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Submission of Recommendations on the Overseas Mobility (Facilitation and Welfare) Bill, 2025

1 message

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To: us1.epw@mea.gov.in, consultant4.epw@mea.gov.in, so2oia1@mea.gov.in

Subject: Submission of Recommendations on the Overseas Mobility (Facilitation and Welfare) Bill, 2025**To
The Ministry of External Affairs
Government of India****Sir/Madam,**

On behalf of the Pravasi Legal Cell, we thank the Ministry for inviting public suggestions on the *Overseas Mobility (Facilitation and Welfare) Bill, 2025*. We commend the Bill's forward-looking approach to emigration governance and migrant welfare. However, based on our legal analysis, field experience, and comparative policy review, we respectfully submit the following recommendations to strengthen the Bill's clarity, enforceability, and migrant protection framework:

1. Integration of the Indian Community Welfare Fund (ICWF)

Relevant Sections: 4(j), 7, 10

We recommend formally integrating the ICWF into the Bill's welfare architecture. This ensures continuity of emergency support abroad, avoids duplication, and brings the fund under statutory oversight. ICWF should be aligned with the proposed welfare fund and Mobility Resource Centers.

2. Empowering Officers of Indian Missions Abroad

Relevant Sections: 11, 19

Mission officers currently lack enforcement powers. We recommend authorizing them to:

- Take preliminary action against rogue recruiters
- Issue warnings or blacklist entities
- Coordinate enforcement under bilateral agreements

This would enable timely intervention and better protection for emigrants abroad, similar to the enforcement mandate granted to Philippine Labor Attachés under Republic Act No. 8042.

3. Transitional Clarity from Protector of Emigrants (PoE) to Regional Officers

Relevant Sections: 7, 21

The Bill replaces the PoE system with Regional Overseas Mobility Officers but lacks clarity on transition protocols. We recommend a transitional clause that:

- Defines how PoE offices and staff will be absorbed or restructured
- Preserves continuity of services during the shift
- Clarifies powers and coordination mechanisms of Regional Officers

4. Strengthening Grievance Redressal and Enforcement Mechanisms

Relevant Sections: 11, 19

We recommend:

- A statutory grievance redressal mechanism with time-bound resolution protocols
- Legal remedies for victims of fraud, trafficking, or contract violations
- Clear escalation procedures involving Missions and domestic authorities

5. Action Against Foreign Employers Who Violate Provisions

Relevant Sections: 4(j), 11, 19

The Bill should empower the Director General and Regional Officers to:

- Blacklist foreign employers and placement agencies found guilty of violations
- Mandate reporting and escalation protocols for Missions abroad
- Coordinate with host country authorities for legal action and compensation recovery
- Publicly disclose blacklisted entities and suspend future recruitment licenses

6. Protection Against Wage Theft by Foreign Employers

Relevant Sections: 4(j), 11, 19

We recommend:

- Recognizing wage theft as a specific violation under the law
- Enabling Missions and Regional Officers to document and escalate wage theft cases
- Facilitating recovery of unpaid wages through bilateral mechanisms and legal aid

- Ensuring access to emergency financial support for affected workers

7. Clarifying the Role and Structure of Mobility Resource Centers

Relevant Section: 10

We recommend:

- Operational guidelines for service delivery
- Linkages with ICWF, state emigration cells, and civil society partners
- Outreach mandates for vulnerable groups

8. Safeguards for the Integrated Information System

Relevant Section: 18

We recommend:

- Clear data protection protocols
- Integration with labor market intelligence and risk alert systems
- Accessibility for emigrants and civil society monitors

9. Enforceable Migrant Rights and Standards

The Bill should adopt a rights-based framework aligned with international labor standards. We recommend:

- Mandatory written contracts and freedom from forced labor
- Protection against passport confiscation and wage theft
- Legal remedies for violations of employment terms

10. Multilingual and Accessible Outreach

We recommend:

- Mandatory multilingual counselling and pre-departure orientation
- Accessible formats (regional languages, audio-visual materials) for registration, advisories, and grievance procedures

11. Judicial Oversight and Independent Review

We recommend:

- Provision for judicial review or appeals against decisions made by the Director General or Regional Officers
- Establishment of an independent oversight body or ombudsman for transparency and accountability

12. Protection for Returnees and Reintegration

We recommend:

- Skill recognition and certification mechanisms
- Access to welfare schemes and financial support
- Mental health and legal counselling for returnees

13. Gender-Specific Safeguards

We recommend:

- Gender-sensitive protocols for women migrants, especially in domestic work
- Safe housing, legal aid, and emergency support tailored to women's needs

14. Emergency Protocols and Crisis Response

We recommend:

- Rapid response mechanisms for crises such as war, pandemics, or mass layoffs
- Emergency funds, evacuation protocols, and coordination mandates for Missions abroad

We believe these recommendations will help realize the Bill's vision of safe, orderly, and welfare-oriented migration. We remain available for further consultation and thank the Ministry for this opportunity.

Sincerely,



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General Secretary

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