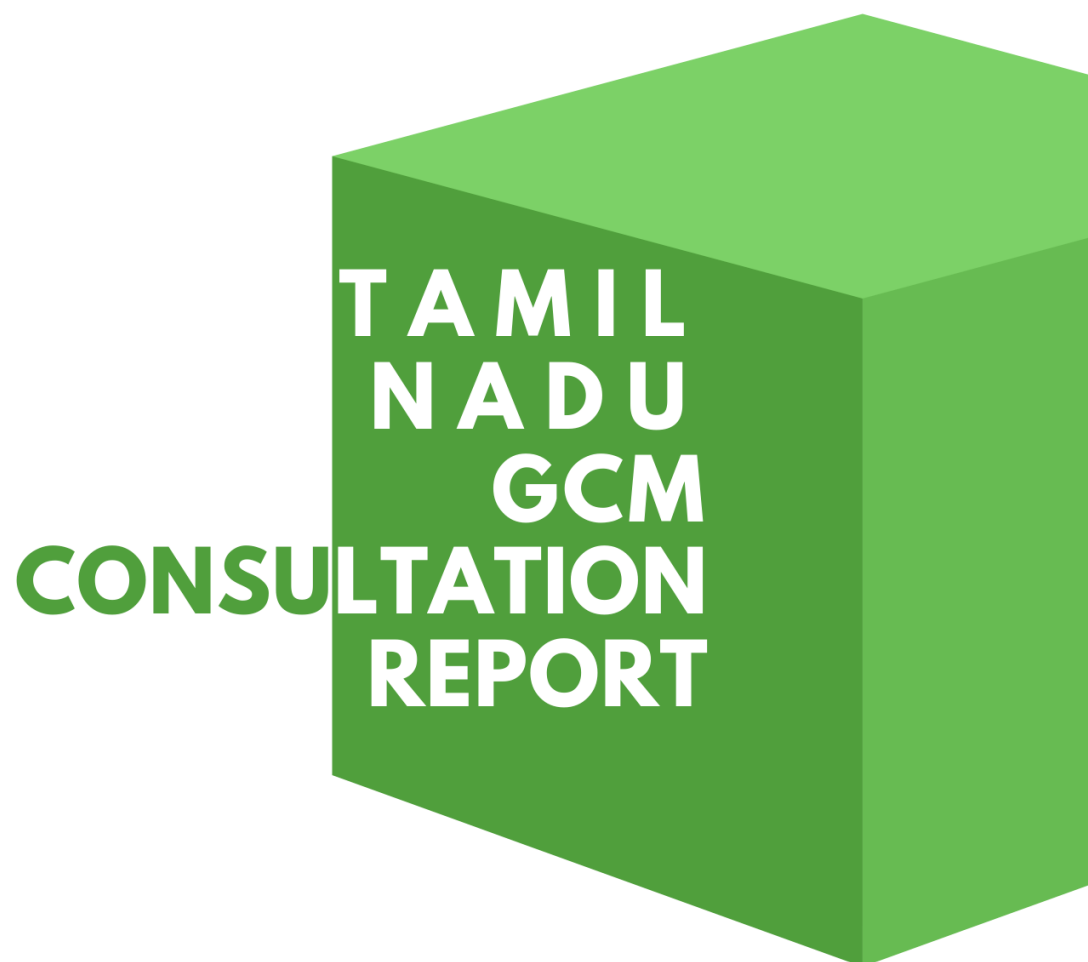


TAMIL NADU

STATE-LEVEL
CONSULTATION
on the Implementation
of the Global Compact
for Safe, Orderly and
Regular Migration
(GCM)

Ambassador Pallava Hotel
Chennai, India
21 September 2019





Background

In the second week of December 2018, United Nations (UN) member countries adopted the first ever Compact for international migration (GCM) in Marakkesh, Morocco. A non-binding agreement, the GCM aims to better govern migration at local, national, regional and global levels, including reducing the risks and vulnerabilities migrants or refugees face at different stages of their journey.

As a signatory of the compact and as a very important migration country, India is expected to play a pro-active role in the implementation of the 23 objectives. The federal government structure of the country provides an opportunity to incorporate and engage the actors at the provincial and very local level in the implementation process. However, the government level negotiations and attempt to implement the objectives are yet to gain momentum. Since we are approaching the first anniversary of the compact, it is important to bring state and non-state actors in one platform and work towards achieving the GCM objectives.

Unlike most of the countries of origin, India follows a federal system of government. Almost half of the provincial states are affected by International migration. Among them, a few of the state governments introduced various initiatives for the welfare of migrants. Moreover, there is an active presence of Civil Society Organisations (CSOs), Media, various diaspora and returnee organisations at the provincial level. As per the implementation process of the GCM, it is important to engage various actors at the local level for the successful implementation of the objectives. In the Indian context, actors at the provincial level can propose policy-suggestions to both state governments and national government to ensure the effective implementation of the objectives.

The CSOs and other stakeholders at the state-level with the financial and technical support of Migrant Forum in Asia (MFA), Solidarity Center and International Labour Organisation (ILO) decided to organise state-level consultations on GCM. Tamil Nadu had been selected for one of the three state-level consultations. The capital city Chennai was selected as venue for the consultation. The state was selected due to various reasons including the large-scale labour migration from the state, active presence of non-state actors and the support from the state level institutions. The consultation was hosted by the National Domestic Workers Movement (NDWM).

Objectives

1. To identify the GCM objectives which are important to the state and country and develop an understanding on the challenges for the implementation in Indian context.
2. To lobby with the state and national government for inclusive participation of non-state actors in the implementation and review process of GCM.
3. To prepare a matrix which consists the details of policies and programs by stakeholders and suggestions to improve the existing initiatives related to 23 GCM objectives.
4. To develop a set of recommendations for the Government of India and Tamil Nadu state government on the overall GCM implementation process.

The consultation was held at Hotel Ambassador Pallava, Chennai on September 21. Around 50 stakeholders participated in the two-day program.

Nature of Participants

The program witnessed participations from a diverse set of stakeholders include CSOs, Academia, State government, national-level bureaucrats, media, faith-based organisations, Trade unions (central and state trade unions) returnee associations, returnee migrants and students.

Structure of the One-day Consultation

The programs began with the registration followed by an Inaugural session which consists of perspectives from various eminent stakeholders from the state. After the inaugural session, an exclusive session for introducing the GCM document and objectives were planned. For ensuring constructive outputs, the breakout sessions were divided into three. The first session would discuss the objectives 1-7, second session would look into objectives 8-14 and final session would discuss the rest of the objectives. After each break-out session, presenters from each group were expected to present the outcomes of the discussion in the given matrix format. The first session was planned as pre-lunch session and the next two sessions were planned in the afternoon. The concluding session of the consultation was a feedback speech by the Tamil Nadu government representative.

Inaugural Session

After the registration of participants, Ms. Valarmathi, NDWM welcomed the participants and speakers to the state-level consultation program. She introduced the objectives of the consultation along with a brief introduction of GCM processes. The speakers on the dais were Mr. Alonso Zuson of Solidarity Center, Mr. Shabarinath Nair of ILO, Mr. Rafeek Ravuther of MFA. After the welcome speech, Mr. Alonso shared his thoughts on the program. He stressed the need to build a collaboration of CSOs, Trade Unions, returnee migrant organisations and economically well-off migrants including entrepreneurs for ensuring an effective migration governance mechanism in India. He thanked all partners including NDWM, CIMS and ILO for providing such an opportunity for solidarity center to take part in the post-GCM activities in India. He ended his speech by explaining the need for regional consultations in a federal country like India. Mr. Prabhu translated his speech into the local language for the participants. Followed by the keynote speech, Mr. Rafeek Ravuther, the director of Centre for Indian Migrant Studies (CIMS) spoke about the aim of the consultation and role of state-level stakeholders in the implementation of GCM in India. He added that the sponsors and supporting organisations are expecting a workshop which would ultimately contribute to the national consultation rather than a capacity building program on GCM. So, he urged all the participants to keep in mind their respective roles during the breakout sessions. He concluded his speech by providing an outline of the activities after the inaugural session. The next speaker was Mr. Shabarinath Nair, Labour Migration Specialist for South Asia- ILO. As a key participant in the GCM negotiations for the past three years, Mr. Shabari

explained about the entire GCM process in a nut shell to the participants. Then he introduced the GCM document, especially the guiding principles of GCM. The major intention of his speech was to improve the existing awareness among the participants on GCM. Finally, he introduced all the 23 objectives and explained the importance of each objective in the context of India and Tamil Nadu. Both Mr. Rafeek and Mr. Shabari managed to convey to the participants in the regional language as well. The inaugural session came to an end after Mr. Shabari's speech. The next session on GCM objectives was led by Dr. Bernard Sami, director of Arunodhaya Initiative for migrants.

Session on GCM Objectives

This session was planned exclusively for introducing all 23 objectives to the participants in the regional language to make sure an effective involvement of all participants in the preparation of the state-level matrix. As an academician, his speech was critical of several GCM objectives and he raised his concerns about the sustainability of a non-binding compact in the international arena. However, with the support of recent incidents and several stories of migrant workers, he attempted to create a deeper understanding on the compact among the participants. The interactive session after the discussion generated a thought-provoking discussion. Mr. Shabari, Mr. Alonso and a few others answered the criticisms of Dr. Bernard Sami and added to the discussion as well. Followed by the session, the meeting disbursed for breakout sessions to prepare the matrix.

Breakout Sessions and Preparation

The limited time was always a constraint for such an important consultation. Thus, a few changes were being made on the breakout sessions after the initial speeches. Ms. Valarmathi and Mr. Rafeek had briefed about the matrix and the columns in the matrix. Five representatives were selected from the participants to lead the discussions in each group. The initial plan to have three breakout sessions was dropped and the organisers decided to have two sessions. The first session would discuss the Objectives 1 to 10 and the second session would discuss rest of the objectives. Five groups had been formed by making sure the inclusive presence of all stakeholders. Each group consisted of minimum 10 members.

Session 1

All groups managed to prepare the given matrix within 90 minutes and assigned five presenters from each group to present the findings to the forum. The points were evaluated by a group of facilitators including Ms. Valarmathi, Mr. Shabari and Mr. Rafeek. All groups gave more focus on the third aspect in the matrix 'what needs to change' and provided a number of suggestions to improve the existing programs. Simultaneously, a few groups identified certain 'good practices' by CSOs in the state. Lack of data was an important concern for all the groups and they sought for mandatory registration of all labour migrants at the panchayath (village) level to maintain a reliable data. They reported that a number of CSOs including Jesuit Migrant Ministry External (JMMEX), NDWM and so on have conducted

various surveys across the state as part of projects and found key information about international migration. Among the adverse drivers, apart from the common issues like poverty and unemployment, group 1 identified caste discrimination as an important driver of migration in the rural areas of Tamil Nadu. In addition, a few groups pointed out that the huge financial burden from higher education loan forces the youth to search for employment outside the country. The forum suggested a collaboration between government and Multi-national companies (MNCs) to generate corporate social responsibility (CSR) fund for reducing the adverse drivers of migration. Lack of pre-departure orientation and education on migration procedure was a focal point of discussion on Objective 3 and 4. The stakeholders demanded more intervention from the Tamil Nadu government in the form of monthly pre-departure orientation, Appointment of An Arabic-Tamil translator for supporting the validation of legal documents at the state headquarters and provision of free call centre support for all migration related processes to improve the existing situation. They acknowledged the documentation support and Pre-Departure Orientation Training (PDOT) conducted by CSOs as a welcoming step. Regarding the attempts to ensure regular pathways of migration, all stakeholders were critical of state government on the failure to identify job opportunities and new avenues of recruitment in the host countries. They sought for a pre-employment training mechanism at the state level with the support of CSOs and Trade unions. Moreover, an expansion of the current state-run recruitment system and the Non-Resident Telugu (NRT) directorate would be beneficial. The efforts by Arunodhaya, a CSO which keeps the record of credible employers in association with NRT directorate were appreciated. Regarding the legal and ethical recruitment, the major concern was the existence of sub-agents in the most vulnerable areas of the state. The presenters added that the current system of recruitment at the state government is a failure to tackle the impact of sub-agents and demanded an increase in jail term and fine for the recruitment fraud; and legalisation of subagents to rectify the issue.

Regarding the objective on vulnerabilities, all groups unanimously agree that women, unskilled workers and fisherpersons are the most vulnerable groups of migrants in the state. The lack of attempts by the state and central government to recognise undocumented workers and failure to educate the citizens



about the pros and cons of migration were the most discussed concerns during the discussion. The stakeholders sought for the formation of a gender friendly migration policy at the state level to curb the increasing vulnerability. Suggestions like establishment of pre-migration counselling centres and provision of interest free loans for financing the cost of migration also came up from the groups. Trade unionists among the participants wanted the state government to provide jobs for the sections who are prone to these vulnerabilities. The issues of 'missing migrants' was an emotional

discussion and participants pointed out the complete negligence of state government on the issue and appreciated the hard work of several CSOs and NGOs who conduct informal rescue operations to find out missing migrants. Trafficking of migrant workers was the last point of concern in the first session. Apart from the other factors, corruption at the airport counters was identified as major issue. The stakeholders demanded that the state should develop an independent case management system with the support of NRT police cell and spend handsomely on advertisements about the effects of trafficking through visual-print and social media. The session witnessed fierce discussions. But the groups provided

substantial suggestions on the first 10 objectives and identified various programs by the state and non-state stakeholders.

Session 2

Again, the time constraints forced the organisers to make slight arrangements in the structure of the second breakout session. The five groups were rearranged into four and divided the 13 objectives among four groups. The first group discussed objectives 11 to 13, the second group discussed objectives 14 to 16, the third group discussed 17 to 19 and rest of the objectives were discussed by forth group.

The forum reconvened after the short breakout session of 45 minutes and four representatives were identified to present the matrix. The first group identified Objective 12 as the priority area during their discussion and reported that the existing screening procedures are anti-migrant and unscientific. They urged the state police department to revamp the existing passport and visa verification mechanism which involves rampant corruption. To ensure proper screening of migrants, the state government should establish helpdesks at the ports. Regarding alternative detention measures, the group recognised the commendable work done by the NRT Commissionerate in repatriating people who sought amnesty in Gulf and Malaysia. This act by state government was viewed as a welcome step in encouraging alternatives to detention. Then group 2 discussed objectives 14, 15 and 16. Regarding the consular support, the group identified absence of Tamil Speaking officers in many Tamil majority receiving country embassies is a major concern from the state perspective. The ill-treatment of embassy officers and lack of immediate support mechanism were also identified as issues. The stakeholders demanded an increase the number of staffs in the Indian missions according to the proportion of workers from each state. The objective 16 was keenly analysed by the group 2 and reported that the blue-collar workers are the victims of lack of basic service in the host country. The trade union representative criticized the national government and host country government for not signing labour standard agreements on the issue. The members of group 2 unanimously demanded that the state government and other state-level stakeholders should pressurise the national government to become pro-active on this issue. A common concern for both objective 15 and 16 was the lack of knowledge about the host country's socio-legal-cultural situation. They assessed that this lack of knowledge prevents the full inclusion of migrants. The group suggested that government and CSOs should Provide pamphlets at the airports on basic laws in the host countries and identify the reasons for socio-economic discrimination in the state and set up a committee to study and suggest policies. In addition, the government should conduct short-term language training for migrants who prepare to travel.

Group 3 discussed objective 17 on curbing all forms of discrimination and demanded a proper identification of migration-prone regions in the State scientifically conduct a socio-economic survey in the regions as a beginning. The group appreciated the efforts by CSOs including Jesuit Migrants Ministry External (JMMEX), National Domestic Workers Movement (NDWM), MEETPU etc on their efforts to fight the discrimination. Lack of skill development program was the major point of concern on objective 18. The absence of skill-matching and demand-oriented skill training was evident in the state. They mentioned about the efforts by both state and national governments on skill development. However, the group mainly focused on suggestions to improve the existing situation. They suggested that a vocational training curriculum should be developed which involves language training also and added

that a separate state-level agency should be established to deal with skill development. The final objective assigned for the group 3 was on the contribution of migrants for the development (Objective 19). As a state which contributes heavily to the migrants and diaspora population of the country, Tamil Nadu government is yet to think about the involvement of diaspora and migrants in the state development. The group reported that there is a complete absence of state and CSO interventions in this aspect. They demanded the government to conduct investment meets, to set up tax-free special economic zones for migrants and to develop an independent fund from NRTs for the development activities in the state.



The final presentation was made by group 4 on the objectives 20 to 23. About the objective on ensuring safe transfer of remittance, the group identified that the blue-collar workers and the undocumented workers are unable to transfer the money due to various reasons. The lack of financial education during the pre-departure was identified as the major reason. From the state level, the stakeholders could ensure that all the labour migrant's from the state have a valid bank account before they migrate. To foster the financial inclusion of migrants, the group

suggested that the banks should give high interest rate for NRI deposits and the governments should incentivise the deposits from NRTs as well. The group identified objective 21 as the most worrying aspect of the migration governance in the state. The state does not have any reintegration policy till date. They wanted the government to frame a comprehensive reintegration policy. Apart from that, a permanent mechanism to intervene in the amnesty related activities at the state level should be set up to ensure dignified return of the workers. Even though the state level stakeholders do not have much role in the portability of social security benefits (Objective 22), the group identified that the increasing number of legal battles between returnee migrants and employer in the host country should be considered as important. The discussion on final objective was focused on how the state-level actors could push the national government to be a play a major role in international negotiations. They appreciated the efforts by CSOs, especially that of NDWM who associate with MFA and play an active role in the international negotiations on worker's rights. The entire discussions during the breakout session was mainly focused on improving the existing situation and identification of various issues related to 23 GCM objectives. The active participation of various stakeholders helped in the preparation of a comprehensive matrix on Tamil Nadu.

Feedback from the State Government Representative

After the final breakout session, Mr. Dinish Olivar Ponraj, the director of Non-Resident Tamil who had been observing the entire consultation process from the beginning responded to the matrix and comments. He accepted the criticisms on the Tamil Nadu government and shared the limitations of such a small division including the lack of financial and technical support. In the meantime, he shared some of the recent initiatives by NRT Commissionerate which were missed out during the discussions. He concluded his feedback speech by citing one of the comments from the discussion that a genuine

co-ordination between state and other actors can overcome all the limitations. Mr. Dinish ensured a follow up on the matrix shared with him.

Notable Observations from the consultation

- *Diversity among the participants*

The consultation witnessed participants from all the spheres of migration including CSOs, Trade unions, advocates, human right activists, media, faith organisations, academia, students and so on. This diversity clearly contributed to the fruitful outcome.

- *Critical discussions*

Unlike other state-level consultations, the comments and arguments during the breakout sessions and presentations were critical of all stakeholders.

- *Get-together of stakeholders*

Since the state does not have any existing forum to bring together all stakeholders, the consultation managed to create a bonding among the stakeholders. The discussions, experience sharing, identification of all good practices was helpful for each and every one. This led to the formation of a core committee of migration by the non-state stakeholders in the state and an eight-member committee was formed.

- *Presence of government representatives*

It is important to ensure the collaboration of state and non-state actors. The state representatives were present throughout the consultation and gathered responses from other stakeholders. This would surely contribute to the development of a better management of migration in the state.

- *Matrix Preparation and identification of priorities*

A matrix on Tamil Nadu was prepared after the effective interventions of organisers and participants. From the matrix, the forum managed to identify certain priorities in the Tamil Nadu government.

- *Time constraints*

One day consultation was never enough for such a big state like Tamil Nadu. Participants and organisers felt that a two-day consultation would have been more productive and strain less.