



## Migration Profile

### INDIA

#### A. Executive Summary

India is the second most populous country in the world<sup>i</sup> and the country from which the highest number of migrants has originated. Although they account for less than 0.4% of India's population, the country's resident foreigners number almost 5 million, mainly from the larger neighbouring countries. Even though statistical data is poor, internal migration, which involves more than 450 million people and 40% of Indian workers, is even more significant. The absolute majority of migrants are women, and marriage is the main cause of this movement within India itself. Apart from the pandemic, this movement is mainly from the more rural states to the mega-cities and to other more urbanised areas. Here the main difficulties faced by migrants are housing conditions, difficulties in accessing services and discrimination, but also barriers due to the great heterogeneity of Indian cultures and lifestyles.

Although representing just over 1% of its population, India is also the number one country of origin of migrants in the world. These migrants from India number almost 18 million, most of them men. Most of them live in the Middle East.

The high population density and dependence on agriculture exacerbate the impact of natural disasters. Many refugees result from internal conflicts, as well as friction between the country's different ethnic and religious components.

India is not a party to the Refugee Convention of 1951. Nevertheless, there are at least 200,000 refugees and stateless persons in the country. In addition to poor living conditions, the lack of documents and the consequent difficulty in accessing public services and legal employment, as well as exposure to trafficking and exploitation, weigh heavily on these people.

Human trafficking is an unfortunately common phenomenon in India. Labour exploitation is the most widespread form, leading to large family debts, and forcing women and children to work.

So many actors are at play to meet the needs of such vast territories and populations. Among the Catholic actors who do their best for migrants and refugees, the Salesians and the Jesuits stand out in particular.

## **B. Country Profile**

### **I. Basic Information**

India borders Pakistan, China, Nepal, Bhutan, Burma and Bangladesh. It is also the nearest mainland gateway to the island of Sri Lanka. It is a federal republic consisting of 28 states and 8 territories.

With over 1.38 billion inhabitants, about 18% of the world's population, India is the second most populous country in the world and, according to United Nations estimates, will overtake China by 2027.<sup>ii</sup> Mumbai (Bombay) is the most populous city, followed by Delhi, in which is located New Delhi, the capital, and Kolkata (Calcutta). Uttar Pradesh and Bihar, along the Ganges Valley in the north, and Maharashtra in the central west, are the most populous states. About 36% of the population is urban.<sup>iii</sup>

According to the last census in 2011, women make up only 48% of the total population.<sup>iv</sup>

Hinduism is practised by almost 80% of the population and is protected, in 11 states, by prohibiting proselytism by other religions.<sup>v</sup> Muslims are the second largest religious group, 14%, followed by Christians 2.3%, Sikhs 1.7%, and those who practise minority religions or no religion at all, 2%.<sup>vi</sup>

The main ethnic groups are Indo-Aryan, 72%, and Dravidian, 25%. Hindi is the main language with 43.6%, followed by Bengali with 8% and twenty other officially recognised languages. English is the second official language and the most widely used for political and business communication.<sup>vii</sup>

### **II. International and Internal Migrants**

The number of foreigners residing in India has decreased steadily from 2010 to 2020, falling from 5.54 to 4.88 million, and represents a relatively small number, only 0.35% of India's population. Bangladesh 51%, Pakistan 17%, Nepal 15%, Sri Lanka 3.8% and China 2.2%, have always been the main countries of origin of international migrants. Women, with 53%, represent the majority of foreigners, especially in the case of Nepalese, of whom they make up more than 60%.<sup>viii</sup>

The migration corridor between Bangladesh and India is the most active corridor in the world, with over 4.4 million migrants crossing in 2019.<sup>ix</sup> The extreme permeability of the Ganges border region, consisting only of plains and waterways, favours movement from Bangladesh and Nepal,<sup>x</sup> countries that are culturally and historically related to India. This favours movement for work, often only seasonal, such as in agriculture, and mixed marriage. Pakistanis in India, on the other hand, are mainly Hindu and Sikh. The most common causes of international migration are work, even seasonal work, and marriage.

Official and up-to-date data on immigration in India, and on internal migration in particular, are rather scarce and difficult to find, especially qualitative data.

Based on the last census in 2011, there were 455.7 million internal migrants, both inter-regional and inter-state, in India. This is a 45% increase from the previous census in 2001. 68% of internal migrants in 2011 are women, most of whom migrate as spouses. Marriage is in fact the first cause of migration, followed by relocation of one's family. Work-related reasons were the cause of only 9% of internal migration in 2011. However, more than 40% of internal migrants are workers.<sup>xi</sup>

The main migratory flows have developed from the more rural states to the more urbanised areas, where the average income is higher, and especially to the mega-cities of Delhi, Bombay, and Calcutta.<sup>xii</sup> The plains of the Indus and Ganges rivers, inhabited by the majority Hindi culture, are the main source of migrants. According to the 2011 Census, Uttar Pradesh is the leading source state for inter-state migrants, followed by Bihar, Rajasthan, and Madhya Pradesh, which together accounted for 50% of all inter-state migrants in 2011. Uttar Pradesh is the fourth destination state for inter-state migrants, hosting, together with Maharashtra, Delhi, Gujarat, and Haryana, 50% of these migrants.<sup>xiii</sup>

Just 12% of internal migration is inter-state.<sup>xiv</sup> This is a very low rate, compared to other large countries. This low rate has several causes, including the non-portability of certain rights, such as access to the Public Distribution System (PDS), which provides food aid to the most deprived populations.<sup>xv</sup> The majority of movements are within the same district, 62%, while the remaining 26% are inter-district migrants.<sup>xvi</sup>

The main vulnerabilities for migrants in India are related to poor living and housing conditions due to overcrowding in cities, and to both social and bureaucratic discrimination. Cultural barriers are a particular problem for newly-weds.

### **III. Emigration and Skilled Migration**

India is the world's leading country in terms of the number of emigrants, numbering 17,869,492 in mid-2020,<sup>xvii</sup> and growing.<sup>xviii</sup> Nevertheless, emigrants account for just over 1% of India's population. More than half live in the Middle East, almost 20% in the United Arab Emirates, where they make up a third of the population. Another 20% or so of expatriates live in the United States of America, followed by Saudi Arabia 14%, Pakistan 9%, Oman 7.7% and Kuwait 6.4%.<sup>xix</sup>

The majority, about two thirds, are male, mainly low-skilled or semi-skilled workers migrating to Middle Eastern countries. Women represent the majority only in the most developed countries, and migrate mainly to the US, although they are also present in the Middle East by the millions, with Saudi Arabia as the second largest destination.

India also leads the world in remittances received, amounting to around 3% of its GDP.<sup>xx</sup>

High costs and risks associated with emigration do not deter many low-skilled or semi-skilled Indians, who seek new opportunities abroad, often to escape from hardships at home. Compared to their more skilled counterparts, the increasing complexity and intervention of multiple actors in recruitment practices makes them more vulnerable to exploitation, running risks such as undue delay of travel, contract substitution, overcharging, illegal recruitment and other frauds.<sup>xxi</sup>

#### **IV. Forced Migrants (internally displaced, asylum seekers and refugees, climate displaced people)**

In mid-year 2021, the UNHCR counted 196,194 refugees in the country, mainly from Sri Lanka 47.3%, China 37.4%, Myanmar 10.4% and Afghanistan 4.4%. Asylum seekers in the same year numbered 12,474, according to the same source, mainly from Afghanistan 55%, Myanmar 23% and Yemen 7%. New asylum applications in 2021 were 2,736, mainly from Myanmar and Afghanistan. These numbers were slightly higher than in 2020, but about a third of those received in 2019. Between 2015 and 2020, accepted applications averaged just under 16%. In the same period, requests from Myanmar were accepted the most, almost 98%.<sup>xxii</sup>

There are also 19,677 stateless persons,<sup>xxiii</sup> many of them in the northeastern state of Assam, where a recent reform of the National Register of Citizens (NRC) has put over two million ethnic minority Indians and refugees at risk of statelessness.<sup>xxiv</sup>

Refugees from China, 37.4%, make up almost all of the Chinese people resident in India, and were the largest group of refugees until 2020 when Sri Lanka, 47.3% became the country of origin of the most refugees in India.<sup>xxv</sup> Most Sri Lankans are ethnic Tamils and fled the island because of the civil war that plagued the country until 2009.<sup>xxvi</sup> They are followed by Myanmar 10.4%, Afghanistan 4.4% and Somalia 0.3%. The Burmese refugees are mainly Rohingya, while the Afghans are mainly Hindu and Sikh. Both these groups have fled their countries due to repression and have increased significantly since 2020.<sup>xxvii</sup>

Internally displaced persons, due to natural disasters and conflicts, numbered more than 1.4 million at the end of 2020.<sup>xxviii</sup>

The high population density makes the impact of natural disasters in the Indian sub-continent particularly devastating. Most of the displacements are due to floods occurring during the monsoon season. However, cyclones, storm surges, and periods of drought have also increased in frequency, causing huge damage to populations and agriculture. The country is also at risk of earthquakes and tsunamis.<sup>xxix</sup> Due to natural and climatic disasters, more than 3.86 million people were evacuated during the year 2020.<sup>xxx</sup>

Tensions between different ethnic and religious groups, particularly between Hindus and Muslims, lead to frequent feuds and persecutions, as well as keeping the risk of attacks high. Conflicts also caused about 3,900 new displacements in 2020. In the north-eastern state of Tripuram, more than 20,000 members of the Bru (Raegan) ethnic minority are still living in six reception camps due to the ethnic tensions and persecution that broke out in 1997 in the state of Mizoram.<sup>xxxi</sup>

In addition to experiencing their own tragedy and the immediate consequences on their psycho-physical health, migrants and refugees are forced to face uncertainty and marginalisation, experiencing precarious situations, hardship and discrimination.<sup>xxxii</sup> This makes them particularly vulnerable to exploitation and trafficking. In the case of children, this often has

decisive repercussions on their human growth and development. This is even more true in the case of stateless persons, whose lack of documents pushes them towards the black labour market and prevents them from accessing welfare and legal protection instruments.<sup>xxxiii</sup>

## **V. Victims of Human Trafficking**

Labour exploitation is the most common type of trafficking in India, a scourge that afflicts both migrant workers at home and abroad as well as Indians themselves. Most vulnerable to human trafficking are women and children, as well as the disabled, and those belonging to the most marginalised ethnic and caste groups, such as the Dalits.<sup>xxxiv</sup>

Among the most common methods of coercion is debt-bonded labour.<sup>xxxv</sup> With the promise of promotion and rapid advancement, traffickers convince victims to accept very low-paid jobs, charging high fees for recruitment, paperwork, travel, food or accommodation. The traffickers are then able to leverage the worker's accumulated debts to force them to work for little or nothing, often subjecting them to abuse and unhealthy living and working conditions.<sup>xxxvi</sup> It is not uncommon for the accumulated debt to be passed on from deceased parents to their children or relatives, who thus become exploited in turn.<sup>xxxvii</sup>

Women and minors in particular are forcibly employed in agriculture, furnaces, mines and in the textile and embroidery industry, as well as being vulnerable to sexual exploitation and prostitution. Men and children are also exploited in the construction sector, while children have also been exploited in domestic service, the steel, food and clothing industries as well as in begging and crime.

In India, the number of victims of exploitation of various kinds is estimated at more than eight million.<sup>xxxviii</sup>

Due to the restrictions caused by the pandemic, the vulnerability of the most marginalised communities to trafficking has increased. The loss of parents' jobs and the closure of schools has also significantly increased the risk of exploitation for children.

It is also not uncommon for entire families to be exploited, for instance in brick kilns, mica mining and carpet production.

Some companies, including some state-owned, such as the tea companies in Assam, pay part of the salary in kind, in the form of food rations, which are often of poor quality and overpriced compared to the market value, making wages insufficient to support workers and their families. This causes increased indebtedness and vulnerability, helping to fuel trafficking as well.

Following a common system in India, some women are employed by their employers in exchange for a predefined amount of money, for education expenses and a dowry to be paid at the end of the contract. This is the case, for instance, with some Provident Funds and the Sumangali programme. In some circumstances, these jobs can be likened to forced labour and some women are subjected to sexual exploitation.

Some traffickers force women and girls to conceive and deliver children for sale. Non-state paramilitary groups continue to recruit adolescents for use in clashes with police and regular army forces in Jammu and Kashmir. The Maoist and Naxalite groups, particularly in Chhattisgarh and Jharkhand, forcibly have recruited children as young as 12 years old to handle weapons, improvised explosive devices and, in some cases, to act as human shields. Several women and girls previously associated with these groups have reported being victims of sexual violence and exploitation.

The practice of arranged marriages remains relatively widespread, which can expose women to abuse and exploitation by both the husband and his family, up to and including murder.

India has long suffered from an unnatural scarcity of women, especially in some states, due to cultural reasons and artificial distortions, such as selective abortions. Many Indian men, unable to find a female companion in their own community, look for one in other regions or abroad, often through agencies, sometimes buying her from her family. These women, often from very different cultural backgrounds, face numerous difficulties including discrimination, language barriers, loneliness and depression, and are vulnerable to abuse and exploitation.

Women represent 56% of the identified Indian victims of human trafficking worldwide.<sup>xxxix</sup>

Almost 85% of the exploitation victims identified in India are female and over 60% are minors.<sup>xl</sup>

## **VI. National Legal Framework**

Immigration into Indian territory is primarily regulated by the Foreign Act of 1946 and its predecessor, the Registration of Foreigners Rules of 1939. These laws provide broad powers for the authority in the regulation of entry and treatment of foreigners in India. These laws also shift the burden of proof from the institutions to the person being investigated for potential irregularities. To enter the country, the foreigner must obtain a visa from the Indian authorities under the Passport (Entry into India) Act of 1920.<sup>xli</sup>

Indian Citizenship is granted according to the criterion of *jus sanguinis*, based on Articles 5 and 6 of the Indian Constitution.<sup>xlii</sup>

Freedom of movement, and hence internal migration, is enshrined in Article 19 of the Constitution. Furthermore, Articles 23 and 24 prohibit the trafficking and exploitation of human beings and the employment of children under the age of fourteen in factories, respectively.<sup>xliii</sup>

*The Immoral Traffic (Prevention) Act of 1956 (ITPA)* is the main law on the prevention of trafficking for commercial sexual exploitation. Other legislative instruments to combat and prosecute trafficking are the Criminal Law (Amendment) Act, 2013, with measures to combat trafficking in persons and in any form, including exploitation, slavery, servitude and forced removal of organs, and the Protection of Children from Sexual Offences (POCSO) Act of 2012.<sup>xliv</sup>

India is a signatory to the *Convention on Preventing and Combating Trafficking in Women and Children* the South Asian Association for Regional Cooperation (SAARC). It has also ratified the *Convention*

*against Transnational Organised Crime (UNCTOC), the Palermo Protocols, the Trafficking in Persons Protocol and the Smuggling of Migrants Protocol.*<sup>xlv</sup>

India is not a party to the 1951 Refugee Convention or its 1967 Protocol. There is no refugee legislation at the national level. Instead, asylum claims and all related matters are dealt with on a case-by-case basis at the political and administrative level, while the legal status of the refugee remains the same as that of any other migrant. Their presence in the territory is therefore regulated by the Foreigners Act of 1946. India is also not a member of the 1954 and 1961 Conventions on the Status of Stateless Persons and the Reduction of Statelessness.<sup>xlvi</sup>

## **VII. Main Actors**

### *The State*

Immigration to Indian territory is the responsibility of the Ministry of Home Affairs (MHA), as is the granting of visas, which is regulated by its Bureau of Immigration (BoI) and the police authorities of the state or territory governments.<sup>xlvii</sup> Specifically, in the five cities of Delhi, Mumbai, Calcutta, Chennai and Amritsar, the Foreigners Regional Registration Officers (FRROs) are the actors responsible for immigration and registration activities. In the other areas of the country, Foreigners Registration Officers (FROs) are in charge of registering foreigners.<sup>xlviii</sup>

### *International Organisations*

The UNHCR has been working for the protection of refugees and asylum seekers in India since 1981. In support of the Indian government's efforts, it works with the Ministry of Home Affairs, the Ministry of External Affairs, NITI Aayog, the UN Country Team and its NGO partners based in 11 states of India.<sup>xlix</sup>

### *NGOs and Other Organisations*

The Migrant Forum in Asia (MFA) is a regional network that serves as a communication and coordination centre between non-governmental organisations (NGOs), migrant workers' associations and trade unions to promote joint actions against discriminatory laws and policies, violence against migrant women, unfair living and working conditions, unemployment in the country of origin and other problems that affect migrant workers.<sup>1</sup>

The goal of the organisation is to fuel systemic change in India's approach to migration and displacement. Its mission is to end the marginalisation of forcibly displaced and migrant communities by enabling them to access traditional legal systems.

The Asia Pacific Refugee Rights Network (APRRN) is a network of more than 400 personalities and NGOs committed to promoting refugee rights in the region.<sup>li</sup>

Migration and Asylum Project (MAP) is a legal centre dedicated to the study of migrations and refugee movements.<sup>lii</sup>

The Global Strategic Litigation Council for Refugee Rights (GSLC) is an initiative made up of a group of legal experts and various advocates. It serves as a hub for activists who through strategic litigation and related legal advocacy seek to promote the protection of refugee rights and the coherent and progressive development of global international law. The Council is the first of its kind to undertake coordinated transnational legal advocacy on the rights of refugees and other migrants.

### *The Catholic Church*

There are three Catholic Churches operating in India: the Latin Catholic Church,<sup>liii</sup> the Syro-Malabar Catholic Church,<sup>liv</sup> and the Syro-Malankar Catholic Church.<sup>lv</sup> Each of the three has established its own commission for the pastoral care of migrants and works in different areas, especially in the state of Kerala, with programmes in favour of migrants and the most marginalised people.

Caritas India is a member of *Caritas Asia and Caritas Internationalis*.<sup>lvi</sup> As the operational and logistical arm of the Indian dioceses, it works in several areas including: emergency and disaster risk reduction, climate-adaptive agriculture and sustainable livelihoods, tribal development, Dalit (Paria) inclusion and development, child protection and development, anti-trafficking and community health care. It also intervenes with relief operations and coordination of diocesan aid in the event of natural disasters.

Through *Assisted Voluntary Return (AVR)*, Caritas India provides support for those who voluntarily consent to return to their original countries, by enabling returnees to have a life of dignity through a network of charitable organisations working for refugees and asylum seekers worldwide. At the same time, while combating the misery of trafficked people, Caritas India has re-launched the All India Network to End Human Trafficking (AINEHT) by initiating a study of cross-border (India-Nepal) human trafficking. It is also the lead actor in India for the Christian Organisation Against Trafficking (COATNET).

In the conviction that a healthy and protected environment is often enough for children to overcome many negative conditions, the Salesians of Don Bosco created the NGO BOSCO, which develops projects for refugee children in various locations in the Indian states of Karnataka and Kerala. The initiatives aim to support children and parents while trying to involve the entire community and range from the establishment of daycare centres for the youngest children, with language, computer, and basic education courses for the older ones. Education is provided through both formal and informal methods designed for less privileged children.

The Don Bosco Network comprises 11 Planning and Development Organisations (PDOs), each dedicated to the development of the Salesian provinces they serve. The Don Bosco Network is spread across 29 states and 354 NGOs, reaching more than 1 million people.<sup>lvii</sup>

AMRAT - *Asian Movement of Women Religious Against Human Trafficking*, is part of the Talitha Kum network, the international network of consecrated life against human trafficking, promoted by



the International Union of Superiors General (UISG). AMRAT is committed to building a network of congregations, institutions and associations with the common aim of combating and eradicating human trafficking, raising awareness on issues of exploitation and gender-based violence and promoting efforts and initiatives in support of victims.<sup>lviii</sup>

The Jesuit Refugee Service (JRS) supports urban refugees with vocational training, English classes and computer classes. In Tamil Nadu, Jesuits have been caring for Sri Lankan refugees since the mid-1990s, while in Camos, in the "Pedro Arrupe" learning centres, teachers trained in Ignatian pedagogy provide children with formal education complemented by extracurricular activities. JRS also provides accommodation and vocational training to women who have been forced to leave school. Young refugees are provided with leadership training and development support through youth clubs and organised activities. JRS also visits refugee families in the camps to meet their immediate needs.

The Jesuit Conference of India (JCI) has also set up the Migrant Assistance and Information Network (MAIN), a network of individuals, NGOs, international organisations, religious congregations, dioceses, and institutions at various levels, with the aim of developing a replicable and sustainable model of service and support to migrants in distress.

Among the many Jesuit actors in the field in India promoting migrants' rights and policies in support of refugees is the Indian Social Institute, which promotes research and awareness programmes, and education and capacity building projects in favour of the marginalised.

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