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## Irregular Migration in Oman: Policies, Their Effects and Interaction with India

**Jihan Safar and MéliSSa Levaillant**

**Chapter in the volume:**

***Skilful Survivals: Irregular Migration to the Gulf***

**edited by Philippe Fargues and Nasra M. Shah**

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# About the Gulf Labour Markets and Migration (GLMM) Programme

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## VII

### **Irregular Migration in Oman: Policies, Their Effects and Interaction with India**

*Jihan Safar and Mélissa Levallant\**

**Abstract:** Omani newspapers regularly report cases of undocumented migrants being caught or deported by the police during crackdowns: these crackdowns have been ongoing since the social unrest of 2011 and were intensified by April 2014. In 2015, following several raids, conducted by the Ministry of Manpower's joint inspection team with the Royal Oman Police (ROP), a period of general amnesty was announced. It was implemented from May 3 till October 28. The issue of irregular migration has, therefore, raised serious concerns among Omani decision-makers, especially in the context of the nationalisation process, which has been active in Oman since the early 1990s. Yet, strangely, there has been no study so far on this issue in Oman. This chapter will fill this gap to some extent by examining the evolution and efficiency of the policies and measures adopted in Oman and the interactions with the sending countries, with particular reference to India. The study will first describe the possible complexity of irregular situations in Oman, which relate to a variety of statuses. It will then highlight the structural factors in Oman and India that contribute to the persistent irregularities among migrants. Lastly, it will give an overview of how Omanis and Indians

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cooperate on irregular migration by analysing the 2015 amnesty in Oman. The empirical portion of this chapter is based on twelve qualitative interviews conducted mainly in Muscat in May-July 2015. Interviews were conducted with key representatives at the Omani Ministry of Manpower and the Indian embassy who were likely to provide information on the migration system and the amnesty programme as well as with key Indian informants who knew about the amnesty's implementation and evaluation (which took place during the authors' stay in Oman).

## **Patterns of Irregular Migration in Oman**

### ***Composite Categories of Migrants in an Irregular Situation***

The notion of irregularity relates to ill-matched public perceptions. In official terms, undocumented workers are, indeed, designated as “non legal labour” [*al ‘umâlaghayr al shar’iyyin*] or as “violators of the Labour Law” [*mukhâlifin li qanûn al ‘amal*]. Other expressions are also negatively tinged, such as the word for foreign manpower “*al sâ-i-ba*”, meaning those “persons released out of nowhere, who celebrate and have fun [*tafrabwatamrah*] without a *kafel*.”<sup>1</sup>

Beyond this negative view of foreign workers, it is important to stress the complexity of irregular situations in Oman and the many ways in which a migrant may acquire an irregular status.

***Infiltrators [mutasalilîn]:*** Most migrants smuggled into Oman enter via the north and south coasts of Al Batinah. The increasing presence of security authorities, especially in industrial areas and farms, brought down the number of infiltrators by 43.3%, from 8,619 in 2013 to 4,884 in 2014.<sup>2</sup>

***Violations of Visa Status:*** Overstaying the valid visa period is one way of falling into irregularity.<sup>3</sup> The fine imposed on a person who overstays is OMR20 per month, paid to the Immigration Department. After 25 months of delay, the fines rise to OMR500, and they remain at this level immaterial of how long the person has stayed in the country. Undocumented workers need to pay OMR19 to the Ministry of Manpower for every month of delay. As a consequence, all workers who become undocumented would prefer to stay in Oman and wait for an amnesty, as

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1. Interview 1.

2. *Gulf News*, May 24, 2015.

3. Visa validity for a worker is two years.



“They know that at least every two or four years, an amnesty will take place and they will go back home. By this time, they will have the opportunity to extend the working period and earn additional money.”<sup>4</sup>

Irregular situations may also arise when the sponsor fails to renew the labour card or visa of his worker and to pay the required fees. In normal cases, the employer has to pay OMR200 for the visa renewal every two years and a fee of OMR50 per month in case of non-payment. Finally, other cases of violation of the Labour Law relate to migrants working with a tourist visa, a dependent (family) visa or a “short visa,” along with other residency law violators.

**Absconding workers:** Workers often abscond because of exploitation, unfair treatment and abuse, or simply because they want or have been offered better working conditions elsewhere. The sponsor also might not have met the rules of the contract: salary specified in the contract, working hours, and provision of proper shelter or food, for example. As the *kafala* system makes it difficult for workers to legally change employers during the contract period, exploited migrants (or opportunists) have little choice but to escape. Runaway migrants usually go to areas like Hamriya (a street in Muscat), where they can find a “free visa” job through their personal networks, typically paid on a daily basis.<sup>5</sup>

Absconding workers are usually reported to the police by their sponsors who fill out an absconding file [*balāghburúb*]. An absconding worker is punishable under Omani law and has to pay OMR400, even if he or she absconds only for a week. In the case of an amnesty, the worker has simply to arrange a return ticket which would cost around OMR100.

**The “free visa” system:** Other undocumented workers include those who come to Oman with a “free visa.” In such a case, the worker pays regular fees to his sponsor (who only takes care of the residency and employment visa). However, the worker might at the same time choose to work for another employer, and not the one who hired him legally. Many migrants do not actually realise that these visas are illegal. Sponsors might, in fact, bring workers to Oman without having definite jobs to offer.

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4. Interview 2.

5. In the “free visa” system, the expat gives a monthly payment to his sponsor who then allows him to work for another employer.

“Interestingly, if a sponsor has 10 labourers who are paying him monthly 20 rials each, he will then earn 200 rials per month and he does not have to provide them with any facility or service, like medical care, shelter, food... nothing, he is just making 200 rials monthly.”<sup>6</sup>

While sponsors who sell “free visas” to migrant workers are rarely held accountable, the workers concerned are considered to be illegal and face the risk of being jailed for a month, in addition to paying a fine of OMR400-800. In some cases, an employer may also compel his employee to work in another job for him so as to get some extra profit. A journalist records, in a metaphorical way, the story of workers employed in jobs different from the ones mentioned on their labour card:

“A lion was brought to Dubai and put in a cage there. The manager would give the lion some bananas in the morning and in the evening; he would give him the same food every day. So the lion got upset and called the manager: ‘I am the king of the jungle, you are serving me bananas and apples, don’t you know I eat meat.’ The manager answered: ‘You might be the king of the jungle, but you are here on a monkey visa, so you are supposed to be served only bananas and apples!’”<sup>7</sup>

Workers with a “free visa” also run away when they cannot afford to pay a monthly fee of OMR20-30 to their sponsor, and this usually happens when a worker does not find a job. As the worker has to renew this “free visa” every two years, he (or she) thus becomes undocumented when he ends the relationship with the official sponsor and is not able to renew his visa. Most runaway workers, therefore, wait for an amnesty, knowing that “it is impossible to find another sponsor” and as they are unable to pay the required fees to regularise their situation.

In addition to “voluntary” runaways, “fictive” runaway are subterfuges from the *kafeel*. There are other practices that reveal the complexity of defining the situation of irregular migration. In order to avoid paying the OMR2,000 fine for the violation of the worker’s license, a sponsor might declare to the authorities that his worker has run away. When the moment comes for the renewal of the worker’s visa, he will declare again that his worker just came back.

A former inspector reported another case of subterfuge, explaining how the *kafeel* might transfer a monthly salary to his worker’s bank account<sup>8</sup> to prove that

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6. Interview 2.

7. Interview 2.

8. Interview 3.

the migrant actually works for him and not under a “free visa” for another employer, while the debit card would be kept by the sponsor, thus preventing the worker from debiting his account.

## Data on Undocumented Migrants

### *Foreign Population in Oman: General Remarks*

The number of foreign workers in the Sultanate reached 1,631,560 in July 2015,<sup>9</sup> with the largest portion of expatriates working in the private sector. Most were male and Indians<sup>10</sup> were the most numerous nationality (Table 7.1).

Expatriate workers are concentrated in the construction sector: 38% of all expatriate labourers work in construction.<sup>11</sup> As for their education level, most expat workers had preparatory school certificates. Most of the expatriate workforce is to be found in the Muscat Governorate, Al Batinah North and Dhofar (Table 7.1).

**Table 7.1: Characteristics of the expatriate population**

		<b>Total</b>	<b>Male</b>	<b>Female</b>	<b>Changes% June/July 2015</b>
<b>by Nationality</b>	Indians	641,225	606,499	34,726	1.0
	Bangladeshis	561,301	532,869	28,432	0.3
	Pakistanis	216,167	215,001	1,166	0.3
	Ethiopian	28,099	258	27,841	-3.3
	Indonesian	37,264	620	36,644	-2
	Filipinos	32,482	10,795	21,687	0.6
	Egyptians	22,810	18,186	4,624	
	Nepalese	12,892	9,507	3,385	0.5
	Sri Lankans	14,252	6,839	7,413	1.4
	Other Nationalities	65,068	41,603	23,465	0.8
<b>by Sector</b>	Government	59,466	38,891	20,575	-0.2
	Private	1,318,760	1,288,649	30,111	0.6
	Family	253,334	114,637	138,697	0.2

9. The total population in the Sultanate reached 4,170,556 in July 2015 (2,350,860 Omani and 1,819,696 expatriates) (NSCI 2015). Expatriates constitute around 44% of the total population.

10. Historically, most Indian expatriates in the Gulf come from the state of Kerala, followed by the southern states of Tamil Nadu, Karnataka and Andhra Pradesh. Nevertheless, in the last decade, there has been a rise in emigration from Bihar, Madhya Pradesh, Rajasthan and Uttar Pradesh. Bihar has been, since 2012, the leading source state of emigration from India.

11. In July 2015, 618,820 expatriates were employed in the construction sector (NSCI 2015).

**Table 7.1, continued**

<b>by Governorate</b>	Muscat	734,970	655,323	79,647	0.8
	Dhofar	177,965	162,568	15,397	0.3
	Musandam	13,910	12,740	1,170	0.9
	Al Buraymi	47,835	40,527	7,308	-0.2
	Ad-Dakhiliyah	91,061	77,987	13,074	0.2
	Al Batinah North	209,643	183,007	26,636	0.1
	Al Batinah South	920,38	79,389	12,649	0.7
	Al Sharqiyah North	84,619	73,293	11,326	0.2
	Al Sharqiyah South	84,318	76,305	8,013	-0.1
	Ad Dhahirah	48,001	41,094	6,907	0.1
	Al Wusta	17,888	16,933	955	-0.3
	Not Stated	29,312	23,011	6301	0.8
<b>by Educational level</b>	Illiterate	21,538	19,260	2,278	0.6
	Reads and Writes	426,816	376,881	49,935	0.4
	Primary	148,012	128,382	19,630	0.9
	Preparatory	599,831	532,873	66,958	0.5
	Secondary	248,123	230,919	17,204	0.9
	Diploma	52,876	43,851	9,025	0.0
	University	91,58	76,015	15,565	-0.3
	HigherDiploma	4,86	4,106	754	-0.7
	Master degree	5,816	4,725	1,091	-0.5
	PhD	2,748	2,109	639	-0.3
	Not stated	29,36	23,056	6,304	-0.8
	<b>TOTAL</b>	<b>1,631,560</b>	<b>1,442,177</b>	<b>189,383</b>	<b>0.5</b>

Source: Monthly Bulletin August 2015, NSCI.

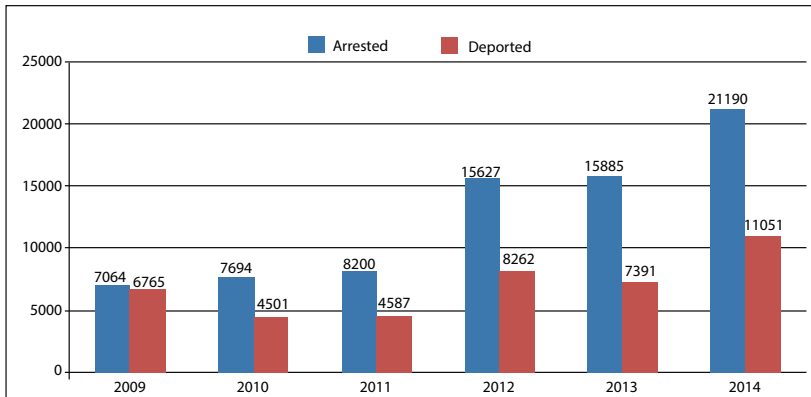
## **Data on Undocumented Workers**

Data on undocumented workers are difficult to obtain, as local authorities do not publish accurate and updated information. Though incomplete and underestimated, recent data on arrested, deported and absconded workers have been published by the Ministry of Manpower. These data do not take into account other types of undocumented migrants: e.g., migrants who are not arrested but take advantage of the amnesty to get regularised. During the amnesty period, foreign embassies also produced data on undocumented workers who were registered for an amnesty.

### Number of Arrested and Deported Migrants

Crackdowns on irregular migrants have intensified since 2012 (Figure 7.1), leading to an increase in the number of arrested workers and deported migrants. This has been accompanied by an increase in inspection teams since 2007 and especially in 2012, when more than 100 new labour inspectors [*mufatishin*] were recruited. In addition, the Ministry of Manpower has recruited more inspectors, as “this is inevitable in view of the economic growth and the call for more foreigners in the country.”<sup>12</sup> Also, as part of the Ministry of Manpower’s policy, inspection visits and re-visits to companies are regularly carried out to check and organise the labour market, in addition to the organisation of “awareness workshops” [*wirashaw’iya*].<sup>13</sup> These measures help establish a “sentiment of fear” and increase the responsibility of employers and employees.<sup>14</sup>

**Figure 7.1: Number of arrested and deported workers**



Source: Ministry of Manpower, Annual Report, 2014.

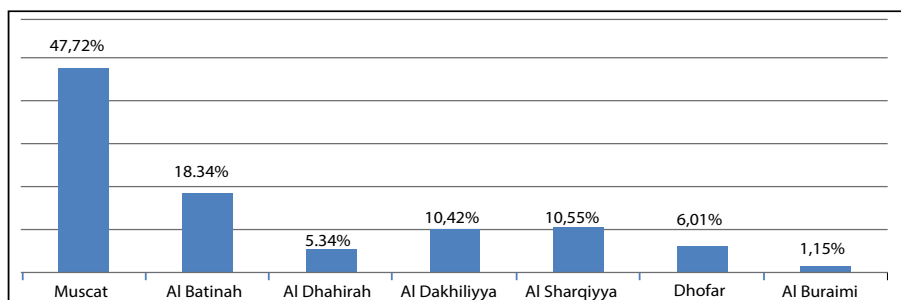
In 2014, out of 21,190 arrested migrants, Muscat saw a total of 10,111 migrants arrested, followed by the Al Batinah governorates (North and South) (Figure 7.2). Despite the fact that each region has its own directorate and team of inspectors, the number of inspections is actually less than in Muscat and “some time will be needed to have well established structures in the other regions.”<sup>15</sup>

12. Interview 5.

13. Interview 3.

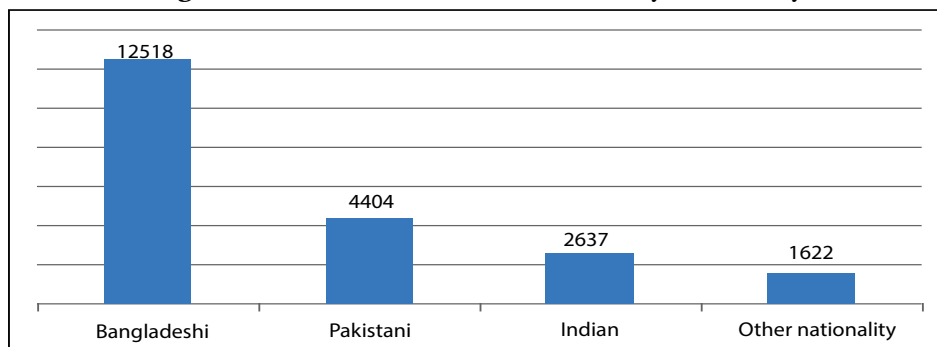
14. Interviews 3 and 4.

15. Interview 7.

**Figure 7.2: Percentage of arrested migrants by governorates**

Source: Ministry of Manpower, Annual Report, 2014.

In terms of nationality, 59% of arrested foreign workers were from Bangladesh, 20.8% from Pakistan, 12.5% from India and 7.7% from other countries (Figure 7.3).

**Figure 7.3: Number of arrested workers by nationality**

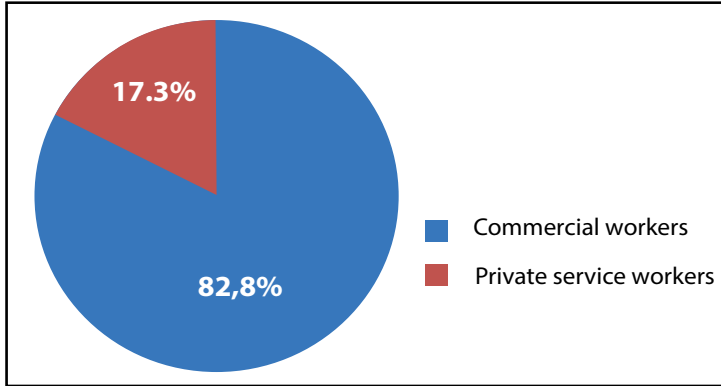
Source: Ministry of Manpower, Annual Report, 2014.

The percentage of Indians arrested in Oman has decreased from 17.5% of the total arrested expatriates in 2012 to 12.5% in 2014. By contrast, there has been an increase in illegal workers of other nationalities, especially Bangladesh. The percentage of arrested Bangladeshis grew from 45.2% in 2013 to 59% in 2014. The experience, the maturity and the high level of organisation of the Indian community are some of the reasons that explain the decrease in irregular migrants. We might, indeed, note a change in the attitudes and the behaviour of Indian workers, particularly regarding “visa trading.” Indians are now increasingly refusing to buy a visa (around OMR700–1,000) through brokers, as they are aware that this is not a guarantee for obtaining a job and that this would force them into irregularity. For this reason, visa trading is used more by Bangladeshis, who have less experience in such affairs.<sup>16</sup>

16. Interview 7.

In 2014, of the arrested workers, 17,546 were commercial workers in first to fourth grade companies.<sup>17</sup> Only 3,644 were private service workers (housemaids, farm workers, etc.) (Figure 7.4).

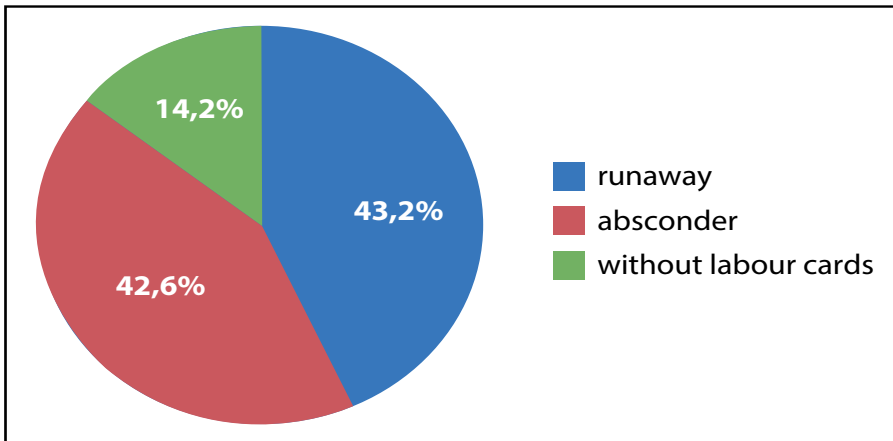
**Figure 7.4: Percentage of arrested by work type**



Source: Ministry of Manpower, Annual Report, 2014.

Among the illegal workers arrested in 2014, 9,158 were runaways, 9,022 were absconding workers and 3,010 were workers without a labour card (for e.g., on a tourist visa) (Figure 7.4).

**Figure 7.5: Categories of arrested workers**



Source: Ministry of Manpower, Annual Report, 2014.

17. The registered companies are classified into 1) “Big companies” (International; Consultancy; Excellent; and First Grade), which employ 95% of the Omani workforce; and 2) “Small and Medium Enterprises” (Second, Third and Fourth Grade). The number of expatriate workers allowed depends on the grade of the company: 15 workers (Fourth grade); 30 workers (Third grade); 45 workers (Second grade) and 60 workers (First grade).

## **Data on Absconding Workers**

In the first six months of 2015, official data showed “an alarming figure” of 57,420 workers who had absconded from their employers.<sup>18</sup> Absconding workers made up 8% of the foreign workforce and 3% of the expatriate population in the country.

A recent study showed that out of the 42,900 absconders (registered during 2010, 2011 and 2012), 63% were commercial workers and 37% were private workers.<sup>19</sup> More than half of the sample was between 26 and 35 years old, and 41.1% were low-skilled workers. Among the commercial workers, 72.8% ran away because of low salaries and for a better income. For 71.3% of the employers, their workers ran away because they found a more profitable job. Also, 45.7% had been working for their employer for less than one month.

## **The Unintended Effects of Regulations on Migration to Oman**

We must now look at two structural factors that explain the growing irregularities in the Omani labour market, both in terms of the host and the sending countries. While analysing the case of India’s emigration governance, we will also show the failures of national regulations in the management of irregular migration on both sides of the system.

### ***Structural Issues in Oman***

Though it relies on a foreign workforce, Oman faces a high rate of national unemployment, particularly among the young. This issue was one of the main triggers of the political uprisings in 2011-2012, which puts some light on the negative perception of expatriates among the Omani population. In fact, the growing flow of foreign workers to Oman has generated among the locals a “fear of becoming a minority like other Gulf countries.”<sup>20</sup> Popular resentment is particularly oriented towards irregular workers, who are considered as being responsible for several socio-economic issues and are increasingly being criminalised. As a consequence, the integration of national citizens into the labour market is an important social, economic and political challenge for Oman.

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18. *Times of Oman*, July 20, 2015.

19. Ministry of Manpower 2013.

20. Despite all the steps taken by the state, the proportion of foreigners did not decrease. “The number of Indians, Bangladeshis and Pakistanis, the three main nationalities in Oman, has increased, whereas the number of Europeans and skilled Asiatic did not increase in the same way. This situation is not contributing to real economic growth” (Interview 8).



Since the 1990s, the Omani government has tried to expand the proportion of national labour, both in the private and public sectors.<sup>21</sup> The government has imposed several restrictions on the recruitment of foreign workers in certain sectors,<sup>22</sup> through the implementation of quotas and the reservation of jobs, while at the same time trying to create market incentives for nationals.<sup>23</sup> The Omanisation policy was quite successful in the 2000s as it led to increasing the number of Omanis employed in the private sector by 138%, from 2003 to 2010.<sup>24</sup> This policy has, nevertheless, stalled since 2011, mainly due to the opening of new posts in the public sector in early 2011 and the creation of an unemployment benefit for nationals. Due to the better conditions of work offered in the public sector, the young have shown a strong preference for government jobs. The year 2014 saw a very high turnover among the national workforce, with around 89,301 nationals leaving their jobs.<sup>25</sup> At the end of that year, Omanis made up only 13.1% of the workforce in the private sector.<sup>26</sup> At the same time, the employment of foreign workers in the private sector has continued to rise and the number of undocumented migrants has increased as well.

The interventionist policies of nationalisation adopted by the government of Oman have been constrained by this imbalance between nationals and expatriates in the private sector, combined with a migration regime that provides the employers with access to cheap international labour. In this context, the private sector companies are willing to bypass the mandatory hiring of Omani nationals that has been imposed on them. This is illustrated in the many cases of phantom employment of nationals and the informal hiring of expatriates. In addition, a recent study reveals that Omanis are unlikely to take up the 88.5% of the jobs held by the expatriates, mainly in the construction and service sectors.<sup>27</sup> As a consequence, bans imposed in these sectors can lead to an increase of workers in an irregular situation.

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21. De Bel-Air 2015.

22. Several professions and occupations have been reserved exclusively for Omani citizens: cashier, security official, lawyer, accountant, TV cameraman, typist, electrician, taxi driver, director of human resources, marketing or customer service, etc.

23. For example, the government has increased the minimum wage for nationals in the private sector from OMR120 to 324 since 2013.

24. Oman faces a high rate of unemployment among locals. This issue has significantly contributed to locals' negative perception of migrants in an irregular situation.

25. Ministry of Manpower, 2014, p.37.

26. *Times of Oman*, July 11, 2015.

27. *Times of Oman*, June 20, 2015.

A recent incident at Muscat International Airport offers an example. More than 1,000 Bangladeshis were caught working for a construction sector company that was not mentioned on their card.<sup>28</sup> The majority of these arrested workers had been recruited by sub-contracting agencies.

Finally, “masked” or hidden commerce [*al tijâra al muqana’aor al mustatira*] represents another obstacle in the regulation of the labour market. This refers to an irregular situation in which the foreign employees are the ones who run the companies instead of the Omanis. As reported by four interviewees, this is a widespread phenomenon within companies where the number of foreigners stands at some 600,000 workers.

“Omani employers leave the company to foreigners, and they know nothing of what is happening inside the company (...) we don’t know who is responsible, and this foreign employer does not hesitate to bring members of his family to integrate them into this business.”<sup>29</sup>

In order to tackle this issue, the Ministry of Manpower has implemented new measures for small and medium enterprises. Companies are allowed to employ a certain number of foreign workers, but only with the provision that the Omanis are actually “dedicated to their activities” and that they do not combine this activity with a governmental job.<sup>30</sup>

### ***Structural Failures in Indian Emigration Governance***

India also exemplifies the failure of sending-country institutions to protect its unskilled and low-skilled workers in the Gulf and to regulate overseas employment. In particular, the over-reliance of the Indian state on private Recruiting Agencies (RA) that act as brokers between employers in the Gulf and the Indian workforce has been a crucial factor in the rise of irregular migration. Under the 1983 Emigration Act, all RAs must register with the government before recruiting for employment. These agencies are supposed to ensure that employers protect their employees. Nevertheless, the proliferation of illegal RAs, subagents, visa merchants and the resort to informal links by workers has increased the opacity of the emigration process.<sup>31</sup> The failure to monitor the practices of registered RAs and to punish the illegal ones creates a fertile ground for the development of irregularities once the

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28. *Times of Oman*, May 25, 2015.

29. Interview 8.

30. Interview 8.

31. Rajan, Varghese, Jayakumar, 2011, p. 57.

workers reach the Gulf. Following the ban implemented since May 2007 on the emigration of Indian female workers, younger than 30, to the Gulf and other listed countries, this special category of workers is particularly vulnerable to informal recruitment networks.

In order to fight against bad recruitment practices, the Indian embassy in Muscat recently set up an “eMigrate System” in coordination with the Indian Ministry of Overseas Indian Affairs.<sup>32</sup> Since June 2015, Indian workers can only be recruited through online registration with the Indian government’s overseas affairs office. This new device should help to streamline the recruitment procedure and thereby diminish the risks of irregularities.

In addition, India signed a Memorandum of Understanding with the Sultanate of Oman on November 8, 2008 and the two countries then planned the creation of a joint committee in order to exchange information that will prevent illegal recruitment and human trafficking. Nevertheless, this MoU is not binding and its role in the regulation of Indian migration has been very limited. Indian diplomats have been extremely cautious in their negotiations with GCC governments on labour-related issues. They fear that too much activism might lead to a temporary ban on their workers.<sup>33</sup> There is also a shared feeling among Indian officials that “At the end of the day, migration is based on an individual choice, and (that) these people should take their own responsibilities.”<sup>34</sup>

The embassy, nevertheless, has recently been more active in helping irregular migrants in need, especially those imprisoned, in cooperation with the Ministry of Manpower.<sup>35</sup> Yet, no general policy has been defined and actions are taken on a case-by-case basis. The effectiveness of the negotiations between diplomats and sponsors is also questionable, as not a single sponsor has yet been put on the embassy’s black list. And yet, an Indian official recognised that it would be the “only good option that could ensure the protection of the workers.”<sup>36</sup>

To conclude, India was until recently largely indifferent towards the issue of irregular migration. Notably, neither the ministries in India nor Indian missions in the Gulf have an accurate knowledge of the number of undocumented workers

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32. MOIA was merged with the Ministry of External Affairs in January 2016.

33. Ilias 2011.

34. Interviews 10, 11. Informally set up in 2008, it was officially institutionalised and registered at the Oman Ministry for Social Development in 2012.

35. Interview 2.

36. Interview 9.

present there.<sup>37</sup> This might change as the issue of expatriate workers takes priority in India's diplomatic agenda, especially during periods of amnesty in the Gulf countries.

### **Ambiguous Effects of “Good Practices”: The Amnesty**

Announced in April 2015 by the Ministry of Manpower, the amnesty ran from May 3 till July 30, and was then extended by three months. This is the fourth amnesty that has been implemented in Oman.<sup>38</sup> The amnesty (also called “outpass”) is a period that gives migrants with an irregular status the opportunity of returning to their homeland or of regularising their situation in Oman. Undocumented workers are exempted from the payment of a fine and only have to pay for their return ticket.<sup>39</sup> Infiltrators and workers who have pending judicial cases are not included in this measure. The analysis of the implementation of the amnesty process by both Oman and India shows the ambiguous dimensions of this policy. Despite an improvement in the coordination, transparency and efficiency of the procedure, it did not yield the expected results in terms of the registration of irregular migrants.

### ***Improving Practices, from Registration to Departure***

The succession of amnesty periods shows significant improvements, both from the Omani and Indian sides, in the process of the registration and deportation of irregular migrants. While the first amnesties in the region were characterised by a lot of confusion in procedures, the 2010 amnesty implemented in Oman marked a turning point in terms of better communication and transparency throughout the process.<sup>40</sup> In 2015, new steps were adopted to improve coordination between institutions. For the first time, the Omani Ministry of Manpower issued guidelines about the amnesty procedure. Labour attaches of the relevant foreign embassies in Muscat gathered together to discuss how registration would work, which gave some space for the improvement of practices.<sup>41</sup> The procedure took almost a month and involved several steps:<sup>42</sup>

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37. Interview 9.

38. Previous amnesties had been granted in 2005, 2007, and at the end of 2009 – it lasted until the start of 2011.

39. Shah 2014.

40. Interview 7.

41. Interviews 9, 10.

42. Interviews 9, 10.

First, the irregular migrants had to register at their embassy. They got a receipt as well as a file, a blue coloured one for India. On the same day, they had to go to an official typing centre in order to translate it into Arabic.

The second step was the registration of the migrant at the Ministry of Manpower. The day allotted for Indians was Sunday and a maximum of 500 people were allowed to come every week. After registering, the migrants had to go to the emigration police for clearance. Those who had a criminal record were not allowed to leave the country.

The following week, the migrants had to go back to the Ministry of Manpower and get registered on a website. If after one more week, no employer put forward any claims for the registered irregular worker, the latter was allowed to leave the country. Should an employer put out a claim, negotiations were held between the embassy, the sponsor and the Ministry of Manpower. According to an official of the Indian embassy, this rarely happens.

Overall, interviews conducted at the Indian embassy as well as at the Ministry of Manpower during the Indian registration days show that the 2015 amnesty was much more efficient than prior amnesties.

“Since 2010, and especially 2015, the procedures and services are more organised. There is less waiting time and more efficiency. Omani authorities have even agreed to have an ‘officer from the embassy’ in the room during the procedures to help Indians.”<sup>43</sup>

Nevertheless, the Indian embassy still faces a shortage of staff and facilities that impedes the process. This is to some extent counterbalanced by the Indian Social Club’s Charity Wing,<sup>44</sup> which unofficially takes care of workers in an irregular situation and helps in the organisation of the amnesty. Since 2010, Indian social workers have arranged a shelter dedicated to distressed undocumented women waiting for their case to be solved by the Omani authorities.<sup>45</sup> In May 2015, fifteen women, mainly from the state of Andhra Pradesh, were at the shelter. Among them, eight were to be returned to India under the amnesty scheme and the others were waiting for their situation to be regularised. In addition to the shelter, the Indian community also funds the return tickets of absconded workers.<sup>46</sup>

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43. Interview 12.

44. Interview 7.

45. Although it was set up by the Indian Embassy in 2010, the shelter only functions with the presence and resources of the Indian Charity Wing’s volunteers. Interview 11.

46. Interview 11.

The embassies of all sending countries have been involved in the process. In fact, being economically dependent on the remittances received from the Gulf, sending countries need to ensure the regular flow of their workers to Oman. Therefore, they have a strong interest in the reduction of undocumented workers, which would help them promote a good image for their nationals in Oman. Nevertheless, interviews conducted with Indian officials show that they do not have much leverage in discussing with Omani officials some of the causes that contribute to the rise of irregular workers, such as mistreatment by sponsors. The return of absconding or undocumented workers to their home countries is seen as a new job opportunity for workers, as the employers can then get clearance to hire a new foreign worker.

### ***Mitigated Results***

While around 50,000 undocumented and overstaying expatriates were expected to register for the 2015 amnesty, according to official sources, only 14,254 made use of it (7,382 workers had been deported and 6,872 cases were still under study for deportation).<sup>47</sup>

Looking at India, we observe a decrease in the registration of undocumented migrants, with only 800 Indians turning up in the first weeks. Eventually, 3,240 migrants made use of the amnesty.<sup>48</sup> By contrast during the previous 2010 amnesty, 22,000 Indians registered and 15,000 made use of the opportunity. Multiple economic reasons might explain why, despite the fear of detention, migrants would decide to stay in Oman illegally: the lack of job opportunities in their home countries, combined with the need to send money to their families back home and/or of reimbursing debts; the belief that another amnesty process might happen later and, therefore, it is worth extending their stay in Oman; the fear that they might not be able to come back to Oman, if there is a visa ban on their nationality. Lastly, the absence of a comprehensive repatriation programme offered by the home government is a strong incentive for workers to remain in an irregular situation.

Apart from these economic reasons, two other social factors contribute to explain the limited results of the amnesty. Perhaps workers staying in remote areas had not received accurate information about the amnesty. On the other hand, workers who had been residing in the country for a long time and had a good social network might have the resources that help them to survive in Oman in an irregular status.

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47. *Uman (Al Iqtisâdi)*, July 15, 2015.

48. Interview 7.

Overall, the disappointing results of the 2015 amnesty hint again at the complexity involved in the regulation of irregular migration, beyond crackdowns. Despite improvement in the state's practices, the amnesties might paradoxically contribute to the persistence of irregularities, as many undocumented workers simply wait for the next amnesty to regularise their situation.

## **Conclusion**

This chapter provides an analysis of the evolution of policies initiated by host and sending countries to curb irregular migration, taking India as a case study and the amnesty as one measure of institutional cooperation. While pointing out the main structural factors and policies that explain the continuance of the irregular situation of migrants, it also shows the efforts that have been made by both Oman and India to curb this issue. Nevertheless, the implemented legislation remains insufficient, and the measures are too sporadic. This reveals the absence, on both sides, of a holistic approach that would deal both with the socio-economic causes of irregular migration to Oman and labour force rights.

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### **List of Interviews**

Interview 1: Omani Journalist, Muscat, May 2015.

Interview 2: Indian journalist, Muscat, June 2015.

Interview 3: Representative at the Ministry of Manpower, Safety Department, Muscat, July 2015.

Interview 4: Representative at the Ministry of Manpower, Planning Department, Muscat, July 2015.

Interview 5: Official at the Ministry of Manpower, Muscat, July 2015.

Interview 6: Official at the Ministry of Manpower (directorate), Sohar, July 2015.

Interview 7: Indian social worker, Muscat, June 2015.

Interview 8: Shura member, Muscat, June 2015.

Interview 9: Indian official, Indian embassy, Muscat, May 2015.

Interview 10: Indian official, Indian embassy, Muscat, May 2015.

Interview 11: Member of the Indian Social Club, May 2015.

Interview 12: Member of the Indian Social Club, May 2015.

## SKILFUL SURVIVALS: IRREGULAR MIGRATION TO THE GULF

The Gulf States are among the most sought-after destinations by global migrants. Part of this migration is irregular, due to five main causes: entering without a proper visa; overstaying after a visa or residence permit has expired; being employed by someone who is not the sponsor; absconding from a sponsor; and being born in the Gulf to parents with an irregular status. The treatment reserved for migrants in an irregular situation marks out the Gulf States. Arrest and detention are widespread practices in spite of constitutional guarantees against arbitrary imprisonment. Staying without a proper visa or absconding from a sponsor is regarded as a criminal act, and foreign nationals who commit such acts are detained in the same prisons as common law criminals with no clear right of recourse. Domestic workers, most of whom are women employed by private households and, therefore, not protected by labour laws which in the Gulf apply only to businesses, are particularly subject to arbitrary sanctions and jail.

Lived experiences suggest that migrants may not see their irregular status as being disastrous. Many, in fact, are willing to perpetuate this situation, despite their awareness about possible arrest, jail term, and deportation. A theme that emerges repeatedly in interviews indicates the lack of options open to migrants elsewhere, including their country of origin. Migrants in an irregular situation learn to negotiate the formal and informal spaces and systems they encounter. Most irregular migrants seem to share one characteristic: resilience. As their stay in the Gulf lengthens, they gather enough capacity to exercise their agency to achieve a skilful survival in the face of adversity. A wide-ranging system of mutual benefits constituting win-win situations for varied actors enables and perpetuates irregular migration.

