

‘EMIGRANT-UNFRIENDLY’ STATES: EXPLAINING WHY INDIA HAS A LOW  
EMIGRATION RATE

by

Dhriti Mehta

B.A., The University of Tokyo, 2020

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF  
THE REQUIREMENTS FOR THE DEGREE OF

MASTER OF ARTS

in

The Faculty of Graduate and Postdoctoral Studies

(Political Science)

THE UNIVERSITY OF BRITISH COLUMBIA

(Vancouver)

April 2022

© Dhriti Mehta, 2022

The following individuals certify that they have read, and recommend to the Faculty of Graduate and Postdoctoral Studies for acceptance, the thesis entitled:

'Emigrant-Unfriendly States': Explaining Why India Has A Low Emigration Rate

submitted by Dhriti Mehta in partial fulfillment of the requirements for

the degree of Master of Arts

in Political Science

Examining Committee:

Dr. Antje Ellermann, Political Science, UBC

Supervisor

Dr. Lisa Sundstrom, Political Science, UBC

Supervisory Committee Member

## **Abstract**

What explains India's low emigration rate despite it being one of the world's largest migrant-sending states? This thesis argues that existing scholarship has overlooked the actions of sending states when it comes to migration control and as a result, has missed the construction of what I term as 'emigrant-unfriendly' states, particularly among liberal democracies. Despite being the leading country of origin for international migrants, India has a strikingly low emigration rate compared to its neighbours in South Asia and other developing democracies with large populations. In this thesis, I argue that the low rate is the result of restrictive policy. Focusing on economically driven emigration, I hypothesize that the key variable that best explains the path of restrictive emigration policy in India is the post-independence adoption of Nehru's anti-imperial and regulatory foreign policies that differentiated between emigrants of varying skill levels. To test this argument, I employ process-tracing to determine whether India's post-independence institutions continue to play a role in restricting emigration from India. I look at three empirical cases as critical junctures for India's emigration history, namely, the policy making period in 1947 immediately after independence, the Oil Boom in the 1970s, and the Tech Boom in the 1990s and early 2000s. I test my hypothesis against an alternative hypothesis which is that India's low emigration rate can be explained by government actors restricting emigration due to its negative domestic economic implications. This thesis concludes that policy decisions made and institutions established at the time of India's independence have persisted and continue to hinder pro-emigration policy reform, resulting in India having one of the lowest emigration rates of any developing state in the world today.

## **Lay Summary**

Emigration refers to the act of leaving one's home country to reside in another. Despite being one of the world's largest migrant-sending states, India has an unusually low emigration rate. This thesis makes a case for the existence of 'emigrant-unfriendly' states as those that restrict the movement of its citizens abroad through national policy. I argue that India is an example of one such emigrant-unfriendly state due to its long history of restrictive emigration policy since its independence from British colonization in 1947. Looking at critical moments in India's migration history, this research concludes that policy decisions made and institutions established at the time of India's independence have persisted and continue to constrain policy developments in India's emigration strategy. As a result, pro-emigration policy changes remain difficult. This has led to India having one of the lowest emigration rates of any developing state in the world today.

## **Preface**

This thesis is the original, unpublished, independent work by the author, Dhriti Mehta.

## Table of Contents

<b>Abstract .....</b>	<b>iii</b>
<b>Lay Summary .....</b>	<b>iv</b>
<b>Preface .....</b>	<b>v</b>
<b>Table of Contents .....</b>	<b>vi</b>
<b>List of Figures .....</b>	<b>vii</b>
<b>Acknowledgments .....</b>	<b>viii</b>
<b>Introduction.....</b>	<b>2</b>
Thesis Overview.....	6
Locating Discussions of Emigration within Migration Scholarship .....	8
Why Emigration Matters .....	9
Conceptualizing the Emigration State.....	11
The Making of Emigration Policy.....	16
<b>Empirical Case: India.....</b>	<b>25</b>
India's History as an Emigration State.....	26
Emigration during the Colonial Era .....	26
<b>Theory and Methods.....</b>	<b>29</b>
Process-tracing .....	29
Historical Institutionalism and Path Dependence .....	32
Hypotheses .....	35
Observable Implications.....	36
Data Collection and Limitations .....	40
<b>Empirical Analysis.....</b>	<b>43</b>
Empirical Analysis 1: Policy Decisions in the Post-Colonial Era .....	43
Empirical Analysis 2: Oil Boom .....	48
Empirical Analysis 3: Tech Boom .....	58
<b>Conclusion and Scope for Future Research .....</b>	<b>70</b>
<b>References.....</b>	<b>75</b>
<b>Appendix.....</b>	<b>92</b>

## List of Figures

Figure 1 Emigration Rates (South Asia Comparison).....	2
--	---

## **Acknowledgments**

I would like to offer my sincerest gratitude to my supervisor, Dr. Antje Ellermann, for her support in this process, and for always providing thoughtful feedback on my work. I also thank Dr. Lisa Sundstrom for taking the time to serve on my thesis committee and for her constant encouragement. I would like to extend a special thank you to the UBC Political Science department, the UBC Centre for Migration Studies, and the Centre for India and South Asia Research (CISAR) at UBC for allowing me to study, learn, and grow alongside some of the most inspiring people I have met on campus. Lastly, I thank my family for their constant encouragement, patience, and love throughout this process. None of this is possible without the support of my fiancé, Vijit, my parents, and my sister.



## Introduction

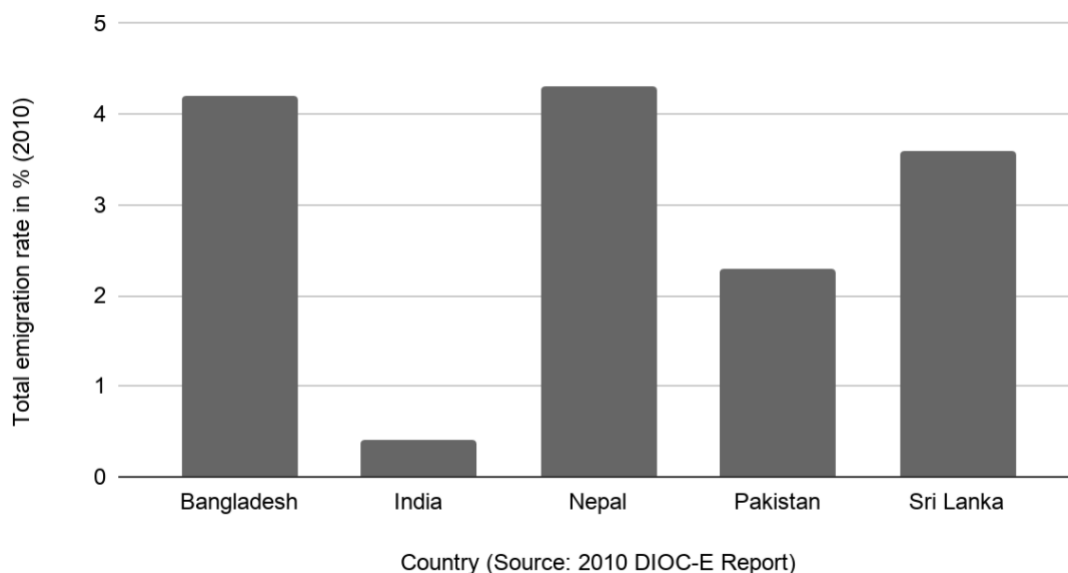
The rise of increasingly complex environmental and ethnic conflict situations worldwide, along with the politicization of issues of immigration, has moved discussions on international migration to the centre in both in academia and spheres of policymaking. Since the emergence of the field, scholars have examined shifting trends immigration policies in the context of Western liberal democracies (Hollifield, 1992; Freeman, 2004; Walsh, 2008; Guiraudon and Lahav, 2016; Ellermann, 2021). Meanwhile, migration policy in both sending and developing states remains under-researched, with the exception of research on forced migration (Massey et. al, 1993; Nawyn, 2016; Natter, 2018).

South Asia collectively experiences high levels of emigration to neighbouring countries of the Global South as well as to more developed countries of the Global North. Of the 272 million overseas migrants globally, the United Nations finds that approximately 18 million are Indian nationals. This makes India the leading country of origin for international migrants, not only in South Asia but also worldwide. It is followed by Mexico with 11.8 million and China with 10.7 million overseas emigrants respectively (McAuliffe & Khadria, 2020). Emigration from India can be categorized into two major streams: low-skilled or semi-skilled emigration of labour, and high-skilled emigration of educated workers and students. There is a third stream of “incidental” emigrants who I define as spouses and/or children of migrants who do not hold the decision-making power to migrate and often migrate only for reasons of family reunification rather than economic intent. This group will not be the focus of this thesis.

Despite being one of the largest migrant-sending states when measured in absolute numbers, India’s emigration rate is strikingly low– in fact, it is one of the lowest in the world. Based on the 2010 DIOC-E report, India’s emigration rate stood at 0.4%, compared to 3.6% and

2.3% for its neighbours, Sri Lanka and Pakistan, respectively. Nepal and Bangladesh experienced even higher rates of emigration at 4.5% and 4.2% respectively (“DIOC-E”, 2010). Not only is India’s rate considerably lower compared to its neighbours in South Asia, but it is similar to or lower than that of some OECD countries. India’s rate is more comparable to the emigration rates of other developed states in the Global North, where the United States stood at 0.5% at the start of the decade (“DIOC-E”, 2000).

Figure 1: Emigration Rates (South Asia Comparison)



I argue that both absolute and proportionate numbers of emigrants should be high in the Indian context. For the former, I argue that as a developing South Asian country with a large population, including a significant English-speaking and educated population, one would expect greater total emigration than what we currently see from India. Additionally, a significant population working in the informal sector and other hurdles in accessing healthcare services, poor economic and social conditions common across developing states are also important drivers

of migration in the context of a developing state like India. Finally, we expect that liberal democracies do not put any restrictions on exit as the right to exit is viewed as a fundamental human right granted by the Universal Declaration of Human Rights. The question of whether citizens can exit their countries of origin freely thus plays an important role in determining the sending state's legitimacy (Lenard, 2015).

I make a case that we should expect high proportionate emigration numbers – i.e., a high emigration rate - based on India's downwardly skewed population distribution and its unemployment rate. In 2001, the national census reported that 59.5% of India's population fell into the aged 15-64 category that constitutes the working population (Office of the Registrar General & Census Commissioner, 2001). 2011 census data from the sample registration system statistical report reveals that the total working population increased to 65.2% (SRS Statistical Report 2011, 2013). This results in labour market pressures as youth are three times more likely than adults to be unemployed globally (ILO, 2012).

India's average rate of unemployment has been approximately 5.6% between 1991 and 2010. Its average rate of youth unemployment (ages 15-24) was 23.01% between 1999 to 2019 (O'Neill, 2019). The ILO (2012) highlighted that apart from youth unemployment, a major concern for India has been youth underemployment. This is due to a lack of decent jobs in the formal economy that has forced the youth to find employment in the informal sector. Furthermore, a 2011 UN report on trends in international migrant stock indicates that 73% of the global migrant stock was aged 20 to 64, highlighting a skewed age distribution of international migrants. This implies that Indians belonging to this age group and already battling labour market pressures domestically, may be more likely and open to emigrate. Together the above indicates the expectation of a high total and proportionate emigration rate for India.

It is also important to recognize that India's emigration rate would be much higher if it were to follow the patterns of its neighbouring states in South Asia or that of other developing states such as Mexico. In 2019, India's total population stood at 1.366 billion and the total number of emigrants in the same year was 17.5 million. In the same year, Mexico's total population was 127.6 million, approximately ten times less than that of India, but the total number of emigrants in the same year stood at 11.8 million, a mere 5.3 million difference. (UN, 2019). Closer home, Pakistan's population stood at 207.9 million in 2017 with approximately 8.8 million Pakistanis living abroad that year (Government of Pakistan, 2019). In 2017, India's total population was 1.339 billion with an estimated 17 million Indians living abroad (Torkington, 2019).

This thesis argues that India's comparatively low emigration rate results from the restrictive emigration policies of the Indian states in the post-colonial period and the subsequent persistence of emigration-restricting domestic institutions and policy tools. The imposition of emigration restrictions allows us to describe states such as India as emigrant-unfriendly liberal democracies- a concept that is currently missing from migration scholarship. Here, I believe it is important to acknowledge that while the use of the term liberal democracy for India is contested, I use the term to signify the existence of separation of powers, a multi-party system, and the tradition of pluralism in the country. Furthermore, the time period I examine in the thesis predates events that occur in the post-Modi era that has led to recent democratic backsliding. I contend that such restrictive policies of migrant-sending states can be a result of path-dependent outcomes of policy decisions made in the post-independence era. Furthermore, they have a stratifying impact on the composition of emigration flows based on educational attainment, gender, socio-economic status, and thus shape national migration trends for years to come. Thus, the key puzzles that this thesis seeks to answer are: Why, despite being both a developing state

and a liberal democracy, is India's emigration rate so low? Is India's low emigration rate simply the result of a lack of demand for emigration or does it reflect institutional constraints that hinder emigration?

## **Thesis Overview**

The thesis starts with a critical assessment of the scholarly debates on the migrant-sending state and examines discussions of sending state interests in migration control. Here I highlight the gap in the literature on emigration and provide an argument for why emigration matters. Next, I examine how although migration control has emerged as an important field of study, key literature remains focused on immigration and not on emigration control in some democracies due to the assumption of norms of liberalism and democracy, wherein it is assumed that liberal democracies do not restrict emigration.

This section then provides a discussion on the costs and benefits of emigration where I outline debates on restrictive emigration policy and distinctive policy responses to low-skilled labour flows and high-skilled professional flows. The two questions I address through this literature review are: First, how have the interests of sending states been discussed (or disregarded) in migration scholarship thus far? Second, what are some of the major debates and normative considerations in migration research? In this section, I argue that current scholarship often overlooks nuances in the actions of sending states when it comes to migration control and as a result, has missed the construction of what I term as emigrant-unfriendly states as a distinct type of migration state among liberal democracies.

In the second section, I introduce the case of India as a case of a liberal democracy that is also an emigrant-unfriendly state, as it has employed various restrictive policies and institutional

tools to control emigrant movements on numerous occasions in its post-independence period. I propose three plausible theories to explain the low emigration rate of India that I test in the empirical sections through the method of process-tracing to evaluate which independent variable provides the best explanation for why India has one of the lowest emigration rates in the world.

The third section is the theory and methods section. Here I justify the thesis' use of historical institutionalism and the punctuated equilibrium model of change to explain institutional change. I do this by arguing that the state played a significant role in creating domestic institutions and policy decisions right at the time of Indian independence. Here I also define the concept of path dependence and contend that institutions continue to play a role in restricting emigration from India through locked-in path dependence. Importantly, I elaborate on the method of process tracing and its application in this thesis through a subsection on the observable implications and the four kinds of process-tracing tests. and lay out my main argument for the paper.

In the fourth section, I provide three empirical cases that I identify as critical junctures in post-independence India's migration history and in the state's responses to emigration policy. These are namely, the policy making period in 1947 immediately after independence, the Oil Boom in the 1970s, and the Tech Boom in the 1990s and early 2000s. By opting for a process-tracing approach, I evaluate the two hypotheses using evidence from primary and secondary sources to argue what explanation best answers why India has a low emigration rate

Finally, I conclude in section five by summarizing the key arguments made in the paper. I reiterate that policy decisions made and institutions established at the time of India's independence have persisted and continued to constrain policy developments in India's emigration strategy in a manner in which pro-emigration policy changes have become difficult.

This has led to India having one of the lowest emigration rates of any developing state in the world today. Here I also provide the scope for further research on emigrant-unfriendly states.

### **Locating Discussions of Emigration within Migration Scholarship**

Sirojudin (2009) refers to emigration as the act of leaving one's country of origin. He further highlights its dynamics by suggesting this is done by the emigrant "identifying the economic push factors that involve a rational calculation of conditions" (p. 703). He further describes these as the reasons behind motivating individuals to emigrate overseas in hopes of "improving their livelihood" (p. 703). Green (2005) argues that among all social sciences, economists have produced the most critical body of literature on emigration and its impacts on the home country, particularly by studying the political economy of the inflow of remittances and its role played in development.

In any discussion of the costs and benefits of emigration to sending states, it is vital to differentiate between emigrants' varying skill levels. This is because "certain sectors or industries are more likely than others to lose labour to emigration" (OECD, 2017, p. 210). For example, the emigration of highly skilled professionals such as doctors or engineers can cause labour market shortages in sectors such as health and information technology leading to the problem of "brain drain" and overall loss of public resources invested in higher education (Ratha, et al., 2011; UN-DESA and OECD, 2013). On the other hand, low-skilled labour emigration is seen as more directly leading to poverty reduction and having an overall positive impact on reducing the problems of underemployment within the sending state. At the same time, it is important to acknowledge some suggestions that even high-skilled emigration can be "partly compensated by the fact that those who stay might have more incentives to upgrade their

skills,” thus making way for a different benefit of emigration to the sending state (OECD, 2017, p. 210).

In the following literature review, I first address the all-important question of why emigration matters. I then provide an overview of the conceptualization of the emigration state in the literature. This is followed by a brief discussion on two key developments in the study of emigration states, namely, the rethinking of assimilationist theories and the emergence of transnationalism since the mid-1990s with corresponding outflows of skilled and highly skilled migrants. Finally, I engage in a discussion on emigration policy, particularly looking at literature discussing policies directed towards low-skilled labour, high-skilled professionals, and policies for diaspora engagement, all of which have recently become a focal point for many scholars.

## **Why Emigration Matters**

International migration is considered particularly important for developing countries. This is because labour migration flows comprising both low-skilled labour and high-skilled professionals have positive implications for economic development. Dominant international migrant flows<sup>1</sup> usually take the form of migration from countries in the Global South to those in the Global North, but as a few scholars point out, they are also regional in nature. This is particularly true in the case of low-skilled or unskilled labour migration

In his work on migration and development, Sutherland (2013) contends that migration is important for both migrant-receiving states and migrant-sending states in addressing both labour market needs and allowing for access to capital markets. The third beneficiary of migration are migrants who seek to escape conditions of poverty and achieve better standards of living for

---

<sup>1</sup> With the exception of forced migration flows.



themselves and their families. This idea that emigration matters for all actors that are part of the process is also echoed by Adams and Page (2005). In their quantitative study, the authors provide evidence for a strong and positive relationship between migration, remittances, and poverty reduction. Furthermore, Lodigiani (2016) finds that migration to democratic countries has a positive effect on improving political institutions in sending states through processes such as political norm transfer and the socio-economic impact of remittances.

D'Appollonia and Kasymova (2015) argue that exit and entry policies are two sides of the same coin. They suggest that immigration flows into a country are only possible with migrant-sending states first determining who gets to exit the country. Scholars in the field of migration studies have traditionally focused on two ideal types of actors: destination (receiving) and origin (sending) states. More recently, they have also examined transit states. Yet, only a few contemporary scholars propose that migrant-sending states perform an equally important task in migration policymaking as immigrant-receiving states, thus revealing that migration policy literature largely suffers from an immigrant-receiving state bias as both scholars and policymakers are consistently more concerned with immigration, rather than emigration policy (De Haas & Vezzoli, 2011).

Part of the reason behind this is the normative understanding of liberal democracies as states that choose not to restrict exit because they recognize it as a fundamental right enshrined in the Universal Declaration of Human Rights (UN, 1948). Work within political theory focusing on exit control has been overwhelmingly against any restrictions on the exit of citizens. Walzer (1989) highlighted that although controlling immigration is necessary to defend “the liberty and welfare, the politics and culture of a group of people committed to one another and to their common life,” controlling emigration involves coercing people who no longer wish to be

members (p. 39). Chetail (2014) describes departure as the prerequisite to migration. He further highlights how international migration law views the right to leave one's country of origin as a basic freedom as there is "no room for international rules applicable to the transnational movement of persons without it" (p. 10). Along similar lines, Stilz (2016) in her paper discusses the "liberal orthodoxy" of free exit not being restricted among liberal democracies as a matter of morality. While she argues some regulations on civil service obligations after departure could find a justifiable space among some liberal democracies, the ability to depart in order to relocate is intrinsic to personal autonomy and the right to exit in this regard must not be restricted by the state.

However, it is worth noting that many of the liberal democracies that have shaped and accepted the right to freely exit one's country of origin are industrialized Western democracies in the Global North. This raises the crucial question of to what extent do new democracies that democratized in the post-colonial and post-Soviet era accept this as a logical extension of human rights granted by the democratic state? This is because such normative considerations were layered on quite late and within a different economic and demographic context.

### **Conceptualizing the Emigration State**

The conceptualization of emigration in literature, although scarce, has undergone shifts depending on region, type and role of the state, and the emergence of transnational issues. The issues of emigration control and the institutionalization of emigrant flows more broadly are rarely examined, with research on emigration management and its influence on the study of international migration remaining limited in volume and restricted to the West.

The construction of the migration state has been an important concept in the study of migration since the term was first popularised by Hollifield (2004). Discussing the “liberal paradox,” Hollifield examines the problems of globalization faced by contemporary Western democracies which led to dilemmas of state regulation of migrant flows in postwar, industrial economies. He defines the migration state as one wherein “considerations of power and interest are as driven by migration, as they are with commerce and trade” (p. 888). Even as Hollifield mentions the role of “sending societies” and views their East-West outflows as driven by unstable economics and politics, his work remains largely focused on immigration. Only recently have scholars started to argue that the lack of an adequate comparative framework hinders the recognition of the emergence of distinct forms of state migration management regimes outside the Global North (Adam and Tsourapas, 2019).

Focusing on Global South migration regimes, Adamson and Tsourapas (2019) redefine the “migration state” by identifying the central role of migration management in contemporary state policy of both sending and receiving states. Importantly, they argue that the existing literature lacks insight into state migration management regimes outside the Global North due to the tendency of migration scholars to study economic and labour migration to the Global North and forced displacement in the Global South. They attribute this to the biases inherently present in the scholarly conceptualization of the “migration state.” In their critique of Hollifield’s (2004) “migration state,” Adamson and Tsourapas (2019) highlight crucial biases of the Global North-centric conception of the migration state as we understand it today. Two critically important biases are the “immigration bias” and the “liberal bias,” both of which remain prevalent in the way scholars theorize migration states today.

In their discussion of the literature's immigration bias, Adamson and Tsourapas suggest that Hollifield's conceptualization of the migration state is concerned with only the "state management of migrant flows into a destination country" (p. 858). As a result, it limits the examination of policymaking to "questions of entry, integration, citizenship, and naturalisation" and overlooks the equally important facet of emigration management that is crucial to states in the Global South (p. 858). This includes both issues and consequences of emigration such as state management of labour and remittance flows and state engagement with its diaspora (p. 858).

Regarding the "liberal bias" that refers to the "liberal democratic regime types and market economies rhetorically committed to individual rights," Adamson and Tsourapas contend that as Hollifield's conceptualization is focused on the migration policies of "advanced industrial democracies" in the Global North, it holds little applicability to other regime types or regional contexts (p. 861). We thus know little about restrictive emigration practices in liberal democracies outside the Global North, including policies to prevent brain drain and measures to restrict the emigration of low-skilled workers. Castles et al. (2014) contend that these biases together lead to "focus on the consequences of immigration in wealthy, migrant-receiving societies, and to ignore the causes and consequences of migration in countries of origin within the Global South" in migration scholarship (p. 26). Importantly, Adamson and Tsourapas also highlight the importance of "understanding the contradictory interests facing states in managing migration flows." They suggest this is made possible through a deeper analysis of out-migration interventions of states in the Global South (p. 858).

According to Lee (2016), these sending state interventions are found in three forms: accommodating, facilitating, and directing. *Accommodating regimes* are defined as regimes that

“exclusively utilise ex-post diaspora management interventions in their migration policy” (p. 1458). These states do not actively seek to manage emigration itself but mostly engage with already established diaspora groups. The actual liberal regime type would be an example of an accommodating regime if it does not constrain emigration through its diaspora channels. *Facilitating regimes*, by contrast, actively enable emigration through “available migrant channels, attempting to maximise the gains from, and minimise the costs of migration” (p. 1461). This includes leveraging migrant networks overseas. Lee suggests that similar to accommodating regimes, facilitating regimes do not “directly attempt to change the direction of migration patterns formed by exogenous forces and mechanisms” (p. 1461). Finally, *directing regimes* are defined as a regime type wherein “interventions work to redirect or reshape migration flows, away from the channels dug by historically established migrant networks, toward new or growing markets (p. 1463). Lee further suggests that in doing so, these regimes seek to exert control over out-migration and make efforts to prevent drops in remittances and emigration rates in the face of labour market changes in the receiving state. Migration scholarship<sup>2</sup> has historically overlooked distinctions in the actions of sending states and has made limited distinctions between democracies and non-democracies. As a result, it has been unable to identify the construction of the emigrant-unfriendly states within liberal democracies that I argue has a significant impact on international migration patterns. In the next section, I discuss the developments in the study of emigration states and policy.

### *Developments in the study of Emigration states*

---

<sup>2</sup> With the exception of Adamson & Tsourapas and the study of involuntary emigration.

In the past, scholars like Heisler (1985) have talked about the interest of sending countries in promoting and benefitting from a pattern of emigration which she terms “temporary, but long term” migration (p. 472). This form of consecutive temporary migration, she suggests, indicates the preference for temporary labour outflows in both receiving and sending societies because of the lower burden of assimilation, on the one hand, and higher remittances and foreign capital exportation by migrants, on the other. For example, large-scale temporary labour flows originating from South Asian countries to countries in the Middle East during the “Oil Boom” period after the 1970s produced significant remittance flows, benefiting both receiving and sending states (Abella, 1984; Imdad, 1985; Zachariah and Rajan, 2004). Yet, as described earlier, these discussions of emigration within the field of migration studies have undergone a shift with the emergence of a transnational perspective on migration in the late 1990s.

In her work on sending state regimes, Lee (2016) discusses scholars’ tendency to dismiss the role of sending states as “causally irrelevant to migration flows” in the past (p. 1453). She argues that this is untrue because immigrants retain political, economic, and social links to their countries of origin. The resurgence of emigration issues in the last two decades is contextualized in the recent transnational debates about diaspora engagement across social science disciplines.

### *Transnationalism*

According to Lie (1995), the concept of transnationalism presents a challenge to the “rigid, territorial nationalism that defines the modern nation-state; the dividing line is replaced by the borderlands of shifting and contested boundaries” (p. 304). This transnational view of migration has allowed scholars such as Glick Schiller, Basch, and Blanc (1992) to attend to issues of citizens abroad, such as the role of the diaspora, and to problematize the hegemony of state-centred conversations surrounding migration.

Starting in the late 1990s and early 2000s, many authors have contributed to the overarching discussion on diaspora policies and engagement (Smith & Guarnizo, 1998; Itzigsohn, 2002, Martínez-Saldaña, 2003; Gamlen, 2006). Political economists have started to pay attention to the effects of remittances on diaspora-driven development. Meanwhile, other political scientists have begun to examine the role of emigrants in the democratizing processes within sending states and the extension of transnational voting rights. Most prominently, the discipline of political science has witnessed a surge of interest in issues of diaspora participation in the politics of the home country. As a result, it is increasingly paying attention to state-diaspora engagement policies that dominate conversations about transnational governance and diasporic participation in the homeland and host country politics and the economic impact of remittances and labour migration on the homeland (Schiller et al., 1992; Schiller, 2010).

### **The Making of Emigration Policy**

The lack of literature on emigration policy making is by no means a recent phenomenon. At the most basic level, even a quick search on Google Scholar shows a result of 2,450,000 articles for the term “Immigration Policy,” and a significantly lower result of 426,000 articles for the term “Emigration Policy,” many of which are focused on pre-war Europe. Fitzgerald (2006) states that this “academic tendency to ignore emigration policies” does not in fact imply that they do not exist. He argues that “all major European states had significant emigration controls” at one point in history (p. 262). To highlight this, he considers the example of the Iron Curtain as a policy wherein the principal purpose was to “keep citizens in rather than to keep foreigners out” (p. 262). He argues that states have thus practiced control over who could leave by refusing the issuance of travel documents such as passports and requiring emigrants to pay an exit fee. (p.

262). Other forms of sending state control on emigration are found in the negotiations of citizenship, wherein states restrict dual citizenship or overseas citizen voting rights for their emigrant population. It is also worth mentioning that more attention has been paid to this in forced migration studies (Greenhill, 2010).

As discussed previously, while most European states ended all policies that restricted emigration after the shift to laissez-faire capitalism as early as the 19th century prioritized freedom of movement for citizens, certain differentiated policies continued to exist in non-European countries, including non-Western democracies (Fitzgerald, 2006; Green and Weil, 2010; de Haas and Vezzoli, 2011). Examples of this can be seen in Sri Lanka where the Sri Lanka Bureau of Foreign Employment (SLBFE) banned prospective female domestic workers with children under the age of five years from emigrating for work. Similarly, Nepal banned female migrant domestic workers from working in the Gulf countries in 2014 (Henderson et al, 2020; ILO, 2017, ILO, 2018). An official at the Ministry of Labour, Employment and Social Security in Nepal called this ban “an example of the struggle between protecting individuals’ right to mobility and the state’s duty to protect its citizens” (Mandal, 2019). The abolition of emigration controls has thus been an unequal global struggle and one that has largely been differentiated based on regime and emigrant skill types as I will discuss in the section below.

Recent changes in migration trends in flow composition and characteristics have led to a renewed interest in the area of research of emigrant management and control, particularly in state-diaspora engagement (Weinar, 2014). While discussions around remittances are the focus of low-skilled labour migrant flows, the emigration of highly skilled professionals from developing countries to developed states in the 1990s gave way for the prominent issue of brain drain to dominate policy conversations about emigration control in sending societies (Bhagwati,



1976; Docquier and Rapoport, 2012). It is worth noting that while there has been significant empirical research on both these issues, there is a noticeable gap in comparative political scholarship that examines these shifts in emigration policies across states in the Global South.

### *Low Skilled Labour and Emigration Policy*

In his study of Asian migrant-sending states, Abella (1984) noted that the annual labour migrant flows from the top eight migrant-sending states in Asia saw an increase from 146,400 to over 1 million within five years in 1981. At the same time, scholars noted the positive impact of temporary labour migration on the flow of remittances and, consequently, economic development in sending states.

While there is comparatively less literature on the distinction between emigration policies towards low-skilled emigration and high-skilled emigration, there is an overwhelming consensus about the positive impact of remittances on economic development as a result of overseas migration, particularly in developing states (de la Garza, 2008; Kapur, 2004; Ratha, 2005). Scholars such as Nyberg-Sørensen et al., (2002) and Heilmann (2006) discuss emigrants as a source of development for the sending state by centring the conversation around the resulting “migration-development nexus.”

Cases of countries such as Bangladesh, India, and Mexico that are identified as significant migrant-sending states have been used in empirical studies to highlight the positive impact of remittances (Siddiqui, 2005; Kumar and Rajan, 2015; Fitzgerald, 2009). It is worth noting that these discussions in literature predominantly refer to the role of unskilled or semi-skilled labour migrants in this process. Siddiqui (2005) in her discussion of labour migration from Bangladesh refers to the creation of state institutions to facilitate migration flows through training programmes and verification of overseas labour recruitment agencies. However, similar

to the above-mentioned cases of Nepal and Sri Lanka, she also discusses the creation of policies to restrict unskilled labour migration through the establishment of legal institutions that allow the Bangladeshi government to restrict labour migrant emigration on the basis of education and gender. Similarly, in their analysis of labour migration regulation in Tajikistan, scholars Olimova and Bosc (2003) posit that the country has a liberal policy on the departure of its citizens. However, this does not stop the government from regulating the export of labour migrants through its Ministry of Labour and Employment's External Relations Department, a department specifically set up to facilitate and monitor such movements.

The literature on the emigration of unskilled and semi-skilled labour thus reveals a crucial difference in the regulation of such movements. With a focus on credential assessment<sup>3</sup> and the ability to withhold or not issue travel documents to unskilled and semi-skilled labour migrants, some states enjoy greater control over out-migration from their country. However, the positive impact of such flows of emigration on sending state economic development and poverty reduction encourages many developing states to use their regulatory institutions as facilitating bodies. In the following section, I will discuss the case of India as a liberal democratic and developing country that has openly exercised the regulatory functions of its institutions in restricting and regulating emigration.

### *High-Skilled Professionals and Emigration Policy*

Docquier and Marfouk (2006) suggest that skilled workers tend to emigrate from developing countries to developed states in the Global North. Dodani and LaPorte (2005) term

---

<sup>3</sup> While this is generally understood to be pertaining to high-skilled migration, as I explain later in the empirical section with the Indian case of Emigration Check Required passports, some emigration states use credential assessments such as a Grade 10 graduation certificate to assess the conditions of semi-skilled emigration.

this process as brain drain and define it as the “migration of health personnel in search of the better standard of living and quality of life, higher salaries, access to advanced technology and more stable political conditions in different places worldwide” (p. 487).

Scholarly discussions about the implications of brain drain increased as government tensions heightened as a reaction to the data showcasing significant economic cost that needed to be borne by sending states. It emerged as a topic of major contention for countries such as India in the 1990s when demand for highly skilled professionals grew during the era of the Tech Boom of North America (Iravani, 2011). During the earlier years of the boom, the United Nations Development Programme (UNDP) reported that India lost approximately 2 billion USD of annual tax revenue solely due to software and IT high-skilled emigration to the United States (“Brain drain costs Asia billions,” 2001, “Brain drain costs developing countries billions,” 2001). This was in addition to other less quantifiable losses to India’s human capital and technical workforce. It must be noted here that the term brain drain has over time been loosely used by policymakers and the general population, without critical considerations of the reality of the labour market of the sending state. That is, if the sending state’s labour market is not developed enough, and as a result, does not allow for the prospective high-skilled emigrants to find employment in the occupations they are trained for in their home country as they do in the receiving state, it might not be a situation of brain drain. Instead, it might help alleviate the problem of underemployment in the sending state. This distinction in the rhetoric and reality of brain drain among policymakers is an important one that I will return to in the empirical section on the Tech Boom case.

As a possible solution to this problem, the “Bhagwati Tax” argument was first introduced in the 1970s when the prominent economist, Jagdish Bhagwati, identified the economic loss of

human capital of developing sending states as a result of the migration of their most skilled and educated citizens to developed countries in the Global North (Bhagwati, 1976; Bhagwati and Hamada, 1982). To balance the effects of such losses, he called for special taxes to be levied on highly skilled professional migrants as a result of their migration from a developing country to a developed one. Brock and Blake (2015) in their book provide an account of the various debates focused on addressing the problem of brain drain for developing states. While recognizing the inequalities between developed and developing states that give rise to such employment-driven emigrant flows in the first place, the authors differ in their views on the extent to which these developing states should exercise their right to control high-skilled emigration to prevent further losses.

Bhagwati's (1976) argument has garnered a lot of attention and criticism in academia and from policymakers. Brock in *Debating Brain Drain* (2015) supports the implementation of exit tax policies and ongoing income taxation schemes for citizens abroad in light of the concerns and interests of the sending countries when it comes to the emigration of high-skilled nationals. Moreover, she argues that states should restrict emigration through implementing policies such as compulsory service requirements that require citizens to return to their country of origin to work after travelling on specific visa programmes. This is particularly pertinent where emigrants work in professions that are in high demand or experience labour shortages such as doctors, or when there is significant home government investment in overseas citizens' education or training. Interestingly, acknowledging that such policies could be misused by certain governments, she clarifies that this should only be the case for "legitimate" governments. Thus, by presenting them as disadvantageous duties or costs to emigration, Brock argues that developing states would be able to constrain the exit of their highly skilled workers.

In the same volume, Blake (2015) represents the other side of the debate by disagreeing with such restrictive measures. He states that “any attempt by a state to forcibly prevent people from leaving that state is fundamentally unjust, and a violation of the most basic norms of human rights” (p. 111). However, as Brock points out, despite being an ideal normative argument many countries including democracies in the Global South continue to restrict exit through various national emigration policies and legal frameworks. Having said that, there are far fewer interventions in the emigration of highly skilled workers across the board. One of the underlying reasons is the growing importance of the role played by high-skilled and established diaspora networks as explored in the literature that I will discuss next.

### *Diaspora Engagement Policies*

Diaspora networks are increasingly becoming a central consideration in migration scholarship concerning global governance and transnational sovereignty (Gamlen, 2006; 2014). More importantly, diaspora engagement has become a pivotal theme in discussions of emigrant-friendly policies. A key topic that emerges from these scholarly discussions is the creation of formal diaspora institutions and diaspora engagement strategies. Migration scholars such as Koinova and Tsourapas (2018) have theorized this process of formal diaspora engagement by examining the construction of diaspora institutions in migrant-sending states.

Koinava and Tsourapas (2018) contend that previous literature on diasporas has provided three broad perspectives to explain how emigrant engagement policies are constructed by the migrant-sending states in a bid to interact with diaspora members. These three perspectives on state-diaspora engagement are the utilitarian perspective, identity-based perspective, and governance perspective. The utilitarian perspective

considers the state's utility in engaging with the diaspora for political and economic gains. The identity-based perspective views the diaspora as a "symbolic power," similar to Anderson's (1983) argument of "imagined communities." Bauböck (2005) suggests that the decision of the migrant-sending state to extend or retract political rights such as overseas national voting rights and the permission to citizens to maintain dual nationalities are important elements of this identity-driven explanation. Finally, the governance perspective asserts a powerful position of embassies in bilateral negotiations and in the protection of their citizens overseas. Furthermore, the governance approaches are also impacted by the growing political influence of some diasporic networks including the role of diaspora lobbies in brokering and maintaining transnational ties and finalizing treaties between their countries of origin and destination.

The type of migration flow also has a distinctive impact on how the state formulates engagement strategies. Gamlen et al. (2017) in their research highlight the 'tapping perspective' of diaspora engagement. This is described as a case in which the rationalist sending state 'taps' into the power, prestige, and influence of the diaspora in order to accomplish certain goals. This includes but is not limited to accessing the political and economic influence of the diaspora and diasporic actors. Additionally, Gamlen (2014) suggests that governments that establish institutions that are "devoted to emigrants and their descendants in the diaspora" often consider the implications of these strategies of diaspora engagement in realizing the foreign policy interests of the sending state (p. 180).

In the preceding section of the paper, I provided an overview of the existing literature on emigration states and emigration policy that discussed the restrictions on migration through regulatory interventions by migrant-sending states. Although we see some evidence of

continuing emigration restriction practices in certain developing states, the majority of scholars contend that exit control is on the wane, with only authoritarian states able to practise such control in light of human rights constraints on democratic or democratising states. It is thus surprising to see India, arguably one of the world's largest democracies, exercising many forms of emigration control through its extensive emigration policy framework which restricts certain types of emigrants from moving overseas based on their education and skill level. It also significantly limits the political rights of overseas citizens unlike other liberal democracies and some non-democracies in South Asia.

## **Empirical Case: India**

In the case study section, I contend that India is a classic case of a liberal democratic state wherein restrictive emigration policymaking plays a significant role in determining the size and composition of different migration outflows, as well as in the state's relationship with its overseas citizens. I term this as an 'emigrant-unfriendly' state, a concept that, although counterintuitive when applied to liberal democracies upon first glance, contributes to the study of migration policy in migrant-sending states.

Despite being a top sending country for overseas migrants, India has one of the lowest emigration rates in the world—a finding that remains largely unaccounted for (Connor, 2017; OECD, 2000). This puzzle also highlights the notable gap in the literature on emigration control in liberal democratic states outside of the Global North. Hence, I propose the concept of emigrant-unfriendly states as a valuable contrast to the common understanding of emigrant-friendly liberal democracies. I contend that India's low emigration rate cannot be accounted for by its large population. Rather, it is the Indian state's restrictive control over emigration that has resulted in the country's low emigration rate. This control is exercised through targeted policies which, in turn, are supported by institutions that have persisted since the time of India's independence.

To test this argument, I employ process-tracing to identify policies and institutions that are designed to discourage emigration and their impact on emigration. I also look at the historical origins and continuities of the policies, and how they endure changes to the governments in power and economic and political conditions. I test two alternative hypotheses that could be plausible explanations for the country's low emigration rate. First, that the government restricts emigration due to its negative domestic economic impact. Second, due to the lack of demand to



emigrate from the population. Before testing these theories, I provide a more detailed discussion of India's history as an emigration state, including an overview of post-independent restrictionist policies that I argue impact current-day emigration trends.

## **India's History as an Emigration State**

Apart from being the second-most populous country and the largest democracy in the world, India is also the source of the world's largest diaspora with traditional migrant-receiving countries such as the United Kingdom, the United States, UAE, and Canada being long-time recipients of Indian migrants (McAuliffe & Khadria, 2020). The movement of Indians overseas represents a long history of migration that has taken the form of distinct flows depending on historical period, volume of migration, and regional composition of migrants, among other factors. Interestingly, despite India's long history of emigration, there have been documented cultural and religious aversions to emigration in the past. Certain upper-caste groups among Hindus considered travelling abroad as an impure act that effectively expelled someone from their caste. In order to circumvent this expulsion, religious laws required those returning from abroad to undergo a purification ceremony (*paryaschit*) upon their return to India in order to purify them of their sins. This practice lost its prevalence after India's independence.

## **Emigration during the Colonial Era**

Naujoks (2009) describes Indian emigration as consisting of three major flows: colonial flows to Britain and its colonies, unskilled or semi-skilled labour migration to Gulf countries, and highly-skilled migration in technical fields to industrialized countries such as the United States, Singapore, and Japan. This section examines the distinctive colonial emigration flows.

While researching the Korean Diaspora in China, Hai (2016) writes about the difficulty of studying the diaspora's historical role when the diaspora settlement pre-dates the emergence of the modern nation-state. Tracing pre-colonial and colonial emigration movements from India poses a similar problem. While South Asian migration to Britain dates back as far as the 17th century due to the establishment of the East India Company in 1600 (Lawson, 2014), accounts of Indian migrants in Britain only gained prominence from the 19th century onwards.

The colonial and post-colonial flows were characterized by the migration of South Asians to Britain during the World War I period. They were migrants who often travelled with British families as servants, nannies (*ayahs*) or British colonial sailors or lascars, some of whom eventually decided to settle in Britain and form the diaspora (Fisher, 2006). It is also important to understand that the relationship of India with Britain under British rule not only strengthened these transnational movements but also made them easier through secondary movements. Due to their commonwealth status and labour requirements in countries such as Fiji, Mauritius, Uganda, Indians also moved to other British colonies during this time. Around this time, most flows consisted of indentured labourers who later became settlers in other colonies at the end of their contracts, with some eventually migrating to the UK.

As a second flow, Indian migration to the UK and other parts of the world expanded after India's independence in 1947 and the subsequent introduction of the 1948 British Nationality Act which guaranteed free right of entry to British subjects and Commonwealth citizens. These initial years after independence saw the migration of more semi-skilled or professional workers, many from the region of Punjab to the UK (Chanda and Ghosh, 2012). However, the Commonwealth Immigration Act in 1962 soon restricted this flow.

Indian emigrants also played a key role in the decolonization struggle. Lall (2001) writes that before the Second World War, the leaders of India's freedom struggle "recognised that it bore responsibility for its overseas population, and used its voice in all forums to propagate this claim. It also recognised the Diaspora as being part of the nationalist movement, which was to rid India of colonialism." (p. 85). However, this transnationalist view only prevailed until independence. The creation of an Indian diaspora was viewed as a result of India's involvement in the imperial project. Thus, after independence, the Indian government had to grapple with the important question of what relationship it wanted to maintain with its emigrant population that greatly benefited from imperialist institutions, particularly in African colonies.

## **Theory and Methods**

### **Process-tracing**

Owing to the complex and ever-changing nature of national migration policies, this thesis agrees with the assessment that a study “over the *longue durée* allows us to see the kinds of policy patterns that crystallize only with the passage of time” in the context of immigration policy reform (Ellermann, 2021, p. 40). This study thus examines the development of India’s emigration policy from its postcolonial period to the 2010s. It relies on a process-tracing strategy to demonstrate how India’s low rate of emigration is the result of emigrant-unfriendly policies originating from the time of India’s independence.

Collier (2011) defines process tracing as “the systematic examination of diagnostic evidence selected and analyzed in light of research questions and hypotheses posed by investigators” (p. 823). It can thus be understood as a small-N qualitative methodology that allows the researcher to establish the causal linkages between an independent and dependent variable and trace causal mechanisms using within-case analysis. Mahoney (2012) highlights that process tracing allows a qualitative researcher to make causal inferences about a particular case by combining pre-existing generalizations and specific observations from that single case. It follows that through process tracing the researcher can make inferences by analyzing pieces of evidence as temporal sequences of events that have “probative value in supporting or overturning conclusions about descriptive and explanatory hypotheses” (p. 571).

The first step in process tracing is to identify and formulate research hypotheses, including rival hypotheses. The research hypothesis can be best described as a predictive statement based on the existing body of literature in the field, that is both testable and falsifiable. In order to link the causes and outcomes to theorize the causal mechanism, we move to the

second step. That is, we then identify Observable Implications (OIs) or things you would expect to see in the case if our theory is correct. This is followed by testing our theory that involves actually looking for the presence of these OIs in the chosen case by collecting and analyzing the evidence, from both primary and secondary sources.

The fourth step is to assess the inferential weight of the evidence to assess the varying degrees of confidence in our findings. That is, by acknowledging that not all evidence holds the same value, we weigh the varying strengths of the evidence, based on their certainty and uniqueness. There are four tests that have been developed to help us identify whether the evidence is sufficient and/or necessary for affirming causal inference. These are the ‘straw-in-the-wind’ test, ‘hoop’ test, ‘smoking gun’ test and ‘doubly decisive’ test that I will elaborate on further. (Van Evera, 1997; Bennett 2010; Collier 2011).

#### *Straw-in-the-Wind Test*

A straw-in-the-wind test is a piece of evidence that is marked by both low uniqueness and low certainty. Uniqueness refers to the unique nature of the evidence, meaning that if the found evidence is highly unusual, there are few other explanations for its existence apart from the hypothesis being correct. Certainty refers to how certain would we be to find a piece of evidence if a theory is considered to be true. Finding this evidence i.e. passing the straw-in-the-wind test is neither sufficient nor necessary and as a result does not greatly increase our confidence in a hypothesis. At the same time, it also only slightly decreases our confidence in a rival hypothesis. Not finding this evidence i.e. failing this test only slightly decreases our confidence in the hypothesis. Consequently, it contributes to only slightly strengthening our confidence in rival hypotheses. It is worth noting that although the straw-in-the-wind test is not an affirming test,

passing multiple such tests allows for affirmative evidence for a hypothesis to add up and increase our confidence in a theory.

### *Hoop Test*

A hoop test is a piece of evidence that is marked by low uniqueness and high certainty. That is, finding this evidence i.e. passing the hoop test is necessary but not sufficient, and as a result does not greatly increase our confidence in a hypothesis. At the same time, it somewhat decreases our confidence in a rival hypothesis. Importantly, not finding this evidence i.e. failing this test greatly decreases our confidence in the hypothesis. Consequently, it contributes to somewhat strengthening our confidence in rival hypotheses. The hoop test is thus valuable for its ability to eliminate theories that fail the test. However, as passing a single hoop test is not sufficient to affirm a hypothesis, it must pass several hoop tests to increase our confidence in the theory.

### *Smoking-Gun Test*

A smoking-gun test is a piece of evidence that is marked by high uniqueness and low certainty. That is, finding this evidence i.e. passing the smoking-gun test is sufficient but not necessary, and as a result greatly increases our confidence in a hypothesis since such evidence is unlikely. At the same time, it greatly decreases our confidence in a rival hypothesis. Not finding this evidence i.e. failing this test somewhat decreases our confidence in the hypothesis. Consequently, it contributes to somewhat strengthening our confidence in rival hypotheses. Evidence that passes the smoking-gun test is rare to find but significant for its ability to confirm theories that pass the test. However, failing a smoking-gun test is not sufficient to eliminate a hypothesis.

### *Doubly-decisive Test*

A doubly-decisive test is a piece of evidence that is marked by both high uniqueness and high certainty. That is, finding this evidence i.e. passing the doubly-decisive test is both necessary and sufficient, and as a result, confirms a hypothesis. At the same time, it eliminates a rival hypothesis. Importantly, not finding this evidence i.e. failing this test eliminates the theory. Consequently, it contributes to greatly strengthening our confidence in rival hypotheses. However, finding this kind of evidence is rare.

## **Historical Institutionalism and Path Dependence**

This study applies a historical institutionalist approach to the development of India's emigration policy in order to analyse the country's current emigration trends. Schmidt (2010) describes historical institutionalism as a tool that "focuses on how institutions, understood as sets of regularized practices with rule-like qualities, structure action and outcomes" (p. 10). Here, it is critical to discuss the conception of change within historical institutionalism (HI). Existing HI literature highlights the assumption that existing policy patterns once set are preserved and stabilized and difficult to change. This argument can be extended to institutions as once set, they are also slow to change. Schmidt (2010) views structures and practices as the object of explanation, and path dependency as the logic of explanation for periods of policy stasis (p. 5). Hacker (2002) refers to path dependence as "developmental trajectories that are inherently difficult to reverse" (p. 54). Vergne and Durand (2010) highlight that path dependence is sustained by "self-reinforcement" and that institutional persistence is because of the "stickiness of institutions."

The difficulty in reversal is due to the lock-in of previous trajectories that might persist due to the lack of preferable or in some cases feasible alternatives based on appropriateness or

consequentiality (Sarigil, 2015). At the center of the path dependence process are distinct kinds of self-reinforcing mechanisms that explain this condition of “lock-in.” There are two key employed models of path dependence: the utilitarian model and the normative model. Here I argue that the latter, normative model, provides a better explanation in this case as legitimization is the primary mechanism of path continuity rather than materialist logic of ‘increasing returns’ that we see in the utilitarian model. Mahoney (2000) states:

In a legitimization framework, institutional reproduction is grounded in actors’ subjective orientations and beliefs about what is appropriate or morally correct. Institutional reproduction occurs because actors view an institution as legitimate and thus voluntarily opt for its reproduction. Beliefs in the legitimacy of an institution may range from active moral approval to passive acquiescence in the face of the status quo. Whatever the degree of support, however, legitimization explanations assume the decision of actors to reproduce an institution derives (p. 523).

The mechanism of path dependence here is an ideational, normative lock-in. This is similar to Cox’s (2004) argument in the case of the Scandinavian Welfare State where he argues that the welfare model has remained intact despite several reforms due to the moral commitment of the involved actors. In our empirical case, I argue that the institutional reproduction and policy stasis is caused by the subjective moral orientations and beliefs of actors involved in the Indian independence movement and the nation building project for a post-colonial state that was viewed as an unlikely democracy. These moral orientations was shaped by the experience of colonialism and the freedom struggle where leaders of the movement prioritized independence. Thus, the policies of non-alignment and anti-imperialism were considered as an urgent need for the Indian nation building project at the time of independence. The struggle to build an economy from scratch and ambitions to be the leader of the Third World through the non-alignment movement also played a role in the establishment of these moral norms. Consequently, this led these post-colonial institutions to



being locked-in due to the perceived appropriateness of these ideals and norms that would hinder departure from this path.

So how do we then theorize rare and sudden change? This is where we have critical junctures as moments to explain such changes. Critical junctures are defined as, “situations of uncertainty in which decisions of important actors are causally decisive for the selection of one path of institutional development over other possible paths” (Capoccia, 2016). Thus taking Liebowitz and Margolis’s (1995) definition of path dependence as an analytical perspective to understand why initial decisions continue to dictate the path in the future with limited (and varying) ability to change paths once it is “locked-in,” we can understand critical junctures as moments wherein policy change becomes possible and as a “‘branching point’ from which historical development moves onto a new path” (Hall and Taylor, 1996, p. 942). More recently, historical institutionalists such as Thelen (2004) and Hacker (2004) have argued that change is more or less constant, and mostly incremental in that institutional change can occur outside of critical junctures. While both authors have made important contributions to our understanding of institutional change, there are several drawbacks to this as highlighted by other scholars. Van der Heijden (2013) highlights the problem of the lack of specifying a sufficient time frame for studying institutional transformation and argues that the “notion of gradual change is open for definition.” This further problematizes the notion of how gradual the change needs to be in order to be incremental. I use the punctuated equilibrium model of change to explain policy stasis in the Indian context to overcome some of these issues.

This thesis explores the remarkable resilience of India’s approach to emigration as an example of policy stasis. I argue that path dependence caused by an ideational lock-in offers a useful theoretical framework for explaining the development of India’s emigration policy over

time as it allows for an explanation to identify when institutions and legislation were established and enforced and consequently for the policy stasis in India's emigration policy. Here, I take particular note of Hacker's (2002) arguments of institutional inertia caused by path dependence and that of present-day emigration institutions and policies as a "reflection of initial conditions that no longer exist" (p. 53). I highlight two key moments in India's history that had the potential to be path-breaking for its national emigration policy and test the proposed explanations or theories to explain continued restrictive policies at these moments. In the following section, I present plausible causal theories or hypotheses that explain the outcome.

## **Hypotheses**

There can be several plausible causal theories that explain India's low emigration rate. However, it is important to note that some theories may be more compelling than others and that these explanations do not have to be mutually exclusive. I first propose two hypotheses in order to determine which independent variables best explain the current low rate of emigration from India.

H<sub>1</sub>: Post-colonial state policies persist and restrict emigration from India

H<sub>2</sub>: The lack of demand for emigration leads to a low rate of emigration

The causal logic for the first hypothesis, H<sub>1</sub>, is that India's emigration rate is low due to policies of the Indian state that limit or restrict emigration. These policies are not specified in H<sub>1</sub>, but will be later discussed in H<sub>3</sub> and H<sub>4</sub> that are determinants of the state policies hypothesized in the first hypothesis.

The causal logic for H<sub>2</sub> is that India has a low emigration rate due to a lack of demand of the Indian population to emigrate. Thus, the lack of desire or demand of the general public to exit the country results in a low emigration rate.

The second set of hypotheses look at the determinants of the state policies as hypothesized in H<sub>1</sub>.

H<sub>3</sub>: Government actors restrict emigration due to the adoption of anti-imperial and regulatory foreign policies post-independence

H<sub>4</sub>: Government actors restrict emigration due to its negative domestic economic impact

I discuss the observable implications of all hypotheses in the following section.

## **Observable Implications**

Observable implications are things we should be able to observe if the theory is right. If H<sub>2</sub> (the lack of demand for emigration leads to a low rate of emigration) is true, first and foremost, we would expect to see low numbers of total emigration from the Indian state, indicating a general trend of lack of demand and desire to emigrate from the Indian population. If we do not find this causal process observation, it would fail the hoop test and as a result, eliminate this hypothesis. This means that if we find evidence that there is a large number of migrants migrating from India, this indicates demand for emigration. Another OI that we would also expect to see here is low community mobilization on issues of emigration policy, including low interest and participation in establishing state-diaspora engagement platforms such as lack of diaspora lobbies and an expressed lack of interest in participating in diaspora events organized by the Indian government. The reasoning behind this is that citizens would only be interested in diaspora engagement with the state if there was a demand to emigrate. This would be an example of a straw-in-the-wind test since this OI is neither necessary nor sufficient.

If the first hypothesis  $H_1$  (Post-colonial state policies persist and restrict emigration from India) is true, we would expect to see specific government policies being enacted that restrict or discourage emigration from the state. Examples of this would be a constitutional act or provision that calls for either emigration restriction or discouragement such as an act that calls for limiting emigration quotas, rigid citizenship and residency laws, creating hurdles to obtain Indian travel documents or citizenship for overseas citizens, and creating obstacles to foreign remittances. Since  $H_1$  could be due to either foreign policy or economically motivated decisions, the second set of hypotheses ( $H_3$  and  $H_4$ ) that I focus on in this thesis distinguish between these.

The causal logic for the third hypothesis ( $H_3$ ) is that the country's anti-imperialist foreign policies in the post-independence era are difficult to change and continue to restrict emigration in a path-dependent manner, causing the sending state to have a very low rate of emigration. As stated earlier, these anti-imperial policies constitute paradigms that don't tolerate policies that challenge them due to the ideational lock-in as caused by the perceived appropriateness of these norms in the eyes of government actors. If  $H_3$  (government actors restrict emigration due to the adoption of anti-imperial and regulatory foreign policies post-independence) is true, we would expect to see post-independence government leaders of India openly call the restrictive government strategy towards emigration policies as one based on values of anti-imperialism, this included non-alignment, regulation, and restrictionism.

Nehru's progressive anti-imperialism refers to his thoughts of anti-imperial internationalism that viewed imperialism as a nexus of capitalism, colonialism, and fascism (Louro, 2018). The formulation of Nehru's non-alignment and non-involvement doctrine stemmed from this policy of anti-imperialism as it advocated for a middle path, allowing India and other newly independent countries in the 1940s to avoid aligning with the hegemonic

superpowers, the United States and Russia, at the time. The Nehruvian Indian nationalism led to the adoption of a socialistic model of state-led development and nation-building that emphasized state regulation and restriction on industries and institutions. This was particularly the case in the early years of independence wherein the main goal was to protect and lift those the economically weak out of poverty. Thus, the OI here would be to see a minister at the national level attempting to change an anti-emigration policy, but failing to do so because of India's persisting post-colonial policies of anti-imperialism or non-alignment. This would be an example of a smoking-gun test since if we find this OI, it confirms  $H_3$  due to its high uniqueness. However, upon failing the test,  $H_3$  is not eliminated but is somewhat weakened.

If  $H_3$  (government actors restricts emigration due to the adoption of anti-imperial and regulatory foreign policies post-independence) is true, we would also expect to see the continued existence of restrictive emigration institutions and policies even during changes to the ruling government and across parties in power that have differing political and economic ideologies. That is, we would expect to see an ideological consensus shared by all parties for the most part because these institutions found their origin in the independence movement as opposed to a party platform. This would be an example of a hoop test since if we find this OI, it slightly affirms the hypothesis. However, upon failing the test, this hypothesis is eliminated.

Here we would also expect to see some distinction in the treatment of low-skilled and high-skilled emigrants as policy goals at the time emphasized protection of vulnerable populations and disengagement from the influential or high-skilled emigrant population. Specifically, we would expect to see policies that protect unskilled or semi-skilled labour migrants that stem from Nehru's vision of becoming a protectionary force for vulnerable migrants. As a result, this would not apply to high-skilled emigrants. We thus expect to find

evidence that showcases differences in policy implementation based on emigrant skill levels. This would be an example of a straw-in-the-wind test since this evidence is neither sufficient nor necessary to affirm our hypothesis. Thus if we find this OI, it slightly increases our confidence in  $H_3$  and upon failing the test, it slightly decreases our confidence in  $H_3$ .

Finally, we would expect to see stasis in emigration policy even when emigration provides a clear political and/or economic benefit opportunity to the state. This economic benefit opportunity could include better relations or negotiations with a foreign state due to the leverage of a powerful diaspora lobby and high remittance flows that contribute to state development etc. This would be an example of a hoop test since if we find this OI.

The causal logic for the fourth hypothesis is that the government restricts emigration due to its negative domestic economic implications, consequently causing the sending state to have a very low rate of emigration. If  $H_4$  is true, we would first expect to see domestic economic threats. We would also expect to see the government enforcing restrictive emigration policy after the emergence of domestic economic threats. Alternatively, we would also expect to see economic gains and relaxation of emigration policies after a domestic economic boom. It is crucial to note here that the terms “threat” and “boom” do not necessarily suggest that the expected changes to the economy have to be of major consequence. Additionally, the critical junctures I will look at in the empirical section present these expected or assumed domestic economic threats and booms as ones caused by emigration. These OIs would both be examples of a hoop test since if we find this OI, it affirms the relevance of  $H_4$  but does not confirm it since it is not sufficient. However, by failing the hoop test,  $H_4$  is eliminated. The appendix provides an overview of the various OIs predicted in this thesis and their proofs.

## **Data Collection and Limitations**

The thesis mainly relies on primary source data from parliamentary archival sources such as parliamentary questions and answers sessions, and government documents such as the Indian constitution and other legislative documents like Acts. I accessed over 50 parliamentary questions and answers sessions pertaining to questions on the emigration of Indian nationals and diaspora policies between 1991 and 2010 from the Parliament of India, Lok Sabha Digital Library. The main ministries I looked at while finding this data were that of the Ministry of Home Affairs, Ministry of External Affairs, and the Ministry of Overseas Indian Affairs that was briefly known as the Ministry of Non-Resident Indian Affairs at the time of its conception. Here, I accessed over 10 annual reports of the Standing Committee On External Affairs on the Demands For Grants by the Ministry Of Overseas Indian Affairs between 2006 and 2015.

In my data collection process, I also looked at legislative documents such as the Constitution of India and various Acts pertaining to emigration and diaspora affairs. I paid special attention to Articles 5 to 10 of the Indian constitution that speak about the right of citizenship by Indian law and conditions of losing citizenship status. Importantly, I look at Article 8 and Article 9 of the Indian Constitution that outline the rights of citizenship of certain persons of Indian origin residing outside india and confirm that persons voluntarily acquiring citizenship of a foreign state would lose their Indian citizenship status. Thus, highlighting India's rigid policy of no dual citizenship since the time its Constitution was adopted in 1950. I also look at other legislative documents pertaining to conditions for acquiring and maintaining Indian citizenship, the entry and exit of Indian citizens into India and the issuance of travel documents, and lastly, to the entry and exit of foreign citizens in India. Specifically, these were the

Citizenship Act, 1955, The Foreigners Act, 1946, The Passports Act, 1967, and the Emigration Act of 1983.

The thesis also looks at non-scholarly and international non-governmental organizations reports of the United Nations and International Organization for Migration (IOM). In particular, I relied on reports such as the IOM's biennial report, "World Migration Report," since 2000 and the UN DESA's Population Division reports, "Trends in International Migrant Stock," and "International Migration" between 2008-2015 to access data on migration trends and statistics. To find causal process observations, I also accessed archived newspaper articles. I accessed the archives of the Times of India (TOI), India's third-largest and the world's highest-selling English-language daily newspaper founded in India in 1838 during the British Raj. I accessed over 21 archived TOI news articles between 1959 and 1991 that were clustered around the years 1975 to 1979 to capture the deliberations of policy makers on emigration to the Gulf.

I supplemented this with secondary source data obtained from existing scholarship in the field. However, as highlighted earlier, it is crucial to note the dearth of scholarship on emigration states, particularly in the case of non-Western liberal democracies. Another data limitation that is important to recognize in this study is the lack of publicly available primary source interview data and video/speech recordings of political leaders in India in the period between 1947-1991. This study seeks to compensate for some of these gaps by analyzing newspaper articles and some parliamentary documents with recorded statements from this period. However, it is important to acknowledge some limitations of this compared to interview data. Most importantly, being unable to access most speech recordings or transcripts and interviews of policymakers during these critical moments for India's emigration history make it difficult to find more primary evidence for the observable implications that could be tested to affirm or eliminate hypotheses.



Finally, the Government of India does not have a diaspora database or publicly release its own data on the number of migrants living abroad, including stratified data by skill-type or citizenship status of its overseas population. To bridge this gap this study solely relies on the overseas population data published by the United Nations. I return to these significant data limitations and their implications for this research in the conclusion.

In the following section, I use process-tracing to examine whether and to what extent evidence from the Indian case fits the observable implications we expect to see for the two hypotheses ( $H_3$  and  $H_4$ ) mentioned above. I start by specifically looking at the period right after India's independence from the British Empire in 1947, followed by a consideration of the Oil Boom in the 1970s and 1980s and the Tech Boom in the late 1990s and early 2000s as key moments in India's emigration policy.

## **Empirical Analysis**

In the above section, we predicted that if  $H_2$  (India's migration rate is low due to a lack of demand to emigrate) were true, we would see low numbers of emigration from India. Since we already know the total number of Indian migrants going overseas is one of the highest in the world, we can definitively rule out  $H_2$  as a possible causal theory as it fails the Hoop Test. In this section, I will thus be testing the second set of hypotheses that look at the determinants of the state policies as hypothesized in  $H_1$ . These are:

$H_3$ : Government actors restrict emigration due to the adoption of anti-imperial and regulatory foreign policies post-independence

$H_4$ : Government actors restricts emigration due to its negative domestic economic impact

### **Empirical Analysis 1: Policy Decisions in the Post-Colonial Era**

Prime Minister Nehru, the first Indian Prime Minister who also served as the country's first Minister of External Affairs, soon after independence began to advocate for a disconnected or "hands-off" approach to Indian emigrants abroad, but with the prospect of eventual engagement as a protectionary force (Tiwari & Upadhyay, 2019). Nehru's detached policy closely mirrors pre-independence British Colonial policy on the citizenship status of Indians residing overseas that advocated for Indians to be understood to be citizens of whatever colony they resided in (Lall, 2001, p. 81). Here it is important to note that Indian citizenship and the question of nationality did not exist in the period before the 1940s. Lall (2001) explains this is because, till 1947, Asians were either British subjects or British protected persons under the British Raj. In the period before, they were identified by their association to a princely state as there was no state such as India. Thus, the understanding of citizenship was only complicated in

the period after Indian independence when Indians in India were identified as Indians, while Indians overseas in other British colonies were identified as Commonwealth citizens, separating them from the local population, Indian population in India, as well as from British citizens (p. 96-97).

While the Indian state at the time of independence opted for a detached policy towards its affluent emigrants, it also simultaneously advocated to be a protective force for its economically and socially weaker emigrants. This led to the construction of institutional arrangements such as the constitutional provisions set up in a manner that deterred Indian emigrants from moving overseas in case they wished to keep formal ties with the Indian state. But what historical factors led to this notion of “detachment as eventual deterrence” for emigration that called for the state to be politically detached from the affairs of its diaspora in hopes it would eventually deter prospective emigrants from leaving in the future, and why was this policy differentiated across class lines?

#### *Historical Roots of the Nehru's Approach to the Diaspora*

It can be argued that this approach emerged from the state-led nation-building policymaking strategy adopted immediately after independence that emphasized state socio-economic development and religious and regional harmony. The first goal of the Indian state which had inherited a dismal state of the economy and industry was thus to engage in state-sponsored industrialization to accelerate development and growth in a country of 370 million people at the time (Nizami, 2006; Haque, 2017). The state's adoption of a “socialistic pattern” of economic development and nation-building at the time of independence under the leadership of Nehru had an undeniable impact on the way state-citizen relations were structured, particularly along class lines. In this manner, the Indian state adopted a maximalist role in governance and

created institutions and enacted policies in a top-down manner, leaving little room for the participation of civil society and non-state actors in policymaking. Lall (2001) writes that this was due to his view of the overseas population as an “imperial legacy with divided loyalties” that would starkly contradict his policies of non-alignment and non-involvement that I highlighted in the observable implications sub-section (p. 105). She further adds this was because Nehru saw a mission for India which was to “lead the developing nations in their anti-imperialistic struggle” as a “non-aligned group.” The goal was thus “to become an independent diplomatic...economic force in the post Second World War world” (Lall, 2001, p. 105). Thus, their migration policies also took shape as top-down policies as the Indian state thought a detached approach to its more affluent overseas citizens would help them overcome concerns of divided loyalties and maintaining an imperial legacy. I expand on this further in the following section.

#### *Policies of Anti-Imperialism, Non-Alignment, and Non-Involvement*

Lall (2001) suggests that at the time of independence, India’s foreign policy priorities as defined by Nehru were those of anti-imperialism, non-alignment, economic self-sufficiency, and support for decolonising states. This indicated a shift from “an anti-colonial nationalist movement” in India that included the diaspora due to its vast resources and transnational networks to advocate for Indian independence<sup>4</sup>, to it becoming a “nation-state project with internal integration as a central priority” (p. 5). So how did these policies of the Nehru government impact India’s relationship with its diaspora?

Towards the end of the British empire, the emigrant Indian population was viewed negatively as a “legacy of the British imperial system,” particularly in African states wherein the Indian population was seen to be taking the colonisers’ position due to the diasporas’ economic

---

<sup>4</sup> Aspengren (2014) highlights that anti-colonialism as “simultaneously pronounced by activists at home and abroad, in networks transcending territorial boundaries” (p. 2).

standing (Lall, 2001, p. 41). As a result, the Indian government led by Nehru wanted to distance itself from the diaspora after Indian independence, specifically wealthy emigrants, in order to safeguard India's role as a leader of the anti-imperialist and anti-racist movement. Furthermore, as engaging with emigrating Indians was not identified as a priority for a government that anticipated severe financial constraints for its domestic population, the institutional arrangements made to make obtaining dual citizenship illegal and not permitting Indian emigrants to vote in Indian elections allowed the Indian state to avoid the political and financial cost of engaging with the diaspora population. India's stance of non-alignment and PM Nehru's emphasis on "global interdependence, but self-sufficiency" during the Cold War was indicative of its overall cautious approach to foreign policy which restricted the country from engaging with its citizens living overseas, and consequently discouraged future emigration due to unfavourable emigrant policies (Jabeen, 2013; Abraham, 2008).

At the same time, as stated earlier, Nehru differentiated this policy for different strata of its diaspora. While addressing an audience of overseas Indians in Singapore in 1946, he said, "[a]lthough India cannot defend her children overseas today, the time is soon coming when her arm will be long enough to protect them" (Kudaisya, 2006, p. 84). This policy stance had its roots in the state's adoption of a "socialistic pattern" of economic development and nation-building. However, more importantly, it highlighted the view of the state's eventual desire to have "long arms" in protecting the economically weaker of its overseas emigrants, that is, low-skilled labour migrants.

The Constitution of India (1950) institutionalized this detached approach from the diaspora by not permitting dual citizenship under Article 9. The article states,

“No person shall be a citizen of India by virtue of article 5, or be deemed to be a citizen of India by virtue of article 6 or article 8, if he has voluntarily acquired the citizenship of any foreign State” (Constitution of India, art. IX).

This constitutional provision was aided by the Indian Citizenship Act of 1955 which confirmed the loss of citizenship of any individual who would acquire citizenship of another state. These two together can be seen as observable implications for  $H_3$  which is that the country restricts emigration due to the adoption of anti-imperial and regulatory foreign policies post-independence that were put in place during this path-defining period to institutionalize the state’s restrictive approach to citizenship. This evidence would pass the hoop test in that this evidence affirms our confidence in  $H_3$  and only somewhat decreases our confidence in  $H_4$ .

Underlining the same message, in a reply to a debate on foreign policy in the lower house of the Indian parliament on September 2, 1957, PM Nehru stated,

“We want to have no vested interests at the expense of the population of those countries...if they adopt the nationality of that country we have no concern with them. There may be sentimental concerns but politically, they cease to be Indian nationals” (Haidar, 2020).

Here we see another evidence for  $H_3$  as an important leader and policymaker at the time calls on for a politically detached approach to members of the Indian diaspora. This would pass a hoop test as the statement indicates actor preferences, especially since this is costly behavior as it indicates Nehru’s intentions of detaching from the diaspora. Thus this evidence somewhat increases our confidence in  $H_3$  (country restricts emigration due to the adoption of anti-imperial and regulatory foreign policies post-independence) and somewhat decreases our confidence in  $H_4$ .

While on the one hand, Nehru laid down the foundation of a non-engagement policy of the state towards overseas Indians. On the other, there was a desire to act as a regulatory force to protect low-skilled emigrants (Sharma, 2013). I argue that the reasons behind this policy

persistence over the years acts as an eventual disincentive to emigrate for both types of emigrants this post-independence Nehruvian foreign policy targeted. As non-alignment continued to be a focus of Indian foreign policy under Indira Gandhi until the 1960s, the emigration policy remained largely unchanged in this period. However, the opportunity to break from past emigration policy presented itself with the shift from global policy to regional policy in the 1970s. Importantly, around the same time, we see the first major exogenous shock to Indian emigration trends resulting from a boom in the oil-based economies of the Middle East and its subsequent bust. I analyze these events as the next empirical case.

## **Empirical Analysis 2: Oil Boom**

Shifts in Indian emigration trends occurred after the discovery of oil in the Gulf region in West Asia in the 1930s and migratory flows from India to the six Gulf Cooperation Council (GCC) countries of Saudi Arabia, Bahrain, Kuwait, Oman, Qatar, and the UAE increased. However, it was only after the surge in oil prices after 1973 termed as the “Oil Boom,” that the influx of unskilled migrant workers from India became a noticeable phenomenon for both receiving and sending states, and indicated the possibility of a break from the past concerning Indian emigration policy, thus marking this as a critical juncture.

The high demand for unskilled and semi-skilled labour in the Middle East for the most part was met by temporary South Asian labour migrants. Indian migration alone to the GCC countries increased by almost 200% between 1970 and 1975, thus making movement towards the Gulf a major flow in post-independent India (Khadria, 2007). These Indian migrants predominantly belonged to the South Indian state of Kerala due to a history of emigration from the state and the consequent creation of strong diaspora networks, a large minority population,

and issues of underemployment that acted as push factors (Zachariah and Rajan, 2004). A 2001 report of the High-Level Committee on the Indian Diaspora of the Ministry of External Affairs of India found that 70% of the Indian population in the Gulf at the time consisted of semi-skilled and unskilled workers and a small fraction was employed in domestic household work (HLCID, 2001). The report also highlighted the precarious and often temporary resident status of outward migrants to GCC countries due to their lack of being able to obtain permanent settlement visas and the unskilled nature of the flow.

While these emigration trends were initially met with disinterest by the government that observed a policy of detachment and specifically wanted to distance itself from unskilled or semi-skilled emigrants during a time when it was constructing an image as a South Asian leader, there was some discussion on possible changes due to the unanticipated positive impact of remittances on the national economy and development. A 1978 newspaper article spoke of the economic benefits of emigration to the Southern state of Kerala where a lot of migrants came from. The article stated, “The opening and closing of the aircraft doors signify for Kerala a developing venture in the “export” of manpower and “import” of wealth” (John, 1978, p. 7). The same article goes on to highlight the actions taken by the state-level government of Kerala in the light of a large-scale exodus for employment.

“The Kerala government recently constituted an overseas employment promotion and development corporation...to promote developmental activities in the state with the help of the people working abroad” (John, 1978, pg. 7).

In this context of state-level efforts to reconsider emigration policy, events in the Gulf had the potential to bring about a significant shift in attitude towards national emigration policy. The 2001 Ministry of External Affairs report recognized the remittances to India driven by



unskilled Indian workers from the Gulf as “a significant contribution to India’s balance of payments” (HCID, 2001).<sup>5</sup> Chatterji & Washbrook (2014) suggest that remittances from overseas were in particular considered to play a major role in the emigration economy during the period of the Oil Boom due to recorded remittances exceeding “the annual value of foreign investments from all other sources and sometimes equated to a third of total export earnings” (p. 21). Scholars highlight that remittances from migrants abroad were determined as a key factor in the economic growth and development in many parts of India at this time (Maimbo & Ratha, 2005; Zachariah & Rajan, 2015).

The above evidence highlights the existence of economic gains that we had predicted as an observable implication for H4 (Government actors restrict emigration due to its negative domestic economic impact). Furthermore, we see that these economic gains were a result of emigration. Thus, this evidence passes the hoop test and slightly increases our confidence in H4. The Oil Boom and its positive economic consequences appeared to be a critical juncture for the Indian state’s emigration policies that could result in positive policy change according to state-level actors and emigrants themselves believed could result in policy change. However, we find evidence to the contrary.

At a time when state-level governments were creating institutions to support emigration to the Gulf from their state, the national government began increasing restrictions to limit certain emigrant movements to the Gulf with the introduction of the unskilled labour ban. An example of this tension between the state and national government can be seen in a press conference held by the Kerala State Labour Minister, Oommen Chandy, on March 11, 1978, following a ban

---

<sup>5</sup> Even today, approximately 60% of remittances to India come from GCC countries (Kumar, 2012).

imposed on porters and other unskilled labour from seeking employment abroad. In a press conference, Minister Chandy stated, “[a] letter was being sent to the External Affairs Minister, A. B. Vajpayee, requesting him to relax the rules so as to enable job-seekers to go abroad.” He further added, “the state government understood that the Union government decided to strictly enforce the rules in view of the criticism in Parliament about the nature of the jobs that many Indians get in Gulf countries, their low salary, and poor working conditions.” He highlighted that although the state government understood the “government’s intention was to prevent any activity which affected the dignity of the nation,” such strict conditions to migrate were a disservice to the migrant himself and the state (“Kerala wants Centre to relax emigration rules”, 1978, p. 5). Thus even as the state-level government demanded the loosening of restrictions from the national government in the light of economic benefits as a result of remittances, the national government did not relent and continued to enforce new restrictions. This is evidence to the contrary of our observable implication for H<sub>4</sub> (Government actors restrict emigration due to its negative domestic economic impact) wherein positive economic impact did not lead to loosening of emigration restrictions. Instead, we find evidence that the government instead chose to further increase restrictions. Here by failing the hoop test, H<sub>4</sub> can be eliminated. However, here we must ask what caused this discrepancy?

A part of the reason behind this was the low-skilled and temporary nature of emigration to the Gulf and the consequent lack of interest in engaging with such a diaspora. I argue that the use of restrictive emigration policy follows the rationale for discouraging emigration of low-skilled and vulnerable emigrants advanced under Nehru who envisioned a regulatory role with the “long-arms” of the state to protect such overseas emigrants. Hercog & Siegel (2013) highlight that it was “only in the late 1990s that the India government began to take an interest in

their diaspora,” suggesting that the skill level of the diaspora as perceived by the Indian government influenced its interest in redefining state-overseas citizen relations more than the economic gains through remittances (p. 95).

At the same time, there were rumours of state suspicion about the intentions of emigrants at this time. In a 1978 interview to the Times of India, the President of JAAMBO Association, one of the first recognized organizations that was dedicated to the welfare of overseas Indians, Mr C.P. Shah, brought up the “strong prejudice against migrants in the minds of the Indian authorities.” He attributed the same to the widespread belief held by the Indian government at the time that emigrants engaged in foreign exchange fraud or clandestine repatriation (Khanna, 1978, p. 8). However, this rationale did not come up in any government documents or parliamentary discussions, thus providing no basis for the security rationale and having no impact on our confidence in H<sub>3</sub> and H<sub>4</sub>.

The same newspaper article highlighted a statement by the Minister for External Affairs at the time, Atal Bihari Vajpayee, who was a cabinet member of the first ruling government other than the Indian National Congress. Vajpayee discussed his failed attempt to liberalize the issuance of passports due to the existence of red tape and bureaucratic institutions, thus indicating the new Janata Party government’s desire to change existing emigration policies, but being unable to do so. (Khanna, 1978, p. 8). The liberalized policy in question demanded the simplification of “procedures so that people going abroad for employment and other purposes were not harassed” (Indian Express, 1977, p. 1). These included Vajpayee’s plans to remove the system of police verification that was causing issues for people in remote villages and allowing members of Parliament to also recommend the issuance of passports, a power that deputy secretaries enjoyed earlier (Indian Express, 1977, p. 1). Despite a discussion in the parliament

with plans of the same, the failure to implement any of these changes indicates limitations of ruling parties with different ideologies in changing rigid emigration policies and institutions. This inability of a policy maker from a different political party in power to change restrictive policy due to the rigidity of existing post-colonial policies despite efforts is evidence for a smoking-gun test that I predicted to find if H<sub>3</sub> (Government actors restricts emigration due to the adoption of anti-imperial and regulatory foreign policies post-independence ) were true. Thus, this is key evidence for H<sub>3</sub> that affirms our confidence in this hypothesis by passing the smoking-gun test. Government steps towards emigration restriction were further solidified by the Emigration Act of 1983 that I discuss next.

### *Emigration Act of 1983*

The end of the oil boom in the 1980s and the consequent crashes in the economies of Gulf countries were a matter of huge concern for the Indian state and other countries in South Asia due to the negative impact on their own economies, particularly through the decrease in remittances. Furthermore, the economic crash coincided with the increasingly visible exploitation of foreign unskilled labour migrants under the ‘kafala’ sponsorship system. Under the ‘kafala’ sponsorship system, the government gives authority to local sponsors to directly employ foreign labour from overseas, without the role of a government agency acting as the sponsor and regulating the process. Mostly operating in the GCC countries, local sponsors or ‘kafeels’ are thus responsible for recruiting, arranging accommodation and transport and paying salaries to the foreign labour under this system without much oversight (Robinson, 2020). However, this system quickly became heavily criticized by sending states and humanitarian agencies for leaving foreign employees, most of whom were unskilled and illiterate, at the mercy of employers who could withdraw their residence permit at any point or take advantage of their

vulnerable legal status in the foreign country by withholding salaries (Pethiyagoda, 2017). In this section, I argue that both factors led to the Indian state aligning with its emigration strategy of “long arms” to protect vulnerable citizens abroad that would eventually also deter unskilled and semi-skilled emigration.

Introduced under the Indira Gandhi administration, the Emigration Act of 1983 was in line with Nehru’s vision of the state’s “long-arm” protecting the vulnerable. The Act carved a larger bureaucratic role of the state by giving the Ministry of External Affairs more control over determining eligibility for emigration. Stating that the purpose of the Act was to “consolidate and amend the law relating to emigration of citizens of India,” the Act called to appoint a “Protectors of Emigrants.” This position was defined by its duties to “protect and aid with his advice all intending emigrants and emigrants” through various measures of the Act. This was further consolidated by the Act’s provision to ensure that for any person to function as a recruiting agent for emigrant labour, they would require a valid certificate from the central government. At the same time, the certificate could also be revoked at any point by the Central Government. Finally, and most importantly, one of the biggest steps taken to curb emigration for overseas employment through the Act was the establishment of the emigration clearance authorization.

The 1983 Act stated that “no citizen of India shall emigrate unless he obtains under this Chapter from the Protector of Emigrants authorisation in the prescribed manner and form (such authorisation being hereinafter referred to as emigration clearance) for emigration.” For this measure, the government introduced the Emigration Check Required (ECR) category for Indian passport holders. Those with ECR requirements were identified mainly by their educational attainment and financial status. That is, people who paid income tax, held professional degrees or had obtained at least a grade 10 qualification were explicitly not required to undergo emigration

clearance. This left the most vulnerable migrant labours with ECR required passports and the requirement to obtain "Emigration Clearance" from the established office of Protector of Emigrants (POE) of the then Ministry of Overseas Indian Affairs. This clearance was required in order to exit the country for overseas employment purposes to any of the 18 countries on the list, most of which are in the Gulf region (Bureau of Immigration, 2018).

Roos and Zaun (2016) argue that an external shock has a “direct effect on the phenomenon of migratory movements itself” (p. 1587). While the stated purpose of the 1983 Emigration Act was to protect unskilled Indian emigrants by placing additional checks to verify that their employers and work contracts are valid and to protect the emigrants from anticipated exploitation at the destination state if any. It also had implications for the skill composition and the total number of emigrants from India. In the Indian case, these measures had a significant impact on those who could become an emigrant based on the sending state’s role and put additional pressures on the receiving states that were not welcomed by prospective employers overseas. Here it is important to discuss the lack of alternatives for the Indian government due to a lack of diplomatic leverage that would ensure better rights for Indian nationals abroad. While India had some arrangements with certain countries like Jordan and Qatar, the Secretary of the Ministry of Overseas Indian Affairs (MOIA), highlighted that despite almost two years of negotiations, India was not able to make headway on a labour agreement with Malaysia. He highlighted that it was important to consider that the Ministry sometimes deals “with the foreign country which may not be always labour protective or labour sympathetic (Lok Sabha Secretariat, 2006, p. 33). However, he affirmed that the MOIA would continue to negotiate policies that protect its labour migrants. This is evidence for the state’s long-arms in emigration policy towards its vulnerable migrant population. As a result of this, the state’s emigration policy

moved further along the path of emigration restriction, particularly targeting low or semi-skilled emigrants moving for employment purposes to countries other than the Global North.

While the initial influx of remittances and the government's positive reaction indicated the possibility of a shift to a less restrictive model, instead, the national government continued to restrict emigration. The subsequent Oil Boom crash with negative implications for the Indian economy due to their impact on remittances saw India strengthening its restrictive emigration policies based on earlier policies of protection as seen with the introduction of the Emigration Act, 1983.

If H<sub>4</sub> (Government actors restrict emigration due to its negative domestic economic impact) were true, we would have expected to see a relaxation of national emigration policies after a domestic economic boom caused by remittances at the peak of the Oil Boom. While we do see some changes at the state level with the actions taken by the government of Kerala, however, we see the opposite actions taken by the national government. Instead of loosening restrictions, the Indian government further strengthened restrictions by enacting a policy to ban certain groups (by profession) from migrating in 1978. Here our observable implication for H<sub>4</sub> fails the hoop test. However, we see evidence of the government introducing further restrictive policies such as the Emigration Act of 1983 in the wake of the oil glut in the 1980s when there was a threat to the domestic economy. By passing the hoop test, our confidence in H<sub>4</sub> is slightly increased. Therefore, H<sub>4</sub> seems to offer a partially applicable explanation for the Oil Boom case.

On the other hand, if H<sub>3</sub> (Government actors restricts emigration due to the adoption of anti-imperial and regulatory foreign policies post-independence) were true, we expected to see a continuation in restrictive emigration policy even after periods of political and/or economic

benefit as a result of emigration due to the belief of government actors in these norms. We see this as the Indian government continued to restrict emigration despite the benefits of remittances at the time of Oil Boom. Furthermore, we also expected to see the continued existence of restrictive emigration institutions and policies even during government changes that we see above. Together, these provide a good explanation for the Oil Boom case as we see the government continuing to restrict emigration despite economic benefits and demands to change existing policies from the government of Kerala, as well as continued restriction of emigration during the subsequent crash in the oil economies that further solidified the protective role of the state towards its emigrants that is disseminated through its restrictive institutions. Additionally, the 1977-1979 stint of the Janata Party as the first ruling party in power and their continued support for the ideals of non-alignment and inability to effect any change to existing restrictive emigration policy such as in liberalising the issuance of passports due to rigid institutions. In both these cases, the evidence passes the hoop test, further affirming our confidence in H<sub>3</sub> and making this a compelling theory for this empirical case.

Here it is important to acknowledge that despite some restrictive policies, national policy could not fully constrain some governments at the state level such as Kerala. The Kerala case appears to be well-insulated from the top-down governance and emigration strategy of the national government due to its high literacy rate, the existence of strong diaspora and migrant community networks, and a large minority population of Muslims and Christians. The high literacy rate allowed people from Kerala to easily meet the requirements of obtaining qualifying certificates such as a Grade 10 diploma to obtain emigration clearances from the government. Furthermore, the existence of migrant community networks provided support to prospective emigrants, including information sharing of overseas recruitment opportunities. Finally, religion



played a role in emigration from Kerala as India's religious minorities are more likely to emigrate and over 40% of the population in Kerala are Christians and Muslims (Connor, 2017).

### **Empirical Analysis 3: Tech Boom**

The next critical juncture for Indian emigration policy was in the 1990s and early 2000s with the new economic reform following the balance of payment crisis (Cerra & Saxena, 2002). The new industrial policy of 1991 brought in the economic strategies of Liberalization, Privatization and Globalization (LPG) (Banga & Das, 2012). Although a significant flow of Indian migrant workers to the United States began after 1965 with the Immigration and Nationality Act (INA) which discontinued quotas based on national origin and gave preference to those with existing relatives in the U.S., thus creating family networks, it was in the late 1980s and early 1990s that the composition and volume of Indian migration to the United States changed as a result of the Tech Boom and revised US immigration policies (Das, 2002). Between 1980 to 2010, the Indian population in the U.S. increased eleven-fold and doubled almost every decade due to the demand for highly skilled I.T. workers and the consequent influx of high-skilled Indian tech professionals. The second critical juncture is thus of the “tech boom” in the United States that was accelerated by the 1991 new economic reforms (LPG) in India which led to increased numbers of high-skilled software engineers and IT professionals that became candidates for migration. (Chacko, 2007).

The explosive growth of the Information and Communication Technology (ICT) industry in India with the LPG economic strategy meant the creation of a large working population of Indian youth with computer science and engineering degree qualifications, but with prospects of comparatively low-paying jobs within India. With an increase in financial means to pursue

further study abroad in more middle-class Indian families, more young Indian software professionals in the 1990s and early 2000s could afford to go to the United States to obtain graduate degrees and gain access to well-paying employment thereafter. Furthermore, the creation of the H-1B work visa category for highly-skilled professionals in 1990 by the U.S. Congress and the availability of employer-sponsored permanent residence permits or Green Cards further intensified the influx of Indian immigrants to the U.S. for permanent settlement. Consequently, the U.S. became a preferred destination for highly-skilled Indian immigrants seeking both STEM education at graduate schools, as well as employment at tech companies, many of which are headquartered in the United States (Agarwala, 2011).

This Tech Boom has since led to the subsequent creation of a separate technological Indian diaspora in the United States that consisted of highly-skilled Indian migrants in addition to an existing and vibrant entrepreneurial community of small business owners. Mishra (2016) asserted that the IT sector became a key area for economic transnationalism between India and the United States, however, immigration programs inviting specialised doctors and healthcare workers expanded in number as well at this time (Walton-Roberts and Rajan, 2020). The post-liberalization era saw even further expansion in the number of private medical institutions in India which considerably increased the number of Indian-trained doctors and nurses going overseas. One of the major destinations for India-trained immigrant physicians was the United States due to the ease in skills transferability because of English language instruction in Indian medical institutions. The introduction of the Conrad J-1 Waiver Program in 1994 (and expanded in 2003) allowed the U.S. Department of Health to waive the two-year home-country residency requirements for international medical graduates entering on the J-1 visa encouraged more Indian physicians to emigrate by lowering the costs of emigration (USCIS, 2020).

As shown above, the general trends of migration in this era tilted towards highly skilled emigrants from India to the Global North. The high household income levels of Indian Americans engaged in highly skilled and professional work also led to their growing political influence in the United States that could, in turn, be useful to India's foreign policy ambitions at this time. This encouraged the Indian government to take a more active role in diaspora engagement and provided another opportunity to break from the path-dependent emigration policy and reform its restrictive emigration strategy. However, as I argue in this section, once again India enacted only a few emigration policy changes and largely remained on the same path of emigration restriction.

Initially, the Indian government worked on facilitating investments received from overseas Indians by amending banking regulations and creating the Overseas Indian Facilitation Center in 2007. The Center described itself as a "one stop shop" for serving the interests of the Overseas Indian community (MOIA, 2008, p. 44). Furthermore, there was growing recognition of the political influence of the Indian diaspora in the United States and in playing a positive role in promoting Indo-American relations by "tapping into" the emigrant population (Gottschlich, 2008; Gamlen et al., 2017). The Central Government thus made an initial attempt to engage Indian emigrants, particularly the growing Indian tech diaspora by establishing the Ministry of Overseas Indian Affairs (MOIA) in 2004. The functions of the MOIA included dealing with all concerns of the Indian diaspora and "providing different kinds of services...such as, diaspora services, financial services, emigration services and management services" (Tejada et al., 2014, p. 168). Here we find evidence of the government loosening emigration restrictions, particularly in banking regulations, that we expected to see if  $H_4$  were true (Government actors restrict emigration due to its negative domestic economic impact, and conversely, would loosen

emigration as a result of positive economic impacts). By passing the hoop test, our confidence in  $H_4$  is slightly increased.

In 2005, the government inaugurated the first Pravasi Bharatiya Divas (Overseas Indians Day), which since then has become an annual event. At the inauguration, then Prime Minister, Manmohan Singh, spoke about the need to celebrate overseas Indians.

“The idea of ‘Pravasi Bharatiya’ has been in the making throughout the 19th and 20th Century. Today, at the dawn of the 21st century it is an idea whose time has truly come. We speak different languages, we practice different religions, our cuisine is varied and so is our costume... Yet, there is a unifying idea that binds us all together, which is the idea of “Indian-ness” (MEA, 2007, p. 5).

Although the Pravasi Bharatiya Divas was largely a symbolic event, the growing interest of the state in the diaspora indicated the possibility for emigration policy to be less restrictive through newly-created opportunities for diaspora lobbies. A major demand by the diaspora lobby since the 1960s has remained the emigrant-friendly policy of allowing overseas Indians to obtain dual citizenship. However, reiterating Nehru’s vision for non-interference in foreign countries, PM Gandhi and later External Affairs Minister Vajpayee in 1977 continued to vehemently decline such demands due to the issue of “dual loyalties” it raised. Vajpayee stated, “Indians who had acquired citizenship of other countries could not have dual loyalties and must identify themselves with the country of their adoption.” He further reiterated the government’s policy of non-interference when dealing with overseas citizens (“No dual loyalties”, 1977, pg. 15). This view of dual nationality as a policy of interference mirrors Nehru’s stance on non-alignment and anti-colonialism discussed in earlier sections. It reflected the belief that by allowing dual citizenship, a dual national would be able to vote in India, while having another country’s best interests in mind, thus resulting in foreign interference in government elections. There were also

fears that this might lead to abandoning India's foreign policy principle of non-alignment, indicating the continued belief of the "appropriateness" of the norms and beliefs.

But for the first time in 2005, the Indian government offered what can be best described as a consolation prize to meet in the middle by introducing the Overseas Citizen of India card. During the Lok Sabha Question and Answers session on 6 August, 2003, two members of the parliament asked the Ministry of External Affairs (MEA) to provide details of whether the government has received requests from Non-Resident Indians for dual citizenship. In his response, the Minister of External Affairs at the time, Vinod Khanna, stated,

"Non-Resident Indians have evinced interest in dual citizenship for practical convenience, to take foreign nationality without losing their Indian citizenship, to maintain strong bonds with India and to forge emotional and cultural bonds with India by their future generations (Khanna, 2003)."

This statement is recorded evidence of the Indian government recognizing the demands of permitting dual citizenship by the Indian diaspora. On 28th July, 2005, the Citizenship (Amendment) Ordinance, 2005 was promulgated to amend the Citizenship Act of 1955 and extend Overseas Citizenship of India to Persons of Indian Origin. During the 14<sup>th</sup> Lok Sabha parliamentary question and answer session, the Minister of State in the Ministry of Home Affairs, Sriprakash Jaiswal, further clarified that this decision was fast-tracked as "anxiety was being expressed by the Indian diaspora due to delay in implementing the PM's statement in Pravasi Bharatiya Diwas" (Jaiswal, 2005).

The Hindustan Times (2005) reported that passing this bill to grant some form of Indian status to overseas foreign citizens and people of Indian origin in 16 specified countries gave an "operational start to diaspora's productive engagement with India." The Ministry of External Affairs in its Annual Report (2008) described the card as one that could "facilitate life-long visa-free travel to India and certain economic, educational and cultural benefits." However, the

document cautioned that the same must “not to be construed as 'dual citizenship' since it does not confer political rights” (p. 13). Thus, even though the OCI card acted as a permanent residence card for Indian emigrants who voluntarily took other citizenships and had to give up their Indian passports for the purpose (MOIA, 2005), India did not fully give in to the repeated demands of its powerful diaspora to permit dual citizenship. As a result, India continues to be the only nation in South Asia without provisions for dual citizenship, including special arrangements with select countries.

Accounting for the above evidence is difficult as while India offered consolation to its diaspora in the form of the OCI card, it did not relent and provide dual nationality to members of its diaspora. This evidence offers equal but incomplete support to observable implications for both  $H_3$  (Government actors restricts emigration due to the adoption of anti-imperial and regulatory foreign policies post-independence) since the government does not allow for dual nationality due to the concerns of abandoning its principles of non-alignment and  $H_4$  (Government actors restrict emigration due to its negative domestic economic impact) as the government eases some restriction in emigration for its powerful diaspora that brings economic benefits through remittances.

In more recent years, newer governments have further curtailed the rights and benefits granted to OCI cardholders and have continued to reject demands to make dual citizenship legal in the country (Chothani, 2021). At the same time, concerns of the brain drain of highly skilled Indian professionals took precedence in the narrative among those who argued about the negative implications for the emigration of India’s highly-skilled workforce. However, as I argue in detail in the following section, this remained mostly rhetorical and led to no policy changes towards India’s tech emigrants.

### *Efforts to Prevent Brain Drain: Real or Rhetorical?*

Dodani and LaPorte (2005) define brain drain as “the migration of health personnel in search of the better standard of living and quality of life, higher salaries, access to advanced technology and more stable political conditions in different places worldwide” (p. 487). Starting with the controversial discussion of the “Bhagwati tax” in the 1970s which called for highly skilled professional migrants from developing countries going to developed countries to pay special taxes, the risk of brain drain was treated as a matter of great concern for developing countries that witnessed the departure of their highly educated citizens to countries in the Global North (Bhagwati, 1976). Even as early as 1967, Indian government officials took note of the issue. A newspaper reported that at an event at a university in Madras (now Chennai), then-PM Indira Gandhi highlighted that losing scientists, engineers, and businessmen to other countries was a big loss to India (“‘Brain Drain’ Saddens Prime Minister”, 1967). By continuing to regard it as a severe economic cost to the sending state, policy makers in the Indian government identified brain drain as a policy challenge that was accelerated through globalization in the 1990s (Iravani, 2011).

In 2001, the United Nations Development Programme (UNDP) reported that India loses approximately 2 billion USD yearly as a result of IT emigration specifically to the U.S. (“Brain drain costs developing countries billions”, 2001). The then-IT Minister of India, Pramod Mahajan, raised concerns about the problem as witnessed in India’s IT industry. He stated, “[a] poor country like India is subsidising the U.S. education system and economy,” referring to the state subsidies to Indian universities. He further emphasized that the loss of India-trained engineers was a loss for the economic development and professional growth of the nation (“Brain drain costs Asia billions”, 2001). Likewise, Murali (2003) suggested in the context of

highly skilled emigration of engineers from top technological and engineering institutions (Indian Institute of Technologies or IITs) that while remittances and the inflow of FDI may be beneficial to an extent, they are unable to offset the loss in tax revenues and productivity. However, it is important to note that despite widespread concerns, there was no comprehensive government strategy to address the problem of brain drain in the case of high-skilled emigrants during this period. As noted earlier, the term brain drain has over time been loosely used by policymakers and the general population, without critical considerations of the reality of the labour market of the sending state. There is little evidence of substantial debates taking place on the issue in the parliament, and even less of any government-funded research on brain drain in the context of the emigration of high-skilled Indian software engineers and IT personnel. In fact, it was only in 2011 after the concerns over brain drain had subsided, that India attempted to directly restrict the emigration of high-skilled professionals by restricting the migration of Indian medical doctors to the United States due to the domestic doctor shortage, particularly in rural areas. I argue that in the case of India there is a high possibility that discussions of brain drain within the Indian government remained purely rhetorical. I examine this in greater detail in the following section.

Raveesh (2013) highlights that in 2000 almost 9.9% of the total number of physicians trained in India had migrated overseas. He further writes that in 2004 there were only 0.6 physicians per thousand people in India compared with 2 per thousand in the U.S. at the time. The emigration of physicians thus had negative implications for the density of medical professionals in India over time, particularly in rural areas (Mullan, 2006; Raveesh, 2013; Dodani & LaPorte, 2005). As a response to this, the Government of India decided to end the issuance of the No Obligation to Return to India (NORI) certificate for all Indian medical



professionals in 2011. This certificate was required by the U.S. to issue J-1 visas and waive the two-year home-country residency requirement, however, since the decision, all Indian passport holding medical professionals pursuing their residency or medical training under this visa category became subject to a two-year home-country physical presence requirement where it was mandatory for them to return to India to be eligible to later apply for certain visa categories in the US. This small step of creating a bureaucratic hurdle was taken to ensure that the shortage of doctors within India must first be met and citing that allowing free emigration of medical professionals would go against the public interest (“No obligation to return to India”, 2017).

Enacting this measure for doctors but not for high-skilled software and IT emigrants highlights the motivation of government intervention in emigration policy to be politically motivated rather than economically motivated in this context. This mechanism is a finding outside of the thesis’ theoretical framework. I hypothesize that the political threats associated with ensuring access to healthcare to citizens in a democracy is more important than the goal of preventing brain drain. While it is difficult to say if the risk of brain drain has been significantly reduced in the Indian context since we do not know its real impact of it,<sup>6</sup> the rhetoric of brain drain in India shifted to that of “reverse brain drain,” or “brain gain,” starting in the 2010s. This is when India experienced its own Tech start-up Boom, lessening previous fear-based rhetoric of brain drain (Lavakare, 2013).

As argued above, at a time of outflow of highly skilled professionals and the development of a strong diaspora, the Indian state chose to maintain restrictive policies to dissuade and limit emigration only for its medical professionals. I also argued the likelihood of

---

<sup>6</sup> I acknowledge here that economic growth is not the same as no brain drain.

this being done as a reaction to the political threats to its healthcare system as a democracy, and then, to reduce the economic and social pressures associated with the problem of brain drain.

As predicted earlier, H<sub>3</sub> (Government actors restricts emigration due to the adoption of anti-imperial and regulatory foreign policies post-independence) were true, we would expect to see a continuation in restrictive emigration policy even after periods of political and/or economic benefit as a result of emigration. The above series of events in the Tech Boom indicate that despite positive economic contributions of the diaspora and their growing political influence that could aid India's own geopolitical ambitions, emigration policies continued to remain restrictive as the government did not permit dual citizenship despite constant demands from influential lobbies. Furthermore, if H<sub>3</sub> were true, restrictive emigration institutions and policies would continue to be stagnant even during changes to the ruling government and across parties in power that have differing ideologies. We also see evidence of this in the continued rejection of granting dual citizenship by all parties in power since 1947. Finally, we find evidence of the external minister, Vajpayee, reiterating India's policy of non-interference towards its overseas citizens and bringing in the logic of "dual loyalties" in India's emigration policy decisions. Therefore, H<sub>3</sub> seems to also provide a compelling explanation for the Tech Boom case.

On the other hand, if H<sub>4</sub> (Government actors restrict emigration due to its negative domestic economic impact) were true, we would expect to see a relaxation of emigration policies after a domestic economic boom. Here we find government relaxation in economic policies for investment such as banking amendments. By passing the hoop test, our confidence in H<sub>4</sub> slightly increases. At the same time, we find small and often only symbolic concessions to diaspora engagement policies during the Tech Boom wherein the diaspora gained power. By

rejecting the demands of powerful diaspora lobbies for dual citizenship and not amending the constitution, we see that the government continued to keep restrictive emigration policies in place despite economic benefits. Here we see this observable implication fail the hoop test, eliminating our confidence in H<sub>4</sub>.

During the rise of the rhetoric of brain drain in the early 2000s wherein there was economic loss due to the migration of software professionals to North America, we do not find evidence of the government enacting further restrictions to its emigration policies for software professionals. By failing the hoop test, our confidence in H<sub>4</sub> is eliminated. While we do see evidence of restriction of high-skilled professionals, it happens much later in 2011 and is limited only to medical doctors migrating to the US. Thus, this evidence is not temporally sound to be evidence for H<sub>4</sub> as we would have expected to see restrictions come into place almost a decade earlier. Additionally, as I argued earlier, there is a high possibility that this decision to create hurdles for medical professionals was politically motivated rather than a reaction to the issue of brain drain.

Although we see H<sub>4</sub> (Government actors restrict emigration due to its negative domestic economic impact ) as a somewhat applicable explanation for the Tech Boom case, it is a slightly less compelling explanation than H<sub>3</sub> (Government actors restricts emigration due to the adoption of anti-imperial and regulatory foreign policies post-independence). This is because while the government chose to loosen some restrictions in times of benefit to the economy by expanding its diaspora policy, there is no evidence that it enacted further restrictive policies against the emigration high-skilled tech professionals during the rise of brain drain rhetoric. Furthermore, actions taken towards the emigration of high-skilled medical professionals occurred much later in 2011 outside of times of economic threats of brain drain and does not

apply to the main actors of the Tech Boom, i.e. software professionals such as engineers and IT workers. during times of (the possibility of) economic threats.

## **Conclusion and Scope for Future Research**

The key puzzle that this thesis seeks to answer is, why, despite being both a developing state and a liberal democracy, is India's emigration rate so low? I make the argument that "history matters" for the emigration policies of the Indian state. In this thesis, I first attempt to locate discussions of emigration in migration scholarship, an area that has been generally overlooked in discussions of migration policies of liberal democracies. I then discuss the understandings of the emigration state and emigration policies and go on to introduce the concept of the emigrant-unfriendly liberal democracy that I argue is missing from existing literature. This thesis argues that India fits into this category due to its restrictive emigration policies.

My main argument here is that the top-down governance strategy of anti-imperialism and non-alignment adopted at the time of Indian independence shaped restrictive policies for emigration. These are differentiated yet restrictive policies for both high-skilled and low or semi-skilled emigrants from India. I argue that the mechanisms of path reproduction here is legitimation or "appropriateness." I proposed that the outcome of this has been the emergence of persistent state institutions that have controlled emigration from India, making India a country with a very low emigration rate, especially compared to other developing states. While I acknowledge the possibility that stable democratic conditions, a large population, and comparatively higher levels of economic development in India may have also deterred some level of emigration from India, I found that the rate of emigration should be considerably higher considering rates of similar developing nations in the Global South.

Through the use of process-tracing, I tested my hypothesis and the alternative theories in the empirical analysis sections. The results support the key hypothesis advanced in this thesis that India has a low emigration rate due to the adoption of anti-imperial and regulatory foreign

policies post-independence. I looked at critical junctures in India's emigration history, namely, the Oil Boom and the Tech Boom, and found that India continued to go down the same path-dependent road of emigration restriction since independence and experienced "policy stasis" even in periods of critical juncture, where the policy path could be changed. Through process-tracing tests, I also found evidence as to why the alternative theories do not provide an equally persuasive explanation.

It is important to acknowledge here the significant data limitations that I dealt with in the process of finding and accessing data for this case, make the findings throughout the empirical analysis more tentative. I was unable to find any government records of debates and committee sessions on India's emigration policy in the lower house of the Indian parliament, the Lok Sabha. This included being unable to locate any discussions on diaspora policy negotiation within the parliament online. Furthermore, there is no archived data of parliamentary debates before 1996. Additionally, audio-visual recordings of the parliamentary debates and proceedings are limited and only accessible physically in the Audio-Visual and Telecasting Unit at the Parliament Library in New Delhi. As a result, I was unable to find evidence of varying opinions of parliament members from different political parties on India's emigration policy during parliamentary sessions.

There is also no record or database of the Indian diaspora maintained by the Ministry of Overseas Indian Affairs (MOIA) that provides numbers of OCIs, PIOs, and temporary migrants, due to the potential security and privacy risks anticipated by the Ministry. In response to the 2014-2015 Standing Committee on External Affairs question on the possibility of the development of a methodology to create a database on the Indian diaspora, the MOIA stated, "It has not been found feasible to compile exact database of the entire Indian Diaspora residing outside India due to the political sensitiveness of the country concerned and the People of Indian

Origin (PIOs), who are citizens of that country, themselves. The number of PIOs is based on the estimate made by the Indian Missions, and sufficient as inputs for policy issues. Some Indian Missions/ Posts were requested to inform about the possibility of commissioning studies/surveys to get a comparatively more exact number of diaspora population. The Missions did not find this suggestion acceptable because of political and other sensitivities involved particularly in GCC countries." (Lok Sabha Secretariat, 2014, p. 20).

Additionally, the lack of detailed studies funded by the Indian government made it difficult to quantify the severity and extent of the issue of brain drain in the Indian context. Other significant data limitations I dealt with were a lack of national historical newspaper archives in India outside of the Times of India archives and the Hindustan Times and the inability to access archives of audio-visual recordings of press briefs and speeches of Indian government leaders or diaspora leaders from 1947 to 2005.

To further expand the scope of this theory-building thesis, future studies could further test my arguments in different country cases that would fit into the category of emigrant-unfriendly states. It is however important to note that as this study's focus was to provide an in-depth understanding of the path of emigration policy stasis in the Indian context, it may be difficult to generalize these findings to other country cases thus indicating issues in the generalizability of this research. However, the results from the Indian case do present some larger implications for emigration policymaking in other country cases.

Future studies could look at cases of emigrant-friendly states to determine whether post-colonial policies and institutions alone impact future emigration policies and rates of the country. In my opinion, a case that would allow us to decisively determine if anti-imperial and regulatory post-colonial policies are the key reason behind India's emigrant-unfriendly status is that of Pakistan. It would be interesting to study the case of Pakistan as a comparison to India since the two countries were carved from the same motherland but adopted different political institutions when they gained independence. Thus, we would be able to highlight how the development of

distinct institutions at the same critical junctures of unskilled and semi-skilled emigration to Gulf countries during the Oil Boom and highly-skilled emigration to the Global North during the Tech Boom have positioned Pakistan as an “emigrant-friendly” state with a higher emigration rate as opposed to India’s formed identity as an emigrant-unfriendly state. We would also be able to see precisely which divergent post-colonial policies and institutions have the most impact on future emigration policies in India and Pakistan.

Finally, the inclusion of elite interviews of policymakers and leaders of diaspora groups and lobbies in future studies could also lend more clarity into the negotiations in emigration policy changes that take place behind closed doors in future studies. Importantly, this could provide a deeper insight into informal government-diaspora relations and their implications for emigration-friendly policies. Responses from policy makers and diaspora lobby leaders could also corroborate what has been established regarding political interests in emigration policy making.

The main contribution of this thesis is the construction of the emigrant-unfriendly state, particularly among liberal democracies. This construction contributes to the literature at large by bringing the emigration state back into mainstream discussions of migration policy. Additionally, by using India as an example of the same, it problematizes the notion that liberal democracies do not restrict exit from their country. Finally, it highlights the long-term implications of colonial legacies and struggles for independence in a country’s emigration and citizenship policy and its consequent impact on a state’s emigration rate.

In this thesis, I have also highlighted some of the markers of the Indian state as an emigrant-unfriendly state. These included its detached approach to its diaspora, including its non-provision of dual citizenship policy, previously existing banking and financial regulations,



creation of different passport categories based on applicant skill-type and hurdles to applying for passports, the existence of various bureaucratic hurdles to obtain emigration clearances for low-skilled and semi-skilled workers, and in certain cases, that of high-skilled professionals such as medical doctors. While some of these emigrant-unfriendly policies have been removed or slightly modified to be less restrictive in the past decades, in this paper, I have argued that India's emigration policy has largely remained unfriendly despite critical junctures wherein exogenous shocks could have changed this path. This has led to India's continuing low rate of emigration.

## References

- Abella, M. I. (1984). Labour Migration from South and South-East Asia: Some Policy Issues. *Int Labour Rev.*, 123(4), 491.
- Abraham, I. (2008). From Bandung to NAM: Non-alignment and Indian foreign policy, 1947–65. *Commonwealth & Comparative Politics*, 46(2), 195–219.
- Adams, R. H., & Page, J. (2005). Do international migration and remittances reduce poverty in developing countries? *World Development*, 33(10), 1645–1669.  
<https://doi.org/10.1016/j.worlddev.2005.05.004>
- Adamson, F. B., & Tsourapas, G. (2020). The Migration State in the Global South: Nationalizing, Developmental, and Neoliberal Models of Migration Management. *International Migration Review*, 54(3), 853–882. <https://doi.org/10.1177/0197918319879057>
- Agarwala, R. (2011). Tapping the Indian Diaspora for Indian Development. In *Working Papers* (No. 1346; Working Papers). Princeton University, Woodrow Wilson School of Public and International Affairs, Center for Migration and Development.  
<https://ideas.repec.org/p/pri/cmgdev/wp11-03aagarwala-india-report-march-2011.pdf.html>
- Aspengren, H. C. (2014). Indian Revolutionaries Abroad: Revisiting their silent moments. *Journal of Colonialism and Colonial History*, 15(3). <https://doi.org/10.1353/cch.2014.0045>
- Banga, R., & Das, A. (2012). *Twenty Years of India's Liberalization: Differences and Lessons* (OSG No. 1; p. 110). United Nations Conference on Trade and Development.  
[https://unctad.org/system/files/official-document/osg2012d1\\_en.pdf](https://unctad.org/system/files/official-document/osg2012d1_en.pdf)
- Bauböck, R. (2005). Expansive citizenship: Voting beyond territory and membership. *PS: Political Science and Politics*, 38(4), 683–687. <https://doi.org/10.1017/S1049096505050341>

- Beach, D., & Pedersen, R. (2013). Process-Tracing Methods: Foundations and Guidelines. In *Process-tracing Methods: Foundations and Guidelines* (p. 199).  
<https://doi.org/10.3998/mpub.10072208>
- Bennett, A. (2010). Process Tracing and Causal Inference. In H. E. Brady & D. Collier (Eds.), *Rethinking Social Inquiry* (pp. 207–219). Rowman and Littlefield.
- Bhagwati, J. N. (1976). Taxing the Brain Drain. *Challenge*, 19(3), 34–38. JSTOR.
- Bhagwati, J. N., & Hamada, K. (1982). Tax policy in the presence of emigration. *Journal of Public Economics*, 18(3), 291–317. [https://doi.org/10.1016/0047-2727\(82\)90034-2](https://doi.org/10.1016/0047-2727(82)90034-2)
- Brain drain costs Asia billions. (2001, July 10). *BBC News*.  
[http://news.bbc.co.uk/2/hi/south\\_asia/1432702.stm](http://news.bbc.co.uk/2/hi/south_asia/1432702.stm)
- Brain drain costs developing countries billions. (2001, July 10). *CNN*.  
<https://edition.cnn.com/2001/WORLD/asiapcf/south/07/10/india.braindrain/index.html>
- ‘Brain Drain’ Saddens Prime Minister. (1967, January 7). *The Times of India*, 9. ProQuest Historical Newspapers: The Times of India.
- Brock, G., & Blake, M. (2015). *Debating brain drain: May governments restrict emigration?* Oxford University Press.
- Capoccia, G. (2016, March 17). *Critical Junctures*. The Oxford Handbook of Historical Institutionalism. <https://doi.org/10.1093/oxfordhb/9780199662814.013.5>
- Castles, S., Haas, H. G. de, & Miller, M. J. (2014). *The age of migration: International population movements in the modern world* (5th ed). Palgrave Macmillan.
- Cerra, V., & Saxena, S. C. (2002). What caused the 1991 currency crisis in India? *IMF Staff Papers*, 49(3), 395–425.

- Chacko, E. (2007). From brain drain to brain gain: Reverse migration to Bangalore and Hyderabad, India's globalizing high tech cities. *GeoJournal*, 68(2/3), 131–140. JSTOR.
- Chanda, R., & Ghosh, S. (2012). The Punjabi Diaspora in the UK: An Overview of Characteristics and Contributions to India. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.2179734>
- Chatterji, J., & Washbrook, D. (2014). *Routledge Handbook of the South Asian Diaspora*. Routledge.
- Chetail, V. (2014). The transnational movement of persons under general international law-Mapping the customary law foundations of international migration law. In *Research handbook on international law and migration*. Edward Elgar Publishing.
- Chothani, P. (2021, April 16). Expert Take: All your questions about the recent OCI changes, answered. *The Economic Times*. <https://economictimes.indiatimes.com/nri/migrate/expert-take-all-your-questions-about-the-recent-oci-changes-answered-/articleshow/82059519.cms?from=mdr>
- Collier, D. (2011). Understanding process tracing. *PS: Political Science & Politics*, 44(4), 823–830.
- Connor, P. (2017, March 3). *India is a top source and destination for world's migrants*. Pew Research Center. <https://www.pewresearch.org/fact-tank/2017/03/03/india-is-a-top-source-and-destination-for-worlds-migrants/>
- Cox, R. (2004). The path-dependency of an idea: Why Scandinavian welfare states remain distinct. *Social Policy & Administration*, 38(2), 204–219.
- d'Appollonia, A. C., & Kasymova, J. T. (2015). How and Why Emigration Matters: Examining the Emergence of New “Emigration Regimes” and its Impact on Public Administration in Kyrgyzstan. *Journal of Public Management & Social Policy*, 20(2), 6.
- Das, S. (2002). Loss or Gain? A Saga of Asian Indian Immigration and Experiences in America's Multi-Ethnic Mosaic. *Race, Gender & Class*, 9(2), 131–155.

- Database on Immigrants in OECD and Non-OECD Countries (DIOC-E)*. (2000). Organisation for Economic Cooperation and Development. <https://www.oecd.org/migration/46561284.pdf>
- de Haas, H., & Vezzoli, S. (2011). *Leaving matters: The nature, evolution and effects of emigration policies* (Working Paper No. 34; IMI Working Papers Series, pp. 1–37). International Migration Institute.
- de la Garza, R. (2008). The costs and benefits of migration to sending states: The more you look, the worse it gets. In *International Migration and Development: Continuing the Dialogue: Legal and Policy Perspectives* (p. 258). International Organization for Migration.  
<https://publications.iom.int/books/international-migration-and-development-continuing-dialogue-legal-and-policy-perspectives>
- Docquier, F., & Marfouk, A. (2006). *International migration by education attainment, 1990–2000* (International Migration, Remittances and the Brain Drain, pp. 151–199). Palgrave Macmillan.
- Docquier, F., & Rapoport, H. (2012). Globalization, brain drain, and development. *Journal of Economic Literature*, 50(3), 681–730. <https://doi.org/10.1257/jel.50.3.681>
- Dodani, S., & LaPorte, R. E. (2005). Brain drain from developing countries: How can brain drain be converted into wisdom gain? *Journal of the Royal Society of Medicine*, 98(11), 487–491.
- Ellermann, A. (2021). *The Comparative Politics of Immigration: Policy Choices in Germany, Canada, Switzerland, and the United States* (1st ed.). Cambridge University Press.  
<https://doi.org/10.1017/9781316551103>
- Fisher, M. H. (2006). Working across the seas: Indian maritime labourers in India, Britain, and in between, 1600–1857. *International Review of Social History*, 51(S14), 21–45.

- Fitzgerald, D. (2006). Inside the sending state: The politics of Mexican emigration control. *International Migration Review*, 40(2), 259–293. <https://doi.org/10.1111/j.1747-7379.2006.00017.x>
- Fitzgerald, D. (2009). *A Nation of Emigrants* (1st ed.). University of California Press; JSTOR. <http://www.jstor.org/stable/10.1525/j.ctt1pnxwc>
- Freeman, G. P. (2004). Immigrant Incorporation in Western Democracies. *The International Migration Review*, 38(3), 945–969.
- Gamlen, A. (2006). *Diaspora engagement policies: What are they and what kinds of states use them?* (No. 32; Working Paper). Centre on Migration, Policy and Society Working Paper, University of Oxford.
- Gamlen, A. (2014). Diaspora Institutions and Diaspora Governance. *International Migration Review*, 48, S180–S217. <https://doi.org/10.1111/imre.12136>
- Gamlen, A., Cummings, M. E., & Vaaler, P. M. (2017). Explaining the rise of diaspora institutions. *Journal of Ethnic and Migration Studies*, 45(4), 492–516. <https://doi.org/10.1080/1369183X.2017.1409163>
- Gottschlich, P. (2008). The Indian Diaspora in the United States of America: An Emerging Political Force? In P. Raghuram, A. K. Sahoo, B. Maharaj, & D. Sangha (Eds.), *Tracing an Indian Diaspora: Contexts, Memories, Representations* (pp. 156–170). SAGE Publications.
- Government of Pakistan. (2019). *Year Book 2017-18*. Overseas Pakistanis & Human Resource Development. <http://www.ophrd.gov.pk/SiteImage/Downloads/Year-Book-2017-18.pdf>
- Govt gives nod for dual citizenship. (2005, June 17). *Hindustan Times*. <https://www.hindustantimes.com/india/govt-gives-nod-for-dual-citizenship/story-K2U98MjJq3b3uFtjqAioML.html>

- Green, N. L. (2005). The Politics of Exit: Reversing the Immigration Paradigm. *The Journal of Modern History*, 77(2), 263–289. <https://doi.org/10.1086/431815>
- Green, N. L., & Weil, F. (2010). *Citizenship and those who leave: The politics of emigration and expatriation*. University of Illinois Press.
- Greenhill, K. M. (2016). *Weapons of mass migration: Forced displacement, coercion, and foreign policy* (Cornell paperbacks). Cornell University Press.
- Guiraudon, V., & Lahav, G. (Eds.). (2016). *Immigration policy in Europe: The politics of control* (First issued in paperback). Routledge.
- Haas, H. de, & Vezzoli, S. (2011). Leaving matters: The nature, evolution and effects of emigration policies. *IMI Working Paper Series*, 34. <https://www.migrationinstitute.org/publications/wp-34-11>
- Hacker, J. S. (2002). *The Divided Welfare State: The Battle over Public and Private Social Benefits in the United States*. Cambridge University Press. <https://doi.org/10.1017/CBO9780511817298>
- Hai, P. (2016). Imposing Nationalism on Diaspora Peoples: Korean Chinese in the Master Narrative of Chinese Nationalism. *Global Societies Journal*, 4, 56–69.
- Hall, P. A., & Taylor, R. C. R. (1996). Political Science and the Three New Institutionalisms. *Political Studies*, 44(5), 936–957. <https://doi.org/10.1111/j.1467-9248.1996.tb00343.x>
- Haque, A. (2017, May 20). Non-Aligned Movement: Jawaharlal Nehru – The architect of India’s foreign policy. *The Times of India*. <https://timesofindia.indiatimes.com/india/jawaharlal-nehru-the-architect-of-indias-foreign-policy/articleshow/58767014.cms>
- Heilmann, C. (2006). Remittances and the migration–development nexus—Challenges for the sustainable governance of migration. *Migration, Globalization and the Environment*, 59(2), 231–236. <https://doi.org/10.1016/j.ecolecon.2005.11.037>

- Heisler, B. S. (1985). Sending Countries and the Politics of Emigration and Destination. *International Migration Review*, 19(3), 469–484. <https://doi.org/10.1177/019791838501900305>
- Henderson, S., Shivakoti, R., & Withers, M. (2020, June 30). A Critical Analysis of the Migration Ban Lifecycle for Women Domestic Workers in the Indo-Pacific Region [Text]. *The Centre for the Study of Global Human Movement*. <https://www.humanmovement.cam.ac.uk/blog/critical-analysis-migration-ban-lifecycle-women-domestic-workers-indo-pacific-region-june-30>
- Hercog, M., & Siegel, M. (2013). Diaspora Engagement in India: From Non-Required Indians to Angels of Development. In M. Collyer (Ed.), *Emigration Nations: Policies and Ideologies of Emigrant Engagement* (pp. 75–99). Palgrave Macmillan UK. [https://doi.org/10.1057/9781137277107\\_4](https://doi.org/10.1057/9781137277107_4)
- High Level Committee on Indian Diaspora. (2001). *Executive Summary of the High Level Committee on Indian Diaspora*. Ministry of External Affairs. <https://mea.gov.in/images/pdf/1-executive-summary.pdf>
- Hollifield, J. F. (1992). Migration and International Relations: Cooperation and Control in the European Community. *International Migration Review*, 26(2), 568–595. <https://doi.org/10.1177/019791839202600220>
- Hollifield, J. F. (2004). The Emerging Migration State. *The International Migration Review*, 38(3), 885–912.
- Imdad, N. (1985). Pakistan: Emigration in the Gulf and its effects on the home economy. *Tiers-Monde*, 26(103), 553–566.
- India: Act No. 31 of 1946, *Foreigners Act, 1946*, 23 November 1946, available at: <https://www.refworld.org/docid/3ae6b4df4.html>



India: Act No. 57 of 1955, *Citizenship Act, 1955*, 30 December 1955, available at:

<https://www.refworld.org/docid/3ae6b57b8.html>

India: Act No. 15 of 1967, *Passports Act, 1967*, 5 May 1967, available at:

<https://www.refworld.org/docid/3ae6b55910.html>

India: Act No. 31 of 1983, *Emigration Act, 1983*, (1983), available at:

<https://www.refworld.org/docid/3ae6b5318.html>

International Labour Organization. (2012, April 17). *Decent Work for Youth in India*. ILO in India.

[http://www.ilo.org/newdelhi/info/WCMS\\_175936/lang--en/index.htm](http://www.ilo.org/newdelhi/info/WCMS_175936/lang--en/index.htm)

International Labour Organization. (2017). *Migrant women workers and overt migration policies in*

*Nepal: A law and policy baseline study* (Fundamental Principles and Rights at Work Branch

(FUNDAMENTALS), pp. 1–22). [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---)

[declaration/documents/publication/wcms\\_554814.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_554814.pdf)

International Labour Organization. (2018). *Sri Lankan female migrant workers and the family*

*background report* (Fundamental Principles and Rights at Work Branch (FUNDAMENTALS)).

International Labour Organisation (ILO) Colombo, Sri Lanka.

Iravani, M. R. (2011). Brain drain problem: A review. *International Journal of Business and Social*

*Science*, 2(15), 284–289.

Itzigsohn, J., & Saucedo, S. G. (2002). Immigrant Incorporation and Sociocultural Transnationalism.

*International Migration Review*, 36(3), 766–798. <https://doi.org/10.1111/j.1747->

[7379.2002.tb00104.x](https://doi.org/10.1111/j.1747-7379.2002.tb00104.x)

Jabeen, M. (2013). Nehru as the Sole Arbiter of Indian Foreign Policy: An Analytical Review of the

Years 1947-64. *UOS Journal of Social Sciences & Humanities*, 2(2).

CITIZENSHIP ORDINANCE, 2484, Lok Sabha, 14, V (2005).

<https://eparlib.nic.in/bitstream/123456789/514058/1/14971.pdf>

John, K. C. (1978, July 31). Gulf remittances bring economic boom to Kerala. *The Times of India*, 7.

ProQuest Historical Newspapers: The Times of India.

Kapur, D. (2004). Remittances: The New Development Mantra? *Research Papers for the*

*Intergovernmental Group of Twenty-Four on International Monetary Affairs*, 29, 1–22.

[https://unctad.org/system/files/official-document/gdsmdpbg2420045\\_en.pdf](https://unctad.org/system/files/official-document/gdsmdpbg2420045_en.pdf)

Kerala wants Centre to relax emigration rules. (1978, March 12). *The Times of India*, 5. ProQuest

Historical Newspapers: The Times of India.

Khadria, B. (2007). India: Skilled Migration To Developed Countries, Labour Migration To The Gulf.

In S. Castles & R. Delgado Wise (Eds.), *Migration and Development: Perspectives from the South* (pp. 79–113). International Organization for Migration.

[https://publications.iom.int/system/files/pdf/md\\_perspectives\\_from\\_the\\_south.pdf](https://publications.iom.int/system/files/pdf/md_perspectives_from_the_south.pdf)

Khanna, K. C. (1978, April 10). POLICY FOR INDIANS OVERSEAS: Taking Good Care Of A

Valuable Asset. *The Times of India*, 8. ProQuest Historical Newspapers: The Times of India.

GRANT OF DUAL CITIZENSHIP, 2238, 13, XIII.

<https://eparlib.nic.in/bitstream/123456789/450453/1/63458.pdf>

Koinova, M., & Tsourapas, G. (2018). How do countries of origin engage migrants and diasporas?

Multiple actors and comparative perspectives. *International Political Science Review*, 39(3),

311–321. <https://doi.org/10.1177/0192512118755843>

Kudaisya, G. (2006). Indian Leadership and the Diaspora. In B. V. Lall, P. Reeves, & R. Rai (Eds.),

*The Encyclopedia of the Indian Diaspora* (pp. 82–89).

- Kumar, S. K., & Rajan, S. I. (2015). *Emigration in 21st-century India: Governance, Legislation, Institutions*. Routledge.
- Lahiri, S. (2013). *Indians in Britain: Anglo-Indian Encounters, Race and Identity, 1880-1930*. Routledge.
- Lall, M. C. (2001). *India's missed opportunity: India's relationship with the non resident Indians*. Ashgate.
- Lawson, P. (2014). *The East India Company: A History*. Routledge.
- Lee, S. K. (2017). The three worlds of emigration policy: Towards a theory of sending state regimes. *Journal of Ethnic and Migration Studies*, 43(9), 1453–1471.  
<https://doi.org/10.1080/1369183X.2016.1237284>
- Lenard, P. T. (2015). Exit and the duty to admit. *Ethics & Global Politics*, 8(1), 25975.  
<https://doi.org/10.3402/egp.v8.25975>
- Lie, J. (1995). From International Migration to Transnational Diaspora. *Contemporary Sociology*, 24(4), 303–306. <https://doi.org/10.2307/2077625>
- Liebowitz, S. J., & Margolis, S. E. (1995). Path Dependence, Lock-in, and History. *Journal of Law, Economics, & Organization*, 11(1), 205–226.
- Lodigiani, E. (2016). The effect of emigration on home-country political institutions. *IZA World of Labor*. <https://doi.org/10.15185/izawol.307>
- Lok Sabha Secretariat. (2006). *Ministry Of Overseas Indian Affairs Demands For Grants (2006-2007) Tenth Report* (No. 10; pp. 1–75). Standing Committee On External Affairs (2005-2006), Fourteenth Lok Sabha.  
[https://eparlib.nic.in/bitstream/123456789/65281/1/16\\_External\\_Affairs\\_3.pdf](https://eparlib.nic.in/bitstream/123456789/65281/1/16_External_Affairs_3.pdf)

- Lok Sabha Secretariat. (2014). *Ministry Of Overseas Indian Affairs Demands For Grants (2014-2015) Third Report* (No. 10; pp. 1–56). Standing Committee On External Affairs (2014-2015), Sixteenth Lok Sabha.
- [https://eparlib.nic.in/bitstream/123456789/65281/1/16\\_External\\_Affairs\\_3.pdf](https://eparlib.nic.in/bitstream/123456789/65281/1/16_External_Affairs_3.pdf)
- Louro, M. L. (Ed.). (2018). Nehru's Anti-Imperialism after 1930. In *Comrades against Imperialism: Nehru, India, and Interwar Internationalism* (pp. 181–213). Cambridge University Press.
- <https://doi.org/10.1017/9781108297615.006>
- Mahoney, J. (2012). The Logic of Process Tracing Tests in the Social Sciences. *Sociological Methods & Research*, 41(4), 570–597. <https://doi.org/10.1177/0049124112437709>
- Maimbo, S. M., & Ratha, D. (2005). *Remittances: Development impact and future prospects*. The World Bank.
- Mandal, C. K. (2019, May 15). Two years on, Nepal continues to bar women from taking housemaid jobs in Gulf. *Kathmandu Post*. <https://kathmandupost.com/national/2019/05/12/two-years-on-nepal-continues-to-bar-women-from-taking-housemaid-jobs-in-gulf>
- Martínez-Saldaña, J. (2003). Los Olvidados Become Heroes: The Evolution of Mexico's Policies Towards Citizens Abroad. In E. Østergaard-Nielsen (Ed.), *International Migration and Sending Countries* (pp. 33–56). Palgrave Macmillan UK. [https://doi.org/10.1057/9780230512429\\_2](https://doi.org/10.1057/9780230512429_2)
- Massey, D. S., Arango, J., Hugo, G., Kouaouci, A., Pellegrino, A., & Taylor, J. E. (1993). Theories of International Migration: A Review and Appraisal. *Population and Development Review*, 19(3), 431–466. <https://doi.org/10.2307/2938462>
- McAuliffe, M., & Khadria, B. (Eds.). (2020). *World Migration Report 2020*. IOM.
- Ministry of External Affairs. (2005). *Overseas Citizenship of India Scheme*. <https://www.mea.gov.in/overseas-citizenship-of-india-scheme.htm>

- Ministry of Overseas Indian Affairs. (2007). *Ministry of Overseas Indian Affairs Annual Report 2006-2007* (No. 3; Annual Report, pp. 1–48). <https://www.mea.gov.in/images/pdf/annual-report-2006-07.pdf>
- Ministry of Overseas Indian Affairs. (2008). *Ministry of Overseas Indian Affairs Annual Report 2007-2008* (No. 4; Annual Report, pp. 1–92). <https://www.mea.gov.in/images/pdf/annual-report-2007-08.pdf>
- Mishra, S. K. (2016). *Desis Divided: The Political Lives of South Asian Americans*. U of Minnesota Press.
- Mullan, F. (2006). Doctors For The World: Indian Physician Emigration. *Health Affairs*, 25(2), 380–393. <https://doi.org/10.1377/hlthaff.25.2.380>
- Murali, K. (2003, February 14). The IIT Story: Issues and Concerns. *The Hindu*.  
<https://frontline.thehindu.com/the-nation/article30215649.ece>
- Natter, K. (2018). Rethinking immigration policy theory beyond ‘Western liberal democracies’. *Comparative Migration Studies*, 6(1), 4. <https://doi.org/10.1186/s40878-018-0071-9>
- Naujoks, D. (2009, October 15). *Emigration, Immigration, and Diaspora Relations in India*. Migration Policy Institute. <https://www.migrationpolicy.org/article/emigration-immigration-and-diaspora-relations-india>
- Nawyn, S. J. (2016). Migration in the Global South: Exploring New Theoretical Territory. *International Journal of Sociology*, 46(2), 81–84.  
<https://doi.org/10.1080/00207659.2016.1163991>
- Nizami, T. A. (2006). *Jawaharlal Nehru: The Architect of India’s Foreign Policy*. Icon.
- No dual loyalties, Vajpayee tells overseas Indians. (1977, November 14). *The Times of India*, 15.  
ProQuest Historical Newspapers: The Times of India.

No obligation to return to India: Government denies visa nod to doctor seeking to do research in US.

(2017, July 19). *The Times of India*. <https://timesofindia.indiatimes.com/city/mumbai/govt-denies-visa-cert-to-doc-seeking-to-do-research-in-us/articleshow/59657623.cms>

Nyberg–Sørensen, N., Hear, N. V., & Engberg–Pedersen, P. (2002). The Migration–Development Nexus Evidence and Policy Options State–of–the–Art Overview. *International Migration*, 40(5), 3–47. <https://doi.org/10.1111/1468-2435.00210>

OECD. (2017). *Interrelations between Public Policies, Migration and Development*. OECD. <https://doi.org/10.1787/9789264265615-en>

Office of the Registrar General & Census Commissioner, India. (2001). *Age Structure And Marital Status: 2001 Census of India*. Office of the Registrar General & Census Commissioner, India. [https://censusindia.gov.in/census\\_and\\_you/age\\_structure\\_and\\_marital\\_status.aspx](https://censusindia.gov.in/census_and_you/age_structure_and_marital_status.aspx)

Olimova, S., & Bosc, I. (2003). *Labour migration from Tajikistan*. International Organization for Migration. <https://publications.iom.int/books/labour-migration-tajikistan>

O'Neill, A. (2019). India—Youth unemployment rate 1999-2019. *Statista*. <https://www.statista.com/statistics/812106/youth-unemployment-rate-in-india/>

Pethiyagoda, K. (2017). *Supporting Indian workers in the Gulf: What Delhi can do* [Policy Briefing]. Brookings Doha Center, Brookings Institution. <https://www.brookings.edu/research/supporting-indian-workers-in-the-gulf-what-delhi-can-do/>

Ratha, D. (2005). Workers' remittances: An important and stable source of external development finance. In S. M. Maimbo & D. Ratha (Eds.), *Remittances: Development Impact and Future Prospects*. (pp. 19–51). World Bank.

- Ratha, D., Mohapatra, S., & Scheja, E. (2011). *Impact of Migration on Economic and Social Development: A Review of Evidence and Emerging Issues*. World Bank.  
<https://doi.org/10.1596/1813-9450-5558>
- Raveesh, S. (2013). Brain drain: Socio-economic impact on Indian society. *International Journal of Humanities and Social Science Invention*, 2(5), 12–17.
- Robinson, K. (2020, November 20). *What Is the Kafala System?* Council on Foreign Relations.  
<https://www.cfr.org/backgrounder/what-kafala-system>
- Roos, C., & Zaun, N. (2016). The global economic crisis as a critical juncture?: The crisis's impact on migration movements and policies in Europe and the US. *Journal of Ethnic and Migration Studies*, 41(10), 1579–1589.
- Sample Registraton System Statistical Report 2011* (No. 1; SRS Statstical Reports, pp. 11–28). (2013). Office Of The Registrar General, India Ministry Of Home Affairs.  
[https://censusindia.gov.in/vital\\_statistics/SRS\\_Report/9Chap%20%20-%202011.pdf](https://censusindia.gov.in/vital_statistics/SRS_Report/9Chap%20%20-%202011.pdf)
- Sarigil, Z. (2015). Showing the path to path dependence: The habitual path. *European Political Science Review*, 7(2), 221–242.
- Schiller, N. G. (2010). A global perspective on transnational migration: Theorising migration without methodological nationalism. In R. Bauböck & T. Faist (Eds.), *Diaspora and Transnationalism* (pp. 109–130). Amsterdam University Press. <https://www.jstor.org/stable/j.ctt46mz31.9>
- Schiller, N. G., Basch, L., & Blanc, C. S. (1995). From Immigrant to Transmigrant: Theorizing Transnational Migration. *Anthropological Quarterly*, 68(1), 48–63.  
<https://doi.org/10.2307/3317464>
- Schiller, N. G., Basch, L., & Blanc-Szanton, C. (1992). Transnationalism: A new analytic framework for understanding migration. *Annals of the New York Academy of Sciences*, 645(1), 1–24.

- Schmidt, V. A. (2010). Taking ideas and discourse seriously: Explaining change through discursive institutionalism as the fourth 'new institutionalism'. *European Political Science Review*, 2(1), 1–25. <https://doi.org/10.1017/S175577390999021X>
- Siddiqui, T. (2005). *International labour migration from Bangladesh: A decent work perspective* (Working Paper No. 66). International Labour Organization.  
[https://www.ilo.org/wcmsp5/groups/public/---dgreports/---integration/documents/publication/wcms\\_079174.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---integration/documents/publication/wcms_079174.pdf)
- Sirojudin, S. (2009). Economic Theories of Emigration. *Journal of Human Behavior in the Social Environment*, 19(6), 702–712. <https://doi.org/10.1080/10911350902910880>
- Smith, M. P., & Guarnizo, L. (Eds.). (1998). *Transnationalism from below*. Transaction Publishers.
- Stilz, A. (2016). Is there an unqualified right to leave? *Migration in Political Theory: The Ethics of Movement and Membership*, 57–79.
- Sutherland, P. D. (2013). Migration is development: How migration matters to the post-2015 debate. *Migration and Development*, 2(2), 151–156. <https://doi.org/10.1080/21632324.2013.817763>
- Tejada, G., Bhattacharya, U., Khadria, B., & Kuptsch, C. (2014). *Indian Skilled Migration and Development: To Europe and Back*. Springer Science & Business Media.
- Tiwari, A. K., & Upadhyay, A. K. (2019). Exploring Role of Indian Diaspora in Indian National Movement. *International Journal of Research in Social Sciences*, 9(8), 39–51.
- Torkington, S. (2019). Migrant workers sent more money to India than any other country last year. *World Economic Forum*. <https://www.weforum.org/agenda/2019/08/migrant-workers-sent-more-money-to-india-than-any-other-country-last-year/>
- Universal Declaration of Human Rights, Pub. L. No. 217 A (III) (1948).  
<https://www.refworld.org/docid/3ae6b3712c.html>



- UN-DESA, & OECD. (2013). *World Migration in Figures* (United Nations High-Level Dialogue on Migration and Development, pp. 1–6). <https://www.oecd.org/els/mig/World-Migration-in-Figures.pdf>
- United Nations. (2011). *Trends in International Migrant Stock: Migrants by Age and Sex* (POP/DB/MIG/Stock/Rev.2010; pp. 1–21). Department of Economic and Social Affairs, Population Division.  
[https://www.un.org/en/development/desa/population/migration/data/estimates2/data/UN\\_MigrantStock\\_2010.pdf](https://www.un.org/en/development/desa/population/migration/data/estimates2/data/UN_MigrantStock_2010.pdf)
- United Nations, Department of Economic and Social Affairs, Population Division. (2019). *International Migration 2019* (ST/ESA/SER.A/438). Department of Economic and Social Affairs, United Nations.  
[https://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/InternationalMigration2019\\_Report.pdf](https://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/InternationalMigration2019_Report.pdf)
- Vajpayee On Passports. (1977, July 6). *The Indian Express*, 1. The Indian Express Archives.
- van der Heijden, J. (2013). Different but equally plausible narratives of policy transformation: A plea for theoretical pluralism. *International Political Science Review / Revue Internationale de Science Politique*, 34(1), 57–73.
- Van Evera, S. (1997). *Guide to methods for students of political science*. Cornell University Press.
- Vergne, J.-P., & Durand, R. (2010). The missing link between the theory and empirics of path dependence: Conceptual clarification, testability issue, and methodological implications. *Journal of Management Studies*, 47(4), 736–759.
- Walsh, J. (2008). Navigating globalization: Immigration policy in Canada and Australia, 1945–2007  
1. *Sociological Forum*, 23(4), 786–813.

- Walzer, M. (2008). *Spheres of justice: A defense of pluralism and equality*. Perseus Books, LLC : Basic Books. <http://public.ebookcentral.proquest.com/choice/publicfullrecord.aspx?p=4785026>
- Weinar, A. (2014). *Emigration policies in contemporary Europe* (No. 2014/01; CARIM-East, pp. 1–24). Robert Schuman Centre for Advanced Studies, European University Institute. [https://cadmus.eui.eu/bitstream/handle/1814/31208/CARIM-East%20RR-2014\\_01.pdf;sequence=1](https://cadmus.eui.eu/bitstream/handle/1814/31208/CARIM-East%20RR-2014_01.pdf;sequence=1)
- Zachariah, K. C., & Rajan, S. I. (2004). *Gulf revisited economic consequences of emigration from Kerala: Emigration and unemployment* (CDS Working Papers No. 363). Centre for Development Studies.
- Zachariah, K. C., & Rajan, S. I. (2015). *Dynamics of emigration and remittances in Kerala: Results from the Kerala migration survey 2014* (No. 463). Centre for Development Studies Thiruvananthapuram.

## Appendix

<b>Observable Implication (OI)</b>	<b>Causal Process Observations (CPO)</b>	<b>Test</b>	<b>Pass/Fail</b>	<b>Confidence in H<sub>2</sub></b> (The lack of demand for emigration leads to a low rate of emigration)	<b>Confidence in H<sub>3</sub></b> (Government actors restricts emigration due to the adoption of anti-imperial and regulatory foreign policies post-independence)	<b>Confidence in H<sub>4</sub></b> (Government actors restrict emigration due to its negative domestic economic impact)
Low number of total emigration from India	The total number of Indian migrants overseas is one of the highest in the world	Hoop	Fail	Eliminated	Somewhat strengthened	Somewhat strengthened
Low community mobilization on issues of emigration policy	Large number of diaspora lobbies and high participation in state events for diaspora such as Pravasi Bharatiya Divas (Non-Resident Indians Day)	Straw-in-the-wind	Fail	Hypothesis may not be relevant, but does not eliminate it	Slightly strengthened	Slightly strengthened
Government policies being enacted that restrict or discourage emigration from the state	Constitutional provisions that make dual citizenship illegal; Creation of Emigration Clearance Required Passports	Hoop	Pass	Somewhat weakened	Strengthened but not confirmed	Strengthened but not confirmed

Minster at the national level attempts to change India's anti-emigration policy but fails to do so due to existing policies of anti-imperialism or non-alignment	Vajpayee from Janata Party attempts to liberalize the issuance of passports by removing red tape, however, fails to do so and returns to dual loyalties rhetoric to discourage diaspora engagement	Smoking-gun	Pass		Confirms hypothesis	Substantially weakened
Continued existence of restrictive emigration institutions and policies even during changes to the ruling government and across parties in power that have differing political and economic ideologies	Vajpayee from Janata Party borrows Nehru's policy of dual loyalties rhetoric to discourage diaspora engagement	Hoop	Pass		Strengthened but not confirmed	Somewhat weakened
Existence of emigration policies that protect unskilled or semi-skilled labour migrants	Creation of Emigration Required Clearance Passport category for semi-skilled and unskilled labour migrants	Hoop	Pass		Strengthened but not confirmed	Somewhat weakened
Differences in policy implementation based on emigrant skill levels	Creation of Emigration Required Clearance Passport category for semi-skilled and	Straw-in-the-wind	Pass		Slightly strengthened	Hypothesis may not be relevant, but does not eliminate it

	unskilled labour migrants					
Existence of perceived domestic economic threats due to emigration	The rise of the brain drain rhetoric due to the out-migration of high-skilled software engineers and IT personnel during the Tech Boom	Hoop	Pass		Somewhat weakened	Strengthened but not confirmed
Government enforces restrictive emigration policy for low-skilled emigrants after the emergence of domestic economic threats	Government introduced the Emigration Act of 1983 at the end of the Oil Boom	Hoop	Pass		Somewhat weakened	Strengthened but not confirmed
Government enforces restrictive emigration policy for high-skilled emigrants after the emergence of domestic economic threats	Government does not enforce any emigration restriction despite the rise of brain drain rhetoric	Hoop	Fail		Somewhat strengthened	Eliminated
Existence of domestic economic gains due to emigration	Increase in foreign remittances and investment from the diaspora	Hoop	Pass		Somewhat weakened	Strengthened but not confirmed
Government eases restrictive economic emigration policy after the emergence	Government amended banking regulations for foreign residents	Hoop	Pass		Somewhat weakened	Strengthened but not confirmed

of domestic economic boom						
Government eases restrictive diaspora emigration policy after the emergence of domestic economic boom	Government does not grant dual citizenship despite efforts from powerful diaspora lobbies at the height of the Tech Boom	Hoop	Fail		Somewhat strengthened	Eliminated