

# International Legal Framework Challenges and Opportunities of Migration Governance for India

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## Abstract

Effective and sustainable migration governance is very important in the contemporary globalised world, more so for a country like India having largest stock of international migrants with more than 18 million spreading across many countries. This number is likely to grow in the coming years due to the global demographic conditions, and demand and supply of labour owing to host of other factors such as aging, changing skills, artificial intelligence (AI) and robotics, etc. In this context, international legal framework is very important for any sending and receiving countries to make migration safe, orderly, and regular. This issue is highly complex, involving multiple legal domains such as human rights, humanitarian, labour, trade, maritime, criminal, consular, and refugee laws, among others. The irregular migration from India to USA, UK and to GCC (Gulf Cooperation Council) countries has been a very contentious issue in recent time. Given the complexities and extensive reach of Indian migration to various countries, it is crucial to develop a more proactive and forward-looking legal framework for migration governance. Such a framework should comprehensively address the future of work, destination countries, emerging employment areas, necessary skills required and sectors, and human rights issues. This paper is based on secondary literature and available data from various national ministries and statistical bodies and UN organisations, and tries to identify the gaps in the current international legal frameworks vis-à-vis India and provide insights into the challenges and opportunities that can be taken up in the process. The paper concludes that international legal framework is the systematic process for making migration a sustainable and mutual beneficial across countries.

**Keywords:** International Legal framework of Migration, Indian Migration, Migration Governance

## 1.0 Introduction

Effective and sustainable migration governance is very important in the contemporary globalised world, more so for a country like India having largest stock of international migrants. The migrants with more than 18 million spread across many countries. This number

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is likely to grow in the coming years as the global demographic conditions and supply and demand of labour keep changing.

Migration is a multifaceted phenomenon involving millions of individuals worldwide relocating from one location to another. They have various reasons and motivations for migrating, which cannot be reduced to a single factor. Some individuals choose to migrate voluntarily in search of new opportunities in employment, education, healthcare, location, or social settings. Some people are compelled to migrate as a result of things like natural disasters, persecution, or acts of violence (United Nations n.d.). Migration can be temporary or permanent, and it can happen through normal or irregular pathways. There are several categories into which migrants can be divided, including female workers, labour migrants, refugees, asylum seekers, and individual and family migrants.

This paper relies on secondary literature and available data from various national ministries, statistical bodies, and UN organisations. It aims to identify gaps in the current international legal frameworks concerning India and offers insights into the challenges and opportunities that can be addressed in this context.

## **2.0 Why International Legal Framework?**

The world is extremely interconnected, not only in terms of commerce and technology, but also in terms of people migration and the networks that come from it. All these have an impact on politics and socio-economics not only on the sending and receiving nations but also on the humanities as a whole. A conflict in one region can trigger a humanitarian crisis at a global scale. The Syria, Afghan and recent Russia-Ukraine and Israel-Palatinnes conflicts are examples in this regard. The conflicting situation provides a great lesson for the world to rethink about the future in terms of better migration governance.

International legal provisions are defined as the body of laws regulating interactions between states and between individuals and states. The rules, norms, and standards are established to govern sovereign states and international actors (Office of the High Commissioner for Human Rights n. d.). In its simplified form, international legal norms encompass a variety of subjects such as human rights, refugees, trade, environmental protection, and conflict resolution. These laws can be endorsed through treaties, judicial decisions, and scholarly writings. It can also be shaped through customary law and general principles (Slaughter 1995). The matter of international legal provisions governing migration and human mobility is of utmost importance in the contemporary context. This is evident because the contemporary world is witnessing an unprecedented surge in movements, driven by various factors such as technological advancement, enhanced connectivity, information abundance, and evolving trade policies. Conversely, there is a significant amount of displacement occurring across the globe, which is more complex and intensive than ever before. Conflicts, extreme poverty, religious tensions, and climate change are among the primary causes of these displacements. These migrants also frequently experience labour exploitation, human rights violations, and acts of inhumanity. In this regard, it is essential to find out who protects these migrants' rights, regardless of whether their migration is forced or voluntarily. This paper seeks to address these pivotal questions by examining international legal frameworks.

### **3.0 Categories of Legal Frameworks**

A wide range of rules from several fields of international law, including criminal law, human rights law, humanitarian law, labour law, trade law, marine law, refugee law, and consular law, are included in the International Legal Framework. These complicated, interconnected laws affect migrants in various ways.

For the purposes of this study, legal frameworks fall into three general categories: The first three are laws pertaining to refugees, migrant labour, and smuggling and trafficking.

#### **3.1 *Refugee***

The cornerstones of the global framework for refugee protection are the 1951 Convention and the 1967 Protocol respecting the Status of Refugees (Zimmermann et al. 2011). These agreements provide a legal obligation on the part of States to protect refugees and forbid the deportation or forced return of those who have been given refugee status. No refugee should be returned to a nation or territory where their life or freedom would be in danger in accordance with these provisions (Goodwin-Gill 2014).

#### **3.2 *Migrant workers***

The Convention on Migration for Employment (Revised 1949) (No. 97), the Convention on Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (Supplementary Provisions) (No. 143), and the Convention on Decent Work for Domestic Workers (No. 189) are the three legally binding instruments that the International Labour Organisation (ILO) has adopted with the intention of protecting migrant workers (Cholewinski 2009).

#### **3.3 *Smuggling and Trafficking***

In addition to the United Nations Convention against Transnational Organised Crime, there are protocols intended to address irregular migration, notably human trafficking, and migrant smuggling (Triandafyllidou 2022). By 01 December 2013, a total of 157 United Nations Member States had ratified the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which went into effect in 2003 (Allain 2013). Comparably, as of 01 December 2013, a total of 137 United Nations Member States had accepted the 2000 Protocol against the Smuggling of Migrants by Land, Sea, and Air, which went into effect in 2004.

### **4.0 What Legal Framework does?**

An essential role of international law is to furnish a framework for resolving disputes. International law comprises provisions aimed at addressing and preventing conflicts among states and other entities. It also provides amicable methods for resolving disputes that could arise between two people. Notable instances of this kind of framework are the United Nations Charter and the International Court of Justice.

The protection and advancement of individual rights is one of international law's key characteristics. The International Covenants on Human Rights and the Universal Declaration of Human Rights are crucial legal frameworks that uphold and advance human rights around

the globe. The International Labour Organisation's (ILO) Conventions and Recommendations are crucial for guaranteeing and defending workers' rights across the globe.

International law also regulates and coordinates the actions and responsibilities of states and other actors to solve common issues and challenges. Under this category, both binding and non-binding legal frameworks play their part. For instance, addressing issues such as environmental protection, sustainable development, and migration necessitates international cooperation and regulation.

#### ***4.1 State power and Responsibilities***

International law is dynamic and ever evolving, reflecting the changing needs and issues of the international community. Some of its provisions are binding on states, while others are not. Consequently, state power and responsibilities are to remain adaptable, subject to continuous review and revision to effectively serve the common good and the interests of humanity (Vidas et al. 2015).

The state has the right to pursue its own interests and shape its own policies within its territory (ibid). However, the state also has the obligation to respect the rights and interests of other states and international actors. This obligation entails the duty of the state to cooperate with other states and international organisations to address common problems and challenges.

Some areas where state power and responsibilities are regulated by international legal provisions include:

***Human Rights Protection:*** States are obligated to respect, protect, and fulfil the human rights and fundamental liberties of all individuals within their jurisdiction, regardless of nationality, religion, language, colour, or creed.

***The settlement of disputes:*** States are obligated to comply with the verdicts of the International Court of Justice regarding the resolution of arguments that arise between two or more states. In addition to the International Court of Justice's jurisdiction, international bodies also encourage and promote the peaceful settlement of disputes through negotiation. These organisations facilitate and safeguard the free cross-border movement of individuals (Keohane et al. 2015).

***Environmental Protection:*** The environment transcends the jurisdiction of any single state or group of states; it is a global and shared concern that demands collective cooperation and action (Boyle 2012). Individual states, according to international law framework, bear the responsibility for protecting and conserving their natural resources.

The states are also expected to work towards helping the climate-induced migration and pursuing the sustainable development goals.

### **5.0 Existing International Legal Frameworks**

Generally, there are two categories of legal frameworks: binding and non-binding. Both have their advantages and disadvantages considering the flexible approach to address the complexities of migration.

## 5.1 Binding

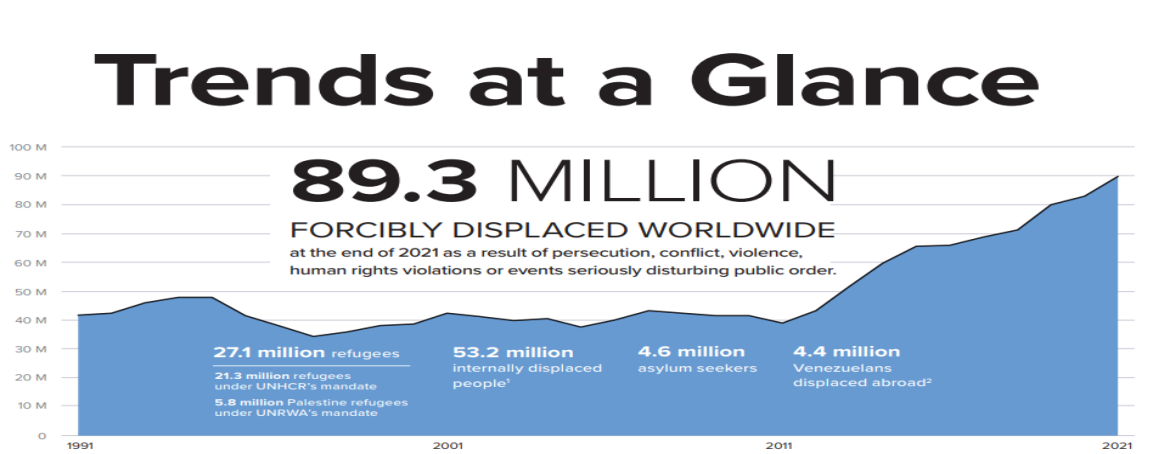
### 5.1.1 Refugee and forced displacement

Refugees are entities who are compelled to escape their home country because of war, violence, conflict, or persecution. They cross international borders seeking safety in another country when individuals have a credible fear of being persecuted due to their race, religion, or social group. The refugee issue is not new, but an old problem. Many entities have been compelled to migrate from one country to another. Kasia Narkowicz (2018) in her work discussed the refugee crisis in Europe, especially in Poland. She addressed the issue of Muslim refugees being rejected in Poland under the influence of nationalism and xenophobia. In their study, Salehyan and Gleditsch (2006) explored how refugee flows can elevate the likelihood of civil conflict in both the countries of origin and the host countries. On the contrary, Daniel and Knudsen (1995) delved into their research examining how refugees navigate displacement, trauma, identity, and belonging across various contexts, as well as how they negotiate their narratives and representations. The book also scrutinised the politics of mistrust and the complexities of humanitarian intervention and resettlement for refugees. Silove et al. (2017) presented an examination of the mental health hurdles encountered by refugees amidst the contemporary refugee crisis. Christensen and Harild (2009) in their work highlighted the issue of forced labour. The book explored into the developmental aspects of forced displacement, addressing the circumstances of individuals compelled to abandon their homes because of conflict, violence, and violations of human rights. Sarzin (2017) examined the sources and challenges of data on forced displacement. The paper contended that data regarding forced displacement frequently suffer from incompleteness, unreliability, or inconsistency, highlighting significant gaps in the data crucial for long-term development planning.

Based on the 2021 forced displacement report by the UNHCR, an estimated 89.3 million individuals worldwide were forced to leave their homeland due to persecution, conflict, or violence.

Among them, 27.1 million are refugees and 4.6 million are asylum seekers.

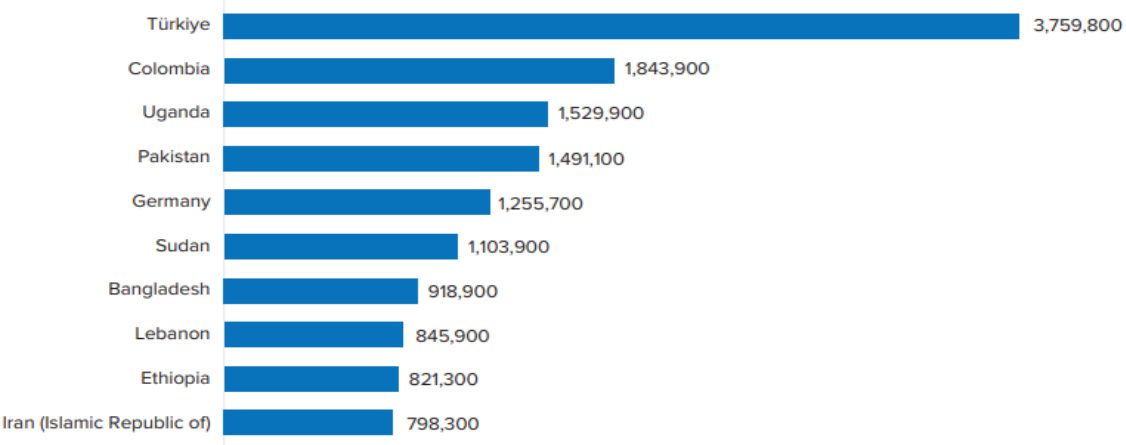
**Figure No.1.**Trends at a Glance



**Source:** United Nations High Commissioner for Refugees (UNHCR) (2021:2).

The report by the UNHCR states that Turkey (3.8 million), Colombia (1.8 million), Pakistan (1.5 million), Uganda (1.5 million), and Germany (1.1 million) host most of the displaced people.

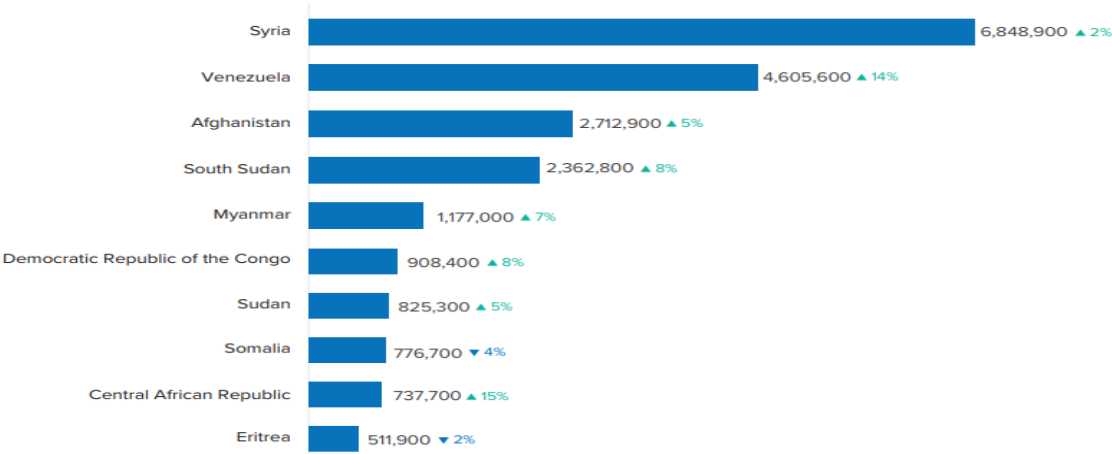
**Figure No.2.** People displaced across borders by host country | end-2021



**Source:** United Nations High Commissioner for Refugees (UNHCR) (2021:19).

The report highlights that a significant portion of displaced individuals originate from countries such as Syria (6.8 million), Venezuela (4.6 million), Afghanistan (2.7 million), South Sudan (2.2 million), and Myanmar (1.2 million).

**Figure No. 3.** People displaced across borders by country of origin | end-2021



**Source:** United Nations High Commissioner for Refugees (UNHCR) (2021:17).

**5.1.2 Laws for refugees**

The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol are the main legal documents that define what constitutes a refugee and list their rights. These instruments serve to establish the international framework for the safety of refugees, outlining the rights

and duties concerning their status and well-being. The Convention, originating in the outcome of World War II, initially pertained solely to individuals fleeing events occurring before 01 January 1951, primarily within Europe. The 1967 Protocol eliminated these restrictions, rendering the Convention universally applicable. The Convention specifies that a refugee cannot be returned to a country where their life or liberty is at risk. It safeguards several key rights, including:

- The right to remain in a country unless removal is justified under specific and narrowly defined conditions (Article 32).
- The right not to face punishment for unauthorised entry into a contracting state's territory (Article 31).
- The right to work and gainful employment (Articles 17 to 19).
- The right to secure and adequate housing (Article 21).
- The right to receive education (Article 22).
- The right to public assistance and social support (Article 23).
- The right to practice one's religion freely (Article 4).
- The right to seek legal recourse and access the judicial system (Article 16).
- The right to move freely within the borders of the territory (Article 26).

For the African region, the OAU Convention serves as a regional legal framework. The protocol was adopted in 1969, and it became operative in 1974. Compared to the 1951 Convention Relating to the Status of Refugees, the protocol provides a broader definition of refugees. People who flee their home country due to acts of foreign invasion, occupation, foreign dominance, or substantial disruptions to public order are included.

The Cartagena Declaration on Refugees, adopted in 1984, stands as a non-binding regional accord embraced by Latin-American nations. The main objective of the Cartagena Declaration on Refugees is to safeguard refugees within the Latin-American region who have sought refuge in other countries due to pervasive violence, external aggression, internal strife, or other situations causing significant disruption to public order. The Cartagena Declaration on Refugees broadens the scope of who succeeds as a refugee, going beyond the parameters outlined in the 1951 Convention Relating to the Status of Refugees.

### ***5.1.3 Trafficking and Human Smuggling***

Both human smuggling and human trafficking are instances of the commercial exploitation of people. Human trafficking generally means forcing someone to work as bonded labour or abusing them physically or sexually against their will. Human smuggling, on the other hand, means transporting someone illegally across the border. Campana and Varese (2016) explore the mechanisms that underpin smuggling and trafficking in their work. Choo et al. (2010) discuss the methodological and ethical challenges of conducting ethnographic studies on human trafficking. Guild and Carrera (2016) examine the conduct of irregular migration, trafficking and smuggling of human beings in their work. The authors posit that there exist policy dilemmas concerning the criminalisation of irregular migration alongside the provision of humanitarian aid to irregular immigrants. According to the 2020 Report on Trafficking by the United Nations Office on Drugs and Crime (UNODC), sexual exploitation accounts for almost 50 per cent of the trafficking victims, while forced labour makes up 38 per cent.

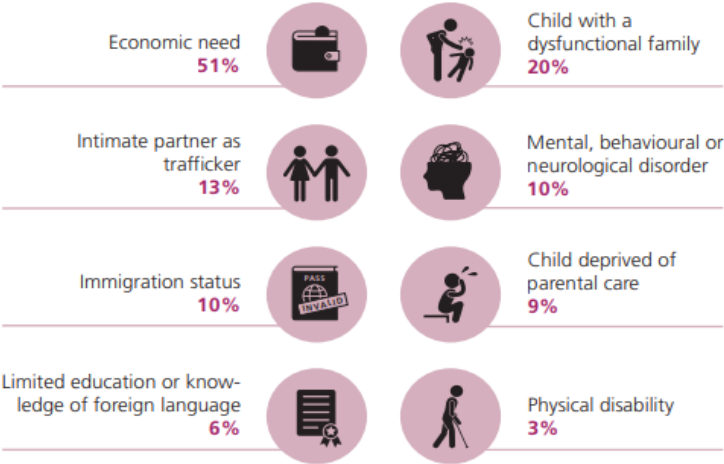
**Figure No. 4.** Share of detected trafficking victims, by form of exploitation



**Source:** United Nations Office on Drugs and Crime (UNODC) (2020:11).

The report also delineated the proportion of cases influenced by pre-existing factors oppressed by traffickers. The report highlighted monetary factors and dysfunctional family situations involving children as key vulnerabilities subjugated by traffickers.

**Figure No.5.** Percentage of cases by pre-existing factors that traffickers have taken advantage of



**Source:** United Nations Office on Drugs and Crime (UNODC) (2020:9).

**5.1.4 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**

The 2000 Protocol on the Prevention, Suppression, and Punishment of Human Trafficking is a supplement to the United Nations Convention against Transnational Organised Crime. It serves as a legally binding instrument, offering a clear definition of trafficking in persons. The Protocol seeks to prevent and combat trafficking by mandating state parties to enact measures criminalising trafficking, prosecuting traffickers, and safeguarding the victims of trafficking. The Protocol entered into force in 2003.



## **5.2. Non-Binding**

### **5.2.1 Global Compact for Migration**

Apart from the binding law, the Global Compact for Safe, Orderly, and Regular Migration (GCM) is a non-binding agreement that covers all aspects of international migration in a holistic and comprehensive way, with 23 objectives and guiding principles (Pécoud 2021). The document isn't legally binding, but it aligns with international human rights standards and advocates for principles such as non-regression and non-discrimination (Gottardo & Cymment 2019). The agreement, adopted by 152 members in 2018, seeks to enhance the governance of migration. It also includes specific commitments and actions for each objective, as well as a follow-up and review mechanism to monitor the progress made in implementing the agreement.

Although the compact lacks legal enforceability, it offers guidance and best practices for states and other stakeholders through its outlined objectives. The objectives of the compact include enhancing the availability of regular migration pathways and promoting safe, orderly, and regular migration. The objectives explore availability of flexible pathway for regular migration. The compact addresses the multifaceted issues and challenges of migration, providing guidance to guarantee the protection of migrants in vulnerable situations. It guides to facilitate fair and ethical recruitment; it promotes strengthening international cooperation for migration. The objectives of the compact are meant to guide for global partnership to full integration and social cohesion of migration. It ensures decent work and social welfare for migrants in host countries.

In this context, the inaugural International Migration Review Forum (IMRF) convened at the United Nations Headquarters in New York from May 17th to 20th, 2022. Its primary objective was to assess the advancements achieved at local, national, regional, and global scales in implementing the Global Compact for Safe, Orderly, and Regular Migration (GCM). The assessment highlighted that India's population is projected to escalate significantly, alongside a global trend of aging populations in many regions. These observations carry significant weight within the context of India.

## **6.0 The Case of India**

### **6.1 Migrant Workers**

The global landscape of migration has been previously outlined. This section will focus on Indian labour migration and the international laws that protect the labourers. Amarjit Kaur (2007) examines the trends and challenges of international labour migration in Southeast Asia, especially for women domestic workers. Sarti and Scrinzi (2010) explore the men and masculinities of male domestic workers. Rajan (2011) analyses the pattern and trends of migration in India, as well as the remittances and immigration. He finds that the oil boom and economic development in GCC countries attract a large number of workers from India. However, most of the GCC migrants are low-and semi-skilled.

The data given in table no 1 clearly specifies that the UAE hosts the largest number of Indian migrants in the GCC countries, followed by Saudi Arabia. This may be largely due to government policies and bilateral relations with the Government of India.

**Table No.1. Indian Migrants to GCC Countries**

Country	Non-Resident Indians (NRIs)	Persons of Indian Origin (PIOs)	Overseas Indians
Bahrain	312,918	3,257	316,175
Kuwait	928,421	1,482	929,903
Oman	688,226	919	689,145
Qatar	691,539	500	692,039
Saudi Arabia	2,812,408	2,160	2,814,568
UAE	3,100,000	4,586	3,104,586
<b>TOTAL</b>	<b>8,533,512</b>	<b>12,904</b>	<b>8,546,416</b>

*Source:* Gopal (2018)

### 6.1.1 State wise/Country wise Number of emigrants going to ECR Countries

- *The Migration for Employment Convention (Revised), 1949 (No. 97):* This is an ILO convention that outlines the obligations and responsibilities of ratifying states with respect to the sending and receiving of migrant workers. The Convention aims to protect the migrant workers and ensure their rights and welfare. It covers various aspects of migration, such as information, medical services, departure, journey, reception, treatment, social security, transfer of earnings, and return.
- *The ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (Supplementary Provisions) (No. 143):* This was adopted in 1975. The objective is to mitigate exploitative migration practices while fostering equitable treatment and opportunities for both migrant workers and their families.
- *The Convention concerning Decent Work for Domestic Workers (No. 189):* This was enacted to protect the rights and dignity of domestic workers. The Convention defines domestic work as any labour conducted within or for households, while domestic workers are identified as individuals engaged in such activities under an employment arrangement. The convention advocates for the rights of domestic workers, encompassing equitable employment conditions, social security, the freedom to form associations, and safeguards against abuse and violence.

### 6.1.2 Bilateral and Multilateral Agreements

India has committed to various international treaties aimed at safeguarding human rights, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the United Nations Convention on the Law of the Sea (Hannum1996). The Indian Constitution also guarantees and protects the rights of individuals and groups regardless of their caste, culture, religion, or creed. In addition, India has bilateral and multilateral treaties and agreements with various countries on different issues. Two examples of such agreements are the Labour Manpower Agreements (LMA) and the Migration and Mobility Partnership Agreements (MMPA).

The Labour Mobility Agreements (LMA) serve as pivotal instruments delineating the terms and conditions under which Indian workers can engage in employment in foreign nations. It acts as a guide and protector of their rights and interests. India has entered into these agreements with Gulf Cooperation Council (GCC) nations including Qatar, Kuwait, Oman, Bahrain, Saudi Arabia, Jordan, and the UAE. The MMPA promotes the movement of business people, professionals, students and researchers between India and the signatory country. It facilitates cooperation in areas such as education, culture, science, and technology. This agreement was made by India with countries such as the UK, France, Germany, Finland, and Austria.

India supplies a large number of labourers abroad, mainly skilled and semi-skilled. However, the outflow of workers from India is not constant and varies from time to time and changes its pattern as per the demand from the global market. Khadria (2001) argues in his study that the focus of skilled migration is shifting away from professional-specific occupations to more generic work, like the Information Technology (IT) sector. He further contends that skilled migration encompasses students who are studying. The study noted that in the year 2000 approximately 1.5 million Indians were reported as skilled migrants. The number has increased to 2.5 million by 2010 and is estimated to reach three million by 2020. In another article, Khadria (2006) highlighted the trend of migration between India and the UK. The study established a historical connection to migration, demonstrating the growing trend of skilled labour migration and the influx of students heading to the UK. The study noted that the number of students studying in the UK has increased from 50,000 in 2000 to 100,000 in 2010. Rutten & Verstappen (2014) contend in their research that a substantial volume of migrations is occurring from developing nations to developed ones, driven primarily by employment and educational opportunities. Naujoks (2009) observed that emigration from India traces back to the colonial era. The research suggests that the number of emigrants from India is on the rise. The study noted that emigration is not limited to unskilled or semi-skilled but in the current scenario, skilled migration is increasing. Interestingly, the hub of migration is not concentrated in urban areas; rather people from semi-urban and rural areas are also migrating from India in large numbers.

### **6.1.3 Future Scenario of Migration**

Five factors that will change the migration pattern in future are highly linked to India. These are: Aging, Demographic Dividend, Conflict, Robotics and Automation in work, and Migration Regime,

Migration patterns are ever evolving in nature. They cannot remain constant as the nature of migration is dynamic. The transformation in the character and trend of migration hinges on various factors, such as the nation's diplomatic relations with other countries and global market demands. The change is also related to aging, demographics, conflict, migration regime and modern means of technology like robotics. All these factors promise a significant impact on the future of migration from India.

**Aging:** A report from the World Health Organisation (WHO) indicates that the global population is growing rapidly. The WHO estimates that by 2050, the number of people aged 60 and older will rise to 2.1 billion (World Health Organisation 2022). The growing number of elderly individuals may lead to a larger dependent population, which could heighten the demand for care workers (Shutes & Chiatti 2012). On the other hand, India has a young population. Its median age is expected to be 28.4 years (Mahajan & Kaushal 2020). This

means India has a youth population and can act as a labour surplus country. It can supply skilled, semi-skilled, and unskilled workers to the aged countries.

**Demographic Dividend:** India is one of the countries experiencing a demographic dividend, in which its working population is more than the dependent population (James 2008). This may boost the country's economic development. Policies that increase education standards and enhance skills among youth will benefit India greatly.

**Conflict:** Conflict is a key factor that can greatly influence migration patterns between nations. Since its founding, India has consistently upheld positive diplomatic relations with numerous countries. India is an active member of the World Trade Organisation (WTO) and participates in various regional and trade group memberships. India also maintains bilateral and multilateral relationships with various countries, fostering diplomatic ties and cooperation on diverse issues (Brysk 2000, Das 2006, Dubey, 2015 and Rajagopalan 2020). This policy of India promotes and may give a major push to its economic development as well as help smooth exchange of labour and technologies.

**Migration Regime:** It is the set of policies, laws and practices that encourage migration at regional, national and international levels. It can create new patterns of migration or impact the flow of migration.

**Robotics and Automation in work:** Many countries are actively discovering technological advancements that have the potential to benefit various sectors of society. Robotics is one such experiment. In many sectors, robotics can replace human labour (Chui et al. 2016). On one hand, robotics and automation have the potential to replace many tasks traditionally performed by humans. On the other hand, advancements in robotics and automation can create numerous new job opportunities for humans. As a significant supplier country, India stands to gain considerably from this evolving landscape.

## 7.0 Conclusion: Opportunities and Challenges for India

The ILO's report on global estimates of international migrant workers in 2019 (ILO 2019), prior to the pandemic, provided crucial statistics and insights into the number, distribution, characteristics, and vulnerabilities of migrant workers across the globe. The report underscored the importance of improved data collection and the development of robust policies to protect the rights and livelihoods of migrant workers. The report indicated that in 2019, there were approximately 169 million international migrant workers, representing about 4.9 per cent of the global workforce. The report found that the Arab States had the highest amount of migrant workers in their workforce with about 41.4 per cent, followed by North America with 20.6 per cent and Northern, and Southern and Western Europe with 17.8 per cent. The report further disclosed that women accounted for 41.5 per cent of the international migrant workforce. The report highlighted that a significant challenge for migrant workers was the discrimination and xenophobia they encountered in both the labour market and society. Other vulnerabilities included exploitation and abuse by employers, occupational hazards, injuries due to working in dangerous conditions, legal and administrative barriers, and lack of social protection.

Many issues such as exploitation at workplace, human trafficking, and wage theft are already known areas of concern. Murphy (2013) contends that migrant workers, mainly domestic workers, endure numerous forms of exploitation and abuse in the United Kingdom, France, and Ireland, even though employment and migration laws exist in these countries. The study observes that the domestic migrant workers often work informally and lack legal and

social protection, such as fair wages, regulated working hours, health insurance, and pensions. The workers are exposed to long and undefined working hours, psychological violence, sexual harassment, and trafficking. Furthermore, the workers experience discrimination based on their class, race, nationality, and gender. Latham-Sprinkle et al. (2019) investigate how migration and modern slavery are related. They analyse the factors that increase the risk of human trafficking and forced labour for migrants. The study examines different places where migrant workers may face vulnerability to modern slavery. These include – private homes, border crossings, irregular migration paths and conflict zones. These places expose migrant workers to modern slavery. Costello and Freedland (2014) explore into the legal and policy matters surrounding the safety of migrant workers, specifically female domestic workers in the UK. They emphasise the problems of vulnerability, discrimination, and abuse that these workers encounter in the US and in the UK and other countries in Europe. They also analyse the role of religion in migration and labour situations.

International migrant workers face a plethora of challenges beyond the ones we have discussed so far. To overcome these challenges, we have relied on the international legal provisions. The laws are designed to cover every section of the society and protect individual rights. In the realm of legal frameworks, two broad categories emerge: one that is binding and another that is non-binding. Another category is based on whether the framework is widely ratified or agreed by few.

The new destination countries will have new cultural and language challenges in addition to the legal issues. Many advanced countries that are aging will need workers that provide medical and house support to aging families. These provide cultural and language challenges for less educated workers.

The demographic dividend can be both opportunity and challenge if not managed well. The United Nations' World Population Prospects-2022, India's population is expected to swell up to 166.8 crores by 2050. This challenge can be more effectively addressed by mobilising human resources globally, which could act as a relief mechanism for India. Without this, it will become progressively harder to offer sufficient employment opportunities for the expanding youth population. In this scenario, the importance of higher education becomes paramount.

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