CROSS BORDER MIGRATION INTO INDIA AND DEVELOPMENT:
CASE FOR TAPPING A POTENT INVESTMENT IN HUMAN CAPITAL FORMATION?

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1. The Context: Regional Dimension in International Migration

The migration discourse has not remained confined to focusing upon the mobility of people from low income countries to high income countries. There has been growing attention to migration from higher-income countries to lower-income countries. The current literature, however, is increasingly taking note of human movements within any of the two regions – the higher income countries and the lower income countries, also described as the global north and the global south respectively. Based on the level of development of the countries of origin and destination, the United Nations has therefore identified a typology of two inter-regional and two intra-regional streams of contemporary international migration: south-north and north-south, south-south and north-north (United Nations 2013). This typology also subsumes the category of a transit country in its roles of being an origin and a destination country at the same time. Table 1 reflects the common knowledge that international migrants are spread throughout the world. Although it is true that a majority 58 percent of them live in the developed regions (comprising Europe, North America and Oceania), the balance that the developing regions (comprising Asia, Africa and Latin America & the Caribbean) together host also makes quite a substantial proportion at 42 percent.

Table 1: International Migrants in the World by Destination Region, 2013

| Destination Region	Number of International Migrants (Thousands)	Percentage Distribution of International Migrants	International Migrants as Percentage of Population
Europe	72,449.9	31.29	9.8
Asia	70,846.8	30.60	1.6
Northern America	53,094.9	22.93	14.9
Africa	18,644.5	8.05	1.7
Latin America & the Caribbean	8,548.1	3.69	1.4
Oceania	7,938.1	3.43	20.7
World	**231,522.2**	**100**	**3.2**

Source: Compiled and adapted from the United Nations (2013b).

In the migration literature, depending upon the stocks and flows of people either leaving or arriving, traditionally some countries were particularly labelled as migrant sending, source or origin countries and some as the receiving or destination countries. Although the practice continues, there is greater recognition and awareness of the fact that there is a changing trend whereby almost every country in the world can now be called a migrant receiving as well as a destination country because "virtually all countries host at least some noncitizen residents" (Ruhs

and Chang 2002). Once a country's data show both immigration and emigration, then there is a high probability of its also being a transit country if there are given persons, male and female, who appear on both sides of such statistics. Unfortunately, such micro-data identifying the two-way migrants are a far cry in a situation where migration statistics are in general notoriously inadequate. The two-fold distinction therefore continues, primarily being determined by the dominant proportion of either immigrants or emigrants in the population of a particular country under consideration. This is one major reason why we think the Asian countries with their low collective proportion of 1.6 percent immigrants in the total population (Table 1) have failed to draw quality attention of the researchers and policy makers - as destination and/or transit countries.

Moreover, contrary to the popular belief that most migrants go from the developing south to the developed north, the dimension of south-south migration is actually higher than the south-north migration, even if only by a slight margin (United Nations 2013a). In this context one can aptly argue that, in the current phase of globalization, the traditionally mutually exclusive labelling of south countries as a source and north countries as a destination no longer remains valid. Figure 1 drawn from the latest available statistics on migration highlights the fact that the largest number of people have migrated intra-regionally, i.e., from one country in the global south to another country in the global south (South-South: 82.3 million, 36%), although it does not completely steal the limelight from the number and share of inter-regional migration, i.e., from a developing global south country to a global north country (South-North: 81.9 million, 35%). Therefore, although there could be some variations between a source country and the destination country in terms of economic development and other socio-economic factors, in most cases both these source and destination countries have shared their broad characteristics, that of the global south. To put it succinctly in Khadria's terminology, one can trace both the 'hubs' (places or countries where migrants tend to flock, i.e., the destination countries) and the 'hinterlands' (places or countries from where migrants tend to exit, i.e., the source countries) within the same region or country (Khadria 2010, 2011, 2012a).

Figure 1: Inter-Regional and Intra-Regional Streams of World Migration (million, percentage share of total), 2013
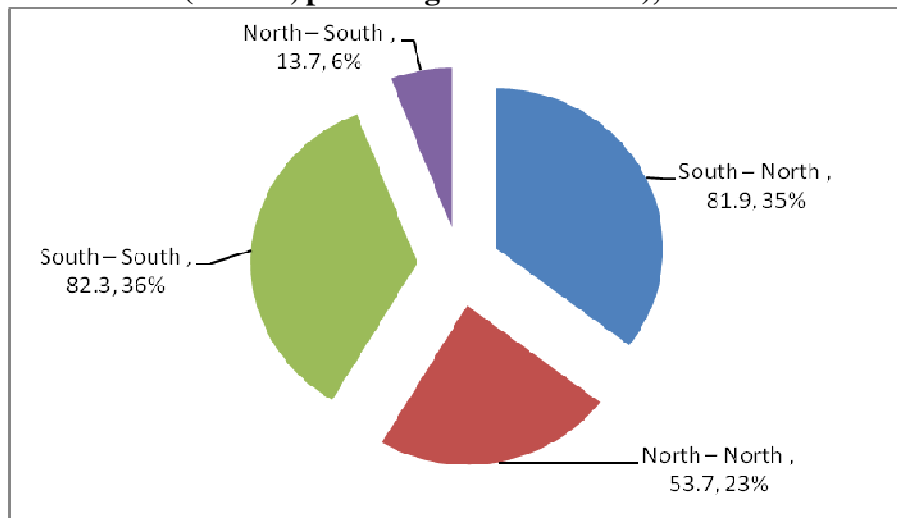
Source: United Nations (2013), *Population Facts*, No. 2013/13

2. India in the Changing Discourse of Migration Dynamics: A 'Hinterland' or a 'Hub'

In the typical migration discourse, India is primarily known as a source country of immigrants. It caters to the manpower needs of many countries around the world - from low skilled workers and artisans to high skilled professionals and international students (Kumar 2008, 2011a). Presently, India is the second largest source of diaspora in the world, comprising about 25 million people (GOI 2012-13). Indians are living in every part of the world - both developing and developed. Whereas majority of the high skilled, technical and professional graduates and tertiary students tend to go to the advanced countries of the global north such as the US, UK and Australia, a large number of the low and semi-skilled Indians migrate to the oil rich Gulf countries (Madhavan 1985; Khadria 1999; GOI 2001; Brown 2007; Lal 2007; IOM 2011). Notwithstanding this, India's recognition as a source country reveals only half of the story. It is important to be conscious that India is also an important destination country and receives a large number of migrants, mainly from neighbouring countries of Asia and some from other parts of the world as well (Khadria 2009a; Bahera 2011; The Asia Foundation 2013). It is estimated that in 2010, India, with a stock of about 5.4 million international migrants, ranked at 8th position in the list of migrant receiving countries (United Nations 2009). Although, in terms of proportion in total population of a country, immigrants constituted only about 0.4 percent in India whereas in other top seven receiving countries, the proportion of international migrants in the total population of the country ranged from about 8.7 percent (Russian Federation) to 27.8 percent (Saudi Arabia) (United Nations 2011). In terms of proportion of all international immigrants, India is host to about 2.3 percent of the world migrants (United Nations 2013a). Given this context, it needs to be emphasized that India should not merely be considered as a 'hinterland' where other destination countries recruit labour but should as well be recognized as a prominent 'hub' that attracts substantial number of immigrants from other countries. Below, we present a brief discussion on some pertinent aspects of this immigration into India.

India has a long history of immigration dating back to several centuries. People from many distant parts of the world came to India during various historical periods (e.g., the Aryans, the Mughals, and the Europeans) with varying intentions. While some of them returned after the fulfillment of their objectives, many others chose to stay in India permanently. Besides, certain events of the 20th century, especially the partition of the Indian subcontinent in 1947 and formation of Bangladesh in 1971 on the one hand and relatively faster economic development and political stability in India on the other hand, have also created niches for people to migrate to India as a migration hub. Though the contribution of Indian emigrants, especially the high-skilled professionals and knowledge workers and their eventual return, in the development of the host societies as well as in India, has been fairly debated and documented (see e.g., Bhagwati 1979; Khadria 1999, 2004; Kapur 2010; Tejada et al. 2014), systematic understanding about the contribution of immigrants, especially the cross border migrant population in India is rather scarce (Nandy 2005; Joseph and Narendran 2013). Nonetheless, it would be quite apt to mention that, like in all host societies, immigrants make important contribution to "development" in India.[1] Besides adding to the social and cultural diversity, cross border migrants have contributed to the Indian economy by putting their hard labour in various roles particularly in the informal sectors as construction workers, care givers, domestic workers, cleaners, bar and restaurant workers, petty

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[1] Development has been variously defined. According to a recent critique, "Development is as much a process, a process of providing services as of removing obstacles and giving freedom all sorts of discrimination." See, 'What development? For whom?' by Chapal Mehra in The Hindu, New Delhi, May 6, 2014, p.9.

traders and so on. Unfortunately, such contributions have not been assessed or measured cardinally in terms of their quantitative share in the gross domestic product (GDP) of the country, primarily because they are mostly in the informal sector where payments of wages and salaries are, as a norm than exception, made through cash and unaccounted for transactions, and not through the banking channels. There is therefore a need to initiate reforms which can facilitate evidence-based research and assessment of the immigrants' contribution in the host destination country. An immediate example of such reforms in India could be to answer the CARE (EMPHASIS)[2] call for bringing the cross-border immigrants from Nepal and Bangladesh into the fold of the formal financial system by enabling them to open bank accounts. This would be in the interest of optimizing both the private and public gains through regularization of a part of the large rent-seeking shadow economy that we have – as, on the one hand, the immigrant account holders would earn legitimate interests on their savings, and on the other hand, the banks would channelize those savings into productive investments. The cumulative interests accruing to the individuals and the cumulative principals mobilised by the banks and put into social investments could then be used as convincing proxies for the immigrants' contributions in 'destination' country India – resulting in private and public gains respectively, and social gain together. There could be other examples too.

Figure 2: Immigrants in India by Continental Regions, 2001
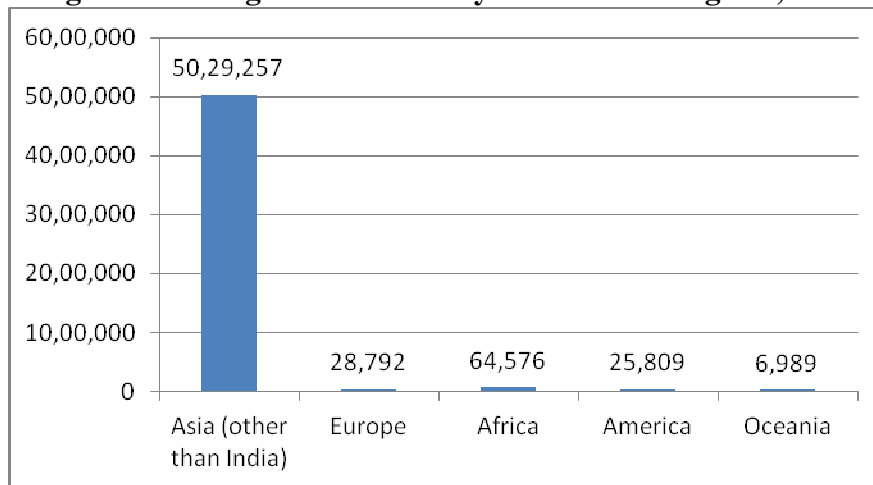
Source: Prepared from the data from the Census of India, 2001.

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[2] Enhancing Mobile Populations Access to HIV and AIDS Services, Information and Support (EMPHASIS) was a 5 year initiative of CARE International, among migrants and their families, in Nepal, Bangladesh and India.

Table 2: Stocks of Foreign Immigrants in India by Origin Country (Last Residence), 2001

Asia	No. of Immigrants	Africa	No. of Immigrants
Bangladesh	30,84,826	Kenya	2,777
Pakistan	9,97,106	Nigeria	1,469
Nepal	5,96,696	Zambia	764
Sri Lanka	1,49,300	Uganda	694
Myanmar	49,086	Mauritius	399
United Arab Emirates	29,823	Elsewhere	58,473
China	23,721	**Europe**	
Saudi Arabia	16,395	UK	8,461
Malaysia	13,946	Germany	3,110
Kuwait	10,743	France	1,819
Afghanistan	9,194	Portugal	397
Bhutan	8,337	Elsewhere	15,005
Singapore	5,393	**Americas**	
Kazakhstan	2,568	U.S.A.	5,791
Iran	2,233	Canada	2,782
Indonesia	1,140	Elsewhere	17,236
Japan	1,042	**Oceania**	
Iraq	860	Australia	1,215
Vietnam	644	Fiji	202
Maldives	293	Elsewhere	5572
Turkey	176		
Elsewhere	25,735	**Unclassifiable**	54,116

Source: Census of India, 2001, Reproduced from Khadria (2009a).

According to the Census of India 2001, about 5.1 million international migrants were living in India at the turn of the century. Lending credence to the findings by other migration researchers who say that an overwhelming majority of south-south migration takes place between countries with contiguous borders (e.g., Ratha and Shaw 2007), immigration in India is largely a regional phenomenon with 98 percent of all immigrants having their last residence within Asia (Figure 2). Of the 5.1 million international migrants in India in 2001, about 3.0 million (almost 60 percent) were from Bangladesh (Census of India 2001). Bangladesh, which shares 4096 kilometre of borders with five Indian states of West Bengal, Assam, Meghalaya, Tripura and Mizoram, is thus the largest source of immigrants to India.[3] It is to be noted that in 2010, with the stock of Bangladeshi immigrants in India rising to 3.3 million, Bangladesh-India migration corridor was ranked fourth among the top international migration corridors in the world (World Bank 2011), but ranked the first single largest "bilateral stock" of international migrants residing in the global south (United Nations 2012). Pakistan (0.9 million) and Nepal (0.5 million), the two other neighbouring countries sharing borders with India on two other sides are also important sources of international migrants (Census of India 2001). Other important Asian countries of origin include Sri Lanka, Myanmar, United Arab Emirates and China (Table 2). After Asia, Africa is the second largest source region of immigrants in India. Other three regions, viz., Europe, Americas and Oceania together were source of only about 1 percent of all international migrants in India.

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[3] See also, "Immigration is a dirty word", in Hindustan Times, New Delhi, May 11, 2014, p.15.

3. Cross-Border Migrant Population (CBMP) in India: Expectations and Experiences

An important dimension of intra-regional migration is the parity in terms of skill composition of the migrant population with the natives. It is largely found that majority of migrants moving from a developing country to another developing country belong to the low or semi-skilled category whereas majority of those moving from a developed country to another developed country are high-skilled professionals (Kumar 2011). Much of the south-south migration, therefore, is chiefly characterized by the presence of low or semi-skilled people and the north-north migration by the dominance of high-skilled people. For example, majority of the "service workers" comprising low or semi-skilled Indians go to the Gulf countries whereas the "knowledge workers" comprising the high skilled migrants and tertiary students from India prefer going to the developed countries such as the US, Canada, UK or Australia (Khadria 1999). Similarly, majority of the poor, low or semi-skilled migrants from Bangladesh go to the countries of Middle East and India whereas the high-skilled tend to migrate to the developed countries of the global north (DFID 2007; Ray et al. 2007; Khadria 2009a).

Since a vast majority of immigrants in India comes from the neighbouring countries, which also belong to the global south, it is pertinent to ask what attracts these migrants to come to India, i.e., what does India have to offer to these migrants. Both India and the source countries share many common features regarding various important socio-economic and development indicators. Moreover, from all the major source countries of cross border migrant population in India, large number of skilled migrants and tertiary students tend to migrate to the developed countries of the global north. In this context, the present section attempts to provide a brief overview of the expectations and experiences of cross border migrant population coming into India.

A. Who Migrates to India and Why: Composition and Expectations of CBMP

Since the major source countries sending migrants to India are other developing countries, where, like in India, the majority of highly skilled professionals tend to migrate to the developed countries of the global north and the semi-skilled to the rich countries of the Gulf, only the low skilled are left with the option of crossing over to neighbouring India (Joseph and Narendran 2013). Because of factors like a shared history, contiguous and largely porous borders, and cultural and linguistic affinities, such immigration from neighbouring countries, mainly Bangladesh, and Nepal into India - mainly comprising the poor, the downtrodden and those who cannot afford going to the so-called "greener pastures of the west" in the global north - has remained quite prominent and significant, although without drawing much scholarly attention. Having its genesis in the partition of the subcontinent in 1947 and later in 1971, earlier waves of immigration into India were fuelled by communal tension, social strife and political turmoil. For example, in 1971 when fatalities ensued in the wake of the *Mukti Bahini's* War of Liberation for secession from Pakistan, at least 10 million Bangladeshis poured into West Bengal in India. The majority of migrants were those fleeing persecution of rape, murder, forced conversion and so on. (Ghosh 2012). Though in the decades to follow, the reasons for migration were fairly diverse and the economic and political factors as well as social networking emerged as the main forces propelling the migrants to enter into India, push factors like shrinking employment opportunities in the domestic economy, rapid population growth and poor living and working conditions at home on the one hand and expanding economic opportunities and better chances of livelihood in India

(Samadar 1999; Hazarika 2002; Samuels et al. 2011; Sultana et al. 2011) and a thriving democracy as the pull factors on the other hand played important role in determining the swelling flows of Bangladeshi immigrants into India. According to the data collected by the Government of India in its decennial census in 2001, among the prominent reasons for migration, the largest majority of male Asian immigrants reported to come to cross the Indian border in order to get employment whereas majority of female migrants came for marriage (Table 3).

Table 3: Immigrants (by country of last residence) in India by Reason for Migration

Reason	Gender	Asian Immigrants	Immigrants from other Countries	Total Immigrants
Work/ Employment	**Persons**	**4,34,702**	**17,530**	**4,52,232**
	Male	3,85,521	15,382	4,00,903
	Female	49,181	2,148	51,329
Business	**Persons**	**57,217**	**1,819**	**59,036**
	Male	49,072	1,524	50,596
	Female	8,145	295	8,440
Education	**Persons**	**37,443**	**4,501**	**41,944**
	Male	29,529	2,838	32,367
	Female	7,914	1,663	9,577
Marriage	**Persons**	**5,95,606**	**40,733**	**6,36,339**
	Male	14,926	591	15,517
	Female	5,80,680	40,142	6,20,822
Moved after Birth	**Persons**	**25,902**	**4,230**	**30,132**
	Male	15,835	2,353	18,188
	Female	10,067	1,877	11,944
Moved with Household	**Persons**	**20,30,978**	**28,336**	**20,59,314**
	Male	9,91,607	11,062	10,02,669
	Female	10,39,371	17,274	10,56,645
Other Reasons	**Persons**	**18,47,409**	**29,017**	**18,76,426**
	Male	11,47,999	15,675	11,63,674
	Female	6,99,410	13,342	7,12,752

Source: Census of India (2001); Reproduced from Khadria (2009a).

The demand for labour in India during the last few decades has attracted people from the neighbouring countries, primarily Bangladesh and Nepal (Bahera 2011; Samuels et al. 2011). It has been further observed that crossing the Indian border has become essential for many households in these countries as it is difficult for them to think of their survival otherwise - as a female spouse in Nepal is reported to have accepted very candidly. She said, "We can't light fire until he (her husband) goes to Mumbai and earns money; so he has to go to keep the family alive" (Samuels et al. 2011). Poor economic conditions in the countries of origin and lack of business or employment opportunities, lack of livelihood options, severe financial crunch and inability to repay loans taken back home have usually been cited by the migrants as the major factors that push them across the Indian border. For example, Rahimuddin, a 24 years old Bangladeshi migrant, came to Mumbai along with his wife Soma. Rahimuddin has one sister who got married and one brother who died in a train accident. His mother is suffering from kidney problems and he

has taken out a loan to pay for his mother's treatment. He said, "...in Bangladesh it is very difficult to earn money that's why we came to India to earn money and so that we can pay back the loan" (CARE, 2013, Migrating through the margins). Other important reasons for migration include joining the family members in India, better educational opportunities, availability of food, and ability to afford medical services.

Despite belonging to the same region of origin and having almost similar levels of skills, cross border immigrants from different countries do not constitute a homogenous group in India. Whereas majority of the Nepali immigrants are Hindu and do not require any official travel document to come to India, majority of the Bangladeshi immigrants are Muslim and undocumented. This distinguishes them from each other, despite their common hope of getting better employment, higher wages and safe livelihood for themselves and for their families. The Census of India (2001) recorded over half a million Nepalese living in India; other estimates suggest that their numbers could be about 1 million (GoN 2004). Majority of Nepali migrants find jobs in India easily and are employed mainly as restaurant and bar workers, watchmen, factory workers, house servants or as seasonal labourers (Bhattrai 2007). Unlike the Bangladeshi migration which is truly cross-border and therefore mostly one-time in character, this Nepali migration is more akin to internal migration between the states of India, and therefore often seasonal, involving to-and-fro circular migration which facilitates home visits, return migration and re-migration.

Bangladesh-India, being an important international migration corridor, is sometimes compared with the US-Mexican (Ghosh 2012) migration corridor. Though the census data state that there were about 3 million Bangladeshi migrants in India in 2001 and the World Bank puts it at 3.3 million in 2010, the exact assessment of how many Bangladeshi migrants are living in India is difficult to ascertain (Ghosh 2012; Joseph and Narendran 2013). Since majority of the Bangladeshi migrants are also low-skilled and semi-skilled, they generally find work as casual labourers in the informal sector, often as domestic workers, construction labourers, petty traders, vendors, rickshaw-pullers and rag pickers (Naujoks 2009; Sultana et al. 2011) in the Indian metropolitan and other cities or as agricultural labourers in rural and semi-urban areas of various Indian states. They often cross the border unofficially by paying considerable sums of money to agents or brokers or border agents to ensure quick and safe passage (Mehdi 2010; Samuels and Wagle 2011). It is also alleged quite often that bribery is rampant at the border - the Border Security Force personnel allow Bangladeshis to cross the border illegally in exchange for money from the men; money and/or sexual favours from women (Datta et al 2008; Sikder 2008).[4]

B. Experiences at Origin, in Transit and at Destination

As discussed in the above paragraphs, majority of immigrants take the risk of crossing the border to get employment in India and secure a better livelihood for themselves as well as for their families that are either accompanying them or left behind home. However, the migrants do not always find the reality matching their expectations. There are many, particularly the Nepali and some Bangladeshis as well, who reach their destinations successfully and find jobs and shelter, and are able to make both ends meet (Sultana and Kaur 2013). Some of the migrants, even those who enter the country illegally, manage to arrange documents such as ration card and even voter's

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[4] See, also, footnote 2.

identity card in India (Hindustan Times 1998; The Pioneer 2013; The Times of India 2014), which entitle them to state sponsored benefits and make their living easier. But for many others, particularly the women migrants, migration is a traumatic experience from beginning to end. Several studies have pointed out that cross border migrants often face harassment, are exploited by the brokers, paid irregularly and sometimes substantially less than what they are promised by the employers, ill-treated by the border security forces and so on (see e.g., Bhattarai 2007; Samuels et al. 2012; the Asia Foundation 2013). Quite often, women migrants face violence and are exploited physically, sexually and economically. Few of the migrants are aware of their rights and most have no knowledge or very limited knowledge about them. Their problems get further accentuated due to their undefined, mostly illegal status in India. This section attempts to highlight examples of problems faced by the cross border migrant population in India – at source before beginning their journey from Nepal or Bangladesh, during transit and at destination after arriving in India. It mainly draws upon the findings of the case studies conducted by the EMPHASIS project of CARE, as well as other migration literature and open sources.

i. *In Transit - At the border:* For majority of the Bangladeshi migrants, especially women, crossing the border is usually a painful experience. In order to get a passage, many migrants pay money to the brokers and the border police; women are asked for sexual favours. As Mary, a Bangladeshi migrant woman, tells her story, "They (the guards at the border) separate the slightly better looking ones and their families from the rest of the crowd and then the harassment begins-on any pretext at all". Sometimes they snatch away money from the migrants who are returning home. More distressingly, some migrants face violence and even death. According to a report by Human Rights Watch, 347 Bangladeshis and 164 Indians were killed along the border since 2006 (Human Rights Watch 2010). The statement of a broker, who arranges migration to India in Bangladesh, was quite revealing: "*The Border Security Force (BSF) shows no mercy towards the migrants who have no visa. They can torture, and even cut the hands, legs and other parts of the body of the migrants. Sometimes they kill them by crushing under the propeller of a speed boat or by firing at them*" (Samuels et al. 2012).

ii. *At Source and Destination - Problems of identity document:* Who these migrants are and where do they belong - nobody is there to identify them. Majority of these migrants do not possess any proof of identity of their country of origin, not to speak of the destination country. The problem is further complicated when the source countries like Bangladesh deny acknowledging them as their citizens (Ramachandran 2005; Nandy 2005). In addition, similarity of culture, language and customs of migrants with the people in the bordering states of India make detection of foreign workers in host communities difficult. For example, Vishnu, a Nepali migrant who came to India in 2005 to find employment, has no papers of identification and no document as proof of residence. Similarly, Momena, a Bangladeshi woman, has no recollection of her native country, but is equally beset by the problem of having no real identity in the city of her birth and residence. Marriage brought her to the locality where she had to take on the role of a sex worker along with a number of other young women in the area. There are many migrants living in India for years, who like Vishnu and Momena, have no papers to prove their identity. Due to the lack of identity proof, these migrants perpetually remain deprived of access to basic minimum needs like housing, education, health and related services. They cannot open a bank account.

Sometimes they even fear to talk to their neighbours and public authorities to avoid harassment and deportation (Sultana et al. 2011).

iii. ***At Destination - Physical harassment, sexual abuse and trafficking:*** Cross border migrants, especially women, are vulnerable to physical torture and quite often abused sexually. Realising the growing demand for young girls in the sex trade, many Bangladeshi and Nepali females are being trafficked in India (Nandy 2005; Samuels and Wagle 2011). Women migrants often face the harassment and sexual assault by the police and border authorities and some of them eventually end up in prostitution. Amina, for example, a Bangladeshi woman, who migrated to India to earn money, started working as a construction labourer. Moving from place to place with strangers she was often sexually harassed, denied her wages unless she had sex with her employer or the person who paid the wages. She was compelled to become involved in the sex trade to support her family; now she is both a construction labourer and a sex worker (Samuels et al 2012). According to a study reported by Sultana and Kaur (2013), out of the 14 Bangladeshi female respondents, 3 were trafficked. Among these 3, one respondent was trafficked at a tender age of 8 and subsequently rescued from a brothel in India. These women were vulnerable at different stages in their lives. It is also important to note that Bangladeshi men were not averse to marrying these women even as sex workers as they could be 'utilized as an income source'.

iv. ***At Source and Destination - Vulnerable to various fatal diseases like HIV and AIDS and discrimination:*** The CARE-EMPHASIS project found that quite a large number of cross border migrants were ailing with several fatal deceases like HIV and AIDS. Importantly, migrants are more prone to these fatal diseases than the non-migrant population, i.e., migration increases the risk of being vulnerable to these diseases. Besides getting physical weakness and loss of jobs, migrants usually face stigma and social discrimination. In Nepal, the HIV epidemic is concentrated among particular sections of populations such as the sex workers, the transgender people, and the migrants. HIV is much prevalent among the needle-sharing drug users and the sex workers in Nepal who migrate or are trafficked to Mumbai (IRIN 2011). In case of Bangladeshi migrants, several studies found that there is a link between mobility to India and HIV vulnerability (UNDP 2004; ILO 2010; Government of Bangladesh, 2011). The EMPHASIS project of CARE has identified many cross border migrants mainly Bangladeshis and Nepalese, both male and female, and has been helping them in getting proper medical care and social support.[5] For example, a Bangladeshi woman, mother of three children, migrated to India leaving her children in Bangladesh with her mother. She was forced to engage in sex work at a bar in Mumbai for the last 10-11 years. A few years ago, when she had fever, allergy and headache, she went to the hospital where she was diagnosed as HIV positive. She was helped by an organization named *Adhaar*, which supports people living with HIV, and admitted her to a hospital (see, Samuels and Wagle 2011; Samuels et al. 2013; Sultana and Kaur 2013).

v. ***At Destination - Illiteracy and lack of education among the children of cross border migrants:*** It has been largely reported that children of cross border migrant workers are

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[5] For detailed information about the help and support extended to the cross border migrants found to be the victims of HIV and AIDS see the case studies and field visits conducted by CARE-EMPHASIS teams, various project reports, newsletters and other related publications of the SAP-CARE EMPHASIS Project.

devoid of education, as often migrants do not stay at one place for long and keep changing their place of work, their children are not always enrolled in schools. Some of them were found to be engaged in rag-picking (Sarkar 2003; Mantoo 2012). But there are many migrants who want to send their children to school but face problems during admissions due to lack of documents like address proof. The other important document required is birth certificate. Some women migrants who give birth at hospitals get birth certificates for their children. However, since most women prefer giving birth at their home due to financial constraints, this does not allow them to get birth certificates for their children. (Field visit report by SAP team to Kashipur Kolkata, February 8, 2013, CARE. Unpublished) This has serious repercussions not only for the migrants and their families but also for the host society. For example, the children of undocumented migrants too remain undocumented if their parents are not able to manage birth certificate. They are denied access to school and thus the cycle of deprivation continues *ad infinitum*.

vi.   ***In Transit and at Destination - Agents, middlemen and migration brokers of a thriving migration industry:*** Middlemen and brokers play a crucial role in the "migration industry" (Castles and Miller 2009). In fact, a large part of cross border migration is facilitated by these middlemen and brokers. Various studies and field visits conducted by the EMPHASIS project of CARE has found that brokers assist the migrants in crossing borders, and for their services they charge a fee from the migrants (see, e.g., Nandy 2005; Samuels et al. 2011; Joseph and Narendran 2013; Field visits report of EMPHASIS project teams). The amount of fee varies according to the paying capacity of the migrant and the level of safety at the border as well as at the destination (Samuels et al 2011). Sometimes the brokers and middlemen help the migrants by arranging identity proof at the destination also. For example, a Nepali migrant stated, "I have paid Rs. 600 to make ID card. It could be made at a cheaper rate but as I had no proof of my residence I had to pay the cost. I am in the process of opening bank account for which I am in touch with some local agents" (Samuels et al 2011). It was stated by migrants during a field visit that approximately 20 percent of the people in the community (Bangladeshi migrants) had procured government identity proofs like voter's card, Adhar card and PAN card (Field visit by SAP team to Kashipur Kolkata, February 8, 2013). Many instances could be found where the Indian police refused to accept the ID cards procured by the migrants as proof of their identity and residence in India, as stated by a resident of a Mumbai slum, "I have all the papers. I can prove that I am an Indian. When I show my *gram panchayat* (village council) certificate, my school certificate and my ration card to the police, they say these can be brought for Rupees 10. I have my voter's identity card too, but the police do not accept it" (Kumar 1998, quoted in Ramchandran 2005).

vii.   ***At Destination - Economic exploitation and exclusion:*** Due to the lack of identity proof on the one hand and being employed in the informal sectors of the economy on the other, the majority of cross border migrants are excluded from the mainstream economic system. When they fail to open a bank account they have no option but to keep their savings in the form of cash with themselves or rely on their employers to keep some part of their wages and pay them only when they want to visit their homes, or when they send remittance to their homes with the help of brokers or middlemen. Apart from the loss of guaranteed interest, this faces the risks of theft, misplacement, misappropriation and so on. Both the employers and the brokers take advantage of their vulnerable positions and exploit them.

Brokers are still the main channel to send cash from India to Nepal and Bangladesh (Samuels et al. 2011). Transfer of cash boosts corruption and criminal activities. In many cases migrants try to carry the cash with them when they visit their home. Many times their cash is snatched away by the border police and they are left with no money.

viii. *At Destination - Violation of human rights***:** Migrants are also human beings and therefore have certain human rights which need to be protected by the State (GMG 2008). However, they are not always treated with dignity especially when they happen to be undocumented and cross the border through illegal channels. Often the employers who manage to arrange any government ID card for their irregular immigrant employees keep the ID card with themselves as a tool of domination and servitude. The EMPHASIS project has documented many stories of violation of basic human rights of the cross border immigrants by the employers at the destination as well as by the state authorities. It has been observed widely that, especially in case of women employed as domestic servants, migrants are not allowed to take leave from their jobs even if they fall ill or want to visit their homes. In case there is an urgency to take leave they are asked for a replacement. The fear of losing the job always remains in their psyche. They are discriminated against not only at the workplace but also in the residential community by the landlords. For example, the landlords charge more rent from the migrants than they do from the natives for the same type of accommodation, and sometimes they are not even provided with the regular supply of basic amenities such as electricity and water. The migrants rarely complain about such treatment to the police for the fear of being caught and deported.

4. India's Policy Stance on Migration vis-a-vis Policy Perspectives from the Source Countries

India's policy stance is skewed in relation to its treatment of the issues relating to immigration of foreigners into India. During the last two or three decades, India has shown a consistent enchantment towards the Indian emigrant professionals especially those going to the developed countries and has been celebrating their success stories back home. The Indian Government usually keeps a close watch on the developments and fluctuations that occur in the migration stances of the developed countries of the global North and raises concerns against those policy developments that might have unfavourable implications for Indian migrants. Immigration policy changes in the United States, United Kingdom and elsewhere, where Indians constitute significant stocks and flows, frequently draw attention of the Indian government through the Indian media, business and industry. Changes in the H1B visa regimes in the US, and visa caps on skilled migrants from non-EU countries in the UK are live examples of this concern. Several bilateral agreements have been signed and many more are in the pipeline between India and the destination countries in continental Europe regarding the protection of the rights of the Indian citizens there and portability of social security benefits to India when they return and curbing of irregular migration from India into their territories respectively. [6]

India is also quite proactive in protecting Indian migrants living in the Gulf countries. For example, the issuing of ECR (emigration check required) passports has been a proactive measure

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[6] See, Khadria, B. "India: Skilled Migration to the Developed Countries, Labour Migration to the Gulf" in Castles, Stephen and Raul Delgado Wise, eds., *Migration and Development: Perspectives from the South,* International Organisation for Migration (IOM), Geneva, pp. 79-112, 2008.

of the Indian government to safeguard the low skilled people from exploitation in the destination countries in the Gulf, although it has remained controversial due to loopholes allowing for abuse and corruption. In fact, over time, Indian Gulf migration policy has undergone paradigm shifts - from protection of Indian migrants to their welfare and further to their participation in development in India.[7] In sharp contrast, India lacks a comprehensive policy framework on immigration issues despite being known to be a preferred destination for a large number of migrants from various countries and the most from its neighbours in the north and the east, viz., Nepal and Bangladesh. Rather than having a well crafted immigration policy, India deals with immigration related issues in a perfunctory manner. Since, majority of immigrants in India come from the neighbouring countries who share many attributes of the local population, there is a widespread apprehension in the official and policy circles in India that cross border immigrants will "acquire a work permit and then eventually a ration card which entitles the family to all kinds of pro-poor schemes" (IOM 2005). Despite creating tension in some parts of the society and becoming "a focal point of debate among the policy makers, academics and defence circles in India" (Joseph and Narendran 2013), cross border immigration has failed to generate a healthy debate on the issue, not to speak of an amicable policy stance.

Like India, in Bangladesh and Nepal too, the two leading source countries of cross-border emigration to India, their migration policies focus more on the easing of the pressure of unemployment and poverty reduction, transfer of remittances and knowledge, i.e., the positive impact of migration in the development at home. In these countries too, migration is largely perceived to play an important role in reducing unemployment and poverty and bring remittances home (Bhattrai 2007; Siddiqui 2013). They are oblivious of the plight of the migrants when they are abroad, particularly in India and if the migrants happen to be undocumented. Bangladesh often refuses to recognize many of the irregular migrants as its citizens when apprehended in India, not to talk about being willing to accept them back. Migration is largely governed by legislations intending to safeguard the interests of the documented migrants rather than by comprehensive policy mechanisms encompassing the concerns of all the migrants irrespective of their legal status or level of skill (Khadria 2009c). For example, in Bangladesh, international migration is primarily governed under the provisions of the Immigration Ordinance of 1982. Besides, the Government of Bangladesh has established a welfare fund for migrant workers through the contributions of outgoing migrants. It has also introduced the Overseas Employment Policy in 2006 with a view to dealing with the challenges and opportunities for Bangladesh in the field of labour migration as well as protecting the migrant workers in the destination countries[8]. However, these policy measures are specifically applicable to the legal migrants as Bangladesh has been quite attentive towards its people migrating to and settling down in the developed countries of North America and Europe as well as those who migrate to the countries of the Middle East for short-term contractual jobs (Kibria 2011, Siddiqui 2013). They do not protect the interests of a large number of its people

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[7] See, Khadria, B. Paradigm Shifts in India's Migration Policy toward the Gulf. *Middle East Institute Viewpoints*, February 2010: 67-69. http://www.mei.edu/content/paradigm-shifts-indias-migration-policy-toward-gulf

[8] First of its kind in South Asia, the Overseas Employment Policy (2006) allows the Bangladeshi people, both men and women alike, to choose quality employment through regular channels and commits to protecting the rights, dignity and security of Bangladeshi migrant workers within and outside Bangladesh, supporting regular migration, reducing irregular migration, regulating the recruitment process, facilitate the reintegration of return migrants and ensures better coordination among the relevant ministries, NGOs, international organizations and other stakeholders in managing labour migration. The policy ensures the assets and social protection of the families of the migrants left behind in Bangladesh (GoB 2006, as cited in Sikder 2008b; Siddique and Farah 2011).

who migrate to India without fulfilling the necessary documentation requirements in Bangladesh and remains undocumented in India too.

Similarly, the Treaty of Peace and Friendship, signed between India and Nepal more than sixty years ago, which *inter alia* stipulates that "The Governments of India and Nepal agree to grant, on reciprocal basis, to the nationals of one country in the territories of the other the same privileges in the matter of residence, ownership of property, participation in trade and commerce, movement and other privileges of a similar nature" (Article VII, Treaty of Peace and Friendship, July 31, 1950)[9], still remains the major policy instrument for governing the continuing migration trends from Nepal to India (and vice versa). Because of this treaty, Nepali migrants in India do not become illegal (Bahera 2011). However, apprehensions have been raised time and again about the misuse of the provisions of the treaty by unscrupulous elements. Demand for revision of its provisions and its abrogation has been made on several occasions, particularly during the last two decades. Both the countries feel that today the circumstances are very different from the time when the treaty was inked in 1950. The issue has featured time and again in the election manifestoes of the left parties in Nepal as well as in the bilateral talks between the two countries. Regarding permission to work and purchase of property, nationals of both the countries have ceased to enjoy equal treatment in each other's country. Nepali apprehensions are mainly based on the argument that the treaty compromises Nepal's ability to pursue an independent defence and foreign policy (Nayak 2010). For example, the provisions that offend Nepali national sensibilities are those giving India a say in Nepal's purchase of military equipment from a third country and granting India 'first preference' for industrial and natural resource projects in Nepal (Bista 2011). Security issues have been changed and the relevance of the treaty regarding India's security concerns has limited implications in the present scenario. India's apprehensions are not limited to China; rather, the use of Nepali soil by Pakistanis for smuggling of narcotics and arms, terrorism, human trafficking, traditional cross-border trade and migration, regulation of the border, development of border infrastructure and human insecurity have emerged as urgent priority issues. Besides, issues like management of water resources, environment and climate change also have serious long-term implications for the security of both countries (Rajan 2008; Upretti 2009; Thapliyal 2012). Though not much progress has been made so far in this regard, the preferential treatment to cross border migration without documents between the two countries continues to set the Nepali immigration into India differently from Bangladeshi immigration which is controlled through requirements of documentation and therefore also mutual suspicion that accompanies such requirement. In essence, this makes the Nepali immigration acquire the characteristics of internal migration within India whereas the Bangladeshi immigration remains distinctly international.

5. The Recommendations

The above discussion reveals that cross-border migration into India has been a forced choice of the migrants largely driven by the incidence of extreme poverty and lack of alternative livelihood options at the source in the two neighbouring countries, Nepal and Bangladesh. For the migrants, it is a hope for a better livelihood and will continue to remain so till the hope remains alive in their eyes. There is evidence to support the proposition that cross border migrants come to India with the expectation of better economic opportunities and a better life ahead, and to fulfill these expectations they take several obvious and some unforeseen risks. Whereas migration to

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[9] Available online at http://mea.gov.in/bilateral-documents.htm?dtl/6295/Treaty+of+Peace+and+Friendship

India has brought solace to some, there are many for whom the migration journey has been fraught with exploitation, discrimination and sufferings, and sometimes life-shattering. Khadria (2007, 2009b) has argued for India - as a major source country of migrants in the world - to involve the destination countries in what he called the 'Equitable Adversary Analysis'(EAA)[10] while dealing with the issues of its emigrants as expatriates abroad – for appropriately recognizing their contribution in the host country's economy, society and the polity, and to ask for safeguards against the vulnerabilities and protection of their interests in the destination countries in exchange.[11] We think that there is a strong case to argue and emphasize that when it comes to India dealing with the immigration issue and the immigrants in India, and in particular the cross-border immigrants coming from the two neighbouring countries, viz., Nepal and Bangladesh, the policy makers and the government need to apply the same strategy that it would expect any other country to do while dealing with the issues of Indian migrants in that country. Being the destination country in this case, India would be in a bargaining role-reversal position to set this up as a model code of conduct before the countries of the global north as the destination of its own emigrants.

This section delineates a number of points that India needs to take into account while dealing with the sensitive issue of immigration into the country, both in the larger interests of the cross-border migrant population and its own credibility as a responsible welfare state in an increasingly globalized world, particularly in South Asia and a member of the SAARC.

Regulating international border through bilateral cooperation: Immigrants, especially Bangladeshis, are widely perceived as a threat in India not only among the general populace and certain wings of the political class but also among the state authorities. The primary reason for this apathetical-at-best and hostile-at-worst attitude towards cross border immigrant population is the unabated flow of undocumented migrants through the long and porous border, whether in alarming or insignificant numbers which are not known. The first and the foremost requirement is to put an effective control on the undocumented migration and create options for legal migration. In order to minimise the flows of undocumented migration certain entry points could be identified at some specific places along the border, through bilateral agreement, allowing the people to cross the international border with documented permission. Besides, the border security forces need to apply restraint while dealing with the immigrants at the border. The use of force must not be allowed to take life under any circumstances but to protect it. International human rights instruments should remain the guiding principles in relation to matters of immigration as much in India as anywhere else.

Collection of data and issuing of identity cards to all the cross border migrants, even if they are found staying in India as irregular migrants without proper documentation: It has been widely reported that a large number of migrants are living in various parts of the country without any documentation. Most of them have entered into the country illegally. They live both in urban and rural areas and across the states and are employed in various sectors of the economy though mostly informal. However, they are not registered or counted anywhere in the national database records. Issuing of identity cards to these migrants and maintaining their database would help not only in the identification of the extent of their presence in the country but also help the Governments to put forth before the international community the case of hosting such huge

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[10] EAA basically involves stepping into the shoes of the other side and judging the pros and cons from the point of view of the adversary, with empathy.

[11] See also Khadria's recent article in the EMPHASIS Newsletter, CARE (Khadria 2014a).

numbers of cross border migrant population. It would also provide these migrants a proof of identity which could be used for various purposes. Further, it would help the authorities to trace the movement of these migrants in the country. Though, such identity card should not be interpreted to entitle the migrants to Indian citizenship.

Avoid forced deportation of undocumented migrants: Although it is well known that India has become a haven for a large number of migrants from the neighbouring countries who cross the border illegally primarily through help from the brokers and middlemen. Many of them are caught at the borders and some in the cities. Some of them have also been deported by the police. Not all of them are accepted back by their country of origin (Nandy 2005). These migrants are rendered stateless in the no man's land near the border. This is pathetic and inhuman. Bilateral agreements of cooperation between India and the source countries need to be formalised regarding the acceptance of these migrants deported by India. Forced deportation is also a crime on humanity and should be resorted to only as the very last option.

Recognise the contribution of cross border migrants at the destination: In the last few decades, discussions on linkages between migration and development have gained a new momentum across the world. A considerable amount of literature has been produced in various parts of the world highlighting the role of migrants in the development of destination countries as well as in the countries of origin especially through remittances and return. Whereas the presence of cross border migrant population is much talked about in India, discourses on their contribution are scarce. Since cross border migrants are mainly engaged in the informal sectors their contribution in the country's gross domestic product is largely ignored. Extensive research therefore needs to be carried out regarding the economic, social and cultural contribution of cross border migrants in India as well as in their countries of origin. Besides, there is a need to carry out research as well as awareness campaigns to highlight their positive roles and deconstruct the negative perception about cross border migrants among the local populace and public authorities. More examples are needed to be recorded to highlight the fact that these migrants often engage in 3-D jobs – "dirty, difficult and dangerous" – that the locals normally do not undertake.

Increasing awareness and access to HIV related information at source and destination: Cross border migrants are found to be prone to the diseases like HIV and AIDS. They become vulnerable to these sufferings due to the circumstances in which they migrate, exploitation at the workplace and sometimes due to their poor socialisation and bad habits. Social stigma and discrimination further aggravate their sufferings. There is a need to develop appropriate and sufficient infrastructure to reduce their sufferings, stigma and discrimination. Information, recreational and other necessary support services need to be provided to these migrants both at the source and the destination. Besides, bilateral and multilateral cooperation between India and source countries could be built to develop infrastructure and equipments, adding to the hospital staff capacity on HIV and AIDS-related treatment, and develop the mechanisms to provide specific services across the borders through bilateral cooperation. Community project based services could also be provided to the migrants living at various scattered locations.

Ratify relevant UN Conventions aimed at improving the working conditions for migrants and safeguard their rights: To uphold the dignity of migrants and their families and protecting their human rights regardless of their legal status is a fundamental obligation for any civilised nation in the world. It is a hard fact that the track records of many countries, including India, have

been very poor in this regard. The United Nations and other international agencies have come up with various instruments and conventions from time to time to protect the rights of the migrants and secure a dignified place for them in the society. However, a large number of countries, including India, Bangladesh and Pakistan, have shown reluctance to ratify these conventions mainly due to reasons such as ethno-religious conflicts and politicization of migration (Piper and Iredale 2003). India is one of them which should ratify the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (2003), the Domestic Workers Convention (2011) as well as other important conventions without delay.

Intensify discourses and cooperation on cross border migration through regional and international organizations: India as well as all the major source countries of cross border migrants holds the membership of a number of regional organizations like South Asian Association for Regional Cooperation (SAARC). However, cross border migration despite being an important issue, does not get adequate attention in the SAARC deliberations. Being a politically sensitive issue, member countries usually tend to avoid focussed discussion on cross border migration. Rather than pursuing the avoidance approach, India and other member countries need to use the SAAC platform to discuss migration related concerns more intensely. Beside, other regional and international consultative processes, dedicated to the issue of migration such as the Colombo Process and the Global Forum on Migration and Development, could also be utilized by India and other countries to intensify discourses on migration related issues and identify the areas of cooperation such as the root causes of migration at the source, living conditions in the source countries and at the destination, facilitating the transfer of remittances through legal channels, issues of trafficking and protecting migrants' basic human rights in both the countries. The Colombo Process, a regional consultative effort for labour migration in Asia, brings together China, six South Asian countries (Afghanistan, Bangladesh, India, Nepal, Pakistan and Sri Lanka), and four Southeast Asian countries (Indonesia, the Philippines, Thailand, and Viet Nam). The process, which started in 2003, has led to projects on capacity building for labour attachés and the establishment of migrant resource centres. The Colombo Process started to take a more pronounced institutional shape at the last ministerial meeting, in Dhaka in 2011, with a review of its operating modalities (Colombo Process, 2014).[12]

Capacity building in the source countries through investment in human capital: Since a large part of cross border migration is induced due to the lack of employment opportunities and predominance of extreme poverty in the source countries, it may be in the larger interest of India, both economically and strategically, to extend its supportive hands in the employment generation and alleviation of poverty in the source countries. India has been providing considerable financial and technical assistance to its neighbouring countries like Nepal and Bhutan, though being a leading country in South Asia it is expected to assume greater responsibilities in their development. Investment in education, general as well as technical and professional, and health in the source countries would be beneficial for both India and the source countries. Whereas it would improve the well being of the people in the source countries, thereby easing the pressure of

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[12] See, also, Khadria, B. (2011), "What would be the impact on the future global migration system – and specifically environmental migration – if the Colombo process succeeded in its aims (i.e. relatively free mobility takes place within Asia, including to the Gulf region)?" State of Science Review 20, Foresight *Global Environmental Migration* initiated by Sir John Beddington, the UK Government's Chief Scientific Adviser. http://webarchive.nationalarchives.gov.uk/20140108140803/http://www.bis.gov.uk/assets/foresight/docs/migration/science-reviews/11-1139-sr20-impact-on-migration-system-if-colombo-process-succeeded.pdf

migration and better management of migrants' resources, it could have significantly positive implications for demographic composition and labour market in India.

Facilitate legal channels of migration: Since cross border mobility of human beings is a reality in the contemporary world, many countries as well as international institutions are facilitating the movement of people who aspire for better career and living opportunities beyond their geographical boundaries. Countries of the Global South, including India, are also participating in the facilitation of the movement of people though their focus is still limited to the high skilled professionals to the countries of the Global North. However, the magnitude as well as the patterns of migration within the Global South warrants a shift of focus in the discourses on migration. Alternative means and mechanisms for facilitating safe mobility between the neighbouring countries need to be developed. Information packages for safe migration, limiting the role of brokers and middlemen in the migration, and easing the financial transfer of remittances across the borders are important measures.

Ensure entitlements for the cross border migrants and their children: In the contemporary migration discourses, there is an increasing focus on the linkages between migration and development. In India also this issue is being talked about albeit within two narrow perspectives, one centring on the role of high skilled professionals and the Indian diaspora in Indian development investment, and the other on the remittances from the Gulf. The role and contribution of the cross-border immigrant population, particularly from Nepal and Bangladesh, in the development of India has failed to catch the attention of migration policy planners as well as the academia despite the fact that quite a large number of these immigrants are engaged in various economic activities and do contribute to the enhancement of the country's Gross Domestic Product (Khadria 2012a). Recognising their contribution in the economy and the society, there is a need to entitle the migrants and their children to education and health and enhance their productivity by curbing their marginalization and including them in the mainstream. This would not only enable them to live a life of dignity but also add, significantly, to uplifting the *average* productivity of the labour in India.

6. The Bottom Line: Treating Stocks and Flows of Immigration Differently

The bottom line is that it would be impossible to wish away the stocks of cross-border immigrants in India, including those of the irregular immigrants, whether one likes it or not.[13] Apart from the realization that like our neighbours, we have the difficulty of not being able to distinguish between a citizen and an illegal immigrant[14], the fact remains that they have lived in this country for decades, often over two generations, and will continue to stay. The flows too cannot be reversed, but can at most be minimized and replaced by optimum levels of legal immigration. As Khadria (2014b) has vouched for elsewhere, like for any other destination country it would be in India's self-interest to nurture the adopted stocks of cross-border

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[13] There is a three-decades long history of failed legislations in Assam in this regard. See, also, 'Bangladesh Migrants - A Threat to India', a new book by P. K. Mishra, who retired from Border Security Force (BSF) as an additional director general and served at the Indo-Bangladesh border for the most part of his service. He says, "The illegal migrants from Bangladesh are now scattered all over the country.... Our past experience shows that there is zero percent chance of sending them back due to the impracticality of the exercise. The situation is likely to remain the same...." (Hindustan Times, New Delhi, May 11, 2014).

[14] "In search of home away from home", by Manju Menon, in The Hindu, New Delhi, May 6, 2014.

immigrants by investing in their potential human capital - their health (e.g., through HIV-AIDS minimization programmes) and their education (e.g., through implementation of the RTE for the entire child-population of the country), not distinguishing between legitimate citizens and illegitimate expatriates. In other words, *economic integration* rather than deportation must be the *mantra* of the immigration policy objective. This would help in the optimization of human capital formation in India and maximization of the contribution of immigrants to India's Gross Domestic Product (GDP) - both resulting in higher average productivity of the pan-Indian labour force[15] – an efficiency rationale, and not a charity or philanthropy-based welfare rationale. The bottom-line therefore for India would be to derive a lesson from the basic dictum of self-interest that the father of economics Adam Smith (1776) gave the world as the basic driver of individual human activity some two and a half centuries ago and apply it in crafting an innovative cross-border immigration policy. In so doing, India must learn from major immigration countries like the United Sates where the new immigration law of 2013 is poised to legalize large numbers of illegal Mexican immigrants as American citizens. The high-point of this legislation lies in the fact that this step is considered to be in consonance with securing the sovereignty of the United States rather than compromising it.[16] India can thus lead in setting an example of being innovative in adapting this dictum of self-interest as the driver of the collective state activity in dealing with its cross-border immigrants - for the rest of the developing world to follow. Both Nepal and Bangladesh must also play their respective constructive roles in this endeavour through bilateral engagements with India. Then only the problems lurking at the source, during transit and at destination of a cross-border migrant would get addressed holistically. In this only would lie a strong case of win-win-win situation for the cross-border immigrants as individuals and families as the first part, the origin country of the immigrants as the second part, and above all the Indian state as the custodian of Indian citizens as the third part. We do not see any conflict of interest between any of the parties in this. As a first step towards realization of this triple win, it is the right time in India to make a transition in thinking unilaterally, and accept that deportation of irregular immigrants could at best be tantamount to making a *false* promise, whether knowingly or unknowingly; it can never be realized as a gainful objective of statecraft without incurring huge self-defeating losses in the long run, and that too through quite painful processes for each of the stakeholders. World history bears testimony to this; we shall be failing ourselves if we tried to deviate from this hard truth and do something otherwise.

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[15] One of the biggest contradiction of twenty-first century India lies in the fact that the so-called "demographic dividend" arising from the youngest workforce in the world that India is poised to enjoy over the next two and a half decades till 2040 would be grossly neutralized by the lowest-in-the-world average productivity of labour in India – reflected in the per-employee per-hour contribution to India's GDP. See, Khadria, B. 2006: "Embodied and Disembodied Transfers of Knowledge: Geo-politics of Economic Development", in Carton, M. and J-B Meyer, eds. *The Knowledge Society : Trompe-l'oel or Accurate Perspective ?,* l'Harmattan, Paris, pp. 191-203.

[16] "Border Security, Economic Opportunity, and Immigration Modernization Act" of 2013- (Sec. 2) states that passage of this Act recognizes that the primary tenets of its success depend on *securing U.S. sovereignty* and establishing a coherent and just system *for integrating those who seek to join American society*." Emphasis added. See also, Khadria (2012b).

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