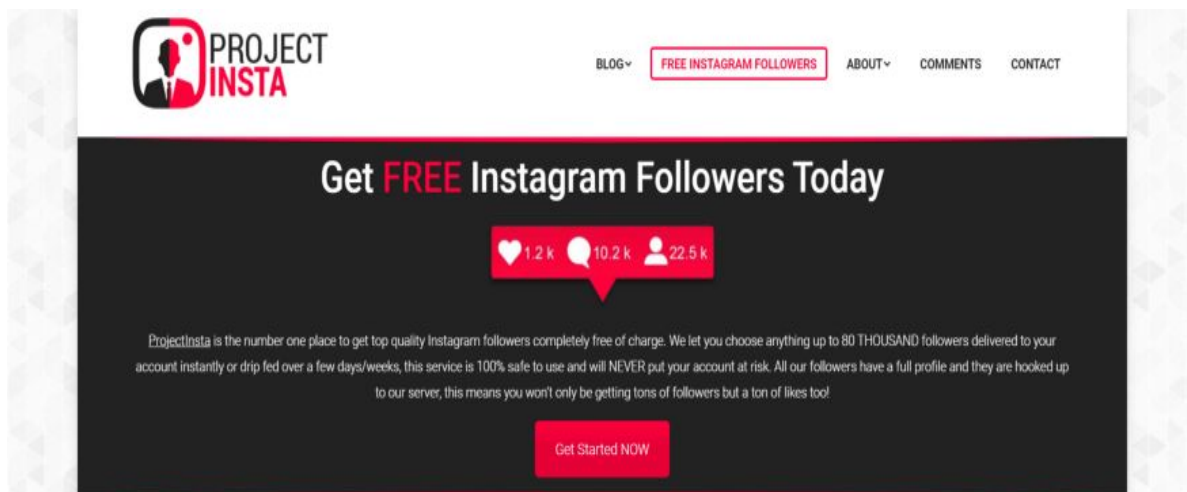


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(Updated : February 28, 2021)

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The draft bill proposes a three-tier institutional framework, with the MEA as the nodal ministry. At the top, a central Emigration Management Authority (EMA) has been proposed for policy guidance and supervision. In the middle, a Bureau of Emigration Policy and Planning, and a Bureau of Emigration Administration shall handle day-to-day operational matters and oversee the welfare of emigrants. At the bottom, nodal authorities in states and union territories shall coordinate aspects of management related to both emigrants and returnees. This could allow vertical policy coherence on emigration matters—particularly in promoting and managing safe, orderly and regular emigration.

That said, the contours of the new bill still appear to focus on managing blue-collar emigration, a la the 1983 Act. This is evident as the draft bill lists at length the duties and functions of recruitment agencies and sub-agents, which, inter alia include skill upgradation and pre-departure orientation programmes designed to serve only such emigrants. While the need for this is clear, since blue-collared workers are more vulnerable to exploitation and migration shocks, the bill must also offer management structures and policies that better

reflect the current nature and pattern of emigration—specifically, concerning the aspirations of and challenges for white-collared emigrants.

For example, as per the draft bill, the EMA shall have representation from only two other ministries: home affairs and human resource development. It notably excludes representation of the ministry of commerce and industry, the nodal ministry involved in Mode 4 negotiations (movement of natural persons) under the General Agreement on Trade in Services at the WTO. At a time when nativism has led to heightened protectionism in the labour markets of destination economies, policy formulation on migration will increasingly need integration with trade and investment agreements. This shall necessitate a cross-sectoral approach in emigration management. However, in its proposed form, such horizontal policy coherence is unlikely to be achieved.

The draft Emigration Bill 2019 does improve upon the extant legislative framework by adopting a whole-of-cycle migration approach. But, the current international paradigm relating to labour market protectionism demands a wider approach. We need to graduate from merely enacting emigration management legislation to practising more broad-based diaspora engagement policies that could provide a cushion in these turbulent times.

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