

A Bill of Missed Opportunities: A Critical Analysis of the Overseas Mobility Bill, 2025



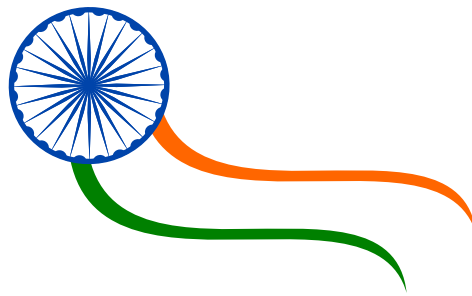
The Overseas Mobility (Facilitation and Welfare) Bill, 2025 arrives as a long-overdue attempt to replace the archaic Emigration Act of 1983. It promises a modern framework for the millions of Indians working and living abroad, particularly the vast population of labour migrants who form the backbone of India's overseas workforce and who often migrate to high-risk destinations. However, from the perspective of the Migrant Forum in Asia (MFA) and its network of partners, the Bill represents a profound regression. It prioritizes bureaucratic efficiency over human dignity, offering a framework of "facilitation" that systematically dismantles protections, centralizes power, and fails to address the systemic exploitation that has plagued Indian migrant workers for decades. If enacted in its current form, it will not facilitate safe mobility but will instead facilitate the export of despair.

1. The Core Flaw: A Deepening Rights Deficit

The Bill's most significant failure is its retreat from enforceable rights. A comparative analysis with the 2021 draft reveals that the 2025 Bill orchestrates a severe regression, systematically replacing concrete protections with vague bureaucratic discretion. The most alarming retreat is in access to justice: the 2021 Bill explicitly empowered migrants themselves to file court complaints, a vital tool for self-advocacy that has been entirely erased in the new draft, rendering migrants wholly dependent on state authorities to act on their behalf. This disempowerment is compounded by a wholesale abandonment of specific protections for vulnerable groups; enhanced penalties for offences against women and children have been removed, replaced by an undefined and meaningless reference to "vulnerable classes," leaving those most at risk of trafficking and abuse without targeted safeguards.

Furthermore, the Bill opens the door for continued exploitation by dropping critical anti-exploitation measures. The 2021 mandate for recruitment agencies to specify and transparently disclose service fees has been omitted, creating a permissive environment for the exorbitant fees that lead to debt bondage. Simultaneously, the chain of accountability for migrant welfare is deliberately severed post-departure. The 2021 Bill's clear duties for recruitment agencies, ensuring proper reception, facilitating dispute resolution, and overseeing document renewal, have been replaced by vague functions for government bodies, leaving migrants isolated and unprotected from contract substitution and employer abuse abroad. While the 2025 Bill commendably ceases the punitive criminalization of migrants for procedural lapses, this positive step is overshadowed by its hollow approach to reintegration. It pays lip service to "safe return and reintegration" but provides no dedicated funds or vocational programs, and its definition of a "returnee" cynically excludes those deported within 182 days, effectively abandoning those who may have suffered the most rapid and severe exploitation. In essence, the Bill dismantles a framework of rights and replaces it with an architecture of state-controlled vulnerability.





2. Ambiguous Definitions: A Framework Built on Quicksand

The Bill's key definitions are dangerously narrow and ambiguous, creating loopholes that will be exploited to deny protections.

- The definitions of "Emigrant" and "Overseas Employment" exclude students and accompanying family members, many of whom later seek work, and fail to cover the emerging reality of digital platform work performed remotely from India.
- The definition of "Work" is both limited and arbitrary, and the power to notify categories of work out of this definition is a tool that can be used to deny rights to entire sectors of workers.
- Crucially, the Bill lacks a definition of "Human Trafficking," weakening its ability to combat this grave crime.

3. An Exclusionary and Centralized Architecture

The Bill establishes a top-down, Capital-centric governance model that ignores India's federal structure and the expertise of ground-level stakeholders.

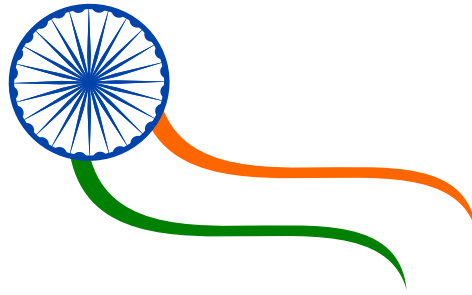
- The powerful Overseas Mobility and Welfare Council has no mandatory representation from major migrant-sending states like Kerala, Uttar Pradesh, or Bihar, nor does it include representatives from trade unions or migrant rights organizations. This ensures that policies will be formulated in an ivory tower, disconnected from the realities of migration.
- The Bill dissolves the state-level Nodal Committees proposed in the 2021 draft, replacing them with centrally appointed officers, thereby disenfranchising state governments that are often the first responders in crises.

4. The "Facilitation" Smokescreen and Operational Failings

The rhetoric of "facilitation" masks a dangerous deregulation of the migration process.

- The removal of Emigration Check Posts and the shift to a lighter-touch "accreditation" system for recruitment agencies reduce scrutiny and risk creating a permissive environment for exploitative agents.
- Proposed Mobility Resource Centers lack enforceable standards for pre-departure orientation, and the Bill completely ignores the critical need for post-arrival orientation and support.
- The Integrated Information System is designed as a tool of surveillance, incorporating migrant data without consent, rather than as a system for empowerment and support.
- The Bill fails to mandate the establishment of practical, life-saving support systems, such as 24/7 multi-lingual helplines manned by trained professionals, welcome desks at Indian airports for departing workers, or welcome kits and briefings at the port of entry in destination countries.





5. Inadequate Penalties and Lack of Redress

The penal provisions are imbalanced and insufficient.

- Penalties target recruitment agencies but spare foreign employers from direct accountability. There are no separate, stringent penalties for human trafficking, and the Bill fails to address illicit recruitment conducted through online platforms.
- Most egregiously, when penalties are imposed, the Bill does not mandate that a portion be directed as compensation to the victimized migrant, perpetuating a cycle of injustice.

Conclusion and Demands

The Overseas Mobility Bill, 2025, is a deeply flawed piece of legislation. Its overarching framework is designed to facilitate the efficient export of labour rather than to guarantee the rights and dignity of Indian citizens. It replaces the protective, if cumbersome, architecture of previous drafts with a streamlined, state-controlled model that institutionalizes the vulnerabilities of migrants.

For this Bill to truly serve the people it claims to protect, Parliament must demand fundamental revisions. We call for:

1. The incorporation of specific, enforceable rights, including minimum wage standards, regulated recruitment, and robust social protection.
2. The establishment of an inclusive and decentralized governance structure with mandatory representation for state governments and civil society.
3. The creation of clear, accessible grievance redressal mechanisms and 24/7 support systems both in India and abroad.
4. The introduction of strong penalties for human trafficking and provisions for victim compensation.
5. The clarification of ambiguous definitions to close loopholes and expand protection to all categories of migrant workers.

Without these essential changes, India will not be championing its global workforce; it will be condemning it to continued exploitation. The time for genuine, rights-based reform is now.

Migrant Forum in Asia (MFA) is a network of grassroots organizations, trade unions, faith-based groups, migrants and their families and individual advocates in Asia working together for social justice for migrant workers and members of their families. Since 1994, MFA has thrived into a formidable migrants' rights advocacy network in Asia, affecting significant influence to other networks and processes on the globe. To date, MFA is represented in 27 countries in the Asia - Pacific.

