months under the aegis of the India-EU project. The tentative themes of the next few workshops include women and migration and student mobility among others.

The present report on the proceedings of the “National Consultation Workshop on Facilitating Safe and Legal Migration and Preventing Irregular Migration” collates recommendations made by various speakers and may not be deemed as decisions of ICM.

## Day I

### B. Session I: Inaugural Address

#### **Welcome Address and Overview of the Workshop Mr. G. Gurucharan, former CEO, ICM**

Mr. Gurucharan welcomed everyone present. He extended special thanks to the panellists for participating in the workshop despite their busy schedules.

He outlined why the workshop holds a lot of importance for the Government of India. The first reason is India's experience. India is a major country of origin and also of destination and therefore has hands-on experience of actually dealing with large numbers of irregular migration. Along with this, India has also handled the challenge of development from what was a poor underdeveloped country to an emerging economy. According to him, India's experience in dealing with the interplay of the two processes of development and migration is unmatched. India can therefore add value to the discourse on international migration and help develop a migration praxis framework that will not only be robust and equitable but will probably look at the concerns of countries of origin as also the countries of destination.

The second reason for the importance of the workshop as pointed out by Mr. Gurucharan is that it will be the beginning in developing a national framework in which the major states of origin in India will become a part of the team that will enhance migration governance. The third reason is the fact that India is committed to address not just the problem of migration but the problem of irregular migration as well. The workshop is just a beginning.

Mr. Gurucharan spoke of the outcomes that extend well beyond the workshop. He mentioned that the Inter- Ministerial Group chaired by Secretary, MOIA which has already constituted a Task Force to combat irregular migration and it has been mandated with a specific task of developing a sub national framework to combat irregular migration.

In conclusion, Mr. Gurucharan remarked that the National Consultation workshop is ICM's small way of saying that, ***"We would rather build bridges than we would build walls"***.



## EUI Project Background

**Dr. Kathryn Lum, Research Assistant, CARIM India, Robert Schuman Centre for Advanced Studies, EUI, Florence**

Dr. Lum outlined the broad contours of the India- EU project. The academic and policy related project started in January 2011 with four partners: ICM, Delhi, IIM Bangalore and Maastricht University (Faculty of Law), the Netherlands and the EUI in Florence.

She spoke of the project's four broad planks.

The first plank being empirical and evidence based research on the various facets of Indian immigration to the EU. This research is both quantitative and qualitative in nature and is interdisciplinary.

The second plank of the project is data base development. Currently a data base comprising three different modules is being considered; a demographic module, a legal module and a socio- political module. The emphasis of this data base is mostly quantitative but also in part qualitative and especially designed for policy makers, for those who want complete information on the different status of Indian population in the EU.

The third plank is various workshops on specific themes. Dr. Lum mentioned that the first of this is the Workshop on Irregular Migration organised by the ICM.

And, the fourth plank is dissemination, which will be the dissemination the research results, which will take place both in the EU and in India.

Dr. Lum emphasised the importance of the project as it reflects the commitment of the EU to strengthen EU- India dialogue and improving EU- India relations. It also shows the strategic importance of India, as in the past a lot of academic funding was flowing to East Asia, China in particular and this is now changing. India increasingly is also being assigned the importance it deserves within the academic field.

Dr. Lum invited everyone present to consult the website [www.migrationpolicycentre.eu](http://www.migrationpolicycentre.eu) which she assured will continue to grow.

### **EU Global Approach on Migration and Mobility Mr. Pavel Svítal, Chargés d’Affaires, EU Delegation to India**

Ambassador Svítal remarked that he was pleased to be at the National Consultation Workshop. He spoke of some aspects of the EU Global Approach on Migration and Mobility, which is the overarching framework of the EU’s External Migration Policy.

He began by explaining the EU's approach to migration and the challenges faced by the EU. He pointed out the demographic deficit that Europe is likely to face and the consequent labour shortages and skill gaps which will continue to persist even with high levels of unemployment. He was of the opinion that migration and mobility could support economic growth in Europe but also pointed out immigration cannot be the only solution. He stated that the reality is that many Member States will not be able to meet their future labour needs with a purely home-grown or even EU-wide workforce so Europe will increasingly need skilled workers and talented professionals from outside its borders.

Mr. Svítal spoke of EU’s positive approach to migration and mobility. It recognises mobility as essential right for its citizens – as a part of four basic freedoms anchored in EU treaties - free movement of goods, services capital and working force. He pointed out the difference between Americans and Europeans. According to him, Europeans are more conservative and less ready compared to Americans to move to get new job. The influx of newcomers legally or illegally can create cultural misunderstanding, tensions and even conflicts in Europe and he gave some examples.

He mentioned the importance of standing up against the rising tide of anti-immigrant rhetoric. Unscrupulous politicians have been quick to recognise and exploit people's fears, blaming migrants for our economic woes. Mr. Svítal emphasised that this should be countered with facts and with the recognition that reliable evidence is the best defence.

The second key requirement according to Mr. Svítal is close cooperation with partner countries. While focusing on the EU's labour markets and societies, EU is not losing sight of the bigger picture. At the bilateral level, the GAMM focuses on a relatively limited number of key partners. In Asia special emphasis is placed on EU’s long-term strategic partner India.

Another requirement is deeper engagement with stakeholders. Governments cannot make effective migration policies in isolation. They need to talk with business and industry, with international organisations and with academics.

Mr. Svítal stated that India is at the forefront of renewed EU global approach as it is the first third country in Asia with which the EU has held a new generation bilateral dialogue. In order to increase its cooperation the EU is funding projects on the issue in India. The EU has two other projects: one, focusing on enhancing the protection of Indian migrant workers in Oman, and the other proposed project focuses on promoting circular migration of health professionals and skilled workers between origin countries India, Philippines and Vietnam and recipient countries in Europe. It will be implemented by the ILO in collaboration with the Ministry of Overseas Indian Affairs in India.

In the area of prevention of irregular migration, the EU has in the pipeline a technical assistance cooperation project to help the Government of India in developing a robust sub-national framework of data collection, while building capacity at the local and national government level. Once fully operational this project will contribute to India's concrete efforts on preventing and fighting irregular migration.

Mr. Svitil remarked that the EU believes that the two-day Workshop is a further step in the collective endeavour aimed at preventing and fighting irregular migration and promoting safe and legal migration. He wished all the participants to fully benefit from the consultation and thanked the India Centre for Migration and particularly its former CEO, Mr. Gurucharan and his team for having organised it.



### **Inaugural Address**

#### **Mr. Parvez Dewan, Secretary, Ministry of Overseas Indian Affairs (MOIA)**

Secretary Dewan began the inaugural address by expressing his delight at the strong and wide participation at the Workshop.

He mentioned that the challenge of combating irregular migration is complex, transnational and has deep roots in fundamental structural dichotomies of modern day societies. This challenge cannot be met by policing alone or indeed without the active participation of civil society. Nor can it be addressed in isolation of the global economic imperative of transnational mobility of people and skills.

Despite recent prospects of rapid economic growth in some of the highly populated emerging economies, the economic divergence between the rich and the poor countries is wider today than at any time in human history.

He remarked there is a need to address the problem of a world profoundly divided between the haves and the have-nots. There are an estimated 215 million migrants worldwide. That is one in every thirty people. Migration is not new to humankind. The developed world is home to 14% of the world's



population and commands 73% of global income and in such an unequal world, it is inevitable therefore, that people should want to migrate.

Managing migration to transform it into a humane, orderly, and mutually beneficial process is a challenge that faces all nations and all regions of the world. Yet, we live in a world in which the free movement of capital, goods, and technology is seen as a virtue, but also one in which the movement of people is rendered more difficult than ever in the past. Ironically, in a rapidly globalising world, legal migration is being rendered increasingly difficult.

Secretary Dewan pointed out that the result of this has been the worst of both worlds – a considerable increase in irregular migration.

According to estimates, there are a few million irregular migrants in the EU, who despite their status contribute 7-10 per cent of the GDP. In the US too estimates indicate that there are several million irregular immigrants. One in five of all agricultural workers are illegal. Every fifth janitor is an illegal. Every seventh construction worker is an illegal. Deporting these illegals would cause a severe dent on the economies of both these regions.

He spoke of the efforts in the Ministry to transform international migration into an efficient, transparent, orderly and humane process and at the same time to actively discourage and prevent illegal migration. To facilitate this, there has been an attempt to modernise the law that governs migration and efforts to closely work with the states to develop a sustainable and robust sub-national framework to combat irregular migration. There have also been a slew of measures to reform the emigration regulation system including the revamping of the recruiting agents system, eliminating unscrupulous intermediaries, unregistered agents and crime cartels and making law enforcement prompt and effective. There has also been an attempt to proactively pursue regional cooperation between the major sending and receiving countries both on the bilateral and the multilateral modes. The protection and welfare of regular migrant workers is at the centre of these efforts. There is an important role that the media and civil society must play in these efforts of the government.

In conclusion, Secretary Dewan remarked that there is a need to respond to the challenge posed by unscrupulous intermediaries in a responsible manner. It is imperative that a strong partnership emerges between government, civil society and the community. The National Consultation workshop is an important step in these efforts.

He wished the workshop all success.

### **Keynote Address**

#### **Dr. Ryszard Cholewinski, Migration Policy Specialist, International Labour Organisation (ILO)**

Dr. Cholewinski outlined some of the measures to *prevent or reduce irregular migration* in his address. These ideas are from the Handbook on Establishing Effective Labour Migration Policies which was prepared by the International Labour Organisation (ILO), the International Organisation for Migration (IOM) and the Organisation for Cooperation and Security in Europe (OSCE) in the year 2006. The Handbook was updated and revised in 2007 and tailored to the context of labour migration in the Mediterranean region but according to Dr. Cholewinski, the ideas remain relevant even today despite the context.

The Handbook recognises that regular and irregular migration is intertwined. The IOM-ILO-OSCE Handbook on Labour Migration draws attention to a non-exhaustive list of reasons why it is prudent to try and reduce irregular migration. These reasons were elaborated by Dr. Cholewinski. They are as follows.

First, the successful governance of migration requires maintaining the credibility of policies adopted to facilitate regular or legal migration. It is difficult to obtain public support for legal or regular migration policies, if no or few measures are taken to deal with irregular migration or if it is

effectively tolerated by the authorities. Migrants in an irregular situation perform necessary economic tasks, particularly in times of growth. It cannot be denied that irregular migrants do meet labour demands in destination countries, particularly in lower-skilled sectors such as agriculture, construction, hospitality, and domestic work. They create a flexible workforce which can easily be dispensed with during economic downturns. It has been contended that governments may turn “a blind eye” to the presence of irregular migrant workers, because they recognize the short-term advantages of such a flexible labour force for employers and the national economy.

Second, it is important to address irregular migration to ensure satisfactory salary levels and working conditions for national workers and lawfully resident migrant workers. The presence of irregular migrants can depress wage levels and working conditions for all workers, particularly in the low-skilled sectors of the economy.

Third, effective measures to prevent or reduce irregular migration help avoid the creation of entire employment sectors and enterprises wholly dependent on irregular migrant workers.

Finally, an important reason for addressing irregular migration is the protection of migrants in an irregular situation with a view to preventing their exploitation by abusive employers, private employment or recruitment agencies (including their intermediaries or agents), and smugglers and traffickers.

Dr. Cholewinski stated the comprehensive and holistic approach to addressing irregular labour migration mentioned in the Handbook which is underpinned by four governing principles. The first is that an isolationist approach is bound to fail. Strengthening genuine dialogue, cooperation and partnerships on an equal footing between all countries affected by irregular migration (i.e. origin, transit and destination countries) is therefore critical. Second, it is necessary to adopt a set of measures that are both comprehensive and complementary. Third, control or restrictive measures alone are insufficient. Unfortunately, there continue to be significant differences among policymakers in this regard depending on whether, for example, a security or a rights-based approach to international migration is adopted. While large flows of irregular migrants (if indeed they are properly documented as such) may legitimately be considered in national security terms by the countries affected, restrictive policy responses are frequently disproportionate to what is actually happening on the ground and are fuelled by irrational fears and negative media reporting. Mr. Cholewinski emphasised that it is important to recall that migrants in an irregular situation, as human beings and as workers, have human and labour rights. Consequently, protection of the basic rights of irregular migrant workers needs to be an important ingredient in the comprehensive set of measures to prevent or reduce irregular labour migration, and can also be a useful tool in addressing the informal labour market.

Fourth, a cross- or multi-sectoral approach is essential, engaging not only the participation of all pertinent parts of governments in the countries affected by irregular labour migration, but also social partners and civil society organizations. In particular, the problems of the informal labour market cannot be adequately addressed without the participation of employers and trade unions who are the key actors in the real economy.

Dr. Cholewinski mentioned the following series of measures envisaged in the Handbook at all stages of the migration process: activities in countries of origin and transit; non-discriminatory border controls and articulation of a viable and fairly applied visa policy; measures against those who facilitate irregular migration and exploit undocumented migrants; safeguards for migrant workers in an irregular situation; appropriate measures in the return process; opening up more legal channels for labour migration; regularization or legalization programmes; and international cooperation.

He also highlighted two aspects which he believed were of particular relevance to the workshop. First, activities to discourage irregular or clandestine movements and to prevent related abuses should be taken in both countries of origin and transit. Importantly, such measures should not focus solely on deterring labour migration but also need to include information about regular or legal labour migration



opportunities. The aim should be to ensure that as many migrants as possible move in a lawful manner. The negotiation of bilateral labour migration agreements between origin and destination countries and their effective implementation is an important element of international cooperation and can also play an important role in reducing irregular labour migration between the countries concerned.

● ● ●  
***The only country to have actually enforced the order to leave was the UK, wherein 93 per cent of Indian nationals were ordered to leave and they actually returned either to India or to another country***  
● ● ●

Second, opening up more regular or legal channels for labour migration can contribute to reducing irregular migration, thus reflecting the important link between irregular and regular migration. Migrant workers in an irregular situation clearly fill a gap in the labour markets of destination countries, particularly by undertaking those difficult and unattractive jobs that nationals no longer wish to perform. While not necessarily a panacea for reducing irregular labour migration flows, the demand for migrant workers at all skill levels needs to be addressed. Consequently, opening up more legal channels for labour migration is an integral part of a comprehensive and coordinated policy approach to irregular labour migration. The demand for low-skilled workers, however, is often not officially recognized, thus generating irregular migration.

## C. Session II

### Understanding irregular migration: defining the problem

#### Chair

**Mr. Pavel Svitol, Charges d’Affaires, EU Delegation to India**

Ambassador Svitol began the session by remarking that irregular migration is a problem because it can cause a lot of tension in societies besides also creating problems for migrants, their status and their families. He went on to introduce the panelists and the order of presentations.

#### **Irregular Migrants from India to the EU: Presenting Data from EU Member States**

**Dr. Kathryn Dominique Lum, Research Assistant, CARIM India, Robert Schuman Centre for Advanced Studies, EUI, Florence**

Dr. Lum, through her presentation, focused on the *knowledge deficit* that exists in the discourse of irregular migration. Her attempt at a quantitative overview of the approximate statistics was based on the data by EUROSTAT (2008-11). The presentation highlighted the official policy tools that the EU currently employs to combat irregular migration. These include the Employers Sanction Directive of 2009, the emphasis on readmission agreements etc. The Visa Information System or the VIS is also one of the important innovations being introduced in the South Asia region to combat visa frauds and ease the process for bona fide applicants.

The data presented by Dr. Lum highlighted the fact that the UK remains the top destination for Indian immigrants in the EU. There was a focus on countries where Indian nationals were refused entry, in countries where Indian nationals were present illegally and a focus on those countries from where Indian nationals were ordered to leave. There was a discrepancy between expulsion orders and actual returns between the years 2008 and 2011.

Dr. Lum pointed out that irregular migration is *crisis resistant*. A case in point is the rising numbers of Indian immigrants to the UK and other EU countries.

The alarm that fraudulent student visas have created especially in the UK was also brought to notice. Punjab, Gujarat and Hyderabad in India are the major areas of origin for this nature of irregular migration. The recent checks put in place by the United Kingdom Border Agency (UKBA) to combat irregular migration through this channel was also mentioned.

● ● ●  
***Mr. Kaumudi's suggestions include the need for a dedicated agency; modernization; use of biometrics and free exchange of information. He emphasised that the cornerstone of all conventions has to be mutual legal assistance.***

When compared with nationals of other countries to the EU, it was found that the problem of irregular migration from India is not the top concern for most EU member states with the exception of the UK. A concern that was raised is the condition of the detention centres in countries like Italy and of the dehumanizing conditions that continue to exist. It was acknowledged that the issue is of great importance in both India and the EU.

● ● ●  
**Combating Irregular Migration: The Legislative Framework and the Enforcement Apparatus Extant**  
**Mr. V.S.K. Kaumudi, Additional Director General of Police, Andhra Pradesh**

Mr. Kaumudi began by explaining who a 'legal migrant' is. He spoke of the laws that are associated with legal migration such as the Citizenship Act, the Passport Act, the Emigration Act, and the Indian Penal Code (IPC). He also briefly spoke of the various visa abuse cases. According to him, the large number of young people in India has led to its emergence as a major supplier of labour. This fact has unfortunately also been exploited by unscrupulous agents who lure the youth towards irregular migration. Also, India's extensive land and coastal borders make it more difficult for surveillance to be effective.

He pointed out the enforcement apparatus extant, from the ground level and the agencies involved in combating irregular migration. The roles of the Regional Passport Officer and the Police were emphasised. In fact, until the Bureau of Investigation was in place, it was the Superintendent of Police (district police) who acted as Civil Authority as well as the Registration Officers.

Mr. Kaumudi spoke of the state level initiatives as far as the legal framework is concerned for combating irregular migration. In this regard he mentioned about the efforts by the Government of Punjab to pass the Prevention of Human Smuggling Bill. Giving an example from his own state, Andhra Pradesh (AP), he spoke of how it sets a good example for collaboration between the state and the Central Government with regard to attestation services. The Union of India has borrowed the guidelines against human trafficking from the UNODC. There are anti-human trafficking units (AHTUs) in all the districts of AP. These units have also been institutionalized in Kerala, although more sensitization is required and the notified units need to be in place to tackle the issue of irregular migration.

It's not only the preventive and restrictive regimes that will stop the menace of irregular migration; ultimately people need to be shown the legal channels. Even if legal channels exist, they may not be active or are not very well known. Therefore, there is a visible gap which each state in India needs to identify. Facilitators at the state level include Migration Resource Centres (MRCs) which collaborate with the Central Government and which attempt to counsel, prepare, train and facilitate the process for potential migrants. Educational consultants, recruiting agencies, religious trusts, tour operators, and migrants' rights council are other existing facilitators. The role of NGOs is also significant in tackling the issue of migration.

As far as tackling the issue of illegal migration is concerned there are certain complex push and pull factors involved, which also includes people's rights. Migration is a politically sensitive issue. Vast and

porous borders continue to exist. This along with migration management tends to be a non-priority issue for enforcement agencies. There is clearly a lack of awareness and coordination among them.

### **Tackling Irregular Migration: EU Perspective** **Don Flynn, Director, Migration Rights Network**

Mr. Flynn presented the story of irregular migration from a grassroots perspective. He stated at the outset that migration, especially irregular migration is a policy area full of enigma and paradoxes and may have unintended consequences. To this end, it is vital that all stakeholders strive for more coherence and comprehensiveness in terms of their understanding of the issues. Comparing figures from different sources, one conclusion is that there has been **a decline in irregular migration numbers.**

● ● ●  
***Information sources are problematic because in most cases they are based on apprehension data. This tends to produce a bias in favour of males and towards some visible ethnic minority groups. There is a strong association with the refugee movements in the figures for irregular migration. In 2010, the London School of Economics (LSE) published the most important and comprehensive review which estimated two-thirds of irregular migrants had entered via refugee routes and had remained after being refused protection status.***  
● ● ●

However, the largest incidence (around 70%) of irregular migration occurs because of movement between immigrant statuses. The border situation is the exception in the European context. The number of people who clandestinely cross frontiers knowingly as illegal migrants is very low. **The bulk of it takes place because people are moving from a regular immigration situation to an overstaying situation.**

Though stocks are believed to have declined since 2002, this is masked by localised increases at some borders (MPI – Transatlantic Council on Migration 2011). The initiatives that have come from the EU or FRONTEX, who have produced their own risk analysis, agrees that there has been a downturn in irregular flows. They suggest although quite speculatively that this might change once the European economy begins to pick up again.

Migration is an essential feature of the life of Europe but public opinion is against welcoming immigrants. Europe, therefore, needs a better perspective on how to manage all of this and this is where the **paradox of ‘super selectivity’** plays a major role, which was once used by the UK government officials to describe their approach to managing migration. The effect of proliferation is that it makes it far more expensive for people to migrate. The other area of conflict lies with the increase of the number of agencies which are required to police irregular migration.

Mr. Flynn remarked that according to figures, irregular migration is not such a big problem for Europe. The issue is the negative public perceptions of migration and reluctance of political groups to argue for difference in perceptions. The way forward is when the stakeholders, the people who live and work and make use of the services of the migrants become clearer on the way they manage the system, how they positively engage with these issues and how they offer a *positive* narrative to the public.

#### **Discussion:**

- I. Question: ***Would it be necessary to launch awareness campaigns for the political leaders so that they have a better perspective on migration issues? Has there been a decline in numbers of persons who are either caught or sent back? Have the awareness campaigns been successful?***

Ans. The decline in the official Eurostat data does not actually represent a real decline in the numbers because the Eurostat data cannot capture the full reality or all the dimensions of irregular migration. It could only mean that increasingly irregular migrants are escaping detection.

With regards to awareness programmes, the political leaders are quite aware of the situation. The question really is if they want to address it.

Another view suggested that the awareness campaigns ought to be directed to public officials so that they actually get a sense of the dimensions of the issues that they are dealing with.

II. Question: *Does addressing rights of irregular migrants complicate the issue?*

Ans. Migrants will fight for their rights, whether or not this is formally acknowledged by the public authorities. Migrants would not give up and certainly not go home; on the contrary they are likely to go even deeper into civil society in order to find ways to survive.

Another view suggested that the rights of migrants should be protected and the law is very clear on this.

III. Comment: *Numbers can sometimes be misleading. We have to be very particular about quoting figures as it may or may not give the right picture. The European Commission speaks of irregular migration. The presence of Irregular immigrants is a part of the financial problems of the day. The second biggest problem is that of irregular migration. While there is a need to protect the rights of the migrants, what about the locals?*

Reply: In absolute terms, three million migrants in Europe is simply not a big number, considering the resources and the wealth it has, the dynamism of its economy etc. A lot of problems in Europe come from the peculiar state of the fact that its borders are controlled by the poor members with scarce resources and severely affected by the current economic crisis, whereas the demand for irregular immigrants (cheap labour) is driven by the northern countries. The political problem that is confronted by these countries is how do you govern and how do you manage and control migration when so many other agencies are involved. *The negative climate in Europe is due to the sense that it is out of control.*

IV. Comment: *Cooperation is needed between EU and India. India has similar problems with migration as Europe; exchange of information on approaches to migration is extremely useful and working together will be our task for the future*

● ● ●  
*“Immigration systems bind sending, receiving, and transit countries together, creating self-feeding dynamics. Countries cannot deny the importance and resilience of migration.”*

*“All transnational contacts (economic, political, social, and cultural) have at least some migration consequences. Any attempts to deny such consequences will simply route immigrants towards illegal entries and stays.*

**Concluding Remarks**

**Mr. G. Gurucharan, former CEO, ICM**

Mr. Gurucharan reiterated the focus of the workshop which is to see how there might be forward movement in the **migration praxis**. This is possible if the following practical issues are kept in mind.

*The first is the problem of data.* There is a need to look at an evidence based approach in terms of collating data, analysing data, finding the root causes that actually drive this data. There is a need to build a partnership for a common data base.

The second is that India has a zero tolerance policy toward migration. However, there is *clearly a gap between policy and practice*. There has been an attempt to develop a very specific, targeted, sub-national framework on combating irregular migration, which has 3 key elements:

- To have state level action plans in high risk states
- An attempt to develop an intelligence network that will stay ahead of the unscrupulous intermediary networks
- Developing a sub- national law which will specifically address the problem of people smuggling and irregular migration.

The third is that *India has begun to see complex modes of irregular migration*. One is the convergence of the student mobility pathway and the other is the economic mobility pathway. The matter of concern for India is that there is a pattern of concern repeating itself in other countries now. Student mobility is a major area of concern.

The fourth complexity vis-à-vis India is really that, given the sub- continental situation and geography, **ethnicity is not nationality**. India will simply not accept a re-admission agreement and the point to consider is how we can go around this problem.

Finally, migration is often looked at as a bilateral engagement between the migrant and the government. *However, there are myriad stakeholders and each of them plays an extremely important role. There has been an attempt to build a constructive state level strategy in India by which there is engagement of not only the migrants but indeed their families, the community and civil society organisations.*

#### **D. Session III**

##### **Tackling irregular migration: contours of transnational coordination**

###### **Chair**

###### **Dr. A. Didar Singh, former Secretary, Ministry of Overseas Indian Affairs (MOIA)**

Dr. Singh began the session with the idea that one of the key ways of dealing with the problem of irregular migration is to *promote legal migration* and another way is to improve **international cooperation**. It is worth keeping in mind the impact of international cooperation at the global level. Historically, there are two options; the first is the US position which has focused on a law-enforcement approach at the domestic level with voluntary international collaboration and then there are several other countries including the BRICS who recommend developing a binding international regime.

Dr. Singh emphasised that despite the efforts at the international level, there is still a large void due to the absence of an international agreement or a mandate.

Dr. Singh welcomed the panellists to make their presentations by asking, “Has the world moved beyond the migration debate? Has the global economic context especially the Eurozone crisis and its economic and social impact been so prevalent that the political mood leaves no room for voices or reason to be heard? Has unemployment and declining GDP resulted in even economic truths being ignored? And can we agree to disagree and yet cooperate?”

###### **International Response to Irregular Migration: Questioning Stated Positions**

###### **Dr. Piyasiri Wickramasekara, Former Senior Migration Specialist, ILO**

Dr. Piyasiri began his presentation by outlining the inter-linkages between regular and irregular migration. He highlighted some of the broad approaches to curb irregular migration, with a specific

focus on border control measures and criminalization of irregular migration. He emphasised the need to view the issue with both human rights perspective and the needs of the labour market.

Dr. Piyasiri quoted François Crépeau, UN Special Rapporteur on the Human Rights of Migrants, “Irregular entry or stay should never be considered criminal offences: they are not *per se* crimes against persons, property or national security. It is important to emphasise that irregular migrants are not criminals *per se* and should not be treated as such”.

● ● ●  
***“We have to acknowledge that it has been difficult to cease, deter, or control irregular migration effectively. If tightening of immigration policies is the only response, the effect may be to push the migrants into the hands of traffickers and smugglers and thereby increasing irregular migration.”***  
● ● ●

Elaborating further, he commented that detention and deportations of migrants is a major source of human rights violations in many countries. It was mentioned that the UN Special Rapporteur explains that there are many other credible alternatives to detention which need to be considered.

Another aspect that was highlighted is that of returns, re-admissions and deportations, which also explains voluntary and assisted returns. However, **there is a clear contradiction in terms of the “voluntary” nature of returns.** However, regularisations and amnesties are a good practice with regards to the international instruments when states are free to regularise. Regularisation programmes are suitable when a country is confronted with large presence of migrants in irregular status.

On the subject of the effectiveness of responses and measures, Dr. Piyasiri explained what Dr. Papademetriou expounds; that there are virtually no examples of success in law and order responses in any part of the world. The responses are also not consistent with international norms as they do not

address the root causes of migration and poor governance. **Most of the responses have ‘punishing the victim’ syndrome; criminalize victims and promote inhuman treatment of migrants/victims.**

According to Dr. Piyasiri, there is a need for a comprehensive approach through which we can **focus upon legal migration, addressing irregular migration and migration development. The Human Development Report, 2009 clearly mentions the need for more legal opportunities to the low skilled people and that is the key to dealing with this problem.**

### **Enforcement and International Cooperation: Dealing with Transnational Networks**

**Mr. Martijn Pluim, Director (Eastern Dimension), International Centre for Migration Policy Development (ICMPD), Brussels**

Mr. Pluim began his presentation with the premise that the forces that motivate irregular migration are difficult, complex and powerful because of issues such as disparities in the level of prosperity, human rights and security in the world. ***Migration flows are an effect of global development.*** But at the same time **it is undeniable from an economic perspective that irregular migration is quite functional for many destination countries and economic sectors. Therefore, efforts to curb irregular migration are not likely to succeed if the economic rationale is not properly understood and addressed.** The labour markets of some economies necessitate the employment of unskilled workers.

Mr. Pluim explained why irregular migration is so damaging for the countries of origin and destination. Curbing irregular migration requires trans-national management, whether a one-time solution or a national solution, be it of legislative nature or law and enforcement or both. He emphasised that international cooperation should be strengthened. The cooperation measures that have proven to be useful thus far are sharing real-time information sharing, conducting joint and transnational trainings and implementing bilateral staff exchange. He added that an area of improvement would be to look into closer cooperation in the area of return and reintegration, from the



● ● ●  
“***There is a need for evidence based policy tools keeping in view the geo-political elements of cooperation.***”  
● ● ●

identification of the individuals up to the co- designing of re-integration programmes which should be individualised for the migrants who have returned.

He also outlined the role of dialogues. Dialogues are to be pursued both by regional and global process as well as at the bilateral and national level with key partners. The *Budapest Process* is a dialogue process which was started twenty years ago.

Firstly, it was established to discuss the issue of irregular migration among the European countries and the pre enlargement areas; it has developed over the years and also includes the Asian countries and discusses all matters related to migration.

Furthermore, **there needs to be a focus on research; often misunderstanding of migration leads to misconceptions, especially in the general public. There needs to be a much broader understanding of the reality of migration.** It can also provide policy makers with evidence based knowledge for the development of sound policies and practices and make sure that they target at the right areas of work.

#### **A Bottom- Up approach: The Right to Mobility, Irregular Migration and the NGO perspective Dr. Tina Kuriakose Jacob, Research Officer, ICM**

Dr. Kuriakose began her presentation by briefly talking about the problem of irregular migration faced by India and the fact that there is an agreement that irregular migration needs to be tackled and dealt with in an effective manner. The point of departure arises in failing to reach a consensus on how to deal with irregular migration.

Talking about combating of irregular migration, she expressed that there is a need to ***review policy tools*** and also build an **evidence base** for the use of policy tools along with a **sub- national framework**. Dr. Kuriakose spoke of the presence of different indicators to determine irregular migration. Referring to a previous presentation by Dr. Lum, presenting the data on refusals for Indian citizens, she said that while the numbers may be large for the UK they are not conclusive. According to the Frontex Risk Analysis Report (FRAN) of 2011, Indian nationals do not figure in the top three apprehended nationals.

There is clearly “***a need for building bridges rather than barriers***”. The Clandestino Report suggests that a lot of irregular migration is not clandestine. In fact, the largest number of irregular migration is in the legal category, of those who have entered legally and later turned illegal (FRAN, 2011). The second largest category is of those who have been refused their asylum applications. ***There is a lot of myth and a lot of misunderstanding in terms of data.***

***Dr. Kuriakose’s primary argument was that, there is a very close link between migration opportunities and irregular migration.*** In order to support this argument, she gave examples of the inverse relationship between the migration opportunities and irregular migration in the case of US-Mexico, travel bans in Nepal for domestic workers to the Gulf countries, the sectoral approach of the EU in the form of the Blue Card scheme for highly skilled workers and the UK’s point based system Immigration system. Also, this premise of the close link has been acknowledged in policy debates (GFMD), regional consultative processes, in instruments, ILO Conventions and the UN Convention on the Rights of Migrant Workers etc.

There is therefore ***a right to move safely and with dignity and countries need to consider it in the light of a fair assessment of the labour market needs.***

The other argument supported by Dr. Kuriakose was that there is a need to ***review some of the policy tools such as return and readmission.***

Finally, she spoke of the work that has been carried out in India in terms of regulating and facilitating safe and legal migration. *EU constitutes a very small proportion of the numbers emigrating as far as India is concerned.* There has been an attempt to spread awareness through creation of Migrant Resource Centres and Overseas Workers Resource Centres and through regular awareness campaigns. There has been an attempt to review the Emigration Act of 1983. Steps have also been taken to recognise the rights of irregular migrants, vis-à-vis the Indian Community Welfare Fund that was instituted in 2009. Even irregular migrants fall within the purview of this fund.

In terms of India- EU migration concerns, the India- EU high level dialogue was recently concluded in which there was a focus upon the need to develop skill development initiatives, pre departure orientation, programmes for safer migration and also efforts to build an evidence base so that there is a greater element of cooperation in terms of sharing the existing data on a regular basis.



## Discussion

**Question: What are some of the concrete outputs of the Budapest Process and if there are any legal frameworks that have been generated on which the migrants can effectively rely upon or invoke rights through these processes?**

The Budapest Process started in 1993 followed by the first conference in 1991. If one looks at the conclusions which were adopted then and the follow up mechanisms which were carried out, there was a monitoring of the ministerial recommendations and the implementation thereof. It is to create a common understanding of certain principles among a much broader group of actors. It is not formal and is also not binding but has in the last few years led to a much broader and common understanding among all the participating states. It is certainly not enough but it provides the basis of understanding and that leads to operational outputs.



## **E. Session IV Facilitating safe and legal migration**

### **Chair**

#### **Mr. Atul Kumar Tiwari, Joint Secretary (Financial Services and Emigration Policy), MOIA**

Mr. Tiwari briefly introduced the panelists and gave a brief overview of the different aspects of safe and legal migration in India.

#### **Migration Management and Irregular Migration**

##### **Ms. Rabab Fatima, Regional Coordinator and Advisor for South Asia, IOM Regional Office, Bangkok**

Ms. Fatima focused upon the migration dynamics in the region of South Asia. She pointed out that India is a very important country from the regional context. It is *not only a source country but also a very significant country of destination and transit for irregular migration*. Therefore, it is important to look at the picture from the regional context. The challenges and the context have an impact on the situation in India and the responses that India may need to take.

Ms. Fatima gave a brief overview of migration dynamics in the context of both regular and irregular migration in the region. She gave an overview of the South Asian region. Thereafter, she elaborated on the challenges, specific elements that are unique to the situation in South Asia in terms of migration and the regional responses and regional cooperative frameworks that exist to address this problem.

She acknowledged that there is a weak institutional legal framework to combat trafficking both from the regional and national context. In the South Asian region, only India and Sri Lanka are parties to the *Palermo Protocol*, which is one of the important instruments that addresses the problem of trafficking. There is no effective regional cooperation or collaborative framework; there are limitations in the SAARC Trafficking Convention and in its effective implementation.

Ms. Fatima was of the opinion that all the existing forums in their own way could help to enhance dialogue, cooperation, more discussion and perhaps lead to some sort of cooperation and collaboration bilaterally or within the region to address the problem of irregular migration and to facilitate safe and legal migration. **India as one of the major countries in the region can be central in leading this process, of having an inclusive process of bringing the other countries together to see whether there could be better cooperation at the bilateral level or at the regional level to address this problem because irregular migration is a cross border phenomenon and India could take a lead in the approach.**

#### **Evidence and Lessons from Punjab**

##### **Ms. Gurpreet Deo, Inspector General of Police (IGP), Jallundur Zone cum NRI Affairs**

Ms. Deo's presentation was based on a paper by Mr. V.K. Bhawra, Additional General of Police, Punjab. The paper titled "Irregular Migration from India to EU: Evidence from Punjab" is a part of India-EU project "Developing Knowledge Base for Policymaking on India- EU Migration". The author of the paper has utilised his first-hand experience of dealing with the problem as Nodal officer of the State Government to present the perspective of a law enforcement agency in a source country. He is presently on study leave as the Hubert H. Humphrey Fellow, University of Minnesota Law School, USA.

The paper is divided into different sections. The first few sections highlight the issue of irregular migration from India to EU. The introductory section presents a perspective covering historical, social

and economic aspects of migration from Punjab. The second section attempts statistical analysis of available data to arrive at assessment levels of irregular migration and its salient features. The third section provides case studies of irregular migration from Punjab, primarily to EU countries. Seven cases have been carefully selected to highlight different dimensions of the problems and state response. First-hand account of victims was obtained during the course of study to make the analysis more comprehensive.

The latter part of the paper deals with the *response*. The fourth section provides details of policy and law enforcement responses from the government- both at the centre and the level of the state of Punjab, with the Ministry of Overseas Indian Affairs (MOIA) playing pivotal role in steering the response. The fifth section highlights the role played by non-state actors active in this field to discourage irregular migration and promote legal and safe migration. The last section incorporates author's recommendations to tackle the problem in a comprehensive manner.

The estimated figure of annual irregular migration from the State of Punjab to the EU countries has been assessed as 1800, much below the figure of 20,000 in one UNODC study on Punjab (2009). The case studies provide an insight into different facets of the problem and plight of irregular migrant at different stages in different forms. Although international instruments highlight 'consent' of person smuggled as an important aspect of smuggling, his consent becomes more 'notional' than 'real' as amply highlighted in different cases. As the field is still emerging, the response at national and state levels is also evolving. Every case highlights a new dimension of the problem and provides opportunity to improve the response (including that of the Government and non-state actors). There is need for assigning due priority, evolving co-ordinated response, establishing domestic legal framework, proactive non-state actors and investigating networks involved in international human smuggling.



**Belgian Information Campaigns in Punjab on Legal Migration and Risks of Irregular Migration  
Ms. Katy Verzelen, Immigration Officer, Belgian immigration Office, Brussels**

Ms. Verzelen gave an overview of the Information Dissemination Campaign carried out by the Belgian Government in two districts of the Punjab. The Ministry of Home Affairs in Belgium manages all matters related to the entry into the territory, settlement and also the removal of foreigners. Belgium financed two information campaigns in India in the Jullundur district of Punjab for awareness generation on risks of irregular migration. Ms. Verzelen emphasised that everyone has the right to migrate *but* migration should always be legal. The question really is about how the problem of irregular migration can be tackled efficiently. The Belgian Government is convinced that a part of the solution can be achieved through *information dissemination*.

The presentation highlighted some of the methodologies used by the Belgian government for carrying out the information campaigns. These included:

*Mapping:* A precise definition of the target group is integral to an information campaign. In 2008, a majority of the apprehended Indians were from the Punjab and more specifically from the Jullundur district. India was one of the top five nationalities who were the most apprehended nationalities by the federal police and 95% of them were caught at the coastal region. Therefore the Belgian government decided to finance spreading information about the risks of irregular migration.

The first campaign was carried out in the year **2009** and the follow up campaign in the year **2010**.

In **2011**, the number of apprehended migrants in Belgium had dropped to 29- 30% of the number in 2008. The awareness campaign is not the only step taken by the Belgian Government to tackle the problem of irregular migration. It has also made efforts to convict human traffickers who were caught in Belgium.

In **2012**, Belgium is still following up the situation but irregular migration from the Punjab region is more or less under control. India is no longer in the top ten of the most apprehended foreigners in Belgium.

*Anchoring factors:* In India there was an intensified dialogue with local authorities and the central authorities

*Repetition:* Two consecutive information campaigns were financed by the Belgian Government in India. It has been acknowledged that collaboration between authorities is very important. The campaigns focus not only on irregular migration but also inform and educate about the legal channels available. Keeping the cultural context in mind is extremely important along with reiteration of good practices.

**Discussion**

- I. Question: *One of the other things found from the irregular migrants who have reached their destination is that they started off with a tremendous awareness of the risk they were involved in but they learnt nothing from attending all the sessions, but what they did actually learn out of such initiatives is to manage their risks better. Is this recognized as a problem, that actually effective awareness is to simply add entrepreneurs in the whole field of irregular migration?*

Awareness drives are very important because the level of ignorance that exists in the Punjab today is the main reason that there is a very large out flux of “illegal” migrants. Speaking from a larger perspective, the kind of socio economic profile India has and the kind of problems like, unemployment problems, socio- economic issues that ordinary people are grappling with combined with the fact they are ignorant about the realities abroad, they need to be made aware. This shows the complexity of the problem.

- II. Question: *Is there a success story in the Abu Dhabi Dialogue (ADD)?*

It is too early to decide whether it is a success story or not but the mere fact that the Abu Dhabi Dialogue is there and it has had its *second ministerial meeting this year, is in itself a major progress*. The topic of the ADD conference was circular labour migration and it was for the first time that countries of destination as well as countries of origin recognised that in order to have safe and legal migration, both sides need to work.

- III. Question: **The IOM has been advocating for setting up *Migrant Resource Centres (MRCs)* as the key focal point for awareness generation as well as providing services to the migrant workers. India has followed that model. While critically examining their performance, it can be said that the performance is not up to the mark in terms of the main purpose for which it has been set up. So what *alternative model can be considered for renovating such resource centres in order to make them more effective?***

In Bangladesh, there is an attempt to convince the government that they turn their district manpower offices to MRCs. In addition to providing information, there has been a decentralization of the registration process. This is an incremental process, based on the needs and assessment. It is a more sustainable model since it is owned by the government; it is within their own existing set up and has been further developed and elevated.

## **F. Session V**

### **Identifying challenges in tackling irregular migration at the sub-national level**

#### **Chair**

**Dr. Tina Kuriakose Jacob, Research Officer, ICM**

Dr. Kuriakose began the discussion with a brief introduction of the Inter-Ministerial Core Group for the Prevention of Illegal Migration and the formation of the Task Force for developing a sub-national framework for tackling irregular migration. The Inter-Ministerial Core Group for the Prevention of Illegal Migration was constituted in 2009. It has met four times since its constitution. A part of the recommendations made by the Core Group in its fourth meeting in February, 2012 was the need to start focusing on specific states, mostly on the large emigration states such as the Punjab, Tamil Nadu, and Andhra Pradesh and to some extent, Kerala. For the recommendations that will come up, an institutional process has already been identified. A task force has been set up in July, 2012 with ICM as the key focal point together with the representatives from the MOIA and senior representatives on the civil and police side from the State of Kerala and Andhra Pradesh and the Central Bureau of Investigation who are going to work on developing recommendations for a Handbook on Standard Operating Practices for Combatting Irregular Migration.



**Identifying Challenges in Legal and Enforcement Framework at sub- National Level  
Mr. V.S.K. Kaumudi, Additional Director General of Police, Andhra Pradesh**

With the help of official numbers and figures, Mr. Kaumudi showed that there is an increase in the volume of female migrants in the last five years. Also, talking about the work of the immigration check posts, he spoke of the reasons for deportation of migrants and the different kinds of forgeries detected.

Through case studies, Mr. Kaumudi emphasised that there is dire need to realise that the forgery cases that have recently taken place are not ordinary offences of manipulation of documents. The intermediaries involved are in fact exploiting the lives of people and therefore the punishments have to be equally severe. Some important lessons have been learnt from these cases like the need for fostering NGO collaboration and the need to encourage such partnerships for action.

*Other recommendations by Mr. Kaumudi include collaboration among enforcement agencies, orientation of law enforcement, safeguarding national security while upholding human rights, a clarity of approach towards criminalization, deportation and asylum and sensitisation towards victims of trafficking.*

**Building an Evidence- base for Tackling Irregular Migration, ICM and Database Development  
Ms. Shuchi Kapuria, Project Assistant, ICM**

The presentation by Ms. Kapuria focused on **efforts at the India Centre for Migration (ICM) to build a database**. Ms. Kapuria focused on two aspects- the **lack of data** and **emigration**. She explained that *data is available mainly to explain who migrates, why and where in the realm of international migration*. It is also necessary for understanding the impact on sending and receiving

countries; migrant communities; households and migrants themselves. Migration has inter-linkages with other sectors; a policy on migration will have implications on other sectoral policies.

Ms. Kapuria elaborated on the existing data bases, i.e. those available in the public and how the data is captured by them. She also gave an overview of the data management system in India. The limitations posed by the existing data sets include the lack of comparability since there is no usage of standardised definitions and concepts by different countries and change in definitions over time. Poor reporting by countries, especially in the case of UN statistics where only 196 countries have reported on information related to international migration and the absence of disaggregated data for policymaking.

● ● ●  
***“We would like to use this opportunity to request stakeholders to help us create a robust data set on migration and we look forward to more cooperation”.***

Ms. Kapuria outlined the blueprint for database development at the ICM which includes identifying and approaching various agencies (government/ non- government) who collect data but is not available in the public domain for e.g. the Bureau of Immigration (BOI), the Protector General of Emigrants (PGE), Indian Missions abroad etc. There is also an attempt at data collection through primary surveys.

With regards to the data on irregular migration, Ms. Kapuria remarked that there is not much a country of origin can do in terms of collecting data on irregular migration. The only way out is through cooperation between the countries of origin and the countries of destination.

### **eMigrate Project**

**Mr. Mojeeb Khan, Consultant, Programme and Change Management, MOIA**

Mr. Khan began by emphasising the **importance of data**. The focus of his presentation was the eMigrate Project which is a very important initiative of the MOIA. Mr. Khan called it, “**an attempt towards strengthening the regular migration regime**”. The mandate of this project is not to combat irregular migration. However, there is hope that this will then lead to prevention of irregular migration.

The *background* for the project included the many challenges in migration management owing to poorly informed emigrants, their exploitation by intermediaries, divergent expectations between countries of origin and countries of destination, and **information sharing gap** between stakeholders etc. Therefore, **the project was envisioned to transform immigration into a simple, transparent, orderly and a humane process.**

Some of the *salient features* of the eMigrate project are service orientation in addition to regulation, outsourcing of non-sovereign activities, minimum human interface in service delivery and centralised software accessed by all stakeholders. The *key benefits* of the eMigrate project include easier and wider access to information and services to emigrants, improved grievance handling and convergence of all stakeholders on the same platform etc.

Mr. Khan conceded that the project does face some *drawbacks*. The limitations of the Emigration Act of 1983 are not addressed in the project. Also, the ultimate purpose of travel may not be tracked (for e.g. those traveling on a tourist visa for employment).

● ● ●  
***“There is a need for a strong NRI department in all the states”. Kerala formed a Non-Resident Department called NORKA in the year 1996. It is a single department for all matters relating to Non-Resident Keralites (NRKs).***



## Assessing Institutional Capacities & Training Needs at State Level

**Mr. T.K. Manoj Kumar, Principal Secretary, Non- Resident Keralites Affairs (NORKA), Kerala**

Mr. Manoj Kumar spoke of the institutional capacities and the training needs at state level based his presentation on a state level operational perspective

The Non- Resident Keralites Affairs Department in Kerala, NORKA, has an organization called NORKA Roots, a public sector company which looks after the welfare of migrants. In 2010, NORKA issued a notification for starting a Non-Resident Keralites Welfare Fund as a pension for all those people who come back to the state after migration.

The clientele of NORKA include Non- Resident Keralites (NRKs) abroad, NRKs in other Indian states, people who have returned from abroad and people who wish to migrate. People who wish to migrate are guided in a suitable manner. By conducting awareness campaigns, they are made aware of the dangers of illegal migration. The last initiative by NORKA was opening an electronic job portal so that NORKA functioned like a recruitment agent. There was an attempt to make a model platform, wherein all the rules and regulations were being observed and served as a point of reference for all the migrants where they could access all information required before they could migrate.

Mr. Kumar drew attention to the need for greater *awareness on the existence of complexities of visa regimes in the Gulf*. In order to prevent illegal migration and promote safe migration, there needs to be a lot of *inter- departmental coordination*. There has also been a brief assessment of the various *training needs* of these departments as a part of *the Task Force meetings*. These training needs essentially relate to a few core areas to make people aware, so that they know how to stop illegal migration and what the measures to be taken are. The development of joint *training modules* at state level for all stakeholders could be one of the strategies to develop capacities for curbing irregular migration. Integrated modules are required for spreading the knowledge about irregular migration, migration law etc. There is also a need for training manuals which outline visa regimes etc. Mr. Manoj Kumar suggested that the **ICM and MOIA should take the lead for developing such high quality manuals.**

Compilation of case studies and literature on irregular migration should be made available so that the people are aware of irregular migration. Information can be spread through involvement of Local Self Governments, panchayats, municipalities etc. However, there is a need for a **strong data base** before any attempts to implement these strategies. The data is disaggregated and spread amongst various government offices. ***If there is a data base for the purpose of facilitating legal migration, it would indeed be a very powerful tool; a basis for formulation of various training policies.***

There should also be a focus **upon women and vulnerable sections**. In fact, the MOIA and NORKA department has conducted successful awareness campaigns in the past regarding dangers faced by women in migration.

## Discussion

I. Question: ***India's capture of emigration statistics is partial because it captures only the number of emigration clearances granted in a specific category of workers (low skilled), though some of them may not even leave. But the skilled migrants do not need any registration, they are not recorded anywhere. How will this be captured in the eMigrate system?***

Ans. It will be done through a simple data capturing exercise. The Ministry is planning to enforce it and there are discussions being carried out with the Ministry of Home Affairs (MHA) to ensure that it is being carried out at the point of exit itself.

II. Question: *Are there cases where the authorities cannot point people to positive directions or is it the case that authorities can confidently tell people willing to migrate that if they want to migrate, the authorities will help in whichever way they can gain maximum benefit?*

Ans. The Government of India does not promote, it facilitates. Our mandate is to give the information and build the awareness of an intending migrant. Ultimately, it's the migrant's choice. That is how we deal with migration opportunities.



● ● ●

*“For a large part, in states like Punjab, it is not so much the absence of a legislative framework or a law, nor indeed is it the absence of effective enforcement which is the problem ... There is a general feeling amongst many of you that not enough is being done in the states of India to actually prevent migration. This panel is an outstanding representative group in a high risk state like Punjab and together they are going to present to you the quite remarkable work that is taking place at ground level.”*

● ● ●

I. Comment: *With regard to the aspect of access; the European Commission last year launched the EU emigration portal in which one can find all procedures with regard to immigration to EU member states.*

## Day II

### G. Session VI Irregular migration: lessons from punjab

**Chair**  
**Mr. G. Gurucharan, former CEO, ICM**

Mr. Gurucharan began by addressing the concern that Mr. Don Flynn had raised on Day I about the efficacy of awareness programmes or outreach programmes. Mr. Flynn's argument was that by creating awareness amongst potential migrants, we might actually drive them to reach out to more sophisticated intermediaries to facilitate irregular migration.

According to Mr. Gurucharan, the importance of the awareness/outreach programmes, especially the ones carried out in the Punjab, is the fact that it focused on what he described as **community mobilisation**. An extremely important tool suggested by Mr. Gurucharan in order to succeed in reinforcing safe and legal migration and preventing irregular migration is an “**adverse selection process**”, simply because very large intermediaries are important members of the community.

The session began with the presentation of the Punjab model for combatting irregular migration.



## **Presenting the Punjab Model (State Action Plan and Punjab Prevention of Human Smuggling Bill)**

### **Ms. Gurpreet Deo, IGP, Jullundur Zone cum NRI Affairs & Pradeep K. Yadav, AIG/E.O. Wing, Crime, Punjab**

Ms. Deo began the presentation by highlighting the fact that combatting irregular migration is a priority for the Punjab police even though there are other competing areas of attention for the police due to the complex socio-economic and geographical location of the Punjab. There has been more sensitisation in the last ten years which has greatly helped the cause of combating irregular migration.

After giving a brief background of the problem at hand, Ms. Deo requested Mr. Pradeep Yadav to present the Action Plan for Punjab and the proposed Bill for the Prevention of Human Smuggling.



### **Pradeep K. Yadav, AIG/E.O. Wing, Crime, Punjab**

Mr. Kumar highlighted the four main components of the Punjab State Action Plan which include *awareness campaigns, creation of institutional capacities, capacity building and police and intelligence action*. He then elaborated on each of these components.

Mr. Kumar gave an elaborate overview of the *Punjab Prevention of Human Smuggling Bill of 2010*. He outlined some of the salient features which include **regulation of the profession of travel agents** with a view to check and curb their illegal and fraudulent activities and malpractices of the persons **involved in the organized human smuggling** in the State of Punjab and for the matters connected therewith or incidental thereto.

The presentation contained a detailed description of some of the concepts and stakeholders like, 'emigrant', 'human trafficking', 'travel agents' etc.

### **Case presentation of Successful Return of Irregular Migrants from Iraq**

● ● ●

*Mr. Gurucharan: “Work at the state level has pointed to one important gap described as the first mile. In the political economy of migration, the potential migrant has access to information from two competing sources: one is the official source or a credible source, which ironically, because it tends to come from the government or semi-government organisations is taken with a pinch of salt because people are suspicious of governments. The other is private sector source which typically in this case, are shops run by many travel agents or educational enrollment agents. The tendency in the first mile, till the person comes to the tehsil which is the primary unit of administration where reasonable level of officialdom exists is the time when the intermediaries are actually able to persuade them.”*

#### **Advocate Anil Malhotra, Malhotra & Malhotra Associates, Chandigarh**

Mr. Anil Malhotra began the presentation by giving a brief background of the case of irregular migrants who returned from Iraq. He pointed out that the definition of ‘human smuggling’ as laid out under the Punjab Prevention of Human Smuggling Act will be the first attempt to define the concept. The Emigration Act of 1983 does not address the definition.

He elaborated on the inducers of human smuggling and the profiles of individuals who fall prey. He commented that over the years smuggling as an industry has evolved into a sophisticated one with complex networks and the presence of a strong infrastructure for smugglers.

Mr. Malhotra outlined the provisions of the *Punjab Prevention of Human Smuggling Bill of 2010*. He put forth some suggestions which include a comprehensive approach to migration setting out legal migration opportunities, migration profiling, capacity building etc.

The Chair, Mr. Gurucharan commented that the presentation highlights the complexity of the problem of irregular migration. Travel to Iraq was banned and yet a large number of Indians were found in Iraq. He argued that it is rather simplistic for anyone to argue and overstate the case that India is not regulating its agents. As an open, democratic society, if an Indian citizen has a valid travel document and a valid visa to go to a country, issued by that country’s consulate in India, he or she is allowed to go. What happens in another country is quite simply beyond the control of the destination country (here, India). People smuggling or irregular migration has truly taken the dimension of a national crime.

● ● ●

#### **Awareness and Information Dissemination Former Ambassador, Mr. Paramjit Sahai, Centre for Research in Rural and Industrial Development (CRRID)**

Mr. Sahai began the presentation by giving a brief introduction to the problem of irregular migration in the Indian context and then specifically within the context of the Punjab. He outlined the features of the awareness programme that was carried out by the MOIA, IOM, CRRID and the Government of Belgium in 2009 and elaborated on the whole process of the awareness campaign, right from its conceptualisation to its execution in order for everyone to understand why it was so successful.

According to Mr. Sahai, the media acts as a force multiplier, as the message reaches a larger audience, beyond the immediate target audience. In order to make effective use of e-media a five step approach was adopted which included establishing personal contacts with leading journalists, sensitisation of the media etc.

According to an opinion survey held along with the awareness campaign among the participants during December 2010- February 2011, there were around 42 per cent of people who were reached by the campaign. This indicates there is a need to continue with the awareness campaigns. However, there has certainly been a new beginning in the form of reaching out to the grassroots. ***An important component of campaign strategy is changing the mindset of people. This is a slow and time-consuming exercise in which continuity is required.*** The primary target audience in the awareness campaigns that were carried out was not only the residents of the target villages but also youth and in particular, unemployed youth.

**Discussion:**

I. Comment: Those of us who are seriously engaged in governance of migration would not mistake ***the medium for the message***. A film serves as a metaphor; there is some exaggeration to it. It is indeed intended to shock. But on a community mobilization basis, obviously one will not use that metaphor. Messages go beyond shock value, a message is something that needs to address the problem of sustainable social change and change in the attitudes. Also, ***overstay of visa*** is not something that the country of origin can do anything about. It is also extremely important that there is an extremely robust institutional arrangement to exchange information and to use the information data and evidence that we gather.

II. Question: ***With regard to the Punjab Prevention of Human Smuggling Bill, how would the government differentiate between service providers and agents who really exploit?***

Ans. The Bill has certain provisions which provides for a licensing regime. Licenses would be provided to the service operators and so if a person is operating legally, they just have to apply to the authority which the state governments will appoint, after which he/she can operate in a legal manner.

II. Comment: There is a need to have specific capacity building and training modules for government employees. There will be a module on migration management for entry level civil servants in Kerala at the state and GOI level. Similarly, modules will be designed for the police at the entry level, both at the state and Centre, as also for the other stake holders. There will also be training modules for capacity building for Civil Society Organizations as they play an extremely important role.

## H. Concluding session



The **Concluding Session** was the last session of the Workshop. **Mr. Gurucharan** began the session by giving a brief overview and a highlight of the discussions of the one and a half day workshop.

● ● ●  
***“The workshop has led to a common and better understanding of many issues that are central to better management of migration in general and more specifically, on how issues of irregular migration may be addressed.”***  
● ● ●

Mr. Gurucharan remarked that the workshop has been an **extremely useful one**. The state of Tamil Nadu was mentioned as one of the states in which there are rising number of difficulties resulting in irregular migration. Even though the state of Punjab was the highlight in the Workshop, **Tamil Nadu** will also be considered as a focus state.

The specific concerns of destination countries were of interest. The ICM and MOIA will be happy to work with specific destination countries to address the specific concerns. There was by and large an understanding that there needs to be a focus on outreach, capacity building, finding better ways of driving evidence based research and also on cooperation in exchanging good data that will help in understanding the problem better and also finding solutions to the problem.

Mr. Gurucharan, on behalf of the ICM expressed deep appreciation for all the remarkable support that was received from the EU Delegation, from the European

University Institute, from the Maastricht University, from all the EU missions in India and the state government representatives. He

● ● ●  
***“More can be done as far as return is concerned”***  
***“A lot has been done but it is not enough. However, I think we are paving a very good way forward.”***  
● ● ●

also thanked the resource persons, the key note speaker, panelists, many of whom came a long distance to participate. Mr. Gurucharan also expressed appreciation for Mr. Parvez Dewan, Secretary, MOIA and Chairman, ICM who was the inspiration behind the conference, to the Task Force members and to Team ICM.

**Ms. Silvia Costantini, First Counsellor, Political Affairs, EU Delegation to India**

Ms. Costantini, through her closing remarks focused on the *way ahead according to the priorities of the European Union*. She stressed on the fact that there is a need to continue the results oriented approach that is in practice at the moment. She referred to the High Level Dialogue on Migration and Mobility(2<sup>nd</sup> July, 2012) where it was decided to keep focusing on bilateral cooperation between the EU and India on the four pillars of the global approach of the migration and mobility that the European Union upgraded last year. In addition to these, there are two more issues that merit attention and need to be addressed in the future. These are promoting international protection and enhancing the external dimension of policies from the EU perspective.

Ms. Costantini briefly summarised the recent developments of the EU with regard to the pillars. One is the EU migration portal launched in November 2011 which provides practical information on the EU national immigration procedures and explains the rights of migrants and the risks related to irregular migration. The second is the **single permit directive**, in force since December, 2011, which is of absolute importance because the third country national workers, including Indians, receive equal treatment with the EU nationals. The last but not least is the **employer sanction directive**.

● ● ●  
**Ms. Eisele concluded with a short quote by Amartya Sen who has emphasized in his work that “people are the real wealth of a nation”. She said that this should be kept in mind.**  
 ● ● ●

There is a local Schengen cooperation group that tries, locally in India, to harmonise the implementation of the visa code. She also spoke of the efforts of the EU in combating irregular migration and trafficking. In doing so, she mentioned the work of Frontex, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union.

Some other measures that the EU has taken over the last few years are the examination of the establishment of the *European Border Surveillance system*. As chair of the local corporation between India and the EU, she invited all the competent authorities to give presentations to local Schengen cooperation

persons on legal migrations.

**Ms. Katharina Eisele, Maastricht University, the Netherlands**

Ms. Eisele commented that the workshop was very successful and fruitful. There is a great potential to set up a mutually beneficial partnership between the EU and India with regards to migration matters. Ms. Eisele pointed out a few conclusions from various sessions. First, it is the responsibility of stakeholders, in particular of governments, to promote migration as something normal, something positive, a phenomenon from which receiving and sending countries as well as the individual migrant can benefit, which is known as the so called triple win situation. Second, there is a need for a comprehensive approach, an emphasis on a rights based approach that recognizes the individual migrant as well as the labour market needs at the

● ● ●  
**“There is no solution, no alternative, to building institutions of good standard capacity at the state level because that is where the direct interaction between the citizen and migrants happens... There are lacunae at the moment, particularly in migration law, particularly in visa regimes and also in the legal problems a migrant may face while he’s abroad.”**  
 ● ● ●



same time. Opening up channels for legal migration is also necessary as part of the comprehensive approach to tackle irregular migration.

Third, bilateral and multi-lateral cooperation is indispensable for successful migration management. Information exchange between governments allows the development of understanding of various national interests and concerns.

#### **Mr. T.K. Manoj Kumar, Principal Secretary, NORKA, Kerala**

Mr. Manoj Kumar remarked that the workshop was particularly useful because of the broad gamut of views from international experts to state level officers and from associations, non-government organisations and activists. He mentioned that it was also extremely useful to know about the measures taken in the Punjab as there is definitely a case for replication of these efforts in states where this is not being done.

He pointed that awareness dissemination has to be done but it is easier said than done because the target group has to be identified and it has to be dealt with in the right manner.

Mr. Manoj Kumar subscribed to the rights based approach for migrants. **A person who is an irregular migrant should not be treated like a criminal. He's a person who is in need of help.** The help has to be given by the host country as well as the country of origin. There is a requirement of joint training modules at the state level. The joint training program would embrace the various stakeholders because migration involves multiple stakeholders and all of these have to be brought on the same page as far as information sharing is concerned.

#### **Mr. Ioannis Raptakis, Ambassador of Greece to India**

Mr. Raptakis began by saying that the workshop met his expectations and that it was very useful because the Indian and the EU representatives received a chance to know each other and to build a context. Providing constructive criticism, Mr. Raptakis suggested that in the future, the member states from the European Union may also be invited to participate as panelists. He mentioned that sometimes the ideas and opinions of the Commission and the Union are not the same. Also, the problem of illegal migration varies in North, South, East and West of Europe.

Frontex is a very important element in the European construction. It has working arrangements with a variety of states. These include not only the Member States but also countries in the neighbourhood, like Turkey or Egypt and with far away countries like Brazil. He suggested that it might be a good idea for India to explore the possibility of entering into a working arrangement with Frontex.

In conclusion, Mr. Raptakis stated that the main elements in the policy history of Europe are that there is a will to fight/deal with "illegal" migration because it is against people and against the countries of origin, transit and destination. There is a will to promote legal migration in an orderly and safe way. Also, Europe wants to encourage what they find very interesting and very positive, the people to people contacts. According to him, it enables countries from different parts of the world to be able to understand each other and work better together.

● ● ●  
***"We in India value our partnership with the European Union very much. It is a very deep and strategic partnership and it runs across a variety of sectors. Together we must ensure that safe and legal migration is what we're aiming at and we must bring down irregular migration."***  
● ● ●

**Mr. Parvez Dewan, Secretary, MOIA**

Mr. Dewan thanked everyone present. He was particularly grateful to the Ambassador of Greece, Mr. Raptakis for sharing his thoughts at the dais on short notice. Mr. Dewan remarked that the workshop was a **very successful one from all accounts**. The speakers have given a fairly good blueprint/roadmap for the way ahead for the future for migration and also for the next workshop on the subject.

He emphasised the importance of viewing migration as something positive. It's not something to be dreaded either way but can be used as a triple win effect. As Chair of the Inter- Ministerial Group for Prevention of Illegal Migration, he assured everyone present that there is a commitment to enhancing the quality of migration governance and legal migration. The focus remains on taking the High Level Dialogue on Migration and Mobility to a higher level and deliver positive results before the next summit.

**Mr. Alok Kumar, Project Coordinator, India Centre for Migration**, gave the vote of thanks and offered the closing remarks. He thanked all the speakers and participants and emphasised that it is an honour and a privilege for the ICM to host the event. Mr. Kumar pointed out that the workshop is a part of the larger India-EU project and it reflects the seriousness and commitment of both the EU and India to work together and find a triple win solution through migration and mobility. He remarked that the workshop was an extremely useful one and represents a significant step forward in the facilitation of safe and legal migration and prevention of irregular migration.

ANNEXES

AGENDA OF THE WORKSHOP

ANNEX I

0900-0930	<i>Registration</i>
0930-1015	<p><b><u>Session I</u></b></p> <p><b>Inaugural</b></p> <ul style="list-style-type: none"> <li>▪ <b>Welcome Address &amp; Overview of the Workshop</b> <ul style="list-style-type: none"> <li>○ <i>G. Gurucharan, former CEO, ICM</i></li> </ul> </li> <li>▪ <b>Project Background</b> <ul style="list-style-type: none"> <li>○ <i>Kathryn Dominique Lum, EUI, Florence</i></li> </ul> </li> <li>▪ <b>EU Global Approach on Migration and Mobility</b> <ul style="list-style-type: none"> <li>○ <i>Pavel Svitil, Chargés d'affaires, EU Delegation to India</i></li> </ul> </li> <li>▪ <b>Inaugural Address</b> <ul style="list-style-type: none"> <li>○ <i>Parvez Dewan, Secretary, Ministry of Overseas Indian Affairs</i></li> <li>○ <i>(MOIA)</i></li> </ul> </li> <li>▪ <b>Keynote Address</b> <ul style="list-style-type: none"> <li>○ <i>Ryszard Cholewinski, Migration Policy Specialist, ILO</i></li> </ul> </li> </ul>
1015- 1100	<i>Tea Break &amp; Group Photo</i>
1100- 1215	<p><b><u>Session II</u></b></p> <p><b>Understanding Irregular Migration: Defining the Problem</b></p> <p><i>Chair: Pavel Svitil, Chargés d'affaires, EU Delegation to India</i></p> <ul style="list-style-type: none"> <li>▪ <b>India-EU Migration: Nature of the Irregular Migration</b> <ul style="list-style-type: none"> <li>○ <b>Issue</b></li> <li>○ <i>G. Gurucharan, former CEO, ICM</i></li> </ul> </li> <li>▪ <b>Irregular Migrants from India to the EU: Presenting Data from EU Member States</b> <ul style="list-style-type: none"> <li>○ <i>Kathryn Dominique Lum, EUI, Florence</i></li> </ul> </li> <li>▪ <b>Combating Irregular Migration: The Legislative Framework and the Enforcement Apparatus Extant</b> <ul style="list-style-type: none"> <li>○ <i>V.S.K. Kaumudi, Additional Director General of Police, Andhra Pradesh</i></li> </ul> </li> <li>▪ <b>Tackling Irregular Migration: EU Perspective</b> <ul style="list-style-type: none"> <li>○ <i>Don Flynn, Director, Migrant Rights Network</i></li> </ul> </li> <li>▪ <b>Q&amp;A</b></li> </ul>





1215- 1330	<p><b><u>Session III</u></b></p> <p><b>Tackling Irregular Migration: Contours of Transnational Coordination</b></p> <p><i>Chair: A. Didar Singh, former Secretary, Ministry of Overseas Indian Affairs</i></p> <ul style="list-style-type: none"> <li>▪ <b>International Response to Irregular Migration: Questioning Stated Positions</b> <ul style="list-style-type: none"> <li>○ <i>Piyasiri Wickramasekara, former Senior Migration Specialist, ILO</i></li> </ul> </li> <li>▪ <b>Enforcement and International Cooperation: Dealing with Transnational Networks</b> <ul style="list-style-type: none"> <li>○ <i>Martijn Plum, Director, Capacity Building and Operations, ICMPD, Brussels</i></li> </ul> </li> <li>▪ <b>A Bottom-Up Approach: The Right to Mobility, Irregular Migration and the NGO Perspective</b> <ul style="list-style-type: none"> <li>○ <i>Tina Kuriakose Jacob, Research Officer, ICM</i></li> </ul> </li> <li>▪ <b>Q&amp;A</b></li> </ul>
1330-1445	<i>Lunch Break</i>
1445-1545	<p><b><u>Session IV</u></b></p> <p><b>Facilitating Safe and Legal Migration</b></p> <p><i>Chair: Atul Kumar Tiwari, Joint Secretary (Financial Services &amp; Emigration Policy), MOIA</i></p> <ul style="list-style-type: none"> <li>▪ <b>Migration Management and Irregular Migration</b> <ul style="list-style-type: none"> <li>○ <i>Rabab Fatima, Regional Coordinator and Advisor for South Asia, IOM Regional Office, Bangkok</i></li> </ul> </li> <li>▪ <b>Evidence and Lessons from the Punjab</b> <ul style="list-style-type: none"> <li>○ <i>Gurpreet Deo, IGP, Jallundur Zone cum NRI Affairs</i></li> </ul> </li> <li>▪ <b>Belgian Information Campaign on Safe and Legal Migration in the Punjab</b> <ul style="list-style-type: none"> <li>○ <i>Katy Verzelen, Immigration Officer, Belgian Immigration Office, Brussels</i></li> </ul> </li> <li>▪ <b>Q&amp;A</b></li> </ul>
1545- 1615	<i>Tea Break</i>




1615-1745	<p><b><u>Session V</u></b></p> <p><b>Identifying Challenges in Tackling Irregular Migration at the sub- National level</b></p> <p><i>Chair: Tina Kuriakose Jacob, ICM</i></p> <ul style="list-style-type: none"> <li>▪ <b>Identifying Challenges in Legal and Enforcement Framework at sub-National Level</b> <ul style="list-style-type: none"> <li>○ <i>V.S.K. Kaumudi, Additional Director General of Police, Andhra Pradesh</i></li> </ul> </li> <li>▪ <b>Building an Evidence-base for Tackling Irregular Migration</b></li> <li>▪ <b>ICM and Database Development</b> <ul style="list-style-type: none"> <li>▪ <i>Shuchi Kapuria, Project Assistant, ICM</i></li> </ul> </li> <li>▪ <b>Presentation on the eMigrate Project</b> <ul style="list-style-type: none"> <li>▪ <i>Mojeeb Khan, Consultant, Programme and Change Management, MOIA</i></li> </ul> </li> <li>▪ <b>Assessing Institutional Capacities and Training Needs at sub-National Level</b> <ul style="list-style-type: none"> <li>○ <i>T.K. Manoj Kumar, Principal Secretary, NORKA Department, Kerala</i></li> </ul> </li> <li>▪ <b>Q&amp;A</b></li> </ul>
<b><u>Day II</u></b>	
1000- 1115	<p><b><u>Session VI</u></b></p> <p><b>Irregular Migration: Lessons from Punjab</b></p> <p><i>Chair: G. Gurucharan, former CEO, ICM</i></p> <ul style="list-style-type: none"> <li>▪ <b>Presenting the Punjab Model (State action Plan and Punjab Prevention of Human Smuggling Bill)</b> <ul style="list-style-type: none"> <li>○ <i>Gurpreet Deo, IGP, Jallundur Zone cum NRI Affairs &amp; Pradeep K. Yadav, AIG/E.O Wing, Crime, Punjab</i></li> </ul> </li> <li>▪ <b>Case Presentation of Successful Return of Irregular Migrants from Iraq</b> <ul style="list-style-type: none"> <li>○ <i>Anil Malhotra, Malhotra &amp; Malhotra Associates, Chandigarh</i></li> </ul> </li> <li>▪ <b>Awareness and Information Dissemination</b> <ul style="list-style-type: none"> <li>○ <i>Paramjit Sahai, CRRID</i></li> </ul> </li> <li>▪ <b>Q&amp;A</b></li> </ul>
1115- 1145	<i>Tea Break</i>

<b>1145- 1300</b>	<b>Concluding Session</b> <ul style="list-style-type: none"><li>▪ <b>Conclusion and Way Forward</b><ul style="list-style-type: none"><li>○ <i>Atul Kumar Tiwari, JS (FS &amp; EP), MOIA</i></li><li>○ <i>Silvia Costantini, First Counsellor, EU Delegation to India</i></li><li>○ <i>G. Gurucharan, former CEO, ICM</i></li><li>○ <i>Katharina Eisele, Maastricht University, the Netherlands</i></li></ul></li><li>▪ <b>Closing Remarks and Vote of Thanks</b><ul style="list-style-type: none"><li>○ <i>Alok Kumar, Project Coordinator, India-EU Project, ICM</i></li></ul></li></ul>
<b>1300-1415</b>	<i>Lunch</i>

**LIST OF RESOURCE PERSONS**

**ANNEX II**

 <p>Facilitating Safe &amp; Legal Migration Preventing Irregular Migration 6th - 7th September 2012 The Club, New Delhi Edge Base, Policy-Making</p> <p>Parvez Dewan</p>	<p><b>Mr. Parvez Dewan</b></p> <p>Secretary, Ministry of Overseas Indian Affairs, New Delhi, India Email: <a href="mailto:secretary@moia.nic.in">secretary@moia.nic.in</a></p>
	<p><b>Mr. Pavel Svitil</b></p> <p>Chargés d’Affaires, EU Delegation to India, New Delhi, India E-mail: <a href="mailto:pavel.svitil@eeas.europa.eu">pavel.svitil@eeas.europa.eu</a></p>
	<p><b>Mr. G. Gurucharan</b></p> <p>Former CEO, India Centre for Migration, New Delhi, India E-mail: <a href="mailto:ceo.icoe@gmail.com">ceo.icoe@gmail.com</a></p>

 A portrait of Dr. Kathryn Dominique Lum, a woman with dark hair and glasses, wearing a light blue striped shirt and a lanyard.	<p><b>Dr. Kathryn Dominique Lum</b></p> <p>Research Assistant, CARIM India, Robert Schuman Centre for Advanced Studies, EUI, Florence E-mail: <a href="mailto:kathryn.lum@eui.eu">kathryn.lum@eui.eu</a></p>
 A portrait of Dr. Ryszard Cholewinski, a man with glasses, wearing a dark suit, a light blue shirt, and a patterned tie, standing at a podium with a laptop.	<p><b>Dr. Ryszard Cholewinski</b></p> <p>Migration Policy Specialist, ILO Email: <a href="mailto:cholewinski@ilo.org">cholewinski@ilo.org</a></p>
 A portrait of Mr. V.S.K Kaumudi, a man with glasses and a mustache, wearing a dark suit, a white shirt, and a red tie, standing at a podium with a laptop.	<p><b>Mr. V.S.K Kaumudi</b></p> <p>Additional Director General of Police, Andhra Pradesh, India E-mail: <a href="mailto:yskkaumudi@yahoo.com">yskkaumudi@yahoo.com</a></p>

	<p><b>Mr. Don Flynn</b></p> <p>Director, Migrant Rights Network, London, UK E-mail: <a href="mailto:d.flynn@migrantsrights.org.uk">d.flynn@migrantsrights.org.uk</a></p>
	<p><b>Dr. A. Didar Singh</b></p> <p>Former Secretary, Ministry of Overseas Indian Affairs E-mail: <a href="mailto:didarsingh@gmail.com">didarsingh@gmail.com</a></p>
	<p><b>Dr. Piyasiri Wickramasekara</b></p> <p>Former Senior Migration Specialist, ILO E-mail: <a href="mailto:pywicks@gmail.com">pywicks@gmail.com</a></p>



**Mr. Martijn Pluim**

Director (Eastern Dimension),  
ICMPD,  
Brussels  
E-mail: [Martijn.Pluim@icmpd.org](mailto:Martijn.Pluim@icmpd.org)



**Dr. Tina Kuriakose Jacob**




Research Officer,  
India Centre for Migration,  
New Delhi, India  
E-mail: [tina.icoe@gmail.com](mailto:tina.icoe@gmail.com)





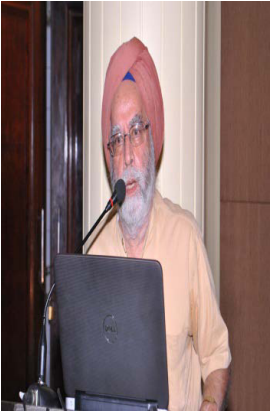
**Ms. Rabab Fatima**




Regional Coordinator and Advisor for South Asia,  
IOM Regional Office,  
Bangkok  
E-mail: [rfatima@iom.int](mailto:rfatima@iom.int)



	<p><b>Ms. Gurpreet Deo</b></p> <p>IGP, Jallundur Zone cum NRI Affairs, Govt. of Punjab, India E-mail: <a href="mailto:deogurpreet@hotmail.com">deogurpreet@hotmail.com</a></p>
	<p><b>Ms. Katy Verzelen</b></p> <p>Immigration Officer, Belgian Immigration Office, Brussels E-mail: <a href="mailto:katy.verzelen@ibz.fgov.be">katy.verzelen@ibz.fgov.be</a></p>
	<p><b>Ms. Shuchi Kapuria</b></p> <p>Project Assistant, India Centre for Migration, New Delhi, India E-mail: <a href="mailto:Shuchi.icoe@gmail.com">Shuchi.icoe@gmail.com</a></p>

 A photograph of Mr. Mojeeb Khan, a man with glasses wearing a light blue shirt, standing behind a podium. The podium has a sign that reads "NATIONAL CONSULTATION WORKSHOP" and "Facilitating Safe & Legal Migration and Promoting Irregular Migration". The sign also mentions the dates "14-16 September 2013" and the location "The Grandeur, New Delhi". There is a logo for ICM and the European Union flag in the background.	<p><b>Mr. Mojeeb Khan</b></p> <p>Consultant, Programme and Change Management, Ministry of Overseas Indian Affairs, New Delhi, India E-mail: <a href="mailto:mojeebkhan@gmail.com">mojeebkhan@gmail.com</a></p>
 A photograph of Mr. T. K. Manoj Kumar, a man with a mustache wearing a light blue patterned shirt, speaking into a microphone. He is gesturing with his hands. The background is a dark wall with some text, including "and" and "ing a Knowled".	<p><b>Mr. T. K. Manoj Kumar</b></p> <p>Principal Secretary, NORKA, Kerala, India E-mail: <a href="mailto:cedrus7@yahoo.co.in">cedrus7@yahoo.co.in</a></p>

	<p><b>Mr. Pradeep K. Yadav</b></p> <p>AIG/E.O Wing, Crime, Govt. of Punjab, India E-mail: <a href="mailto:pradeep_762@hotmail.com">pradeep_762@hotmail.com</a></p>
	<p><b>Mr. Anil Malhotra</b></p> <p>Malhotra &amp; Malhotra Associates, Chandigarh, India E-mail: <a href="mailto:anilmalhotra1960@gmail.com">anilmalhotra1960@gmail.com</a></p>
	<p><b>Mr. Paramjit Sahai</b></p> <p>CRRID, Chandigarh, India E-mail: <a href="mailto:paramjitsahai@yahoo.co.in">paramjitsahai@yahoo.co.in</a></p>

	<p><b>Ms. Silvia Costantini</b></p> <p>First Counsellor, EU Delegation to India, New Delhi, India E-mail: <a href="mailto:silvia.costantini@eeas.europa.eu">silvia.costantini@eeas.europa.eu</a></p>
	<p><b>Ms. Katharina Eisele</b></p> <p>Maastricht University, The Netherlands Email: <a href="mailto:katharina.eisele@maastrichtuniversity.nl">katharina.eisele@maastrichtuniversity.nl</a></p>
	<p><b>Mr. Alok Kumar</b></p> <p>Programme Coordinator, India Centre for Migration, New Delhi, India E-mail: <a href="mailto:alok.icoe@gmail.com">alok.icoe@gmail.com</a></p>

**LIST OF PARTICIPANTS** **ANNEX III**

<b>Category</b>	<b>S.No.</b>	<b>Name of the Person</b>	<b>Designation</b>	<b>Organisation/ Institution / Ministry / Department</b>
		<b><u>European Union Delegation to India</u></b>		
<b>Delegates</b>	1	Ms Renuka Shrinivisan	Project Manager (India-EU Project on Mobility)	European Union Delegation to India
	2	Ms. Silvia Constantini	First counsellor	European Union Delegation to India
		<b><u>European Union Member States</u></b>		
	1	Mr. Albin Mauritz	Counsellor	Embassy of Austria
	2	Mrs Cecile Theon	Counselor, Head of Consular and Administrative Affaires & Consul	Embassy of Kingdom of Belgium
	4	Mr. Nikolau Kyrillos	First Secretary	Cyprus High Commission
	5	Mr. Dicky K. Doom	Attache Consular Affairs	Embassy of the kingdom of Netherlands
	6	H.E. Mr. Ioannis E. Raptakis	Ambassador	Embassy of Greece
	7	Ms. Marianna Sygkelaki	Attache	Embassy of Greece
	8	Mr. Raimo Pahkasalo	Head of Visa Section, New Delhi	Embassy of Finland
	9	Mr. Jussi Rautio	ND Attaché, Immigration Liaison Officer	Embassy of Finland
	10	Mr. Jean-Marin Schuch	Minister Counsellor	Embassy of France
	11	Ms. Olivia Christmann	Second Counsellor	Embassy of France
	12	Ms Radka Calabkova	First Secretary (Consular, Economic)	Embassy of Czech Republic in New Delhi
	13	Ms Marta Horvath	Second Secretary (Consular Section)	Embassy of Republic of Hungary in New Delhi
	14	Mr. Gianluca Grandi	Deputy Chief of the Mission	Embassy of Italy
	15	Mr. Zbigniew Igielski	Consul	Embassy of Poland
	16	Ms. Maria Wejs-Domzalska	First Secretary, New Delhi	Embassy of Poland
	17	Ms. Sam Murray	Regional Communications Manager	UK Border Agency: South Asia
18	Mr. Andrew Ould	Migration Delivery Officer	British High Commission	
19	Mr. Kent Larsson	Head of Section for Migration Affairs	Embassy of Sweden	

<u>S.No.</u>	<u>Name of the Person</u>	<u>Designation</u>	<u>Organisation/ Institution / Ministry / Department</u>
20	Ms. Sabrina Schmidt-Koschella	Counsellor and Consul	German Embassy
21	Ms Yamini Mahajan	Legal Advisor to the German Embassy	German Embassy
22	Ms. Tsevelina Gecheva	Consul, New Delhi	Embassy of Bulgaria
23	Ms. Paloma Serra Robles	Consul, New Delhi	Embassy of Spain
24	Mr. José Miguel De Lara Toledo	Second Secretary, New Delhi	Embassy of Spain
26	Ms. Maria Jorge Guerra Pires	Deputy Head of Mission, New Delhi	Embassy of Portugal
27	Mr. Adrian Sirbu	Counsellor, Head of the Consular Section, New Delhi	Embassy of Romania
28	Mr. Juraj Petruska	Deputy Head of Mission, New Delhi	Embassy of Slovakia
29	Ms Varuna Parmar	Consular and Administrative officer	Embassy of the Republic of Slovenia
30	Mr Mojca Hrovatic	Minister Plenipotentiary - Economic Affairs	Embassy of the Republic of Slovenia
31	Mr. Yasuko Muller	Deputy Head of Mission, New Delhi	Embassy of Grand duchy of Luxembourg
32	Mr. Petur Mortensen		Royal Danish Embassy
<b><u>Central Government Ministries' Representatives</u></b>			
<u>S.No.</u>	<u>Name of the Person</u>	<u>Designation</u>	<u>Organisation/ Institution/Ministry</u>
1	Shri Ravi Mathur	Additional Secretary	Ministry of Labour and Employment
3	Shri Nishith (in place of Dr. Savita Bhakhry)		National Human Rights Commission
5	Mr. Anurag Garg	DIG	Central Bureau of Investigation
<b><u>State Government Representatives</u></b>			
<u>S.No.</u>	<u>Name of the Person</u>	<u>Designation</u>	<u>Organisation/Institute/ Ministry/Department</u>
1	Shri Shashi Bhushan Kumar	IAS, Managing Director, OMCAP and Director, Employment & Training, Govt of Andhra Pradesh	OMCAP
2	Shri N.V. Ramana Reddy	Special Secretary to Govt. (Protocol) G.A.D, NRI Dept.	AP Secretariat, Hyderabad
4	Shri J.C. Sharma	Principal Secretary, Labour and Employment	Govt. Of Andhra Pradesh

<u>S.No.</u>	<u>Name of the Person</u>	<u>Designation</u>	<u>Organisation/Institute/ Ministry/Department</u>
5	Shri D. Ramakrishnaiah	IPS, SP-GD	Hyderabad, Andhra Pradesh
6	Shri N.Shiva Prasad	SP, Security, State Intelligence and I/C State Registration Officer, Foreigners Section	Govt. of Karnataka
7	Shri Abhash Kumar	Inspector General of Police, Intelligence (Internal Security),	Govt. of Tamil Nadu
8	Shri Vijay Kumar	DIG, Security	Govt. of Kerala
9	Shri P.K. Gupta	Additional Chief Secretary	Govt. of Haryana
10	Shri Morris Babu	Inspector General of Police/CID (C.B)	Govt. of Rajasthan
13	Shri P.K. Yadav	IPS, AIG/E.O.	Punjab
14	Shri Vikash Arora	IPS, Superintendent of Police, CID	Govt. of Haryana
15	Dr. Mahavir Singh	IAS, Director General Employment	Govt. of Haryana
16	Mr. Noel Thomas	CEO	NORKA, Kerala
<u>S.No.</u>	<u>Name of the Person</u>	<u>Designation</u>	<u>Organisation/Institute/ Ministry/ Department</u>
1	Prof. S. Irudaya Rajan	Director	CDS, Trivandrum
2	Dr. Karan Avtar Singh	Principal Secretary	Government of Punjab, Department of Science, Technology & Environment
3	Ms. Amanat Thind		
4	Dr. A. Radhakrishnan Nair	Faculty Head	Rajiv Gandhi National Institute of Youth Development
<u>S.No.</u>	<u>Name of the person</u>	<u>Designation</u>	<u>Organisation/Institute/ Ministry/department</u>
2	Mr. Bheem Reddy	Vice President	Migrants Rights Council - MRC (Member - Migrant Forum in Asia - MFA)
3	Dr. Sister Lissy Joseph	State Coordinator –NDWM-AP	National Domestic Workers Movement, Hyderabad
4	Dr. Bernard D'Sami	Coordinator	Arunodaya Migrants' Initiative, Tamil Nadu
5	Mr. Rafeek Azeez		Centre for Indian Migrant Studies
6	Mr. Jata Shanker	Executive Director	MSS Seva



	<b>Country Missions</b>			
	<b><u>S.No.</u></b>	<b><u>Name of the person</u></b>	<b><u>Designation</u></b>	<b><u>Organisation/Institute/Ministry/Department</u></b>
<b>Servers</b>	1	Mr. Berlan Pars Alan	Head of Migration Department, Turkey	Embassy of Turkey
	2	Mrs. Şebnem Akcapar		Embassy of Turkey
	3	Mr. Ben Hesprich	Vice Consul	Embassy of USA
	1	Mr. Nitin Kumar	Head of Office	IOM, New Delhi
	2	Ms. Christina Albertin	Representative	UNODC Regional Office for South Asia
	3	Ms. Suruchi Pant		UNODC Regional Office for South Asia
	4	Ms. Smita Mitra		UN Women South Asia Sub Regional Office
	5	Ms. Varsha Marathe	Sr. Financial Sector Specialist	World Bank
	6	Ms. Pannuda Boonpala	Deputy Director, DWT CO India	ILO
	7	Ms. Catherine Vaillancourt-Laflamme	CTA Decent Work Across Borders Project, Philippines	ILO
8	Ms. Neetu Lamba	National Professional Officer, DWT CO India	ILO	
9	Ms. Bharti Birla	National Project Manager, Reducing Vulnerability to Bondage in India	ILO	

<u>Category</u>	<u>S.No.</u>	<u>Name of the Person</u>	<u>Designation</u>	<u>Organisation/Institute/ Ministry/Department</u>
	1	Mr. Pavel Svitil	Deputy Head of Delegation	European Union Delegation to India
<b>Resource Persons</b>	2	Mr. Parvez Dewan	Secretary	Ministry of Overseas Indian Affairs
	3	Dr. Ryszard Cholewinski	Migration Policy Specialist	International Labour Organisation
	4	Mr. G. Gurucharan	Chief Executive Officer	India Centre for Migration
	5	Dr. Kathryn Dominique Lum	Research Assistant	European University Institute
	6	Mr. Don Flynn	Director	Migrant Rights Network
	7	Shri V.S.K. Kaumudi	Additional Director General of Police	Government of Andhra Pradesh
	8	Dr. A Didar Singh	Former Secretary	Ministry of Overseas Indian Affairs
	9	Mr. Piyasiri Wickramasekara	Former Senior Migration Specialist	International Labour Organisation
	10	Ms. Martijn Pluim	Director, Capacity Building and Operations	ICMPD, Brussels
	11	Mr. Atul Kumar Tiwari	Joint Secretary (Financial Services & Emigration Policy)	Ministry of Overseas Indian Affairs
	12	Ms. Rabab Fatima	Regional Coordinator and Advisor for South Asia	IOM Regional Office, Bangkok
	13	Mr. Gurpreet Deo	IGP	NRI Affairs and Community Policing, Government of Punjab
	14	Ms. Katy Verzelen	Immigration Officer	Belgian Immigration Office, Brussels
	15	Mr. Mojeeb Khan	Consultant, Programme and Change Management	Ministry of Overseas Indian Affairs
	16	Shri T.K. Manoj Kumar	Secretary, NORKA Department	Government of Kerala
	17	Mr. Anil Malhotra	Advocate	Malhotra & Malhotra Associates, Chandigarh, Punjab
	18	Mr. Paramjit Sahai		CRRID
	19	Ms. Katharina Eisele		Maastricht University, the Netherlands

		<b><u>India Centre for Migration</u></b>			
		<b><u>S.No.</u></b>	<b><u>Name of the Person</u></b>	<b><u>Designation</u></b>	<b><u>Organisation</u></b>
<b>Organisers</b>	1	Mr. G. Gurucharan	Former, Chief Executive Officer	ICM	
	2	Mr. Alok Kumar	Project Coordinator	ICM	
	3	Dr. TLS Bhaskar	Project Coordinator	ICM	
	4	Dr. Tina Kuriakose Jacob	Research Officer	ICM	
	5	Mr. Basant Kumar Potnuru	Research Officer	ICM	
	6	Ms. Shuchi Kapuria	Project Assistant	ICM	
	7	Ms Sohali Verma	Project Assistant	ICM	
	8	Ms Limanungla Longkumer	Project Assistant	ICM	
	9	Ms. Natasha Chabhra	Research Assistant	ICM	
	10	Mr. Arun Raju	Research Assistant	ICM	
	11	Ms. Vishishta Sam	Research Assistant	ICM	
	12	Mr. Keshav Bhardwaj	Executive Officer	ICM	
	13	Mr. Rama Krishnan	PPS to CEO	ICM	
	14	Mr. Kesavan		ICM	
	15	Mr. Rohan		ICM	
	16	Mr. Amit		ICM	