Migration Flows and Policies
India at a turning point

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Executive summary

India hosts millions of economic migrants and refugees from neighboring countries, especially from Nepal and Bangladesh. It is also a haven for famous refugee communities, namely the Tibetans in exile and Tamils from Sri Lanka. Moreover, the entry of India into the global circuits of neoliberal economy has brought in new types of migrants, including highly skilled Indian migrants returning home. However, immigration is not a central topic in India. The regional-historical context and the continuing geopolitical tensions make immigration a sensitive and largely underestimated phenomenon, dealt with by the Indian government in a heterogeneous way depending on the ethno-national groups concerned. To speak only about the two most numerous migrant groups in India—Nepalese and Bangladeshis, who count in millions—, the former can freely work and settle in India, whereas the latter continue to exist in a state of illegality and are subject to stigmatization and outbursts of violence.

As a consequence, India is yet to develop a comprehensive immigration policy. Today, the Ministry of Home Affairs, whose agenda is dominated by national security concerns, manages immigration. The Ministry's responsibility in managing migration was reinforced after the terrorist attacks on Mumbai (Bombay) in November 2008, which involved Pakistani attackers.

India rather projects itself as a country of emigration, and over the last fifteen years it has developed a comprehensive diaspora policy to tap its economic potential. This policy package, led by specific institutions (e.g. the Ministry of Overseas Indian Affairs), has been developed separately from immigration-related issues. On the other hand, access to citizenship has become more restrictive for emigrants and for their children born in India.

Discreet changes have recently been introduced in the visa regime. The flexibility that is currently introduced for the tourist visa, with the implementation of an option to apply for a visa on arrival, also available for a handful of sectors, may hint at a more general revamping of the visa regime. However, the economic dimension of immigration has not yet been fully integrated: labor immigration is considered neither necessary nor desirable, and the employment market is strictly safeguarded and reserved for Indian citizens. Policy on this issue boils down to a visa policy for non-South Asian migrants... For migrations from South Asia, especially trans-border immigration, the attitude wavers between a relative indifference and fear, mired in the ripple effects of post-Partition. The victory of the

Bharatyia Janata Party in May 2014 national elections will have a major impact on this matter. Narendra Modi, the leader of this party and newly-elected Indian Prime Minister, focused a part of his campaign on the fight against illegal immigration, particularly coming from Bangladesh.

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Introduction

For historical reasons, migration has not been a central topic in India since Independence. This is due in great part to the difficult conditions of the birth of the Indian nation state itself, which remains a very sensitive issue today. When India and Pakistan were carved out of the British Empire in 1947, the birth and delimitation of the two states, known as 'Partition', led to the massive displacement of millions of people between the two countries. Riots and massacres, as well as casualties, estimated at around one million lives lost, accompanied this movement. The war of independence of East Pakistan, which led to the creation of Bangladesh in 1971, similarly caused massive population displacements across borders and further casualties. Since then, relations between the different countries have been mired in conflicts and geopolitical tensions, periodically revived by border incidents and terrorist attacks on India. As a major consequence of this troubled regional situation, regional mobility across the Indian borders is restricted and access to Indian citizenship is not easy. Immigration is largely considered to be a security issue in India, and even more so since the terrorists attack in Mumbai in 2008.

Nevertheless, India does receive migrants. Workers from neighboring South Asian countries come to India to find better life conditions. This type of immigration is sensitive and largely kept out of public debates due to the tense history between countries and the ongoing geopolitical tensions. As South Asia's most democratic state, India has also periodically welcomed refugees on its territory, the most famous community being the Tibetans who joined the Dalai Lama in exile. Finally, the liberalization of the Indian economy in the last two decades has gone hand in hand with the development of new migration inflows from further away, such as the return migration of highly skilled (ex-) Indian migrants from western countries.

Today, immigration numbers look negligible in India compared to the overall population growth. According to the UNDP (2012), the number of foreigners in India has even decreased between 1980 and 2010 (Table 1), to join the group of countries with less than 1 per cent of immigrants in its total population. However, data on the number of foreigners in India as well as on immigration flows are scarce and partial (Nanda, 2005). Data available is based mostly on the

decennial census operations, which hardly capture recent migration flows, such as international labor immigration and the massive yet illegal circulation from neighboring South Asian countries. This lack of information results in the public authorities' underestimation of migration in India, which hinders policymaking on the issue.

Hence, in spite of migratory inflows stimulated by economic development, India has not developed a comprehensive immigration policy. In fact, it still considers itself to be an emigration/sending country. In the past two decades, it has developed an ambitious policy package targeting emigrants and the Indian diaspora abroad. The economic dimension of migration is therefore taken into account only with regards to emigration processes, with immigration still being perceived mostly as a security issue. That said, policy introduced in the last few years may hint at a change in the way India envisions immigration.

Migration flows and policy in India today

The impossible search for data

Information on the total number of foreigners in India was disclosed in the annual report of the Ministry of Home Affairs until 2009, but it ceased to be made public from then on. This change took place after the terrorist attacks of November 2008 in Mumbai, which triggered a comprehensive reevaluation of security measures and revealed the limits of data collection on foreigners and entry in India.

If we have a look at the figures made public in 2009, it is estimated that the total foreign population in India was 398,836, with a maximum number registered in Tamil Nadu (103,584), where a large community of refugees from Sri Lanka is located, followed by Karnataka (61,910), where the largest concentration of Tibetan refugees is located, then Delhi (60,061), Arunachal Pradesh (35,909), Himachal Pradesh (28,641), and two Himalayan border states (MHA, 2009: 158). Such numbers seem very low considering migrants can circulate freely between Nepal and India. It is estimated that millions of Nepalese workers stay and work in India after migrating. The government figures only represent those groups which the Indian authorities recognize as legal residents – mostly refugees from selected countries. Against the grain, it also indicates which groups were dismissed or ignored: the millions of South Asian transmigrants, especially those from Nepal and from Bangladesh (Samaddar, 2003; Baujard, 2011).

Since 2010 the annual report of the Ministry of Home Affairs has stopped providing such detailed numbers. It now discloses only the total number of foreigners who enter India, deliberately presenting non-disaggregated data – this number therefore includes labor migrants, refugees, but also tourists, business travelers, etc. However, the government has access to information about the purpose of a visit to India, which has to be specified with any visa demand. The fact that the government does not disclose such data can indicate discomfort when faced with a sensitive issue, or disinterest in the issue of immigration.

Immigrants: a variety of flows and differentiated management

Historical flows: migrants from South Asia

The volumes and conditions of migration to India from other South Asian countries differ notably according to their country of origin. To a large extent, this reflects the nature of India's bilateral relations with the neighboring countries. Generally speaking, economic migrants originating from India's South Asian neighboring countries will suffer from some kind of stigmatization, when Indian legislation does not simply make them illegal.

The India-Nepal treaty of friendship signed in 1950 established the free circulation of goods and persons between the two countries (Bruslé, 2011). Nepali migrants can therefore enter and work in India freely. This means that the entry/exit of such migrants is not tracked by Indian authorities, making it very difficult to quantify the flows. Estimates about the number of Nepalese migrants in India vary between 1.3 and 6 million immigrants, and their situations vary greatly: some populations of Nepali origin have, for example, been settled in India for several generations. However, most Nepalese migrants currently in India are economic migrants who occupy unskilled, informal jobs in the service sector: coolies and watchmen are niches of employment for Nepalese migrants in the northern part of urban India. This migration includes a substantial share of women who mostly work as servants, but also prostitutes who are trafficked to Indian brothels – this has an impact on the image of Nepalese migrant women in India. Hence, the integration of these neighbors, which are welcome by law, is limited by the stigmatization they suffer as Nepalese migrants in India (Baujard, 2010; Bruslé, 2011; Roy, 2010).

The history of difficult geopolitical relations with Pakistan, with four low-intensity conflicts in almost seven decades, accounts for the fact that the Indian borders are closed to Pakistani migrants, especially since the 1990s and the tensions surrounding the Kashmir issue. In public opinion immigration from Pakistan has become associated with illegal border crossing by activists-cum-terrorists, especially since the Mumbai terrorist attacks of 2008. The entry point across the sealed and highly militarized border is restricted to the Wagah border post, plus a couple of fluctuating airline connections to Indian airports. There is strict limitation of migration from Pakistan to India, although visits and short stays are possible. An important exception to the limitation of migration relates to the continuity of family relations between Indian Muslims and their relatives in Pakistan: during the first decades after Partition there were tens of thousands of marriages every year. Such practices have dwindled with the severing of family ties with time and distance, and nowadays are limited to a few hundreds per year. Inflow is therefore very limited. Furthermore, data on recent Pakistani migrants is misleading, for the more than one

million people born in Pakistan who migrated to the newly defined India immediately after Partition are counted under census operations as being born in Pakistan (Table 1), as well as more recently arrived migrants (Gopal Jayal, 2013).

Migration from Bangladesh is yet another different case. During the war of independence (1970-1971), India hosted eight to ten million displaced persons, most of whom went back to Bangladesh. As a whole, since Partition, about three to four million Hindu migrants have stayed or entered India, in search of safer life conditions. They are recorded as having migrated from Bangladesh under the Indian census operations but they usually had easy access to Indian citizenship. Yet migration from Bangladesh also includes millions of un/low skilled migrants from the mainstream Muslim population, who come to India as economic migrants. Contrary to the Nepalese migrants who can circulate under the provisions of the 1950 bilateral treaty, the labour migration of Bangladeshis is illegal. They therefore cross the border without any visa and are never registered by Indian authorities. They work in agriculture in the northeastern part of the country and in manual jobs in most Indian cities. The Indian population has heavily stigmatized Bangladeshi migrants as foreigners, illegal migrants and Muslims. They are an easy scapegoat for Indian politicians, especially when those belong to the Hindutva right wing movement. Stigmatizing discourses based on security concerns, largely rooted in Islamophobia, have blossomed, along with calls to raids on settlements identified as hosting Bangladeshis in Mumbai and Delhi. This rhetoric has justified the building of a border wall (i.e. barbed wires and border posts) along the 3,600 km frontier between the two countries. Despite this context, illegal circulation continues, to an increasing cost, both human and financial, for Bangladeshi migrants (Samaddar, 1999; Van Schendel, 2005; Sur, 2013).

Non South Asian immigrants: a discreet yet rising population

Immigration from countries located outside South Asia seems very small in comparison, particularly as it is not recorded in Indian data, but it has increased in the last years.

The opening of the Indian economy, especially the blossoming of the services sector and the development of activities of multinational companies (MNCs) in India, has encouraged the immigration of highly skilled Indian expats, who settle in the country for several years. They come from various Western countries, according to a well-known model of circulation of highly mobile senior manager expatriates in MNCs. They also hail from East Asian countries, especially from South Korea and Japan, whose MNCs have massively invested in the industrial sector in India, notably by opening automobile construction units where a large share of mid-rank and high-rank managers comes from abroad. The arrival of young Western graduates ready to work in

the service sector at Indian wage rates has been largely covered since the 2000s and sometimes exaggerated by the English-speaking media. This coverage has conveyed the idea that young professionals from unemployment stricken countries in the West, especially from Anglo-Saxon countries, risked flowing into India and competing with young Indian graduates for jobs. Measures to limit such inflows have recently been taken by the Indian government (see 3.1).

Second, the development of a commoditized private offer of higher education, especially in South India since the1960s, has also attracted international students, namely from the Middle East and Africa. India has become an alternative destination to former colonial metropolises and as such a serious competitor in the international higher education market, especially for students from the global South who have faced increasing difficulties in getting access to universities in the North since September 2001, both for economic or administrative reasons. This international attraction has also been fostered by the multiplication of Memorandums of Understanding and exchange programs between top universities in India and abroad in the last fifteen years.

Yet, the strict prevailing conditions for long stays and residency for non-South Asian foreigners, who come only through visas, limit this inflow of population, as we will see below.

Refugees: India as a major host country

India hosts sizeable groups of refugees consisting mostly of Tibetans from China and Tamils from Sri Lanka, both groups boasting approximately 100,000 members (Table 1). In addition, minorities from Bhutan, Bangladesh and Myanmar have frequently taken refuge across the border in the northeastern part of India over the last decades. Most go back to their home country when the crisis they are fleeing comes to an end, but some also settle down more permanently, without getting official recognition of their refugee status from the Indian government (Baujard, 2010; Sur, 2013; Van Schendel, 2005). Despite this important inflow of asylum-seekers, India has never ratified the 1951 Refugee Convention of Geneva or the 1967 Protocol. This can be explained by historical reasons – India itself struggled with millions of displaced persons in the aftermath of Partition, which coincided with the elaboration of the UN framework – and geopolitical ones, such as India's policy of non-alignment. Furthermore, India has not elaborated a specific body of law for refugees on its own. That said, the United Nations High Commission for Refugees is currently allowed to operate in India, albeit on a limited scale.

The institutional framework of immigration management

Non-nationals in India are governed by the Foreigners Act of 1946, which defines the prerequisites for entry and stay of non-Indian citizens. Refugees are also governed by the rule of the 1946 Foreigners Act as a consequence of the non-ratification of the Geneva Convention.

It is the Ministry of Home Affairs (MHA) that is responsible for immigration, visa, foreign contribution and citizenship related matters. Entry, stay and exit of foreigners in India are regulated through its Bureau of Immigration (BOI) and implemented by the State Governments/ Union Territory Administrations. Most foreign nationals have the obligation to get a visa to enter Indian territory, except for some countries on the basis of bilateral agreements. These include most South Asian countries, with the notable exception of Bangladesh and Pakistan. The system is complex, with as many as sixteen visa types: Tourist visa (usually valid for 90 to 180 days); Tourist visa on arrival; Employment visa; Business visa; Project visa; Research visa; Medical visa; Student visa; Journalist visa; Conference visa; Diplomatic/Official visa; Entry visa (X); Transit visa; UN Diplomatic(UD)/ Official(UO) visa; Collective (Group) visa; South Asian University visa. The prices of these visas may vary according to the nationality of the applicant: it is free or cheap for some South Asian Association for Regional Cooperation nationals, while a premium is charged for US nationals. Additionally, people with visas for periods exceeding 180 days need to be registered with the Foreigners Regional Registration Offices that fall under the BOI within fourteen days of arrival (Pakistanis must be registered with the local police within twenty four hours after arrival). This complex system, which includes a certain amount of red tape, is prone to errors, delays and malpractices.

For those who fall out of the realm of legal immigration and the visa route, especially refugees and displaced populations, the role of international organizations and non-governmental organizations (NGO) is central, but it is strictly controlled by the Indian State. By law, foreign NGOs cannot operate directly in India: they need a local Indian partner, and any organization funded from abroad comes under special scrutiny, especially if it is a religious organization. Similarly, international organizations operate under the strict control of the Indian government. The Human and Civil Rights organization (HCR), for example, operates under very restricted conditions in India. The HCR as a UN organization was active in India between 1969 and 1975, left in 1975, and then re-opened an office in Delhi in 1981 under the UNDP. It caters for the needs of certain specific communities, in a semi-official capacity. India has de facto delegated the management of its population to the Tibetan government in exile. Responsibility for smaller groups, such as the thousands of refugees

from Afghanistan and Myanmar were delegated to the HCR, which is in charge of organizing repatriation or resettlement in third countries. As the Sri Lankan Tamils are a sensitive issue between India and Sri Lanka, this group is more strictly monitored, with camps and a special police organization, but also co-managed with HCR through a dedicated sub-office in Madras that caters for the refugee camp population and organizes return operations. Authors like J. Baujard (2011) consider that this legal and institutional void opens up space for a differentiated management of refugees on a group by group basis, according to geopolitical as well as internal political considerations at the federal and state levels.

Outside India: Indian emigrants and the diaspora

India has a long record of overseas emigration dating back to pre-colonial and colonial periods, which has morphed into a diaspora comprising important communities abroad (Parekh et al., 2003; Markovits et al., 2006). To old pre-colonial and colonial concentrations around the Indian Ocean and in the Caribbean, one should add major post-Independence hubs in Western Europe (especially in the UK), in North America and above all in the Gulf countries, which have emerged as a major destination for all kinds of migrants from India (Lal, 2006). These large overseas groups comprise all kinds of migrants and types of relationships with the Indian State, but one important feature is that they make India the first receptor in volumes of remittances, which, according to the World Bank, reached more than one hundred billion US$ in 2012. This is a strong argument in favor of a comprehensive emigration and diaspora policy.

After Independence, the Nehruvian nationalist rhetoric severed the links with the diaspora by shifting the focus on the building of the new Nation State and the people living inside the borders of its recently created territory. This turn opened a phase of a couple of decades in which the Indian government's attitude towards the diaspora was characterized, in Lord B. Parekh's terms, by "studied indifference". To a certain extent, the same applied to emigrants. This historical and ideological background accounts in part for the relative disdain held until recently by Indian bureaucratic and political spheres for migration-related issues (Lall, 2001; Carsignol, 2011).

Until this day, emigration policy has been structured by two Acts: the Indian Emigration Act (1983) and the Indian Passport Act (1967), which replicate colonial acts that organized the recruitment and circulation of indentured manpower to other parts of the colonial empire (Rajan et al., 2010: 16). Similarly, the management of emigration falls under four different ministries—Home Affairs, External Affairs, Labour and Overseas Indian Affairs—creating a

complex and fuzzy institutional landscape. This system is also marked by an ideological concern for the protection of emigrants, and especially low skilled ones who are perceived to be more vulnerable to abuse. As a result, there is a dual passport system with Emigration Clearance Requested (ECR) and Emigration Clearance Not Requested (ECNR) passports. This difference was based initially on the level of education of the passport bearer: a person with a college degree willing to migrate would not have to ask for permission. The ECR passport obliges the holder to ask for clearance in case of emigration to a certain list of countries. The threshold has been gradually extended to any person who has completed high school education (ten years of schooling) or who pays income tax, which reflects a major shift towards economic criteria. The objective of this system, namely to protect vulnerable emigrants, was not achieved. The complexity of the system, which multiplies administrative levels and intermediaries, rather opens up a space for fraudulent activities, increasing the cost and risk of emigration for less advantaged migrants.

The Bharatiya Janata Party (BJP), i.e. the Hindu right wing political party has introduced diaspora and migration on the policy agenda. The ideological agenda of BJP indeed pushes forward an essential and deterritorialized vision of Indian identity that challenges the secular yet territorialized conception of belonging promoted by Nehru and his successors. The massive amounts of funding received by the party from Indians abroad factors into this change of orientation (Therwath, 2012).

A specific category of migrants: (ex-) Indian "returnees"

India receives important flows of return migration, namely Indian migrants returning to their homeland after a couple of years or more abroad. The largest part comes from the oil-producing countries of the Middle East, which host approximately five million Indian migrants. Most countries in this area of the world do not provide rights to permanent residency nor any access to citizenship, hence return is almost mandatory at some point for most migrants, especially the lower skilled (Gardner, 2010; Vora, 2013; Zachariah et al., 2011). This return is a massive social and economic feature in these Indian areas that are particularly prone to migration to the Gulf. The State of Kerala, for example, has over the last twenty years received as many as half a million to one million returned migrants yearly (Zachariah et al., 2012). In the best cases, these migrants return for good, having put aside enough money to build a house or to start small businesses in their native area. Nevertheless, some come back in distressed situations (having been abused by agents or employers; with no money or in debt; injured after industrial accidents). So far Indian authorities, either at the central level or at the State level, do not

provide any help in rehabilitating migrants whose migration project have gone awry (Rajan, 2011).

Another flow, which has developed in recent years, is the return migration of a small part of highly skilled Indian migrants. This flow is difficult to estimate and probably does not exceed a few tens of thousands returned migrants per year, but this new trend has been a substantial turning point, departing from the – limited – brain drain that India has experienced since the sixties (Khadria, 1999). The return of software engineers from the USA has coincided with the information technology sector boom of the last two decades, and has attracted a lot of attention from the media and scholars (Varrel, 2011; Upadhya, 2013). It has been indirectly, although involuntarily, facilitated by the new statuses dedicated to former Indian citizens developed under the diaspora policy package. The authorities did not expect this phenomenon, although it has been a boon for this sector of the economy. It must be considered more in terms of increasingly international and circular patterns of circulation than a "one way" return, but it has drawn a new pattern of mobility for young Indian graduates as well as a promising perspective of development of transnational entrepreneurship (Saxenian, 2006).

To conclude this panorama of migrations and its management in India, one should underline the variety and differences in the way India manages migration-related issues and migrant populations. It looks like India does not yet address immigration as a major issue, which remains very much managed in a case-by-case fashion dominated by the security imperative. In the next section of this paper, we will take a closer look at the institutional framework and how it explains the fact that India is yet to develop a comprehensive migration policy.

A migration policy yet to be formulated

The central role of the Ministry of Home Affairs

The Ministry of Home Affairs (MHA) is responsible for immigration, visas, foreign contributions and citizenship-related matters, administered through the Bureau of Immigration (BOI) and the network of Foreigners' Registration Regional Offices. The agenda of the MHA is dominated by security concerns and this reflects in the way it manages immigration issues. Emigration and diaspora related issues have been shifted to the Ministry of Overseas Indian Affairs, created in 2004.

This focus on security can be traced back to the worldwide tightening of security measures that took place after 9/11, but also in the perspective of the post-Partition trauma and the continuing regional tensions that have culminated in the 2008 terrorist attacks.

As a first step in the aftermath of the bombings, multiple and sometimes hasty adjustments in the entry regime for foreigners were made in the first half of 2009. The activities of foreigners in India and the type of visas they possessed came under reinforced scrutiny, sometimes resulting in invitations to leave the country. A series of official notices were issued in the autumn 2009 in order to reassert the strict use of business visas, which were routinely misused by foreigners to bypass the lengthy and costly process to obtain an employment visa.

In a second phase, in 2010, the Government of India decided on a comprehensive effort to 'modernize and upgrade immigration services' under the National E-Governance Plan. It initiated the Immigration, Visa and Foreigners Registration and Tracking (IVFRT) scheme, at a cost of approximately 100 to 200 million euros. This system was presented as a way of introducing 'a secure and integrated service delivery framework to enhance security and facilitation in the visa issuance process, strengthen the immigration function besides strengthening the Foreigners' registration process'. This involved the standardization of visa applications country per country of application and the monitoring of registration processes for foreigners through a website under the direct control of the MHA administration in Delhi. More secure visa stamps, including a picture of the holder, were also introduced. The list of documents requested

was extended for many visas, although for practical reasons (e.g. difficulties for the applicant to have some documents issued in certain countries, increase in the applications' processing time, etc.) this has since been reduced for most visa categories.

The enduring separation of emigration and immigration management

The development of a comprehensive policy package targeting Indian migrants and diaspora since the end of the 1990s definitively closed the chapter of post-Independence 'studied indifference'. Over the last fifteen years, India has made a considerable effort to catch up with the diaspora, and to tap its potential to boost economic development. This political shift could have been a first step towards a better taking into account of migration issues, but it has remained largely confined to rekindling links with the diaspora and addressing emigration related issues.

The Ministry of Overseas Indian Affairs, a new institution with an agenda restricted to emigration

The creation of the Ministry of Overseas Indian Affairs [MOIA], although significant, brought only limited changes to the management of migration related issues. First of all, its institutional position itself restricted its potential influence on diaspora and emigration: 'established in 2004 as the "Ministry of Non-Resident Indians Affairs" (NRI), it was renamed the "Ministry of Overseas Indian Affairs" (MOIA) in September, 2004. The emigration division of the Ministry of Labor and Employment was attached to the new Ministry in December 2004 and now functions as the Protectorate General of Emigrants. The erstwhile NRI division of the MEA now functions as the Diaspora division in the Ministry.' (MOIA, 2011: 3). This excerpt of the Strategic Plan published in 2011 presents the MOIA as an institution under the control of the MHA, and thus with little power to change immigration policy.

It is however worth noting that some of the initiatives launched under the MOIA made space for economic actors in the field of migration-related issues:

•   The organization of the Pravasi Bharatiya Diwas, i.e. Diaspora Days, is an event that belongs to the diaspora policy package. Launched in 2003, this is a highly-publicized symbolic yearly event aimed at showcasing the new interest of India for its migrants and diaspora, by bringing together both categories for three days of thematic workshops, an awards ceremony, officials' speeches, all taking place in plush venues. This flagship event has been organized in partnership with two prominent organizations representing the interests of the Indian private sector: the Federation of Indian

Chambers of Commerce & Industry between 2003 and 2005, then the Confederation of Indian Industry, between 2006 and 2012.

•   Another space is the Indian Centre on Migration (ICM, initially known as the Indian Council of Overseas Employment), which serves as a strategic 'think-tank' on matters relating to overseas employment markets for Indians and overseas Indian workers. Under the ICM, the MOIA organized the first Employers Conference in 2011 in Hyderabad and the second one in Dubai on 27 and 28 October 2013. Nevertheless, discussions remain restricted to emigration-related matters.

The creation of the MOIA was therefore a major turning point in bringing migration related issues to the core of central government institutions. However, it did not become a vehicle for developing an inclusive immigration policy. Even in the field of emigration, the changes that have been introduced have only had a limited impact. S. Krishna Kumar, a veteran diplomat and one of the early architects of the MOIA, wrote, not without a degree of disillusionment: 'the present legislation […] is still stuck in the emigration and protection mindset' (Rajan et al., 2011: 249).

Dual citizenship schemes and the indirect impact on return/circular migration

Another initiative of the Indian government to foster reconnection with the diaspora and ex-citizens was to introduce two successive schemes granting them quasi-double citizenship - only political rights were excluded from the package. The first step was to introduce the Person of Indian Origin (PIO) card scheme. This was launched in 1999 and was devised for those foreign citizens who had held an Indian Passport or whose parents, grandparents or great grandparents (up to the fourth generation) 'were born in or permanently resident in India as defined in the Government of India Act, 1935 and other territories that became part of India thereafter.' The PIO card scheme offered many benefits: a visa for the duration of the validity of the card; exemption from requirement of registration with the office of the Foreigners Registration Officer for a period of stay of up to 180 days; and provision of parity with NRIs in all matters related to economic, financial and educational fields. PIOs are allowed to acquire, hold, transfer or dispose immovable properties in India. They also enjoy applicability of all Government schemes extended to NRIs related to bank accounts. However, the PIO card scheme was not well received initially, mostly because of its high price (originally 1,000 US dollars).

It was therefore reconfigured into a second scheme that would address more recently arrived migrants and their request for dual citizenship: the Overseas Citizenship of India (OCI) scheme was introduced in January 2006. Access was enlarged to 'PIOs of all countries except Pakistan and Bangladesh' and their descendants, and it offers enhanced benefits compared to the PIO card: a multiple

entry, multi-purpose, lifelong visa for visiting India; exemption from registration with local police authorities for any length of stay in India; and parity with NRIs with respect to economic, financial and educational fields.

The OCI scheme, unlike the PIO, is considered by the Indian authorities to be a massive success, with 1,243,627 OCI holders at the end of 2012 (MHA, 2013: 177). Eventually, the 'Government of India […] reviewed the functioning of these schemes, and has decided to merge the OCI and PIO card into a single facility. For this purpose, a Bill has been introduced in Rajya Sabha to amend the Citizenship Act, 1955' (ibid.). A couple of significant restrictions remain, the most important being that the schemes excludes people who were at any time, or whose parents were, citizens of Pakistan or Bangladesh.

Although it was not their initial aim, these schemes have largely been used by highly-skilled Indian migrants to return to India (see 1.5). It allows them to acquire a foreign citizenship during migration, especially in Western countries, and then to come back to India with the possibility of leading an almost normal life there, while having the option of going abroad again easily, thanks to their second citizenship (Upadhya, 2013; Varrel, 2011). It has become a well-known resource used in transnational migration strategies developed by highly-skilled Indian migrants, especially in the context of the information technology sector boom and the massive development of multinational corporate activities in India. Such returns are estimated to count in the thousands every year since the turn of the century. They appear as immigration flows in official statistics, but correspond in reality to a more complex category. The implementation of this scheme is an interesting case of a policy meant for emigrants and diaspora that turned out to contribute involuntarily to the immigration/return migration of highly-skilled manpower to India.

As exposed here, immigration remains largely seen through the lens of security, border security, and anti-terrorism. This position is reinforced by the separation of emigration and immigration issues between the ministries of Home Affairs, where security and police are at the top of the agenda, and Overseas Indian Affairs, which has less legitimacy and deals only with diaspora and emigration management issues. Immigration in particular is addressed, from a bureaucratic perspective, as a political and geopolitical topic whose economic dimensions are not taken into account. Recent changes, however, hint at a subtle shift in policy orientations, which will be examined in the next section.

A shift in the making? Recent changes in the visa policy

Highly-skilled migrants as a key category: steps forward and backwards

Affirming the priority given to the Indian workforce over foreign workers

In the autumn of 2009, in parallel with the streamlining of visa procedures (see 2.1), an official announcement by the MHA stated that employment visas should be delivered to 'senior/managerial position jobs' only and should not to be granted 'for jobs for which a large number of qualified Indians are available.' The strengthening of measures to ensure national security coincided in this instance with an intention to limit access to the Indian job market. This took place in a context in which several reports came out in the media, highlighting the arrival of young graduates from crisis-stricken Western countries and of Chinese consultants accepting lower wages than their Indian counterparts. This protectionist measure is justified by bureaucratic and political elites by the need for the nearly ten million young Indians entering the job market each year to find a job. It is also considered among these elites that India has developed a sophisticated higher education system that produces a large pool of highly qualified professionals every year, which should be sufficient to meet the needs of its economy. This position is still prevalent today, as the last updated description of the employment visa clearly indicates: 'Employment Visa shall not be granted for jobs for which qualified Indians are available. Employment Visa shall also not be granted for routine, ordinary or secretarial/clerical jobs.'

Along the same line, the Indian government set in November 2010 a salary threshold limit of $25,000 a year for foreign nationals applying for an employment visa. This includes salary and allowances paid in cash. There is a specific list of exceptions for less skilled yet rare jobs. Foreigners working for NGOs are however submitted to a different, very low, maximal threshold of 10,000 rupees - currently less than 1,500 euros. This reflects the general mistrust of foreign NGOs that prevails among Indian authorities.

Similarly, between 2009 and 2010 fees for all visas, especially employment and business visas, were increased on the pretext of the cost hike of the more sophisticated visa sticker that replaced the ink

stamp previously in use. The number of documents and guarantees required for the visa application (especially bank guarantees) was also increased.

A few discreet visa sub-regimes for skilled migrants: student visas and project visas

Student visas have been managed in a more liberal manner than other visas: they can now cover a period of up to five years, which corresponds to the duration required for Bachelor and Masters degrees, plus a six months time period after completion. This reflects the economic interests at stake for the private section of the Indian higher education system, especially private colleges, which charge high fees for non-national students. Running a private college is a highly profitable activity, and one can often find prominent politicians on the board of such institutions. For these reasons, the higher education sector has close connections with certain State governments, which can support the overseas recruitment of these institutions. Higher education also depends on the federal Ministry of Human Resources, which can push its agenda and requests to the Central government. However, the minimum wage threshold implemented for the employment visa ($25,000 a year) is far above an average entry-level wage in any Indian company, and could prevent foreign students from staying after studying in India. This discrepancy shows the somewhat paradoxical policy of India, which wants to boost its higher education sector but proposes an unattractive package to its most lucrative consumers.

In 2010, a specific visa was introduced under the employment category to employ foreign skilled employees as consultants on a temporary basis for specific projects in the steel and power: it is known as 'Project visa for steel/power sectors'. These visas are granted on a case-by-case and project basis. A person granted this visa is not allowed to return to work for the same Indian company in the two subsequent years, nor to have this visa converted into another type of visa. This indicates that certain sectorial interests – in this case the power and steel sectors, which are crucial for the Indian economy – were able to approach the MHA to advocate for such specific dispositions. Nevertheless, this visa regime and its conditions of stay are no more liberal than the general conditions made under the employment visa; the purpose here is to develop a fast-track process for specific projects and companies. This confirms that India wants to retain strict control over the immigrant workforce, especially with skilled and highly-skilled migrants.

Towards a revamping of the visa policy? Recent evolutions

Introducing flexibility: the Tourist Visa On Arrival scheme

Even though the tourist visa is not an immigration visa, recent changes introduced for this category may hint at more substantial changes to come. The 'Tourist Visa On Arrival' scheme was introduced in 2010 for a one-year test. It aimed at promoting tourism by making the visa-issuing process quicker and easier. It allows for a one-month stay with single entry, and can be obtained only twice a year with a two-month minimum gap. It is neither extendable nor convertible into another visa. It can be used for tourism, medical tourism, visit and casual business (PIB, 2011). It was initially introduced for citizens of five countries in particular: Japan, Singapore, Finland, Luxemburg, and New Zealand. This list was extended in 2011 to include six Asian countries: Cambodia, Laos, Vietnam, Philippines, Myanmar, and Indonesia. The aim here was to encourage tourism and visits from nearby countries. In February 2014, it was announced that it was to be made available within one year for 180 countries, with the notable exceptions of Afghanistan, Iran, Iraq, Nigeria, Pakistan, Somalia, Sri Lanka, and Sudan. Considering the potential volumes of applications, an electronic application system through IVRTF will grant electronic approval for visas within three days after online application.

This innovation should be considered a significant change in the way in which India manages its visa policy, with the introduction of fast-track processing, shorter duration of stay, and relaxation of security rules, which previously prevailed. It hints at a potential for more flexibility. It also indicates growing attention paid to economic interests, in this case those of the long neglected tourism and hospitality sectors.

Making the visa system more flexible?

In the last few years, there have been instances, especially for British citizens, of sudden hikes in visa prices in response to a similar decision imposed on Indian citizens applying for visas to the United Kingdom. At the beginning of 2014, a simplification/rationalization of the visa system was announced, with a will to decrease the number of visa categories. All these different, sometimes divergent, decisions show that the manner in which India manages its visa policy increasingly fluctuates according to various considerations: internal security, economic priorities such as power and steel production or job market protection, but also bilateral tensions. India has become aware that immigration policy can be a tool in the geopolitical game.

Conclusion

By and large, India continues to perceive itself as a sending/emigration country. This can be observed in public opinion as well as in bureaucratic and political spheres: immigration is not considered as an economic opportunity. There is political will to address emigration since it has become a significant social phenomenon, and efforts have been formulated, if not carried out, in the last five years to implement a real system to manage emigration. Immigration remains a separate issue, however, which is hardly addressed in terms of labor immigration, both for political and ideological reasons. Developing a comprehensive immigration policy is not a priority today.

The economic dimension of immigration has not yet been fully integrated. Work immigration is considered neither necessary nor desirable, and the employment market is strictly safeguarded and reserved for Indian citizens. So far, immigration policy boils down to a visa policy for non- South Asian migrants. For migrations from South Asia, especially trans-border immigration, the attitude wavers between a relative indifference to a security obsession mired in post-Partition ripple effects. As a matter of fact, a salient feature is the systematic exclusion of Pakistani and Bangladeshi citizens, and to a lesser extent Sri Lankan citizens, from all schemes that could facilitate their entrance, be it in measures related to diaspora policy or the impending tourism visa on arrival. Restrictions on access to citizenship for immigrants and their children directly affect migrants from these countries whose stay is *de facto* temporary. Immigration is dealt with in a very bureaucratic manner, with priority given to security, and one cannot really observe an inclusion of the interests of the economic sector, except, and since very recently, for a handful of sectors (higher education, tourism, power and steel industry), which could hint at a shift in the making.

The results of the national elections of May 2014 should play a role in the future of emigration and immigration policies. The Bharatiya Janata Party that now rules the country has developed a business-friendly agenda, with significant support from big corporate groups that may request more flexibility of circulation for their workforce. However, this may conflict with the Hindu-nationalist ideology of the party, which is often translated into hostility towards illegal Muslim migration from Bangladesh. The open question here is whether this will hinder any substantial step towards the formulation of an

immigration policy. The BJP was also the promoter of the reorientation of citizenship towards *jus sanguinis*, thus forbidding any enlargement of access to citizenship or dual citizenship for immigrants and their descendants. That said, the BJP received massive support from the diaspora, which might translate into further requests for implementing the long-promised dual citizenship scheme. All these questions should be carefully scrutinized in the coming months and years.

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ANNEX 1: Table: Foreign population in India, country of origin (1990-2010, UNDP)

	1990	2000	2010
Afghanistan	14,234	12,179	10,326
Australia	3,132	2,680	2,272
Bangladesh	4,398,274	3,763,214	3,190,769
Bhutan	11,146	9,537	8,086
Canada	6,508	5,568	4,721
China	18,261	15,624	13,247
Fiji	2,397	2,051	1,739
France	5,889	5,039	4,272
Germany	5,684	4,863	4,123
Great Britain	5,090	4,355	3,693
Indonesia	1,796	1,537	1,303
Iran	3,067	2,624	2,225
Iraq	1,195	1,022	867
Japan	908	777	659
Kenya	8,213	7,027	5,958
Kuwait	16,949	14,502	12,296
Malaysia	12,360	10,575	8,966
Maldives	1,820	1,557	1,320
Mauritius	2,561	2,191	1,858

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Myanmar	86,159	73,719	62,505
Nepal	520,950	445,731	377,928
Nigeria	1,293	1,106	938
Pakistan	1,931,431	1,652,555	1,401,175
Portugal	456	390	331
Russia	3,463	2,963	2,512
Saudi Arabia	6,090	5,211	4,418
Singapore	9,356	8,005	6,787
Sri Lanka	283,208	242,316	205,456
Turkey	345	295	250
UAE	9,993	8,550	7,249
Uganda	2,061	1,770	1,501
USA	5,679	4,859	4,120
Vietnam	2,847	2,436	2,065
Zambia	1,013	867	735
TOTAL	7,493,204	6,411,272	5,436,012

Source: United Nations, Population division, 2013