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The draft Emigration Bill 2019, recently released by the ministry of external affairs (MEA), and currently pending parliamentary approval, proposes a new legislative framework for matters related to emigration of Indian nationals. It is set to replace the extant one under the Emigration Act of 1983. India is among a handful of countries that has explicit legislation for promoting emigration. Historically, countries which have enacted emigration laws—like the Soviet Union in the post-World War II period, restricting East-West migration in the Eastern Bloc, or North Korea today—have used such legislation to essentially prohibit international movement of their nationals. The laws of most countries today address only immigration.

The intention of replacing the old Act is consistent with the government's effort to weed out anachronistic laws and update them in line with modern conventions. The United Nations' "2030 Agenda for Sustainable Development", for example, has for the first time recognized migration as a core element of the global development agenda, and has set several targets that relate to it. These cover student mobility, human trafficking and exploitation, labour migration and employment, migration governance, remittances and migration data. While not explicitly stated in the draft bill, one objective of the new legislation is to draw up appropriate regulations that would conform with the contemporary global agenda on these matters.

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The emigration bill also assumes significance for two other aspects. First, since 1983, there has been a structural shift in the quantum, nature, pattern and direction of emigration from India. As per the latest World Migration Report published by the International Organization for Migration, India features as the largest country of origin for international migrants (about 30 million in 2017); the largest recipient of remittances (about $80 billion or ₹5.6 trillion in 2018); and figures in five of the top 20 migration corridors from Asian countries. The 1983 Act, enacted in the specific context of large-scale emigration to the Gulf, falls short in addressing the wide geo-economic, geo-political and geo-strategic impact that emigration has today.

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Second, the government's attitude towards international migrants has changed over time. From labelling NRIs as "non-required Indians" at the height of the "brain drain" in the 1970s and 1980s to addressing them as "India's brand ambassadors" and "symbols of our capacities and capabilities", as the Prime Minister did at this year's Pravasi Bharatiya Divas, India's position on the phenomenon has come a long way. The proposed bill, with its thrust on strengthening the institutional framework for emigration management, affirms that shift in outlook.

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