ACP-EU MIGRATION ACTION

REGIONAL PERSPECTIVES

Trafficking in Human Beings
Smuggling of Migrants
CARIBBEAN

Visas and Cooperation on Mobility
PACIFIC

Remittances
SUB-SAHARAN AFRICA

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The authors

For the Regional Thematic Report on Remittances in Sub-Saharan Africa: **Mr Leon Isaacs**, ACP-EU Migration Action Expert.

For the Regional Thematic Report on THB and SoM in the Caribbean: **Ms Shivaun Scanlan**, ACP-EU Migration Action Expert.


In collaboration with the ACP-EU Migration Action.
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Introduction

With the adoption by the ACP-EU Council of Ministers of a Joint Declaration on Migration and Development in June 2010, the African, Caribbean and Pacific (ACP) Group of States and the European Union (EU) launched the ACP-EU Dialogue on Migration and Development (hereafter referred to as the ‘Dialogue’).

This ACP-EU cooperation on migration and development finds its legal basis in Article 13 of the Cotonou Partnership Agreement (CPA). Though cooperation on migration and development is not explicitly mentioned in the CPA, the ACP countries and the EU undertook to engage in an in-depth dialogue on migration intended to lead to commitments and concrete actions on both sides.

In 2012 and 2015 the Dialogue produced specific recommendations with the intention of identifying and concretely addressing common priorities relating to four specific topics: (i) remittances, (ii) visas, (iii) readmission, and (iv) trafficking in human beings (THB) and smuggling of migrants (SoM).

It is in this context that the ACP-EU Migration Action (hereafter referred to as the “Action”) was established in 2014 with the aim of providing tangible support in areas of strategic interest to the ACP and EU partners. The Action has been operating since then under the auspices of the ACP Secretariat and the European Commission (EC); it is funded through the 10th European Development Fund (EDF) and is implemented by the International Organization for Migration (IOM).

The programme is geared towards supporting activities that promote the 2012 and 2015 Dialogue’s recommendations, specifically in the areas of THB and SoM, visas, remittances, and readmission. It does that by:

a. offering Technical Assistance (TA) to ACP countries and Regional Organizations (ROs);

b. providing grants to Non-State Actors (NSAs) operating in ACP countries; and

c. promoting the collection and dissemination of good practices through thematic seminars organized in the framework of the ACP-EU Dialogue, Peer-to-Peer exchange meetings, etc. These activities further feed into multiple thematic publications of the Action.

In 2018 the Action integrated a more regionalized approach to support regionally-relevant activities and, at the same time, extract from those analyses and recommendations on defined topics per region. Three Regional Thematic Meetings (RTMs) have therefore been organized in the first months of 2019:

RTM on Remittances for the Regional of Sub-Saharan Africa (Accra, Ghana; February 2019);

RTM on Trafficking in human beings and Smuggling of migrants for the Caribbean region (Georgetown, Guyana; March 2019);

RTM on Visas and Cooperation on Mobility for the Pacific region (Port Vila, Vanuatu; April 2019).
These meetings served as fora to inform regionally the Action’s stakeholders (ACP MS, NSAs, ROs) and International Organizations on positive initiatives undertaken in the subject areas, to exchange information on challenges faced at regional level and most importantly, identify through the activities of the Action recommendations for future cooperation in that region on that topic.

Each of these meetings focused on the thematic area in which the Action’s specific work in the region was most significant and were followed by the development of a Regional Thematic Report (RTR) which are enclosed in this compendium.

As the ACP-EU Migration Action draws to a close (August 2019), these three reports on different topics in different regions, provide:

- An overview of the **region-specific trends and global policy developments** in the relevant thematic area per region;

- Reviews the progress made as a result of the Action’s interventions towards ACP Governments and Non-State Actors;

- Insight on the **main challenges** in these thematic areas that need to be addressed at national and regional levels;

- **Recommendations** on a way forward to improve future action.
This programme is funded by the EU
An analysis of the trends, challenges and opportunities in the Sub-Saharan Africa region, based on the work of the ACP-EU Migration Action.
The vast majority of migrants move for economic reasons. The remittances they send home are the most tangible evidence of their economic and developmental contribution to their country of origin. While remittances can take many forms including social and political, financial remittances play a powerful role in contributing to poverty reduction. In addition to being used for consumption, they help to improve welfare within families and communities through areas such as savings, financial empowerment, financial literacy, health and education as well as entrepreneurship and investment. Their contribution could, however, have a much greater impact if it were not hampered by many challenges.

The increasing weight being given to international remittances within the global policy agenda reflects the growing understanding that improving and harnessing the flow of remittances can have a substantial impact on development. It also reflects the increasing scrutiny of illicit flows and their links to money laundering and terrorist financing, particularly following the events of 11 September 2001.

“The increasing weight being given to international remittances [...] reflects the growing understanding that improving and harnessing flows of remittances can have a substantial impact on development.”

In 2009, the G8 committed to reduce the global average cost of sending remittances from 10 per cent of the send amount to five per cent in five years – the “5x5” objective. While the target was not reached, the G20 Development Working Group on Financial Inclusion and Remittances (GPFI) adopted a Plan to Facilitate Remittance Flows in 2014, where they renewed their commitment to the five percent target but with no time deadline.

In July 2015, the Addis Ababa Action Agenda (4A) was adopted at the Third International Conference on Financing for Development (FfD). The 4A recognised the positive contribution of migrants to sustainable development, and within this, the positive impact of remittances. This included commitments to:

- Ensure adequate and affordable financial services are made available to migrants and their families.
- Promote financial inclusion and literacy.
- Reduce transaction costs to less than 3%, with no corridor higher than 5%, by 2030.
- Address obstacles to the flows of remittances.
- Promote cheaper, more accessible and safer remittances, including through increasing competition and the use of technology.

In September 2015, reducing the price of remittances became a Sustainable Development Goal (SDG 10.c). “By 2030, reduce to less than three percent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than five percent.”

Achieving the SDG target 10.c has a direct contribution on other SDG targets in a variety of ways at the household, community and national level. Table 1 provides an overview of these contributions.
Remittances represent up to 60 per cent of recipients’ families on average and typically more than double a family’s disposable income and help deal with uncertainty, allowing them to build assets.

Analyses of 71 developing countries show significant poverty reduction effects of remittances: a 10 per cent increase in per capita remittances leads to a 3.5 per cent decline in the share of poor people in the population.

In rural communities, half of remittances are spent on agriculture-related expenses.

Additional income increases receiving households’ demand for food, which increases domestic food production and improves nutrition, particularly among children and the elderly.

Investment of migrants’ income in agricultural activities creates employment opportunities.

Remittances invested in health care – access to medicine, preventive care and health insurance products – improve the health and well-being of recipient families.

Infants born into remittance families have a higher birthweight and are less likely to die during their first year.

One of the main reasons migrants send money home is to ensure access to better education for their children.

Remittance-receiving households have demonstrably better educational participation than non-recipients, and invest about one tenth of their income educating their children.

Remittances lead to almost doubling school enrolment. Children from remittance families, especially girls, register higher school attendance, enrolment rates and additional years in school.

Remittances substantially reduce the probability of child labour participation.

Women migrant workers now comprise half of all remittance senders: 100 million in total.

Remittances transform the economic role of women both on the sending side and receiving end through financial independence and better employment opportunities.

While women remit approximately the same amount as men, women tend to send a higher proportion of their income regularly and consistently, even though they generally earn less than men.

To create social capital and pool funds to address local needs, migrants and/or their families often organize themselves into neighbourhood organizations or through Hometown Associations (HTAs) abroad.

HTAs identify development priorities and help achieve them through technical advice and fund-raising.

Projects take into account sustainability concerns and community welfare based on primary needs (e.g. the provision of irrigation and clean water infrastructure).

Remittances have a positive impact on family assets and overall quality of life when invested in housing, and they are more likely to be used for home improvements than for home purchases.

Affordable solutions for poor households and their communities are already available, including efficient cooking devices and clean energy solutions.

Local community projects may apply clean energy technologies, particularly relevant in remote rural areas lacking access to electricity.

Money held by remittance-receiving families and migrants’ savings in host countries improve financial resources available to the general economy. This capital can be maximized when coupled with financial and entrepreneurial services.

Migrant workers possess tremendous assets: knowledge, skills and networks.

In terms of development impact, migrants’ investment in micro, small or medium enterprises effectively generates employment and income in local communities.

Reducing the cost of remittance transfers can substantially increase disposable income for remittance-receiving families.

By reducing average costs to 3% globally, remittance families would save an additional US$20 billion annually.

Civil society awareness raising and information campaigns are achieving progress in promoting better working conditions for migrant workers.

As remittance families increase their purchase capacity and change their consumption patterns, they can do so by meeting individual needs and aspirations within the ecological limits of the planet.

Migrant households are regular and heavy consumers of nostalgic goods (home country products).

Trade of nostalgic goods and diaspora tourism imply significant revenue for countries of origin. Diaspora populations can act as a bridge to broader markets of nostalgic goods and local tourism.

Migration is increasingly becoming a consequence of climate change. Remittances and diaspora investment play a crucial role in mitigating impacts and cope with income shortages due to weather-related shocks.

Remittances enable the adoption of more sustainable crops and non-farm activities. Examples include: support to local enterprises to provide solutions for flood control, more efficient use of water, improved irrigation systems, storm/heat/wind-resilient building materials, among others.
The Valetta Action Plan, adopted by European and African Heads of State and Government in November 2015, recommends identifying “corridors for remittances transfers where the partners commit to substantially reduce the costs by 2020 (…).” The Nairobi Remittances Action Plan under the auspices of ADEPT has adopted a target for 10 African countries to have remittance prices of 3 percent or lower by 2030.

In September 2016, for the first time, Heads of State and Government came together to discuss issues related to migration and refugees at the UN General Assembly. This sent a clear message of the weight and importance now being attached to migration and refugees on the global political and developmental agenda.

The adoption of the “New York Declaration for Refugees and Migrants” by 193 UN member states following the assembly also signalled a move towards greater global cooperation on the topic. The resolution included promoting “faster, cheaper and safer transfers of migrant remittances in both source and recipient countries, including through a reduction in transaction costs, as well as the facilitation of interaction between diasporas and their countries of origin.” (UN Doc. A/Res/71/1) Annex II of the NY Declaration launched a process of intergovernmental consultations which led to the adoption of a **Global Compact for safe, orderly and regular Migration (GCM)** in 2018.

The GCM aims to “set out a range of principles, commitments and understandings among Member States regarding international migration in all its dimensions”. (Annex II, UN Doc. A/Res/71/1) The importance of remittances is specifically reflected in the Objective 20 of the GCM to “promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants. To realize this commitment, the following actions will be drawn on:

- Develop a roadmap to reduce the transaction costs of migrant remittances to less than 3 per cent and eliminate remittance corridors with costs higher than 5 per cent by 2030 in line with target 10.c of the 2030 Agenda for Sustainable Development,
- Promote and support the United Nations International Day of Family Remittances,
- Harmonize remittance market regulations,
- Establish conducive policy and regulatory frameworks that promote a competitive and innovative remittance market,
- Develop innovative technological solutions for remittance transfers, such as mobile payments, digital tools or e-banking,
- Provide accessible information on remittance transfer costs by provider and channel, such as comparison websites,
- Develop programmes and instruments to promote investments from remittance senders in local development and entrepreneurship in countries of origin,
- Enable migrant women to access financial literacy training and formal remittance transfer systems,
- Provide access to and develop banking solutions and financial instruments for migrants.”

In addition, GCM Objective 19: “Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries” has a strong overlap with Objective 20, action g), namely the productive elements of access to remittances.

All of the activities that are outlined in this section have demonstrated a greater awareness of remittances on a global scale.
Although accurate measurement of the volume and values of remittance flows is problematic, official data shows that they have grown significantly since regular measurement began in 2005. Global flows to developing countries were estimated at US$ 529 billion in 2018, with sums being sent to Sub-Saharan Africa at approximately US$ 46 billion. (see Chart 1).

Africa is very much a continent that receives remittances. Official flows of remittances received by Sub-Saharan African countries are ten times the value of those being sent. The main remittance recipient country in Sub-Saharan Africa is Nigeria (accounting for almost 60 percent of the total). Other significant receivers include Senegal, Ghana, Kenya and Uganda (see Chart 2). Care needs to be taken due to inconsistencies in collecting, quantifying and analysing data, as well as the large volumes of informal transactions (which are not included in the official data).

The majority of funds sent to Sub-Saharan Africa are from Europe (largely France, Germany, Italy, Spain and the United Kingdom) and North America. Informal transactions are a significant feature of remittances to and within Sub-Saharan Africa. Estimates have put them as high as 50 percent of official transfers. Informal remittances are particularly prevalent across land borders and where countries do not allow irregular migrants to participate in formal financial services. In the Central Africa Economic and Monetary Community (CEMAC) and West African Economic and Monetary Union (WAEMU) region, 88 percent of the outgoing remittances stay within these economic regions, while 42 percent of the incoming ones come from the eurozone (MFW4A, 2019).

While remittances represent a small percentage of the migrants’ earnings (on average 15 percent), they make up for about 60 percent of the recipients’ household income worldwide and it is believed that the figure is even higher for Sub-Saharan Africa (IFAD, 2017). These flows are important, not only at a family level but cumulatively they can be a significant contributor to the GDP of a country (see Chart 3). For countries such as the Comoros and the Gambia they account for over 15 percent of GDP. According to the World Bank (2016), personal remittances accounted for 4.8 percent of GDP in Africa in 2016. Whilst they are private flows of money, the use of the funds for investment and consumption purposes can have a catalytic effect on local and national economies.

“While remittances represent a small percentage of the migrants’ earnings, they make up for about 60 percent of the recipients’ household income worldwide and it is believed that the figure is even higher for Sub-Saharan Africa.”
Chart 1: African remittance volumes 2006-18e (source: World Bank)

Chart 2: Top 10 Sub-Saharan African remittance receiving countries (source: World Bank)

Chart 3: Top 10 Sub-Saharan African receiving countries for remittances as a percentage of GDP (source: World Bank)
Key Challenges

Despite the obvious scale and potential of remittances there are a number of key challenges (6) which are reducing the positive impact which they can have in the Sub-Saharan Africa region:

**High remittance costs.** Sub-Saharan Africa is the most expensive region of the world to send money to and within. In Q1 2018, the average cost to send a remittance to Sub-Saharan Africa was 9.3 percent compared to the global average of 6.9 percent.

**Access to formal remittance services in both the send and receive markets.** Where irregular migration is high, many migrants are automatically excluded from accessing remittance channels in the send country, due to not having formal identification to meet know your customer (KYC) requirements for cross-border transfers. For many migrants from Sub-Saharan Africa countries, this is one of the primary barriers to accessing formal remittance services in certain corridors. This issue is particularly acute in the Horn and East Africa where irregular migration from Djibouti, Ethiopia, Eritrea, Somalia, and Sudan to the Middle East and South Africa is prevalent. In terms of receiving remittances, many Sub-Saharan Africa countries face a challenge with access to domestic payments infrastructure, particularly in isolated areas. The infrastructure required to support remittance services can include bank branches, post offices, microfinance institutions (MFIs), mobile money agents and other non-financial infrastructure, depending on the regulations in the country.

**Prevalence of informality.** Estimates of the prevalence of the informal sector in remittances vary widely, ranging from 35 per cent to 250 per cent of total remittances. Estimates from ACP countries’ baseline assessments and technical assistance suggest that the value of informal flows is at least as large as formal ones. There are various problems associated with countries having such a large flow of informal remittances. These include having no way to track and record flows to prevent money laundering and terrorist financing, consumers having no formal protection of their funds, a reduction in the access to foreign exchange in the private and public sector and a reduction in the ability to use remittances for financial inclusion.

**Limitations in maximizing the productive potential of remittances.** In several Sub-Saharan African countries, household surveys and studies have shown that the majority of remittances are low value and sent for daily expense and consumption purposes, rather than investment. Even where part of a remittance transfer could be saved and/or invested, lack of access to an account at a financial institution severely limits the options for remittance-receiving households, even where saving and investment might be possible. On average, only 43 per cent of adults (aged 15+) hold an account at a financial institution in Sub-Saharan African, and several countries have some of the lowest rates of financial inclusion in the world. These include Niger (6.7%), Guinea (7%), Madagascar (8.6%), and Cameroon (12%). This limited access to formal financial services in is a significant barrier for those wishing to save their remittances, as well as a barrier to development more broadly. Without access to financial services, for example, savings cannot accrue interest, they cannot be lent out to be reinvested in the local economy, and no individual credit history can be built.
Coordination between stakeholders.

Coordination between the many different stakeholders in terms of a harmonized approach to managing remittances can be a significant challenge, on a national, regional and international level.

Responses to the challenges require a coordinated approach across multiple bodies, including foreign affairs ministries, central banks (and various departments within them), regulatory bodies, the private sector, non-governmental institutions, planning agencies and statistics agencies.

Lack of accurate and meaningful data.

There are several challenges with gaining accurate and meaningful data on remittances in Sub-Saharan Africa States and globally. These include limitations in the methodologies to calculate the size of remittance flows, lack of coordination or unwillingness to share data between entities, and challenges with measuring the size of informal flows. Without accurate data it is difficult to develop meaningful policies.
Remittances | Sub-Saharan Africa

Analysis of the ACP-EU Migration Action TA and NSA interventions

Significantly decrease the costs of transferring remittances, both from EU to ACP countries and between ACP countries.

Reinforce the capacity of the relevant authorities and improve knowledge of remittances, particularly in collection, processing and analysis of reliable data and on publicly available information on transfer costs.

Further mobilize investments of migrant savings to contribute to development and the creation of businesses in the countries of origin.

Promote financial literacy for migrants and the recipients of their transfers to enhance the management and development impact of remittances.

Improve the legislative and regulatory framework for sending and receiving countries, in particular, in order to promote competition in the financial markets.

Broaden the typology of formal channels to send and receive remittances, including postal networks and other relevant operators. The use of new technologies such as mobile phones should be further promoted.

Assess gaps and constraints of the current systems in order to ease transfers, including through facilitating for migrants the opening of bank accounts in both source and receiving countries (linked bank accounts).

Table 2: ACP-EU Dialogue Recommendations (summary)

In 2010, the African, Caribbean and Pacific (ACP) Group of States and the European Union (EU) launched the ACP-EU Dialogue on Migration and Development (M&D). Following endorsement from the ACP-EU Council of Ministers in January 2015, the ACP-EU Migration Action (the Action) was launched. Geared towards supporting activities that promote the 2012 and 2015 recommendations of the ACP-EU Dialogue on Migration and Development on visas, remittances, readmission, trafficking in human beings and smuggling of migrants. Concrete recommendations for remittances are shown in Table 2.

Whilst the global agenda was developing the ACP-EU Migration Action had already begun. The programme objectives were detailed in the previous section and they dovetail consistently with the 4a, SDG 10.c and GCM. There is a strong synergy between the Dialogue recommendations and the areas that are addressed by the 2030 Agenda and GCM. Table 3 illustrates this.
Of the 14 Actions in Sub-Saharan Africa, all but one of the projects were undertaken in the East & Horn (5 projects) or the West/Central region (8 projects).

Notably, the subject matters covered a broad number of topics and some of the projects covered more than one area. This makes categorisation difficult and so this summary is indicative. However, it is clear that the range of themes that were requested demonstrates the broad range of activities that are currently on the remittances agenda. The breakdown of the project types is shown in Table 4.

Within Africa, there was a broad list of themes that countries wished to explore. Interestingly, leveraging remittances for development rather than reducing prices were more popular on the continent. This reflects a rising focus on the relative importance of remittances to the economies of many African countries as reflected in the share...
of GDP that they account for. An example of this is Sierra Leone where significant sums were sent home by diasporas during the Ebola epidemic which encouraged the government to explore additional ways to access these flows. It is also a sign of greater understanding of the potential value of both remittances and the amount of savings that diaspora members have. The two most popular topics were increasing capacity for investment of remittance flows (Cabo Verde, Cameroon and Djibouti) and market reviews/legal framework recommendations (Sierra Leone, Somalia and Zimbabwe). Those requesting TA on the capacity for productive investment can be categorized as more developed in their approach to remittances whilst those requesting a market study are at an earlier stage of the remittances development cycle for an individual country.

Data (ECCAS and ECOWAS) and reducing the cost of remittances (Mali) were also popular and are two of the main issues impeding achievement of the global remittances targets. The need for better data has been widely requested as a sub-section of many of the Actions and is a key area to be tackled if policy makers and other stakeholders are to be able to substantiate the changes that they wish to make.

At a higher level the range of project requests, and in many cases, the number of overlapping themes that were included in a number of the Actions demonstrates that most countries have a significant number of needs rather than one specific area. A small number of markets requested for a general overview to help with understanding their particular environment and which policies would be the most effective. Others, such as Kenya, were very specific, which reflects their more advanced status in harnessing remittances.

<table>
<thead>
<tr>
<th>Type of request</th>
<th>Relevant beneficiary State/regional organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Productive use of remittances</td>
<td>4 Cabo Verde, Cameroon, Djibouti, IGAD</td>
</tr>
<tr>
<td>Market strategy and remittances policy</td>
<td>2 Sierra Leone, Somalia</td>
</tr>
<tr>
<td>Data collection</td>
<td>3 ECCAS, ECOWAS, Togo</td>
</tr>
<tr>
<td>Remittance cost reduction</td>
<td>1 Mali</td>
</tr>
<tr>
<td>Market review</td>
<td>2 Ghana, Zimbabwe</td>
</tr>
<tr>
<td>Formalization of informal remittances</td>
<td>1 Ethiopia</td>
</tr>
<tr>
<td>Development of digital remittances booklet</td>
<td>1 Kenya</td>
</tr>
</tbody>
</table>

Table 4: Breakdown of TA project types
### Table 5: Overview of TA interventions

<table>
<thead>
<tr>
<th>Requesting State/RO</th>
<th>Requesting Entity</th>
<th>Typology</th>
<th>Objectives</th>
</tr>
</thead>
</table>
| Cabo Verde          | Directorate-General for Communities of the Ministry of Foreign Affairs and Communities | • | • Conduct a study on the dynamics of remittances among Cabo Verde emigrants and their impact;  
• Create a systematized mechanism, improve access to data, and identify existing obstacles and ways of increasing remittances |
| Cameroon            | The Ministry of Employment and Vocational Training | • | • Conduct a study on the involvement of the diaspora in the development of Cameroon to determine ways to leverage remittances;  
• Formulate and implement a strategy for optimizing remittances. |
| Djibouti            | Policy analysis or revision and formulation of recommendations | • | • Develop recommendations to strengthen the mechanisms for money transfers in order to encourage productive investment by the Djiboutian diaspora. |
| ECCAS               | Department of Physical, Economic and Monetary Integration | • | • Reinforce the capacities of authorities in the area of collection of reliable data at the national and regional levels;  
• Identify ways to improve the legislative and regulatory framework of sending and receiving countries. |
| ECOWAS              | ECOWAS Commission | • | • Develop a set of tools and a methodology to collect data on regional remittances; |
| Ethiopia            | Ministry of Foreign Affairs | • | • Conduct a study to identify barriers adversely affecting the diaspora from using formal remittances transfer mechanisms;  
• Develop solutions to enhance formal remittances flows to the country to support sustainable economic development. |
<p>| Ghana               | Office of the President | • | • Review the regulatory and operational environments, and propose recommendations for improvement, especially at the regulatory level. |</p>
<table>
<thead>
<tr>
<th>Region</th>
<th>Government Agency</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>IGAD</td>
<td>Health and Social Development</td>
<td>• Assess capacities within the Member States to engage with their diasporas and to develop strategies to attract diaspora investment and other diaspora resources (e.g. investments, knowledge/skills transfer, philanthropic contributions).</td>
</tr>
<tr>
<td>Kenya</td>
<td>Ministry of Foreign Affairs</td>
<td>• Develop a digital booklet that will inform the diaspora on affordable remittance channels and investment opportunities; • Identify the major government and NSA stakeholders.</td>
</tr>
<tr>
<td>Mali</td>
<td>Ministry of Malians Overseas</td>
<td>• Evaluate the measures put in place since 2011 to reduce the cost of remittances.</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>Office of Diaspora Affairs</td>
<td>• Develop a road map for remittances and maximize the potential for leveraging remittances to support post-Ebola crisis recovery</td>
</tr>
<tr>
<td>Somalia</td>
<td>Central Bank of Somalia</td>
<td>• Support the development of mobile money regulations.</td>
</tr>
<tr>
<td>Togo</td>
<td>Ministry of Economy, Finance and Planning</td>
<td>• Develop a database to track and analyse remittances from the diaspora; • Organize a day of training on the use of the database</td>
</tr>
<tr>
<td>Zimbabwe</td>
<td>Ministry of Macroeconomic Planning and Investment Policy</td>
<td>• Develop recommendations for a remittances mobilization strategy to be implemented by the government, with the following objectives: (a) Increase the volume of remittances flowing through formal channels; (b) Lower remittance transfer costs; (c) Incentivize the productive use of remittances; (d) Identify specific opportunities for diaspora investment.</td>
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The following section highlights key actions and/or initiatives which have been suggested through the ACP-EU baseline assessments and technical assistances, the NSAs interventions, the ACP-EU Dialogue on Migration, the Peer-2-Peer Exchange meeting, the Seminar on remittances of the ACP-EU Dialogue on Migration and Development and the ACP-EU Dialogue on Migration and Development Regional Thematic Meeting, Sub-Saharan Africa and other initiatives such as those from the World Bank, IFAD, IOM and other stakeholders and key players. The analysis includes recommendations that could be taken to improve the remittances environment.

There are 9 key recommendations following analysis of the challenges faced in the Sub-Saharan Africa remittances market. These recommendations have previously been set out in the 2017 Remittances in ACP Countries: Key Challenges and Ways Forward report.

1. Create an enabling regulatory framework for cross-border payments;
2. Improve domestic payments infrastructures;
3. Improve data collection on remittances and payments systems;
4. Increase transparency;
5. Introduce incentives for lowering costs of remittances;
6. Improve irregular migrants’ access to formal remittances;
7. Use remittances as a tool for financial inclusion;
8. Encourage informal into formal and engage the informal sector;
9. Improve coordination among stakeholders.

In order to achieve the goals a roadmap has been developed which shows a prioritised route that could be followed. This is shown as Figure 1. It is important to understand that there is not one single solution to SSA remittance challenges. Indeed, there is a need for multiple actions, some of which, such as improving the domestic payments infrastructure, will take significant finance and time. Whilst some of the steps on the roadmap can be undertaken independently of other steps there are many that are interlinked. The further along the roadmap then there is more dependent on the earlier measures having been implemented. As an example, it will not be possible to move the informal transactions in to the formal arena until the previous 7 actions have been successfully undertaken.

The only items which covers all the areas is the final one on the roadmap (improve coordination among stakeholders). It cannot be over-emphasized how important it is for a co-ordinated approach to be taken to addressing the challenges of the remittances environment.
Recommendation 1: Create an enabling regulatory framework for cross-border payments

The Action’s TA interventions in Zimbabwe developing a remittance mobilization strategy for the government to be implemented and ECCAS identifying ways to improve regulatory frameworks in send and receive countries attempted to address this recommendation.

Adopt a proportional approach to regulating remittances, recognizing the relative risks involved.

Achieving a proportional licencing and regulatory framework is considered essential to increase competition, improve access to financial services, decrease informality and reduce the cost of sending remittances. However, it is also considered extremely challenging, both because of the conflicting objectives associated with it, and the fact it is often enforced by different public bodies.

Taking a proportionate approach to regulation means understanding the challenges involved with cross-border transfers while also recognizing the importance of facilitating productive remittance flows through formal channels. This proportionate approach applies for licencing entities, ongoing compliance, KYC/AML regulation and the regulatory framework surrounding new technologies. For example, one way to encourage competition in the remittance market is to reduce the barriers to entering the market as far as possible, and regulation can be a significant barrier because of the costs of compliance and prudential requirements. However, other public policy objectives such as preventing money laundering or terrorist financing require potentially burdensome regulation. Proportionality means that any such inconsistencies are recognized and assessed in the light of a country’s overall priorities.

Similarly, a proportional approach also means assessing individual transfers and the risks associated with them. Many remittance transactions are of low value and the
risks associated with them are therefore also considered to be low. Evaluating the number and value of transfers involved and making regulation accordingly “risk-based”, can be essential in allowing those who do not meet the ID requirements of the send country to send money below a certain amount through formal channels. Given the often-conflicting objectives associated with creating a proportionate framework, coordination of stakeholders is essential in ensuring an effective, risk-based and proportional approach.

**Act on exclusivity clauses**
This is a particular challenge in SSA given the limited options in terms of access points, which meant that exclusivity agreements resulted in a small number of agents controlling large networks and creating de facto local monopolies in several areas. This is a problem still faced by several Sub-Saharan African countries. Although actions such as those taken by Ethiopia and Nigeria, who have outlawed exclusivity agreements, have shown how this issue can be addressed.

**Introduce letters of no objection and other proportionate responses to new technology cross-border**
Given the recent entry of mobile money-to-mobile money cross-border transactions, regulators have been understandably keen to observe how the market operates before issuing new regulations for this new service type. However, mobile money can represent a cheaper, more accessible option to traditional cash-to-cash international remittance services. A useful short-term approach, which provides regulators with the time needed to observe market dynamics, is to issue providers with “letters of no objection”. This can be critical to ensuring that the regulatory framework developed for new market segments is proportionate and fit for purpose whilst also ensuring safeguards are in place to protect consumers.

Service providers are increasingly using regional hubs as a faster route to building out payment networks for facilitating transactions on behalf of consumers. Through a hub, providers can enter new markets, terminate to multiple channels (for example bank account, eWallet, card and cash) and increase touchpoints through one simple integration.

It may also be possible to link the relevant domestic retail payment systems of sending and receiving countries, particularly where the domestic payment systems in both countries are well developed and have good geographical coverage and where remittance volume between the countries is high.

**Recommendation 2: Improve domestic payments infrastructure.**

Crucial to addressing several of the challenges outlined, including cost and access to formal remittance services, is broadening the typology of formal channels that can be used to send and receive remittances, including postal networks and other relevant operators.

In this context, the use of new technologies such as mobile phones could be further promoted. However, there is now significant evidence, from CGAP, GSMA and other bodies, that for cross-border mobile services to be well used consumers must already be using mobile payments for their everyday domestic financial needs. Until significant domestic use of these services is achieved, customer acquisition costs will be high for service providers and a likely barrier to launching any new cross-border service.

Create an enabling regulatory framework for new technology at the domestic level
As with cross-border transfers, adopting a risk-based, proportional approach to new technology means assessing individual transfers and the risks associated with them, and establishing a
regulatory approach, particularly in the area of KYC, relative to those potential risks.

Support nationwide awareness/education campaigns
This will be required to ensure usage by receivers of remittances whose financial literacy levels may be limited. Furthermore, specific campaigns could be developed that target senders given their critical role as the initiator of the transaction. The sender will educate their beneficiary on the value of using certain providers or service types based on the education that they themselves have received.

Support for use-cases of MFI payments and government payments being paid out onto mobile phones
Leveraging government payments is a proven way of introducing financially excluded people to formal payments methods. If executed effectively, leveraging government payments for financial inclusion could also revolutionize the remittance market, by introducing low cost, instant and convenient termination points directly to the recipient’s phone.

Increase reliable telephone network coverage in isolated areas
Access to formal remittance services in both the send and receive markets is difficult in many countries and therefore increasing reliable access to mobile and internet is critical.

Support interoperability in the domestic payments systems where possible
Many mobile-based services operate on a closed loop basis whereby payments can only be made to another individual on the same network. Initiatives to achieve interoperability between different product providers should be considered to encourage growth across the entire market. In the case of Tanzania full platform level interoperability between mobile money providers has been achieved. It also has high agent level interoperability - with 52 per cent of the 166,000 mobile money agents serving multiple providers, compared to Kenya’s 4 per cent.

Support the introduction of digital acceptance terminals and access to bricks and mortar financial services, particularly in isolated areas.
In many countries, non-cash payment services may be available only in urban locations. Lack of financial infrastructure at the domestic level (such as ATMs or POSs), particularly in rural areas, severely limits the ability of the RSP to offer digital payments termination. This, in turn, means the benefits associated with digital payments cannot be offered. Support in this area could include tax incentives, subsidiaries and grants, and data collection to demonstrate business potential as well as assisting with agent and consumer education. In most cases, financial support to businesses would be helpful in introducing services in areas where the business case may not be particularly attractive.

Explore the use of postal networks in rural areas
Postal offices are well paced to deliver remittance services in rural locations due to their physical and logistical infrastructure. Leveraging these networks has the ability to increase the development impact of remittances.

Recommendation 3: Improve data collection on remittances and payments systems
Lesson learned from the Action’s work in Togo developing a database for remittance data and in the ECOWAS region developing a set of tools and methodology to collect data on regional remittances act as inputs for improvements in data collection.

Promote consistent methodologies across jurisdictions
Establishing consistent methodologies across ACP countries for national level remittance data is essential and the African Institute for Remittances could expand on its current role here. The importance of mandating banks, MTOs and MNOs to supply standardized data collection is also critical.
Create and promote opportunities to share data

- Promoting the sharing of data between different government departments. Different areas of government are not always aware of data that exists and this limits coordination, inclusiveness and proportionate approaches to remittance policy. One such example of data sharing could be where law enforcement departments require companies to provide details on every transaction for anti-money laundering purposes. This data could be shared with the development departments (on a consolidated basis) or ministry of foreign affairs of the country concerned. This latter department could use this information to help implement policies that would encourage more remittances.

- Allowing and promoting the exchange of macro-data with all stakeholders. It is important for stakeholders such as new technology providers to have accurate data at a national level to make investment and marketing decisions. Without accurate data, opportunities may be missed. Italy provides a good example of data that is collected at a national level.

On an international level, initiatives such as “Finclusion Lab” - which integrates and maps national and sub-national financial services access points for financial service providers, market developers and government agencies, could be promoted and developed further.

Create opportunities to share best practice in data collection, particularly methods to measure informal flows

Obtaining information on informal remittances is a significant challenge and that the main tool that could be used was household surveys in the country that the remittance was sent to. Previous World Bank surveys in Kenya, Uganda and Ethiopia are good examples of this practice. Knowledge and best practice sharing within this is essential, as challenges such as bias sampling techniques, resistance to answering direct questions, and issues such as gender-sensitively have all arisen during previous household surveys. Given these challenges, a suggestion is to follow FinScope’s approach, which used a combination of surveying techniques and other forms of data.

Map access points so that a comprehensive picture is obtained on where funds can be collected

To facilitate the improved access to formal services, particularly to those in rural and remote areas, a more detailed understanding of which geographic regions need targeting is required. Mapping current and potential access points and combining this with a nation-wide household survey focusing on remittance receivers would be one way to achieve this.

Utilize the power of social media

With the large amount of data now available through social media, mass information can be used at an aggregate level to predict behaviour, identify trends, and help law enforcement. However, there has been limited work in this space as far as remittances are concerned.

Recommendation 4: Increase transparency

The TA for Kenya addressed this aspect. In addition, the NSA projects that improved financial literacy are linked to this recommendation.

Communication/awareness generating tools, such as leaflets and community campaigns

The provision of community-focused communication tools has been effective in educating specific groups on services available to them for sending remittances cheaply and safely.

Introduce disclosure of fees and enhance regulatory framework for transparency

The Dodd-Frank legislation in the USA, the Payment Services Directive and Electronic Money Directive within the EEA all mandate that service providers must be transparent on the total costs of remittance services. The provision also requires that costs are clearly signposted at transaction
initiation points. 
Whilst such approaches seem relatively straightforward, many countries do not actively enforce this type of consumer protection legislation. There is a role for international organizations to build the capacity of regulators in this regard to ensure that service providers are mandated to be transparent about the costs of services, allowing consumers to make informed choices as to which service they choose.

Clear regulation on transparent fees should also be accompanied by effective customer complaints and recourse processes. These should be in place at both the service provider level and at a national level, meaning should a customer require it, there is a clear recourse process that allows them to hold their service provider to account, in the instance that their rights as a consumer have been breached in some way.

Support the development of price comparison websites and develop new methodologies and partnerships to collate real-time data in remittance corridors
Price comparison portals can also be an effective way, particularly where legislation is not in place to enforce disclosure of money transfer costs, to educate consumers as to the total cost of services they use to send money to friends and family. Such portals require extensive marketing and outreach budgets to ensure consumers are aware of their existence and actively use them. Given these cost considerations, such portals can also be used to disseminate other development-related content that aims to improve access and use of formal financial services more broadly amongst the target demographic group. Send Money Pacific offers a useful example of how such a site can be developed and managed, alongside what the impact can be on overall market pricing, when the consumer-base is informed on the range of services and their relative prices within a given market.

5 Recommendation 5: Introduce incentives for lowering costs of remittances
A useful example of a short-term solution for encouraging the use of formal remittances is the Pakistan Remittances Initiative (PRI). The initiative offers price incentives to consumers, through service providers. The initiative has been highly successful for the Pakistani market, however its effectiveness is in part driven by a broader strategy to formalize the remittance market to Pakistan, as well as to reduce costs and therefore should not be taken as a standalone policy.

It is emphasized that this approach is expensive and difficult to control. It requires a high-level of public sector resourcing.

6 Recommendation 6: Improve irregular migrants’ access to formal remittances
The TA for Ethiopia helped to address this challenge, as did the financial literacy programmes for NSAs.

Improve irregular migrants’ access to formal remittances by addressing the issue of identification
The acceptance of identification which is not linked to the immigration status of a potential remittance customer would have the largest impact on enabling those who are forced to use informal remittances to be able to use formal services. Whilst the proposal appears simple it is acknowledged that achieving bi-lateral agreements with host countries on this matter can be extremely challenging. The only example where an innovative solution has been found to this situation is the Matricula Consular, introduced by the Mexican government, and permitted by the USA to act as a form as identification for accessing financial services.
Promote formal routes of migration
In the long term, increasing and promoting formal routes of migration, including creating bi-lateral agreements with governments and awareness among migrants, will be essential to supporting the flow of formal remittances. Actions to consider on this topic include:
• Generating awareness and information provision for migrants prior to their departure concerning their options for transferring money home;
• Instructions on opening a bank account; and
• Awareness the dangers of irregular migration and trafficking.

The Philippines government has undertaken a few initiatives in this area which could be relevant to supplement the progress that governments in the ACP have already taken. It will also be important for select receive countries to work with select send countries to create possible amnesties for irregular migrants so that they may be able to regulate their status.

Recommendation 7: Use remittances as a tool for financial inclusion

Cape, Verde, Cameroon and Djibouti were three of the TA Actions that looked at this topic.

Leverage remittances for financial inclusion
Given the low average remittance values that are sent and the low levels of financial inclusion, a significant focus on leveraging remittances as a tool for financial inclusion for low-income recipients is required. This is particularly important as in some instances collecting remittances may be one of the only forms of access a remittance recipient has for formal financial services. This creates a significant opportunity for financial education, as well as the potential to introduce remittance-backed and remittance-linked products.

The importance of financial education and awareness of available products is a key theme and should go beyond products available to include budget and savings tools, with an emphasis placed on the potential of mobilizing informal savings that already exist. One way to do this is to use the remittance payout locations as “education centres” for financial services. The example of the EBRD’s work in Tajikistan is perhaps the most relevant and demonstrates the potential for remittance recipients to save.

Recommendation 8: Encourage informal into formal and engage the informal sector

The Action’s TA intervention in Ethiopia explored the barriers affecting the use of formal remittance mechanisms and should be used to inform other interventions.

Strengthen and clarify rules in legal and judicial frameworks and consider regulatory approaches to bring informal operators into the formal sector Introducing proportionate changes to the regulatory environment that encourage unregulated businesses to become registered through changes to laws and publishing guidelines are important.

Outreach to diaspora countries is an important activity
Diplomatic missions to the diaspora in the relevant countries is an important activity in moving flows form informal to formal sector. Specific recommendations included providing information with passports in order to educate migrants on the dangers of sending money informally.

Recommendation 9: Improve coordination among stakeholders

Raise awareness of the added value of migrants’ activities in terms of investment
It is essential to underline the importance of using concrete and measurable examples to demonstrate what works and the importance to long term sustainable development. Data collection is seen as essential to this. Creating a database of best practices and experiences would add value to all stakeholders.
**Enhance collaboration and build connections**

Suggestions as to how to improve collaboration include:

- Promote knowledge-sharing through events and forums
- Create focal points in key national ministries and agencies which focus on remittances and diaspora investment. There are good examples in other parts of the world, notably Pakistan, the Philippines and others where the creation of specific departments that focus on remittances delivered more permanent and lasting results. Encouragingly, it is understood that some SSA countries are about to create similar positions and ministries.

There are 9 recommendations listed here, with many sub-recommendations and/or actions. This demonstrates that addressing remittance challenges is complex, involves a multi-layered approach and needs to be undertaken by many stakeholders in a co-ordinated manner.

Many of these recommendations address multiple barriers, and global examples have shown them to be effective in facilitating the flow of remittances, facilitating financial inclusion, and, in turn aiding the productive potential of remittances.

**Key conclusions**

Remittance environment improvements will take multiple actions in multiple countries by multiple stakeholders. The complexity of the situation should not be underestimated, even given that the transaction itself is relatively simple. There is no one single activity that will address all of the challenges.

It is vital that large scale, scalable and replicable solutions are developed that facilitate the participation of multiple global players. Digitization will make it easier for cheaper solutions to be developed and used. Long-term solutions need to be specifically designed to support.

Confusion between remittance transactions as opposed to development/investment opportunities needs to be addressed so that they are two distinct areas requiring two different approaches. Innovation in financial instruments that are capable of transforming the non-consumption portion of remittances into investments is required. As well as the creation of frameworks to facilitate diaspora investment.

There needs to be coordination between multiple major stakeholders to achieve the required gains in the execution of improvements to the remittance environment. This task is crucial to ensure that actions are assigned to the to the relevant stakeholder, collaboration and sharing of best practice is kept as a priority. This will ensure that goals are achieved in an efficient way, policy coherence is developed, gaps are highlighted and addressed, and lessons learned are shared.

If all of these actions can be undertaken the global goals can be met in the next decade. To do so will require continued commitment and focus.
This programme is funded by the EU
An analysis of the trends, challenges and opportunities in the Caribbean region, based on the work of the ACP-EU Migration Action.
Overview of Trafficking in Human Beings and Smuggling of Migrants in the Caribbean region

Trafficking in human beings (THB) and smuggling of migrants (SoM) are occurring on a global scale and this is no less true for the Caribbean region. Both phenomena are increasingly apparent on the political agenda of these countries with positive results, but challenges remain.

THB and SoM have distinct definitions. Consent on the part of the smuggled person is central to migrant smuggling which involves illegal entry or stay in another country upon payment or other material benefit to the smuggler. However migrants may feel they have little choice but to seek assistance from smugglers in view of tightening border controls and restricted options for legal migration and against the backdrop of growing inequalities, environmental crises, armed conflict, political instability, persecution and search for a better life. Trafficking on the other hand is committed for the purpose of exploiting the trafficked person, involving the deception or coercion of the victim. Importantly it does not require the crossing of an international frontier and is increasingly seen to affect nationals within a country. The distinctions between the two phenomena can become blurred, where migrants start their journey believing to be smuggled but find themselves misled, intimidated and forced into situations of exploitation, occurring at different stages of the migration process.

Globally 225,000 victims of trafficking have been detected up to 2016, which represents a small proportion of the estimated 40.3 million people in modern forms of slavery worldwide. 1

THB is known as one of the third highest grossing international crimes worldwide (after illegal drugs and arms trafficking) with an estimated revenue of 32 billion US dollars annually. With respect to smuggling of migrants, there was an estimated 2.5 million migrants smuggled in 2016, generating a minimum annual income for smugglers of between US$ 5.5 – 7 billion.2

Although data collection is lacking for both phenomena in the region, there is considerably more information available about trafficking in human beings than smuggling of migrants.3 In the Caribbean region, the majority of identified victims have been trafficked for sexual exploitation which affects mainly women and girls. In Central America and the Caribbean, most of the detected victims in 2016 were girls. Together with women, they brought the share of females among detected trafficking victims to 80 per cent in this sub-region. 4 Cases of labour exploitation identified have involved men, women and children in agricultural work, retail, restaurants, forced begging, fishing, street vending and for some forms of illegal adoption. 5 It is noteworthy that although affecting primarily women and girls, a number of trafficking cases in the Caribbean have involved a large number of men in labour exploitation including in Jamaica, Trinidad and Tobago, and Saint Lucia.6

“In the Caribbean region, the majority of identified victims have been trafficked for sexual exploitation which affects mainly women and girls.”

1. See UNODC Global report on Trafficking, 2018 and Global Estimates of modern slavery, forced labour and forced marriage, ILO, Geneva, 2017 2. UNODC Global report on smuggling, 2018. 3. The first global report on smuggling by the UN was only published last year in 2018 – whereas the UNODC global report on trafficking is in its 10th year. Country profiles under the US TIP reports, which provide a baseline for trafficking information in many countries, were first published in 2004 whereas there is no equivalent mechanism for smuggling. 4. UNODC Global report on Trafficking, 2018. 5. ibid and see US TIP report country profiles for Caribbean countries, 2018. 6. Jamaican law enforcement guide, IOM, 2018 (ref).
Trafficking in human beings is not always transnational and the most recent global report trafficking indicates that the majority of trafficking cases are internal and do not involve the crossing of any borders.\(^7\) This appears to be particularly relevant in the Caribbean region where cases of domestic servitude of local children are reported as dominant forms in some islands (including Haiti, Jamaica) and cases involving the sexual exploitation of children and adolescents sometimes involving family members, in situations referred to as ‘transactional sex’ are also seen to be widespread across the Caribbean.\(^8\)

Caribbean countries are both countries of origin, transit and destination for trafficking victims. Cases are reported of Caribbean nationals exploited for sexual and labour exploitation in other Caribbean countries and in South America, United States of America, Canada and the United Kingdom. At the same time the exploitation of foreign nationals in the Caribbean, alongside other Caribbean nationals has been seen to involve nationals of Venezuela, Colombia, China, Syria, India, Bangladesh and Nepal, amongst others. On some islands child sex tourism is also seen to be problematic and part of the trafficking problem (for example the Dominican Republic, Jamaica, Grenada, and Saint Lucia).\(^9\)

Those vulnerable to trafficking are seen to be primarily young women and children from poor households, child victims of sexual abuse, LGBTI community, migrant workers, particularly with irregular migration status, and workers in the informal sector particularly on family farms, markets and in shops. The ‘invisibility’ of some Asian ethnic communities in the Caribbean is seen to contribute to the risk of trafficking and can make detection of cases difficult.

The Caribbean has also become a major transit point for irregular migration flows from other parts of the world, notably South America, Asia and Africa.\(^10\) is believed to occur on a large scale, possibly exceeding the level of regular migration.\(^10\)

“The Caribbean has also become a major transit point for irregular migration from other parts of the world, notably South America, Asia and Africa.”

Some irregular migration likely involves the use of smugglers and Caribbean countries are possibly increasingly faced with the smuggling of migrants. The most recent global report indicates that 14,000-18,000 migrants from the Caribbean were smuggled into Mexico in 2014 and 2015 and, from there, were smuggled or attempted to be smuggled to the United States of America. The revenues from this activity could range between US$ 100 million to 120 million per year.\(^11\) Reports through the Action’s TA activities also indicated that some migrants from Asia and Africa used the Caribbean as transit point before furthering their assisted migration to North America via Central American countries.\(^12\) Asylum seekers to the region, in the absence of legal means of access, may also rely on smugglers in gaining entry, including Venezuelan nationals in recent times.\(^13\)

Global reports indicate that most smuggled migrants are young men, but women and children are also smuggled with an increasing number of unaccompanied minors affected. The organisation of smuggling is seen to range from the involvement of individuals to loose networks and organised crime.\(^14\) The methods for transportation can be diverse, including boats and planes, and in many occasions, people are smuggled into transit countries, and remain there until they can earn the money necessary to travel to their destination country. Additionally, smugglers regularly change routes and, therefore, are difficult to monitor. Within the sub-region of the Commonwealth Caribbean, the only countries which have been identified as destination countries for smuggled migrants are the Bahamas, Barbados, Jamaica, Saint Lucia, and Trinidad and Tobago.\(^15\)

\(^7\) UNODC Global report on Trafficking, 2018. The report finds that while transnational trafficking networks are still prevalent and have to be tackled through international cooperation, national justice measures, strategies and priorities have to take on board the increasingly national nature of the trafficking problem. \(^8\) UNICEF report on violence against children in the Caribbean (ref) and see US TIP 2018 country profiles for SVG, St Lucia and TA assistance in Grenada. \(^9\) See US TIP country profiles for 2018 \(^10\) Migration in the Caribbean: Current Trends, Opportunities and Challenges, IOM, 2017. \(^11\) UNODC Global report on smuggling, 2018 \(^12\) TA to Trinidad and Tobago \(^13\) Ibid. \(^14\) UNODC Global Report on Smuggling, 2018 \(^15\) IOM Caribbean Migration Governance Report, 2018.
Challenges in tackling Trafficking in Human Beings and Smuggling of Migrants

Most of the countries in the region have ratified the UN Protocols on THB and SoM but gaps remain in the texts of national laws to ensure full compliance with international standards. For example, child trafficking is not adequately defined in some laws, and coercion, deceit or abuse of vulnerability in the trafficking of a child are elements which should be reflected in the law and in alignment with the international standards. Penalties in some cases are also inadequate allowing for the payment of a fine in lieu of imprisonment. Provisions on protection for victims of trafficking, including during criminal proceedings, are also lacking. In particular, there is a need to ensure the provision of unconditional assistance to victims, opportunities to regularise stay, access remedies such as compensation alongside the protection of identity and privacy. There is also a need for witness protection measures and victim-friendly procedures in courts, including the possibility of providing testimony via video link.

Specific smuggling laws have only been adopted in three countries in the region with the offence of smuggling only partially being covered by existing immigration laws. At the same time, protection provisions for migrants in vulnerable situations are generally lacking, in most cases irregular migration being a criminal offence and smuggled migrants subject to prosecution and detention in conflict with international standards.

Many countries in the region have created inter-agency bodies to address trafficking, adopted national action plans or strategies and some have established specialized law enforcement units to investigate the crime. However, resources are frequently lacking to ensure implementation of plans and inter-agency cooperation and information-sharing remain challenging. No country in the region has yet adopted specialised task forces or units to tackle smuggling and only Antigua has conducted two investigations into smuggling.

“Many countries in the region have created inter-agency bodies to address trafficking, adopted national action plans or strategies and some have established specialized law enforcement units.”

Prosecutions for trafficking crimes are few in the region, with some countries having neither investigated nor prosecuted a single case of trafficking. Many countries cite a lack of victim cooperation during the investigation and prosecution as a contributing factor to low levels of indictment, in particular where victims in irregular status may fear adverse immigration consequences or the loss of livelihood if they report. Authorities from various countries of the region request the need for more training for both frontline law enforcement officers in the identification of trafficking cases and victims, alongside the development of standard guidelines and Standard Operating Procedures (SOPs) to
assist in identification, something which the TA to the region had started to address. Training for judicial officers both in building trafficking cases and sensitization to avoid secondary traumatisation of victims remains a significant challenge.

“Prosecutions for trafficking crimes are few in the region, with some countries having neither investigated nor prosecuted a single case of trafficking.”

In terms of victim assistance, most countries in the region provide for some forms of assistance under their law which includes at a minimum shelter, healthcare, psycho-social assistance and interpretation. Only Jamaica has a dedicated shelter for victims of trafficking whilst other countries in the region can generally provide shelter through other means if only on an ad-hoc basis. Only Grenada does not provide for shelter under its law but victims may remain under a Protection Order of a magistrate for a specified period of time, although without freedom of movement. Interpretation for foreign national victims, including during criminal proceedings, remains challenging for many countries and few make provision for temporary residence permits for victims, which often remains at the discretion of the immigration authorities of the country.

Finally, systematized, reliable and comparable data on THB and SoM for the region is scarce. Only a few countries are producing regular annual counter-trafficking reports. At a regional level, data on migration is often presented in conjunction with data from Central America. During the P2P meeting organized by the ACP-EU Migration Action (March 2017), the lack of reliable, region-specific data was identified as an important barrier to effective, evidence-based policy making.

Acknowledging the aforementioned challenges, the European Union has identified THB and SoM as one of the priorities for future cooperation with the region. Also CARICOM’s ‘Strategic Plan for the Caribbean Community 2015-2019’ includes the strategic objective “...to disrupt, dismantle and defeat transnational organised crime”, which can be reached through efforts to strengthen investigation and deepen crime prevention efforts. Protection and assistance measures for victims of human trafficking are equally in line with the vision and mission of CARICOM, where everyone can reach their own potential with guaranteed human rights and social justice.

16. There is less adherence to other key human rights instruments, including the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families which only Jamaica has ratified. On asylum: Grenada, Barbados and St Lucia have not adopted the 1951 Refugee Convention and there is a general need in the region to develop mechanisms on refugee status determination. 17. See Jamaica, Grenada, St Lucia (US TIP country profiles 2018 and TA to Grenada). 18. Only Antigua and Barbuda, Dominica and St Kitts and Nevis have adopted specific laws on smuggling of migrants - see IOM Caribbean Migration Governance Report, 2018. 19. Article 5 of the SOM Protocol affirms that migrants are not criminally liable. It provides that: migrants shall not become liable to criminal prosecution under this Protocol for the fact of having been the object of conduct set forth in article 6 of this Protocol. The aim of the Protocol is to target the criminal act of smuggling of migrants and not the illegal entry or illegal residence of the migrant; it is not designed to criminalise illegal migration. 20. For example, specialized anti-trafficking bodies or law enforcement units have been created in the Bahamas, Dominican Republic, Jamaica, Trinidad and Tobago, Saint Lucia and Saint Vincent and the Grenadines amongst others. See Caribbean Migration Governance report, IOM, 2018 for a complete listing of agencies and trafficking commissions in Commonwealth Caribbean countries. 21. See IOM Migration Governance Report, 2018. 22. Only the Bahamas and Jamaica have secured a conviction for trafficking. Grenada and Dominica have never identified or investigated a case. See IOM Caribbean Migration Governance Report, 2018. 23. Assistance in developing SOPs and guidelines on victim identification were provided under the TA to Saint Lucia, Saint Vincent and the Grenadines, and Grenada. Note that Jamaica has developed SOPs on victim identification and referral for health providers, labour officials, law enforcement and immigration. See report of the Regional meeting on THB and SoM, Guyana, March 2019. 24. See Palermo Protocol on THB, articles 6-8 on assistance measures to victims of trafficking.
Synergies with regional and global Migration and Development Agenda

Strengthening THB and SoM laws and supporting their effective implementation

Ensuring victim identification and protection as well as a victim-centred, human rights-based, gender-sensitive approach

Raising awareness of THB and SoM among all key stakeholders

Promoting cross-border/international cooperation among countries of origin, transit, and destinations

Improving data collection cooperation to support evidenced-based policy

Dismantling criminal networks through financial tracking and tackling corruption among public officials as well as prosecuting traffickers and smugglers to prevent impunity

Table 1: ACP-EU Dialogue Recommendations (summary)

Increasing concern with the widespread abuses accompanying international migration led to the adoption by the General Assembly in November 2000 of the UN Convention against Transnational Organized Crime and its accompanying Protocols on SoM and THB. The Protocols aim not only to criminalise the commission of THB and SoM, but also incorporate important provisions on the protection of victims and vulnerable smuggled migrants, the non-criminalization of victims and smuggled migrants alongside measures to prevent and cooperate on action to tackle trafficking and smuggling.

In 2010, the African, Caribbean and Pacific (ACP) Group of States and the European Union (EU) launched the ACP-EU Dialogue on Migration and Development. Following endorsement from the ACP-EU Council of Ministers in January 2015, the ACP-EU Migration Action (the Action) was launched. The Action was geared towards supporting activities that promote the 2012 and 2015 recommendations of the ACP-EU Dialogue on Migration and Development. The recommendations for THB and SoM, in line with the objectives of the Protocols, are shown in Table 1.
Sustainable Development Goals

In September 2015, recognising that migration is a defining feature of the 21st century and contributing to economic and social development everywhere, governments integrated migration as a core development consideration in the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals (SDGs). Migrant men, women and children are seen as both agents of development but also as vulnerable groups in need of protection. THB and/or SoM are referenced directly in the targets of SDGs 5, 8 and 16, set out below:

The central reference to migration is made in target 10.7 to ‘reduce inequality in and among countries – to facilitate orderly, safe, regular and responsible migration and mobility of people.’ THB and SoM involve irregular movements that heighten the risks of exploitation. Countering the phenomena are thus critical to achieving the target.

There are also specific targets relevant to countering trafficking including:

**Target 5.2**: eliminating all forms of violence against all women and girls in the public and private spheres including trafficking and sexual and other types of exploitation.

**Target 8.7**: take immediate and effective measures to eradicate forced labour, end modern slavery and THB and secure the prohibition and elimination of the worst forms of child labour.

**Target 16.2**: ending abuse, exploitation, trafficking and all forms of violence against and torture of children.

**Target 16.4** calls for combating all forms of organized crime, including those linked to THB as well as SoM.

Global Compact for Migration

In September 2016, for the first time, Heads of State and Government came together to discuss issues related to migration and refugees at the UN General Assembly. This sent a clear message of the weight and importance now being attached to migration and refugees on the global political and developmental agenda.

The adoption of the “New York Declaration for Refugees and Migrants” by 193 UN member states following the assembly also signalled a move towards greater global cooperation on the topic. It launched a process of intergovernmental consultations which led to the adoption of a Global Compact for Safe, Orderly and Regular Migration (GCM) in 2018. The GCM has a firm rooting in the 2030 Agenda and aims to foster international cooperation on migration. It sets out guiding principles and specific objectives of relevance to SoM and THB, in particular through objectives 9 and 10, including gender-responsive approaches that move away from addressing migrant women through the lens of victimhood; as well as child-sensitive and whole-of-government approaches. In many respects the Dialogue recommendations are congruous with the objectives of the GCM. There are also topic areas under the GCM which are new to the Dialogue. These include:
Data collection. In addition to GCM Objective 1 to collect and utilize accurate and disaggregated data as a basis for evidence-based policies, objectives 9 and 10 encourage mechanisms for sharing information. These are consistent with the Dialogue recommendation E and reflected by a number of the Action Programme’s Technical Assistance interventions.

Identity documents and access to basic services. Objective 6(h) calls for action to prohibit the confiscation of identity documents from migrants, which can increase vulnerability to THB, while Objective 14(f) notes the importance of identity documents in facilitating access to basic services - a challenge for victims of THB. These issues were not addressed by the Dialogue recommendations but were found to be particularly important in the Haiti TA where limited access to identity documents exacerbated vulnerabilities to trafficking. Moreover, access to basic services was a point of contention in the Trinidad and Tobago TA and other ACP States have demonstrated a reluctance to extend basic services to potential trafficking victims or migrants in vulnerable situations who were in situations of irregular migration.

Provision of information at all stages of migration. GCM Objective 3 calls for more information to be made available on migration in a general sense, while objectives 9(f) and 10(j) focus on SoM and THB-specific awareness raising. Providing information to migrants in general is not included in the Dialogue recommendations, although the related THB and SoM aspects are congruent with recommendation C.

Adverse drivers of migration. GCM Objective 2 requires addressing the factors that drive migration. These are not addressed in the Dialogue recommendations but are reflected in the UN Convention against Transnational Organized Crime’s Protocols on SoM and THB as an aspect of prevention. In this context, reference is made to environmental disasters, which was particularly relevant to the Action programme’s TA interventions in the Caribbean region, where child trafficking increased following the 2010 Haitian earthquake, with the hurricane season also driving displacement and vulnerability to unsafe forms of migration.

Legal pathways, labour mobility and decent work. GCM Objective 5 calls for enhanced regular migration options, which is a key aspect of preventing THB and SoM. The Dialogue recommendations refer to preventive activities with reference to addressing the demand side of THB and SoM. They do not, however, reference legal migration pathways or decent work for migrant workers.

Vulnerabilities, identification, protection and assistance. GCM Objective 7 addresses migration vulnerabilities, including those of smuggled migrants and THB victims. This resonates with Dialogue recommendation B and the Action programme’s emphasis on promoting victim-centred and human rights-based approaches. The GCM also contains actions relating to supporting THB victims, removing fear of detention and deportation, and ensuring non-criminalization and non-conditional assistance (Objective 10(e)). These issues are not directly addressed in the Dialogue recommendations, beyond the general aim to protect victims (recommendation B). Criminalization of irregular migrants and trafficking victims was an issue identified in TA interventions in Trinidad and Tobago and the Dominican Republic. In addition, GCM Objective 12’s commitments on procedures for screening, assessment and referral
go further than the Dialogue recommendations, particularly with regard to extending protection to migrants in vulnerable situations and emphasizing standardized screening and referral - generally lacking in most ACP countries assisted by the Action programme.

Transnational responses. Cross-border cooperation on THB and SoM are promoted in GCM objectives 9 and 10, with reference to cooperation on different preventive aspects, prosecution, and protection, including in relation to financial transactions, law enforcement and applying distinct responses to the two phenomena. These provisions are congruent with the Dialogue recommendations, particularly recommendations D and F. In many ACP countries assisted by the Action programme, there was insufficient distinction between the two phenomena. Finally, Objective 14 contains actions to strengthen consular capacities to identify, protect and assist trafficked and smuggled persons – an important protection aspect in transnational THB cases and not directly referenced in the Dialogue recommendations.

EU policy developments

The EU has adopted both law and comprehensive action plans to tackle THB and SoM. It outlined a set of additional priorities to address THB worldwide in the European Commission’s Communication to the European Parliament and the Council (2017): Reporting on the follow-up to the EU Strategy towards the Eradication of trafficking in human beings and identifying further concrete actions. The Communication emphasized the EU’s commitment to a gender-specific and child-sensitive approach to trafficking which focuses on prevention. The Communication’s priorities include: disrupting the THB business model, improving victims access to rights, and ensuring EU internal and external actions provide a coordinated and consistent response.

ACP-EU Migration Action interventions

As discussed in the previous section, there is much synergy between the Dialogue recommendations and the areas that are addressed by the 2030 Agenda and GCM. Table 3 illustrates this.

In total 23 TA interventions were undertaken on the themes of THB and SoM in the ACP regions, of which 7 were completed in the Caribbean. The details of the latter are included below in Table 2.
Strengthen the Office of the Specialized Prosecutor’s capacities to investigate, prosecute and manage counter-trafficking cases, while promoting victim protection.

Table 2: Overview of TA interventions

<table>
<thead>
<tr>
<th>Requesting State/RO</th>
<th>Requesting Entity</th>
<th>Typology</th>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dominican Republic</td>
<td>Specialized Prosecutor on human trafficking and smuggling of migrants</td>
<td></td>
<td>Strengthen the Office of the Specialized Prosecutor’s capacities to investigate, prosecute and manage counter-trafficking cases, while promoting victim protection.</td>
</tr>
<tr>
<td>Grenada</td>
<td>Royal Grenada Police Force</td>
<td></td>
<td>• Provide training to combat THB; • Increase the level of awareness about THB; • Develop the capacities of the police and other stakeholders; • Improve the national trafficking response, especially for victims of THB; • Set-up a counter-trafficking unit and develop guidance protocols for collaboration and cooperation.</td>
</tr>
<tr>
<td>Haiti</td>
<td>Ministry of Labour and Social Affairs</td>
<td></td>
<td>• Conduct research to assess the situation of trafficking in Haiti; • Develop a National Strategy and Action Plan (2017-2022), which will include a detailed plan for the coordination of activities and responsibilities of all key stakeholders; • Organize the first high-level national conference on THB in Haiti.</td>
</tr>
<tr>
<td>Saint Kitts and Nevis</td>
<td>Ministry of Foreign Affairs</td>
<td></td>
<td>• Train law enforcement officials on counter-trafficking measures based on good practice, targeting police, immigration, customs officials, and State prosecutors to advance preventative and investigative efforts; • Craft public awareness programmes to sensitize the population on THB; • Develop a database to improve management of THB cases.</td>
</tr>
<tr>
<td>Country</td>
<td>Ministry or Agency</td>
<td>Activities</td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
</tbody>
</table>
| Saint Lucia      | Ministry of Home Affairs and National Security          | • Deliver trainings to police and immigration officers and State prosecutors on counter-trafficking measures;  
|                  |                                                          | • Design a manual on good counter-trafficking practices;  
|                  |                                                          | • Develop a victim support mechanism database to improve the information management process of victims of THB;  
|                  |                                                          | • Craft a public awareness campaign on counter-trafficking to sensitize the population on THB.                                                  |
| Saint Vincent    | Anti-Trafficking in Persons Unit, Police Force          | • Train immigration officers, members of the Police Force, members of Her Majesty's Prison, and members of the Customs and Exercise Department on good practices in combating THB and identifying victims;  
| and the Grenadines|                                                          | • Assist in formulating a Memorandum of Understanding and Plan of Action among stakeholders on trafficking response;  
|                  |                                                          | • Design a research tool (survey) to gather information on the extent of THB;                                                                 |
| Trinidad and     | Ministry of National Security                           | • Assess the SoM situation in Trinidad and Tobago;  
| Tobago           |                                                          | • Train officials on SoM;  
|                  |                                                          | • Develop recommendations for a national policy on SoM after consulting national stakeholders.                                                  |
Table 3: Linkages between ACP-EU Dialogue recommendations, SDGs and GCM objectives

<table>
<thead>
<tr>
<th>ACP-EU Dialogue recommendation</th>
<th>SDG</th>
<th>GCM Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong> Strengthening THB and SoM laws and supporting their effective implementation.</td>
<td></td>
<td>(7b),(9),(10)</td>
</tr>
<tr>
<td><strong>B</strong> Ensuring victim identification and protection as well as a victim-centred, human rights-based, gender-sensitive approach.</td>
<td></td>
<td>(7b,c),(10c,e,h,) (12b,c)</td>
</tr>
<tr>
<td><strong>C</strong> Raising awareness of THB and SoM among all key stakeholders.</td>
<td></td>
<td>(3e),(9f),(10j)</td>
</tr>
<tr>
<td><strong>D</strong> Promoting cross-border/international cooperation among countries of origin, transit, and destinations.</td>
<td></td>
<td>(7e,j),(9b,c),(10c), (11a)</td>
</tr>
<tr>
<td><strong>E</strong> Improving data collection cooperation to support evidenced-based policy.</td>
<td></td>
<td>(1),(9b),(10d)</td>
</tr>
<tr>
<td><strong>F</strong> Dismantling criminal networks through financial tracking and tackling corruption among public officials as well as prosecuting traffickers and smugglers to prevent impunity</td>
<td></td>
<td>(3),(5)</td>
</tr>
</tbody>
</table>
Within the Caribbean, IOM and other international organizations, as well as civil society, have been present for some time, with funding available for trafficking-related interventions. The requested TA in this region reflected in some respects the relative sophistication in some of the countries in terms of the mechanisms, laws and policies in place to tackle THB and SoM. The activities most in demand included training of actors on detecting the crimes of THB and SoM and identifying victims of trafficking or smuggling of migrants, support in the creation of new responses to trafficking or updated strategies alongside the development of awareness-raising strategies for stakeholders and the public.

In Trinidad and Tobago, with an advanced structure already in place to tackle trafficking, the TA focused on updating the policy with respect to SoM as a means of providing the foundations for adopting a law on SoM. Trinidad and Tobago was the only country in the region to focus on addressing SoM exclusively, reflecting the fact that the mechanisms and responses in place to tackle trafficking in human beings were functioning well.

In Haiti, again a country which had already received significant support to tackle trafficking since early 2000, the TA originally related to seeking funding for a national conference to consolidate the role of the National Anti-Trafficking Committee which had been established a number of years previously under the Haitian Trafficking law. This request was then enlarged to encompass a research study of current forms of trafficking and a mapping of responses, with data gathered across all regions of the island. Drawing on findings from the study, the TA culminated in the revision of the national action plan on trafficking, which provided the country with a comprehensive framework to support its fundraising amongst technical and financial partners to implement future anti-trafficking action. In the Dominican Republic, a country which has made significant advances and invested resources in its anti-trafficking institutional responses (long-supported by IOM), the TA targeted specialized assistance to improve the investigative efforts of the Specialized Prosecutor’s office on trafficking and its management of case data.

On the other hand, the TA interventions in Grenada, Saint Lucia, Saint Vincent and the Grenadines and Saint Kitts and Nevis, involved more generalized packages of assistance to tackle THB, touching on many of the thematic areas described above. These included generalised awareness raising of key stakeholders and guidance for awareness campaigns, training of stakeholders on both investigation of the crime and identification of victims of trafficking, guidance on policy development, including on cooperative mechanisms between actors and national referral mechanisms, and recommendations for future data collection and management. These interventions were indicative of the significant range of needs of these countries, rather than...
one specific area, in the more initial stages of establishing anti-trafficking responses.

Few interventions targeted legislative review, in most cases countries having adopted trafficking laws at least five years previously, although few countries have SoM laws in place. Neither was TA sought in relation to improving cross border cooperation between countries of origin, transit or destination, although efforts were made in the provision of training to bring experts from the region to share their experience (Grenada and Saint Kitts and Nevis with the sharing of experience from Trinidad and Tobago and the Bahamas). Tackling corruption or conducting financial investigations into THB and SoM, of a more specialised nature, was not covered in any particular detail by any of the interventions, as this was not specifically requested by Caribbean countries.

**Information on Stakeholders**

The main requesting entities for TA interventions were National Ministries responsible for security and policing, (3 out of 7 requests) and the specialised anti-trafficking committees or specialised units in the country (also 3 out of 7 requests). In many cases, IOM built on existing cooperation on anti-trafficking activity, making the entities aware of the possibility of receiving TA under the Action programme. The security mandate of many of the requesting entities impacted on the nature of the TA requested, with a focus on the investigation of crime and securitization of borders. There was less demand for guidance on the prevention or protection aspects of anti-trafficking or anti-smuggling action, which might have been the focus had more social, gender or labour mandated agencies requested assistance. As such, references to victim protection were made in only two TA requests, being from the Dominican Republic (requested by the Special Prosecutor on Trafficking) and Grenada (requested by the Royal Grenada Police Force).

“The security mandate of many of the requesting entities impacted on the nature of the TA requested, with a focus on the investigation of crime and securitization of borders.”

While numerous TA activities requested by security-focused Ministries also addressed issues of protection and assistance, these interventions tended towards building skills in detecting and investigating crime primarily, with the protection needs and rights of victims of trafficking or migrants in vulnerable situations as a secondary aspect of that process.

**Other government stakeholders**

In all TA interventions, government departments other than the requesting entity were consulted, reflecting the importance of multi-disciplinary cooperation in tackling THB and SOM. Some requesting States have inter-ministerial committees in place to counter the phenomena, which bring together a range of ministries, such as those responsible for justice, social affairs, labour, gender, child protection, internal security, and foreign affairs. In some cases, requesting entities felt the Action programme’s assistance added value by making ministries more aware of their responsibilities in relation to counter-THB and counter-SoM responses.

**International and regional organizations**

Other international organizations, particularly the United Nations High Commissioner for Refugees was consulted during the course of the TA interventions, as it intervenes on aspects of
mixed migration which also relates to THB and SoM. The UN Office for Drugs and Crime and the International Labour Organisation, consulted elsewhere in the ACP region, were not present in the Caribbean countries assisted.

In addition, regional organizations play a role in ACP regions in fostering transnational cooperation on THB and SoM. As such, the Action programme sought to assist regional organizations, both through TA and engagement in peer-to-peer exchange. In particular the programme engaged with the Caribbean Community (CARICOM) both during the Caribbean Regional Thematic Meeting on THB/SoM and drew on the expertise of the Implementing Agency for Crime and Security (CARICOM IMPACS) in its trainings of stakeholders where possible (for example in Trinidad and Tobago). It also reached out to the Organisation of American States (OAS) in its data collection in Haiti and ensured that synergies with regional strategies on THB and SoM of both these organisations were reflected in data collection and policy advice. The programme also engaged the Caribbean Migration Consultations (CMC), an emerging regional consultative forum, as the RTM in Guyana integrated a discussion of the outcomes generated by the CMC’s counter-trafficking network and a discussion in relation to the mobility aspects of the Venezuelan crisis into the Caribbean Regional Thematic Meeting on THB/SoM.

“The programme also engaged the Caribbean Migration Consultations (CMC), an emerging regional consultative forum, in its peer-to-peer exchange activities.”

Non-State Actors

Civil society involvement is critical to holding governments to account on THB and SoM action, advocating for change and as direct service providers to victims of trafficking or migrants in vulnerable situations. Civil society organizations, ranging from human rights NGOs to faith-based organizations, may provide direct assistance such as sheltering, counselling and legal assistance, as well as spear-heading awareness-raising campaigns.

The Action sought to involve NSAs in TA interventions and peer-to-peer exchange, in addition to funding civil society organizations directly. In TA interventions, efforts were required to ensure that requesting entities allowed the involvement of civil society organizations, such as participating in training activities and contributing to policy development. In the Caribbean region, there were fewer specialised organizations directly involved in service provision to trafficking victims or migrants in vulnerable situations, or advocacy on trafficking or migrants’ rights issues (with the exception of Haiti and Trinidad and Tobago). Instead, organizations consulted included those intervening on issues relevant to child protection, gender-based violence, sexual exploitation, the LGBTI community and migrants in detention.

As detailed in Table 4 below, the Action directly supported civil society organizations through small-scale grants. These focused on the preventive and protection elements of THB and SoM, complementing the TA to governments which often focused more on investigation and prosecution. Notably, the programme’s support to Save the Children in the Dominican Republic engaged private sector actors, by sensitizing enterprises and bringing them on board in the fight against THB in border communities where Haitian migrants are vulnerable to exploitation in plantations. These activities were complemented by awareness-raising initiatives of the NSA Panos Caribbean in the border areas of Haiti with the Dominican Republic including with customary justice actors.
### Table 4: Overview of NSA projects funded by the ACP-EU Migration Action

<table>
<thead>
<tr>
<th>NSA</th>
<th>Countries</th>
<th>Objectives</th>
</tr>
</thead>
</table>
| **Save the Children** | Dominican Republic         | - Improve prevention of THB and SoM with a specific attention to women, children and youth through awareness raising and the creation of community protection services at local level;  
                         |                            | - Reinforce protection through referral systems by building their capacity.                                                              |
| **PANOS**         | Haiti, Dominican Republic,  | - Raise awareness among the population of Haiti’s border areas and Haitian communities in the Dominican Republic and in the Bahamas on THB and SoM;  
                         | Bahamas                    | - Strengthen the capacity of the authorities in the protection chain to intensify counter-THB and counter-SoM efforts.                      |
The following section highlights key actions and/or initiatives which have been suggested through the ACP-EU Baseline Assessments and TAs, the Peer-2-Peer Exchange meeting on THB and SoM, the technical Seminar on THB and SoM of the ACP-EU Dialogue on Migration and Development, the ACP-EU Migration Action’s thematic publication entitled ‘Trafficking in Human Beings and Smuggling of Migrants in ACP Countries: Key Challenges and Ways Forward’ (2018) and most recently the ACP-EU Dialogue on Migration and Development Regional Thematic Meeting in the Caribbean region, and other initiatives. The analysis includes recommendations that could be taken to improve responses to counter THB and SoM.

Legal and policy framework

Caribbean States are at different stages of development in terms of adopting national laws in line with international standards on trafficking and smuggling. Laws could be strengthened by focusing on certain key provisions including with respect to trafficking:

- Inclusion of multiple forms of exploitation that constitute THB, including for instance domestic servitude;
- Ensuring non-criminalisation and non-punishment of victims for both immigration; offences and other offences, such as prostitution where this is a result of trafficking;
- Focusing on victim protection before, during and after criminal proceedings.

With respect to smuggling:

- Ensuring the definition of the crime includes the financial element to avoid criminalising the humanitarian facilitation of movement;
- Focusing on organised networks of smugglers rather than individuals;
- Ensuring the inclusion of protective measures for migrants in vulnerable situations.

To improve future efforts, it is also recommended to:

- Separately legislate on THB and SoM in line with Protocol definitions;
- Decriminalise migrants for resorting to smugglers in accordance with article 5 Smuggling Protocol;
- Focus on prosecuting the act of smuggling and not smuggled migrants.

Strategies and Action Plans are at various stages of development in the Caribbean region, with some countries assisted having developed them but not yet implementing them in practice. Problems also exist with overlapping mandates of different institutional structures and the absence of monitoring and evaluation.

It is recommended to develop:

- National strategies and Action Plans that clearly designate roles and responsibilities, time-frames, budgets, and indicators for monitoring and evaluation;
- SOPs to support referrals, assistance and protection consistent with trafficking victims/smuggled migrants’ rights under the Protocols.

The importance of ensuring adequate regulatory regimes on a multiplicity of topics relevant to trafficking and smuggling including on migration, child protection, gender-based violence, asylum, labour protection, anti-corruption, corporate responsibility, has also been highlighted. In
particular, it recommended that:

- THB and SoM issues be mainstreamed across numerous law and policy fields as listed above;
- Key human rights instruments including the CRC and Protocols, UN Migrant Workers Convention, ILO Domestic Workers Convention, and ILO Migrant Workers Conventions be adopted;
- Increased emphasis should be placed on implementing gender-based violence law and policy;
- Child protection should be at the heart of tackling child trafficking.

Implementation of law and policy

Implementation of law and policy is hindered by a low level of legal awareness of relevant laws and policies by criminal justice actors in certain Caribbean States. This was sometimes due to the poor dissemination of laws, lack of translation of laws, contradictions between laws, the generation of too much new law, amongst other matters.

It is therefore recommended to:

- Create handy topic guides for use by frontline law enforcement on new laws;
- Integrate SoM and THB in regular training curriculum for all key agencies;
- Ensure that training and awareness-raising have a wide geographic reach and include local and regional authorities/actors

Investigations, prosecutions and convictions are few for numerous reasons including difficulties encountered with gathering evidence, failure to share information between law enforcement agencies, little use of proactive investigations or weak skills in intelligence-led policing generally, difficulties in building a case, few legal precedents to follow, and the absence of
specialised investigative units amongst others. It is recommended to:

- Create specialised investigation units or designate specialised THB or SoM law enforcement agents in existing agencies;
- Develop modern case management systems;
- Provide specialised trainings for judges, prosecutors and investigators focused on challenges in litigating trafficking and smuggling cases;
- Increase efforts to track financial flows from THB, SoM;
- Increase resources for interpretation services for interviewing witnesses and victims.

Governance issues that present challenges include a lack of political will to prioritise tackling trafficking and smuggling, resource constraints, weak underlying structures including criminal justice, social welfare and civil registration systems, corruption, and the existence of parallel systems of customary justice (which often perpetuate discrimination against women).

It is recommended that:

- Interventions should contribute to strengthening underlying governance systems while at the same time building specialised capacities;
- Civil registration processes and issuance of identity documentation should be supported;
- Informal and customary justice actors on THB and SoM be sensitized.

Effective border management and tracking illicit financial flows

Border management can present difficulties where restrictive border control measures can contribute to the demand for smugglers and clandestine movement and where authorities can breach human rights by detaining trafficking victims/asylum seekers and migrants in vulnerable situations or summarily repatriating or deporting them. At the same time effective management of borders can inhibit migrant smuggling and trafficking by deterring criminals and identifying victims. Borders in Caribbean States are typically porous, including significant numbers of islands and large territorial waters which are difficult to police. Further corrupt border and immigration officials are often complicit in the evasion of border controls and the issue of fraudulent documents.

Recommendations include:

- Border officials should be trained to tackle transnational organised crime and identify and refer victims of trafficking and smuggled migrants in need of assistance;
- Border information management systems should be strengthened to collect relevant data on arrivals/departures and risk profiles;
- Cross-border investigations should be supported;
- Corruption in border, customs and immigration departments must be tackled.

Tracking illicit financial flows can impede the work of smugglers and traffickers by reducing their profits. The confiscation of assets of traffickers and smugglers is seen to be more effective in dismantling crime than imprisonment alone.

Recommendations include:

- Increasingly use the tracking of financial flows to tackle trafficking and smuggling;
- Enact law allowing for the confiscation of proceeds of crime connected with smuggling and trafficking and direct the use of confiscated proceeds for the benefit of the victim, including the creation of funds for victim assistance.
National and cross-border cooperation and coordination

National cooperation on anti-trafficking often takes the form of (i) inter-agency coordinating bodies, responsible for law and policy development and information exchange and (ii) operational coordination bodies, involving frontline actors who identify and assist trafficking victims, often termed referral mechanisms. Although many Caribbean States have established the first kind of inter-agency coordination body many still face challenges in commitment, mandate, cooperation, sharing of information, understanding of respective roles and responsibilities and the inclusion of civil society organisations. Fewer countries have established referral mechanisms for the identification and protection of victims. At the same time support is needed for entities working at the local level in particular to ensure the assistance to victims outside urban areas.

Recommendations include:
• Establish inter-agency bodies to develop law and policy on trafficking and smuggling which include the participation of NGOs and local actors;
• Develop MOUs and SOPs, including with NGOs, to foster inter-agency cooperation in the identification and referral of victims of trafficking;
• Allocate resources to local actors from institutional budgets and provide financial support to civil society to support their work in providing assistance and protection to victims of trafficking and smuggled migrants;
• Increase the capacity of decentralised government agencies, such as those responsible for child protection, to work on trafficking and smuggling issues in local areas;
• Establish counter-trafficking committees at the local level and ensure coordination with national entities.

Cross border cooperation is important both for information sharing and the investigation of cross-border crime alongside ensuring safe return and reintegration of victims of trafficking.

Regional platforms for information sharing and cooperation may be preferred over international ones as there is a greater sense of ownership of regional processes. A number of such platforms exist including CARICOM, OECS and the CMC.

Recommendations include:
• Developing regional and sub regional treaties on THB and SoM;
• Using existing regional platforms to share information and contacts on THB and SoM;
• Establishing regional mechanisms for judicial cooperation.

Victim protection and assistance

Victims unconditional rights to assistance and protection are at the centre of international law on trafficking and smuggling and play an important role in determining whether victims or migrants in vulnerable situations will be willing to cooperate in criminal proceedings. Many Caribbean States lack adequate assistance and service provision for victims or migrants, including shelter, and few have functioning formal referral mechanisms in place. Sometimes the assistance available excludes adult victims or foreign victims, or discriminates against some kinds of victims such as pregnant victims or men.
Sometimes the assistance provision limits the victim’s freedom of movement infringing other rights and leading to the refusal of assistance. Other entitlements under the Protocols and international law include rights to a reflection period and temporary stays in appropriate cases, to legal representation, to compensation, to non-refoulement and to the non-imposition of criminal liability for crimes committed as a result of trafficking or in the case of smuggling, for having illegally entered the country, to freedom from arbitrary detention and deportation. Many of these rights and entitlements are still lacking in Caribbean States.

Recommendations include:
• Ensuring that trafficked persons and smuggled migrants are protected from harm, threats or intimidation by traffickers and smugglers and that their privacy and identity is protected;
• Providing victims of trafficking with accommodation, protection, psycho-social, and medical assistance and provide smuggled migrants, who are victims of crime or with special needs, due to age, gender or disability with assistance based on their needs;
• Providing information and legal assistance to enable trafficked persons to access remedies, including compensation;
• Establishing a compensation fund for victims of trafficking and using confiscated assets to finance such a fund;
• Providing for temporary stays for trafficking victims and smuggled migrants, at a minimum for the duration of legal proceedings in which they are involved;
• Ensuring that victims of trafficking and smuggled migrants are not detained or summarily deported or returned;
• Ensuring that legislation allows for special court procedures to prevent secondary traumatization of victims such as video conferencing for the provision of victim testimony and other appropriate measures.

Women and children represent the majority of identified victims of trafficking globally and in the Caribbean. It is therefore imperative that gender, age and other characteristics of vulnerability must be taken into account in addressing the needs of victims.

Recommendations include:
• Ensuring that all agencies apply the best interests of the child standard when working with child victims;
• Ensuring the non-discriminatory provision of services to nationals and non-nationals, adults and children, women and men;
• Adopting legislation that prohibits child and early marriage and gender-based violence.

Cultural and social norms may perpetuate gender and other inequalities in some Caribbean States or may lead to hidden populations that are exploited out of sight of the majority. The placing of children with extended family or third parties in the hope of a better life (restavek in Haiti), early marriage of children, sexual exploitation of children or exploitation of Syrian, Chinese or Indian migrant workers (in Trinidad and Tobago, Grenada) are such examples. Local leaders have an important role to play in preventing the discrimination inherent in some traditional practices and in ensuring access to justice for victims who access informal justice mechanisms.

Recommendations include:
• Working with village level and customary leaders to raise awareness on the links between traditional practices and trafficking, exploitation and gender discrimination and involving them in the design and implementation of strategies to prevent trafficking;
• Using cultural mediators to build trust with victims of trafficking, including amongst minority ethnic communities, to ensure the provision of protection and assistance and foster possible cooperation with law enforcement.
Prevention and awareness raising

Public awareness-raising about the phenomena of trafficking and smuggling constitutes a common component of prevention activities in counter-trafficking and counter-smuggling action. Sensitization campaigns can also address underlying attitudes and social norms that may perpetuate and underpin vulnerability to trafficking and smuggling. Some Caribbean States have undertaken awareness-raising measures but gaps remain.

Recommendations include:
- Developing awareness campaigns to improve identification of victims by providing information on hotlines, where to report a suspected crime and where a victim can seek assistance;
- Developing campaigns to prevent trafficking that address underlying attitudes and social norms that perpetuate vulnerabilities to trafficking, including the sexual exploitation of children;
- Involving the community in designing awareness raising campaigns to ensure appropriate messaging and dissemination and producing materials in the language of the target audience;
- Providing accurate information on opportunities in destination countries and legal channels of migration;
- Ensuring the monitoring and evaluation of results of awareness campaigns to improve the effectiveness of campaigns.

Alternatives to unsafe migration require that States increase opportunities for regular migration including for employment, education, family reunification, and humanitarian admissions alongside investing in sustainable work opportunities at home. Providing safe return and reintegration assistance for smuggled migrants and trafficking victims can prevent the need for future unsafe migration.

Recommendations include:
- Supporting programmes to improve children’s access to education and increasing the level of school attendance;
- Supporting the safe return and reintegration of smuggled migrants and victims of trafficking through programmes such as IOM’s AVR(R) programme.

Addressing demand as a means of preventing trafficking or smuggling of migrants, requires action to confront the industries and consumers that create the demand for cheap labour and cheap goods, with particular attention to global supply chains, and the demand for sexual services or domestic work.

Recommendations include:
- Adopting labour migration agreements which include provision for model contracts based on international labour standards;
- Strengthening labour inspections and ensuring enforcement of labour protections including for domestic workers;
- Holding companies accountable for the actions of employees that engage in trafficking or exploitation and adopting codes of conduct to prevent employees’ involvement in trafficking or exploitation;
- Developing sensitization campaigns for consumers and private sector employers to encourage behaviour that inhibits the demand for cheap labour and goods.
Data collection management and sharing

Data collection and information sharing on trafficking and migrant smuggling is essential for the development of evidenced-based policies. All Caribbean States suffer from a scarcity of data on trafficking and smuggling. Sometimes different agencies in a single State collect data without using common definitions or criteria making the data incompatible and unreliable. Ensuring the confidentiality of data, in particular with regards victims, is also essential.

Recommendations include:
• Harmonising the collection of data on SoM and THB using common definitions and criteria and by adopting inter-agency protocols;
• Protecting the confidentiality of data;
• Disaggregating data by age, gender, nationality, and other characteristics;
• Providing training to key stakeholders on data collection, analysis and management;
• Integrating and mainstreaming SoM and THB issues into ongoing data collection efforts and surveys;
• Including civil society groups working with trafficking victims and smuggled migrants in information sharing and collection.
REGIONAL THEMATIC REPORT

VISAS AND COOPERATION ON MOBILITY | PACIFIC

An analysis of the trends, challenges and opportunities in the Pacific region, based on the work of the ACP-EU Migration Action.
Analysis of the ACP-EU Migration Actions’ Technical Assistance Interventions on Visas in the Pacific

For the majority of State based Technical Assistance interventions of the ACP-EU Migration Action in the Pacific, the requesting entity was the national Immigration Service. Due to the diverse ways in which bureaucratic structures have evolved over time, the Immigration Services in requesting States may be embedded within different Ministries as reflected in Table 1.

The primary objective of the State based interventions was to conduct a broad review of the visa system. The reasons why such reviews were considered necessary may vary slightly from State to State but the broad underlying drivers are fairly consistent. Reviews are necessary primarily in order to modernise the visa system and ensure that the legislation and procedures:

- deliver the optimal outcomes for Government;
- deliver optimal outcomes for applicants/migrants;
- are attuned to the demands of people movement in the 21st century;
- are adapted to both current technological realities and future technological prospects;
- build on international best practice, including in promoting and benefiting from the nexus between migration and development.

“The primary objective of all the State based interventions was to conduct a broad review of the visa system.”

Requesting States also identified specific matters that they wanted addressed (see Table 1).

While there is legitimate debate about how the term “visa” should best be defined, for the purposes of this analysis we will adopt a simple and inclusive construct: a visa is an authority for a non-citizen to travel to, enter or remain in a State for a specific purpose. It may be granted prior to travel, at the border or while the applicant is residing in the destination country. In order to be granted that authority, the visa applicant needs to meet certain criteria which are relevant to the particular purpose of entry or stay. Visas may be granted for many different purposes including:

- tourism and social visits;
- short term business, attending conferences or meetings;
- employment;
- investment;
- study;
- family reunion;
- retirement;
- special purposes such as sporting events, cultural exchange, academic research, religious purposes etc.;
- humanitarian reasons.

Reform of visa policies generally involves legislative changes although the extent of the changes required varies. Normally the higher-level powers relating to visas and to the grant of entry are set out in primary legislation (the Migration Act or Immigration Act) while the detail of the visa criteria is set out in subsidiary legislation (usually Regulations).

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1. This terminology refers to an intervention requested by a State as opposed to an intervention requested by a Regional Organization.
2. A visa system includes the enabling legislation, the policy guidelines, the resources, and the administrative practices and structures which enable the system to function.
Requesting State/RO | Requesting Entity | Typology | Time-frame | Objectives
--- | --- | --- | --- | ---
Vanuatu | Department of Immigration and Passport Services, Ministry of Internal Affairs | | May ’16 Aug ’16 | Develop recommendations for a new visa policy and processes in support of the national development strategy.

Marshall Islands | Division of Immigration, Ministry of Justice Immigration and Labour | | Sep ’17 Dec ’17 | Develop recommendations for a visa policy, including standard operating procedures (SOPs), a migration data management system, and a compliance framework; Develop recommendations on improving implementation of the EU and the Marshall Islands Short Stay Visa Waiver Agreement.

Tuvalu | Immigration Division, Office of the Prime Minister | | May ’18 Aug ’18 | Revise the visa policy and legislation; Develop recommendations to better align visa policy to investment activity; Develop recommendations to accommodate visa agreements with EU and Taiwan Province of the People’s Republic of China.

Tonga | Division of Immigration, Ministry of Foreign Affairs | | Nov ’18 Mar ’19 | Revise the immigration laws of the Kingdom of Tonga, including the Immigration Regulations; Develop recommendations for a new visa policy and visa processes.

Melanesian Spearhead Group | Office of the Director General, MSG Secretariat | | Jan ’17 May ’17 | Develop recommendations for the amendment of domestic immigration, employment and other relevant legislation, to allow progressive implementation of the skilled mobility scheme in MSG countries.

Table 1: Overview of TA interventions

<table>
<thead>
<tr>
<th>Requesting State/RO</th>
<th>Requesting Entity</th>
<th>Typology</th>
<th>Time-frame</th>
<th>Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vanuatu</td>
<td>Department of Immigration and Passport Services, Ministry of Internal Affairs</td>
<td></td>
<td>May ’16 Aug ’16</td>
<td>Develop recommendations for a new visa policy and processes in support of the national development strategy.</td>
</tr>
<tr>
<td>Marshall Islands</td>
<td>Division of Immigration, Ministry of Justice Immigration and Labour</td>
<td></td>
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<td>Develop recommendations for a visa policy, including standard operating procedures (SOPs), a migration data management system, and a compliance framework; Develop recommendations on improving implementation of the EU and the Marshall Islands Short Stay Visa Waiver Agreement.</td>
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</tr>
<tr>
<td>Tonga</td>
<td>Division of Immigration, Ministry of Foreign Affairs</td>
<td></td>
<td>Nov ’18 Mar ’19</td>
<td>Revise the immigration laws of the Kingdom of Tonga, including the Immigration Regulations; Develop recommendations for a new visa policy and visa processes.</td>
</tr>
<tr>
<td>Melanesian Spearhead Group</td>
<td>Office of the Director General, MSG Secretariat</td>
<td></td>
<td>Jan ’17 May ’17</td>
<td>Develop recommendations for the amendment of domestic immigration, employment and other relevant legislation, to allow progressive implementation of the skilled mobility scheme in MSG countries.</td>
</tr>
</tbody>
</table>
The Action’s visa related interventions in the Pacific (as in other regions) are shaped at the highest level by the principles and decisions of the post-Cotonou process and in particular by the ACP-EU Dialogue on Migration and Development, Recommendations on Visas (see further information below). In the lead up to a TA intervention, the following sequence occurs:

- a State or Regional Organization makes a request to the ACP Secretariat;
- the request is considered and endorsed;
- a Baseline Assessment (BA) is conducted to establish benchmarks for the intervention;
- a Technical Assistance (TA) intervention is scheduled (which involves ACP-EU Action staff, a Technical Expert/consultant and officials appointed from the requesting-entity).

While there are minor variations in the sequence and timing of TA interventions, they usually follow the following broad steps:

- Phase 1 – research and preparation
- Phase 2 – initial consultations, environmental analysis, and gap analysis
- Phase 3 – development of policy options and solutions
- Phase 4 – consultation on proposed policy options and solutions
- Phase 5 – development and clearance of final report to requesting Government.

The primary output of the intervention – the final report to Government - will contain (among other things) a set of recommendations for policy/legislative reform and advice on implementation tasks and factors.

Differently from the TAs requested by single countries, the intervention requested by the Melanesian Spearhead Group involved consultation with multiple Members States and a final report to the Regional Organization (the MSG Secretariat).

Factors driving reform

Generally, states are motivated to request interventions in this sector because they perceive that their existing visa systems:

- do not adequately equip their immigration services to deal comprehensively and effectively with the evolving challenges of addressing people movement in the modern world; and/or
- do not fully deliver on expected policy outcomes; and/or
- do not harness the full development potential which best practice immigration services can deliver.

It is common that States amend their legislation and change their practices over time but usually these changes are ad hoc in nature and are made in order to address specific needs, challenges or environmental changes. These ad hoc changes eventually become part of the problem because they contribute to a degree of policy and legislative incoherence – for example, analysis has found that in some jurisdictions, criteria for a visa may be scattered between the primary legislation (the Act), subsidiary legislation (Regulations) and in some cases is found in policy and procedural documents which have no status in law.
Occasionally elements of legislation or policy relating to a particular visa may be contradictory or may be in conflict with other related legislation.

The visa system reviews which have occurred under the Action’s TA interventions, by contrast, are more comprehensive – they look at the entire visa system and start with an investigation of a Government’s primary policy positions – for example:

- how does the Government want to manage short term entry for tourism?
- what are the Government’s objectives in relation to management of foreign investment?
- what policies should apply to the importation of skilled or unskilled labour?
- is there a need for permanent residence arrangements?

This comprehensive approach ensures that issues of policy incoherence are identified and addressed. Once such a review has been conducted and its findings implemented, the State should be well placed to manage visa related challenges for some time although further changes and enhancements will always be necessary in the future. A visa system will always be subject to change and should be designed accordingly. There is a range of factors which impel change to policy and legislation including:

- changes in the volume and character of migration flows;
- changes in Government policy and priorities;
- changes in risk profile;
- environmental changes;
- shifts in bilateral, regional and multilateral relationships;
- humanitarian pressures and issues.

In order to properly address the range of issues which are involved in a visa system review, the process necessarily commences with a comprehensive consultation process. Visa systems do not operate in isolation – the way that visas are managed affects many aspects of the economy, the labour market, the country’s international relations and the broader well-being of the community.

“The way that visas are managed affects many aspects of the economy, the labour market, the country’s international relations and the broader well-being of the community.”

Consultation processes relating to the interventions listed in Table 1 have included:

- relevant Government agencies including those associated with foreign affairs, foreign investment, the labour market, education services, policing, customs, fisheries, transportation, port authorities, airport authorities, social and women affairs, statistics, health;
- relevant Non-State Actors – including business groups, chambers of commerce, airlines and shipping, community organisations and NGOs;
- international and regional organisations including but not limited to IOM, PIDC, MSG, UNHCR, UNODC;
- representatives of States who are engaged in aspects of immigration capacity building in the Pacific including Australia, New Zealand, and the United States of America.

Each of the four state-based interventions resulted in a set of recommendations to Governments. Comparative analysis of the four sets of recommendations (as contained in Table 2) shows that, although there are many variations in the detail, there is a high degree of commonality in the nature of the recommendations.
At a high level, the recommended changes can be summarised in terms of the following visa system design principles:

- Rationalisation and simplification of legislative structure to enable adaptability and transparency;
- Clear and logical visa architecture including consideration of relationships between various visa categories and change of status rules;
- Development of visa criteria that are logical, suit current capacities and deliver the required policy outcomes;
- Clear documentation of policies and procedures;
- Future proofing elements to provide for future enhancements;
- Making information available to the public via website and other means.

Table 2 demonstrates that visa system reforms can conform to common principles while accommodating the needs and nuances of particular States. For example, Vanuatu has a larger number of visa categories reflecting the fact that it has categories such as a Retiree visa, a Leasehold Owner visa, two different types of Investor visa, more elaborated arrangements for permanent visa holders and a category for persons of Ni Vanuatu descent. Tuvalu by contrast has only nine Visa Classes reflecting the relatively very low number of non-citizen arrivals and the desire for a simpler structure appropriate to Tuvalu’s needs.
Regional labour mobility arrangements

The **TA intervention requested by the Melanesian Spearhead Group** has different internal dynamics to the State based interventions documented in Table 2 as it involves (among other things) canvassing the views and interests of the member states and seeking their support for implementation of skilled labour mobility arrangements within the group. The objective of the intervention was to support the MSG Secretariat and MSG member states (Vanuatu, Papua New Guinea, Solomon Islands and Fiji) to progressively adopt measures (through amendments to legislation and procedures) to implement the skilled labour mobility scheme.

The MSG labour mobility concept was initially framed in terms of a Memorandum of Understanding (MOU) on the Skilled Movement Scheme (SMS) signed in 2012. This MOU has been superseded by provisions of Chapter 7 of the third iteration of the Melanesian Free Trade Agreement (MFTA) which was agreed in principle by Ministers in May 2016. Chapter 7 of the MFTA will give the scheme a stronger legal basis than the 2012 MOU.

Under the recommended approach member countries would exempt member state nationals moving for skilled employment purposes from the need to acquire a visa, pay visa fees and obtain a Work Permit. The arrangements would only apply to designated skilled occupations where there were identified labour market needs. Applicants would make a generic application online. Requirements would include labour market testing in some countries and evidence of parity of qualifications.

In the framework of this TA intervention, discussions with national authorities from various agencies on implementation of the Chapter 7 provisions revealed ambivalent views about making the changes required for the scheme to function effectively. The TA intervention shed light on these issues of concern and highlighted the protections implicit in the arrangements. The findings and recommendations of the intervention should therefore contribute to building momentum on implementation. It is noted that MSG countries have already put in place concessional arrangements for the movement of nationals of member states for short term entry (i.e. non-employment) purposes.
<table>
<thead>
<tr>
<th></th>
<th>Vanuatu</th>
<th>Marshall Islands</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legislative design</strong></td>
<td>High level powers set out in the Act</td>
<td>High level powers set out in the Act</td>
</tr>
<tr>
<td></td>
<td>Visa criteria consolidated in regulations</td>
<td>Visa criteria consolidated in regulations</td>
</tr>
<tr>
<td><strong>Exemptions</strong></td>
<td>Some categories of exempt person moved into visa system</td>
<td></td>
</tr>
<tr>
<td><strong>Visa structure</strong></td>
<td>Visa structure consisting of 22 visa classes</td>
<td>Visa structure consisting of 16 visa classes</td>
</tr>
<tr>
<td><strong>Government/aid workers</strong></td>
<td>New visa class created for government employees/aid workers/volunteers</td>
<td>Existing arrangements remain</td>
</tr>
<tr>
<td><strong>Short-term entry</strong></td>
<td>Current selective VOA system remains in place but review eligibility</td>
<td>Current selective VOA system remains in place</td>
</tr>
<tr>
<td>(tourism, business)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Yachts</strong></td>
<td>Visa extended to three months</td>
<td>Eligible for extended stay visitor visa</td>
</tr>
<tr>
<td><strong>Investor visas</strong></td>
<td>Two types of investor visas – a pathway approach for start-up businesses to allow for monitoring of outcomes</td>
<td>Two stage investor visa process</td>
</tr>
<tr>
<td></td>
<td>Potential access to permanent residence</td>
<td></td>
</tr>
<tr>
<td><strong>Employment visas</strong></td>
<td>Short term employment visa created</td>
<td>Short term employment visa created</td>
</tr>
<tr>
<td></td>
<td>Strengthened sponsorship requirements</td>
<td>Strengthened sponsorship requirements</td>
</tr>
</tbody>
</table>
## Table 2: Comparison of findings from Visa system reviews

<table>
<thead>
<tr>
<th>Tuvalu</th>
<th>Tonga</th>
</tr>
</thead>
<tbody>
<tr>
<td>High level powers set out in the Act</td>
<td>High level powers set out in the Act</td>
</tr>
<tr>
<td>Visa criteria consolidated in regulations</td>
<td>Visa criteria consolidated in regulations</td>
</tr>
<tr>
<td>Some categories of exempt person moved into visa system</td>
<td>Some categories of exempt person moved into visa system</td>
</tr>
<tr>
<td>Visa structure consisting of 9 visa classes</td>
<td>Visa structure consisting of 19 visa types within 4 visa classes</td>
</tr>
<tr>
<td>New visa class created for government employees/aid workers/volunteers</td>
<td>Existing arrangements remain</td>
</tr>
<tr>
<td>Current universal VOA system to remain in place pending future E-visa options</td>
<td>Criteria clarified. Current system remains in place pending future E-visa options</td>
</tr>
<tr>
<td>Existing visitor policy applies</td>
<td>Existing visitor policy applies</td>
</tr>
<tr>
<td>Two stage investor visa process</td>
<td>Pathway to permanent visa. Provisions of existing Foreign Investment Act remain in place</td>
</tr>
<tr>
<td>Revisions to work visa arrangements including strengthened sponsorship</td>
<td>Strengthened sponsorship requirements. Clearer definition of obligations Introduce accredited employer provision</td>
</tr>
<tr>
<td>Family reunion</td>
<td>Vanuatu</td>
</tr>
<tr>
<td>-------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td></td>
<td>Two visa classes created</td>
</tr>
<tr>
<td>Permanent residence</td>
<td>Three visa classes</td>
</tr>
<tr>
<td>Visa extensions/ change of status</td>
<td>Allowed in defined circumstances</td>
</tr>
</tbody>
</table>
| Fees              | Review and rationalise fee structure  
Reduce change of status fees |                                         |
| Humanitarian issues | A visa class created which provides a capacity to provide temporary visas to asylum seekers and victims of trafficking | Creation of trafficked person visa and protection visa |
| Technology        | Development of website recommended.  
Future proofing considerations built into revised law and policy | Development of website recommended.  
Future proofing considerations built into revised law and policy |
<table>
<thead>
<tr>
<th>Tuvalu</th>
<th>Tonga</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visa criteria revised</td>
<td>Exploring options for such a class for spouses of citizens</td>
</tr>
<tr>
<td>N/A</td>
<td>New permanent resident class introduced</td>
</tr>
<tr>
<td>Allowed in defined circumstances</td>
<td>Allowed in defined circumstances</td>
</tr>
<tr>
<td>Abolish VOA fees</td>
<td>No change at present</td>
</tr>
<tr>
<td>A special circumstance visa enabling</td>
<td>Considering creation of specific visa class</td>
</tr>
<tr>
<td>Government to visa people in humanitarian situations</td>
<td></td>
</tr>
<tr>
<td>Development of website recommended.</td>
<td>Development of website recommended.</td>
</tr>
<tr>
<td>Future proofing considerations built into</td>
<td>Future proofing considerations built into</td>
</tr>
<tr>
<td>revised law and policy</td>
<td>revised law and policy</td>
</tr>
</tbody>
</table>
States requesting TA interventions are parties to the Cotonou Agreement and subsequent processes which have defined the conceptual framework for EU aid and capacity building programmes across a range of public policy areas. Most relevant to ACP-EU Migration Action is the Dialogue on Migration and Development and the recommendations which have emanated from that dialogue.3 The dialogue recommendations on visas are summarised above:

Dialogue Recommendation A may be taken as providing a broad mandate to support states in improving their visa related legislation and practices with an overarching focus on the nexus with development. This recommendation underpins all the TA interventions which have occurred in the Pacific. In each case, the interventions have resulted in identification of options to improve visa related legislation and practices.

Dialogue Recommendation B contains some more specific elements of visa systems including the issue of visa fees and the issue of alerts. The intervention in Tuvalu involved significant debate around the issue of visa fees and in particular the advantages and disadvantages of imposing fees in a visa on arrival (VOA) context. The report recommends dropping fees for all VOA applicants for two main reasons:

- The most important factor is the issue of comparative advantage. Tuvalu is trying to attract additional tourism revenue. Its competitor countries such as Fiji and Samoa do not impose fees in a VOA context and have more advanced tourism infrastructure. In this context a decision by Tuvalu to impose VOA fees for some nationalities would place Tuvalu at a competitive disadvantage.
- Because of the practical problems associated with collecting fees from arriving passengers in the airport.

The report recommends that visa fees applying to other visa categories remain in place. In most States fees are not a central issue. As a general rule is recommended that states do not keep escalating fees simply as a revenue measure since (a) excessive fees can have a net adverse effect and (b) high fees act to limit rather than promote mobility.

**Dialogue recommendation C** has strong resonance with the outcomes of the TA interventions on visas. Improving the clarity and availability of information relating to visas is recommended by all four State based interventions. The most common and obvious method of achieving this is by developing an immigration website or enhancing an existing immigration website. The availability of clear information on visa options and requirements (as well as the capacity to download forms) supports the rights of migrants, enhances mobility and reduces disinformation and unnecessary process. A good interactive website is also a precursor step towards the development of E-visa (online visa application) options which are becoming increasingly prevalent globally.

**Dialogue recommendation D** is interpreted as relating to the process aspects of visa applications. The aspiration is to make the process elements of obtaining a visa less onerous. The widespread adoption of VOA arrangements in the Pacific is a recognition of the need to provide flexible options for low risk travellers who are travelling for tourism or business purposes. Conversely if states have onerous, complex and lengthy procedures to obtain a visa for short term entry, the likely outcome will be to reduce arrivals with an ongoing negative economic impact. In many parts of the world, online visa processes are starting to replace VOA arrangements and this trend is likely to be adopted by some Pacific countries in the future.
In the last few years, under the aegis of the United Nations, there have been significant new global agreements and commitments which have given a central focus to the relationship between migration and development. The key documents in framing the agenda for migration and development are the Global Compact on Safe, Orderly and Regular Migration (GCM) and the United Nations Sustainable Development Goals (SDGs).\(^4\) The EU and ACP countries were engaged with the consultative process of forming these agreements and the ACP-EU dialogue process aligns with these global developments, though in the future further integration could be sought.

The SDGs provide a framework for global development effort and for the first time the relevance of migration to the broader development agenda is explicitly identified in Target 10.7 which aims to:

> “facilitate orderly safe and responsible migration and mobility of people including through the implementation of planned and well-managed migration policies.”

The Global Compact on Safe Orderly and Regular Migration which links directly to the SDGs, sets out 23 objectives for achieving safe, orderly and regular migration. Several of these objectives are relevant to the Action’s work on visas in the Pacific region - specifically:

1. Collect and utilize accurate and disaggregated data as a basis for evidence-based policies;
2. Provide accurate and timely information at all stages of migration;
3. Enhance availability and flexibility of pathways for regular migration;
4. Address and reduce vulnerabilities in migration;
5. Manage borders in an integrated, secure and coordinated manner;
6. Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral;
7. Invest in skills development and facilitate mutual recognition of skills, qualifications and competences;
8. Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries;
9. Strengthen international cooperation and global partnerships for safe, orderly and regular migration.

Table 3 below shows the linkages between the summary outcomes of the TA interventions (as reflected in Report recommendations and identified in Part 2).

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Table 3: Linkages between TA intervention outcomes, ACP-EU Dialogue recommendations, SDGs and GCM objectives

<table>
<thead>
<tr>
<th>TA intervention outcome*</th>
<th>ACP-EU Dialogue</th>
<th>SDG</th>
<th>GCM Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rationalisation and simplification of legislative structure</td>
<td>A D</td>
<td></td>
<td>(1),(5),(7),(11),(12)</td>
</tr>
<tr>
<td>Clarifying visa architecture including consideration of relationships between various visa categories and change of status rules</td>
<td>A D</td>
<td></td>
<td>(1),(5),(11),(12),(17)</td>
</tr>
<tr>
<td>Designing new or improved visa criteria where required</td>
<td>A B C D</td>
<td></td>
<td>(1),(3),(5),(7),(11),(12)</td>
</tr>
<tr>
<td>Consolidation of visa criteria within an accessible framework</td>
<td>A D</td>
<td></td>
<td>(1),(7),(11)</td>
</tr>
<tr>
<td>Clear documentation of policies and procedures</td>
<td>A B C D</td>
<td></td>
<td>(5),(7)</td>
</tr>
<tr>
<td>Making information available to the public via website and other means</td>
<td>A C</td>
<td></td>
<td>(3),(5)</td>
</tr>
<tr>
<td>Providing visa options to address specified humanitarian situations</td>
<td>A D</td>
<td></td>
<td>(7),(10)</td>
</tr>
<tr>
<td>Changing policies and procedures to improve labour mobility and mobility more generally</td>
<td>A C D</td>
<td></td>
<td>(3),(4),(5),(6),(7),(12)</td>
</tr>
</tbody>
</table>

* TA interventions in the Pacific have been clustered into the following groups of outcomes.
ACP EU Migration Action organized a Regional Thematic Meeting on Visas and Mobility in the Pacific in Port Vila, Vanuatu from 3-5 April 2019. The meeting was attended by:

- Officials of the Government of Vanuatu
- Government representatives from Pacific countries of the ACP Group of States ACP (Tonga, Samoa, Fiji and Tuvalu)
- Representatives from regional organizations – Pacific Immigration Development Community (PIDC) and Melanesian Spearhead Group (MSG)
- Technical Experts who implemented the Action Technical Assistance Interventions in the Pacific
- IOM representatives from the Country Office in Vanuatu, IOM Australia Country Office with Coordinating Functions for the Pacific, IOM Regional Office in Bangkok, IOM Headquarters and ACP-EU Migration Action staff of the IOM Regional Office in Brussels

The primary objectives of the thematic meeting were to:

- Identify lessons learned and benefits gained from the Action’s interventions to date (as requested by Vanuatu, Marshall Islands, Tonga, Tuvalu and the MSG Secretariat);
- Better understand how these interventions mesh with national and regional agendas and with programs of other capacity building entities;
- Generate ideas about how best to structure future activities; and
- Bring greater coherence to collective efforts to improve visa systems in the region.

On the final day of the meeting three Reporting Groups were constituted to develop recommendations to inform future capacity building activity in the region. The outcome of that process was the development of 19 recommendations, several of which have been incorporated in the recommendations of this report. While this report will not analyze all the recommendations in detail, it is worth noting that certain key themes emerged.

Key themes of the RTM

Coordination. There is scope for better coordination of the capacity building efforts being carried out by multiple parties in the Pacific. This coordination can best be achieved through dialogue based around existing immigration focused regional fora with PIDC meetings providing a possible opportunity for that dialogue to occur; and

Long-term approach. The case for a stronger focus by capacity building entities (in conjunction with requesting states) on a long-term approach to policy/legislative change in the field of visas which supports states through the implementation and monitoring phases of change management. A further benefit of this approach would be the capacity to mentor and develop the skills of national officers in end-to-end policy development and policy change processes.
**Momentum.** The existence of strong momentum in the region for regional discussion on technology platforms and in particular the desire of States to either procure a Border Management System (BMS) or (in some States) enhance existing BMS platforms.

**Border Management Systems (BMS).** A BMS is a vital tool in enabling the effective collection of visa and movement data (GCM objective No. 1) and in facilitating the analysis of that data which in turn informs future policy development. BMS needs to be able to adapt to changes in visa policies and other changes which impact on border control dynamics. In the Pacific context, a BMS also needs the capacity to operate in remote maritime locations. Discussion at the meeting noted the importance of sustainability and flexibility as two key principles which should inform the selection of any BMS option.

**E-visas.** There is a global trend towards the use of E-visa technologies and Pacific states are likely to move towards E-visa options over time. The advantages of E-visas include the capacity for advance screening of applicants and the scope for online fee payments. Currently most Pacific countries offer a mix of visa on arrival (VOA) and traditional (paper based) advance application visas for short term entry. E-visas are an element in the broader discussion on border control modernization in the Pacific. The meeting also agreed that a BMS was a pre-condition for the likely future adoption of E-visa solutions for short term entry.
The ACP-EU Action interventions on visas cover seven Pacific states. There are various other entities engaged in immigration capacity building efforts in the Pacific including:

- international organisations – most particularly IOM and UNHCR;
- regional organisations – the most significant being PIDC and PIF but also Bali Process;
- bilateral projects primarily delivered by Australia, New Zealand, and the United States of America.

Overall, capacity building efforts in the Pacific address the full range of immigration related issues and fields of expertise including:

A  Border Management Systems
B  visa systems
C  labour migration
D  refugee protection
E  counter trafficking (THB)
F  counter smuggling (SoM)
G  border protection
H  compliance and enforcement capability
I  document fraud detection and training
J  immigration intelligence

For the purposes of this analysis, issues A to E are the most significant as they mesh closely with the migration and development agenda and with the work done under the Action interventions. Issues F to J are relevant and interconnected but are not the primary focus. Bilateral capacity building efforts have tended to focus on the more control-oriented aspects of migration policy and infrastructure.

IOM’s agenda in the Pacific is best defined by the IOM Pacific Strategy 2017-2020 which states as follows:

“IOM’s work in the Pacific falls under several areas of migration governance, and includes projects in the fields of development, humanitarian assistance and human rights. Projects that IOM has implemented include technical assistance to strengthen border management and prevent and respond to trafficking in persons, support to strengthen migration policy frameworks, and working with national, subnational and community partners to strengthen disaster risk reduction (DRR) and climate change adaptation. IOM has received requests from several Member States to provide support in responding to the complex migration challenges posed by climate change.” - IOM Pacific Strategy 2017-2020.

IOM’s work to “strengthen migration policy frameworks” closely parallels the Action’s interventions on visas. For example, IOM managed projects in Solomon Islands and Papua New Guinea have involved review and reform of immigration legislation including the visa systems. These processes have strengthened migration governance and made migration frameworks clearer, more accessible and more rights-based.

IOM has also been engaged in discussions with some Pacific states about the possible adoption of the Migration Information and Data Analysis System (MIDAS) system – an IOM developed border management system used in over 20 countries world-wide. The Marshall Islands immigration service has recently installed MIDAS and RMI officials indicate that it is meeting their needs well and that the system is well supported.

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The **Pacific Immigration Development Community** (PIDC) provides a forum for Official Immigration Agencies of the Pacific Region to:

- Discuss issues of mutual interest;
- Foster cooperation and assistance;
- Strengthen Members’ territorial borders;
- Enhance entry system integrity;
- Modernise national immigration legal frameworks

PIDC describes its vision as the achievement of:

> Border integrity across the Pacific through regional cooperation, facilitating seamless and efficient people movement that contributes to economic growth.

Recently PIDC has been engaged in a program of legislative review involving various member states including Marshall Islands, Tuvalu, Samoa and Tonga. This program has coincided directly with Action interventions in Tuvalu, Marshall Islands and Tonga. Action consultants have worked closely with PIDC to limit overlap and to ensure harmonisation of recommendations. This cooperation has been beneficial but has also been largely circumstantial leading to discussions at the recent Regional Thematic Meeting and elsewhere about how capacity building projects of this nature can be coordinated in advance.

PIDC is also involved in ongoing regional discussions about options for border management systems including the IOM MIDAS system.

Future interventions should continue to seek synergies with these actors as to leverage resources in the field of cooperation on mobility in a coordinated way.

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Analysis of needs and trends in the Pacific

If we examine the nature of visa systems in the Pacific more broadly, there are obvious variations between States in terms of scale, population base, population distribution and development status.

One important dynamic in the Pacific region is the nature and scale of **outward migration flows** – several countries in Polynesia (Tonga, Samoa and Tuvalu) have very large diaspora populations which results, among other things, in substantial remittance flows. Similar temporary and long-term movements occur out of some states in Micronesia to the USA as a result of longstanding access agreements. In proportional terms, the diaspora populations of the MSG countries are substantially smaller though this could change over time.

**Diaspora populations** will continue to increase in size and influence as Pacific nationals move under family re-union and/or skilled migration arrangements or under preferential entry categories. Source country visa systems have limited bearing of the size and nature of these outward flows but the continued flows of Pacific migrants back to their countries of origin or ancestry (short term and long term) has significant development potential and can be influenced by Pacific visa policies.

> “Diaspora populations will continue to increase in size and influence as Pacific nationals move under family re-union and/or skilled (labour) migration arrangements or under preferential entry categories.”
Another related trend is the growing significance of labour mobility programs – mainly in New Zealand and Australia being the primary destination countries. In Tonga for example, it is calculated that 13% of the population in the age bracket 20-45 go each year to Australia or New Zealand under seasonal labour programs. Another factor which will increasingly influence outward migration is the impact of climate change. As climate change impacts become more pronounced, the livelihood stress which helps drive both internal and outward migration can only increase.

“As climate change impacts become more pronounced, the livelihood stress which helps drive both internal and outward migration can only increase.”

While it is difficult to identify the full range of visa related issues in Pacific States without conducting intensive research in each state, it is reasonable to conclude that the gaps, inefficiencies and reform opportunities which have been identified through the TA interventions are fairly common in developing Pacific States. Many of the same issues have been identified in countries in African and Caribbean regions which have been the subject of Action TA interventions. The key issues include:

- dated legislative frameworks which do not comprehensively or coherently address increasing migration pressures and demands;
- poorly defined visa criteria which are opaque to “clients” of the system;
- an absence of accurate and timely data on which to base policy decisions;
- absence of border management systems or systems which are dated and sub-optimal
- gaps in policy coordination between different bureaucratic entities;
- uncertainties about how to deal with increasing pressures from transnational organised crime;
- poor communication of visa requirements;
- poorly developed appreciation of the developmental benefits of well managed migration.

The fact that these issues are prevalent reflects the fact that Pacific States are at different points along a pathway towards modernisation and towards maximising the development benefits of improved visa systems. In this context the potential benefits of enhanced regional cooperation are self-evident. Regional cooperation helps speed up reform and promotes cross learning.

“Pacific States are at different points along a pathway towards modernisation and towards maximising the development benefits of improved visa systems. In this context the potential benefits of enhanced regional cooperation are self-evident.”

Across much of the Pacific, States and migrants would benefit from:

- holistic reviews of visa systems as a means to improve migration governance and accessibility, drive economic development and adopt best practice elements including in areas of human rights and protection;
- considered investment in technology including border management systems – there is considerable scope for regional dialogue and cooperation on these issues.

While several Pacific states have undertaken visa system reviews over the last few years (including Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu and Marshall Islands), there is variation in implementation performance with some states being relatively advanced in implementing reform programs while in other places, reform agendas are not progressing.

8. Some Pacific States and territories have first world infrastructure and/or administrative support and might sit outside this categorisation – e.g. New Caledonia, French Polynesia, Guam, American Samoa.

9. This list is not necessarily comprehensive. Other states such as Fiji have undertaken reviews internally.
There are many factors which can impede effective implementation of visa system reforms including but not limited to:

- shifting government priorities (including in scheduling of legislative business);
- uneven management support;
- lack of human resource support for reform processes (small island states in particular tend to have very small immigration services with their personnel occupied almost entirely with operational activities);
- lack of financial support for reform processes;
- lack of planning and change management skills;

The problem of immigration reform agendas being under-resourced or de-prioritised may stem, at least in part, from a limited appreciation of the potential development benefits of reform which include socio-economic benefits, foreign relations benefits, efficiency gains, improved governance, better informed public policy, improved experience for travellers and migrants and the advancement of human rights principles. It is incumbent on capacity building entities to actively promote these benefits in support of momentum for change. There is also an important role for regional organizations in emphasizing this message.

Recommendations

1. **Long term strategy for reform.** In order to ensure that capacity building programs take effect and are sustainable, a long-term strategy should be developed which supports States through the implementation and evaluation of policy and legislative change projects. That support could involve multiple stakeholders.

   It is a common experience that reform agendas are not operationalised because the combination of resources, skills and management support required to implement effectively does not materialise. Strategic support from capacity building entities can help to bridge these gaps and help to build the skills for future innovation.

2. **Coordination.** Enhance the coordination and complementarity of Technical Assistance interventions, by promoting cooperation and information-sharing among donors and international organisations and leveraging the coordinating role of regional organisations like the PIDC.
Operational feasibility. When formulating visa criteria, policy makers should give primacy to the relevance and the operational feasibility of the requirements.

The Regional Meeting noted instances in which regulations had been brought into force, but which could not be implemented because the necessary infrastructure and pre-conditions were not in place. Well-designed visa criteria:

• help migration officers to do their jobs;
• are more likely to deliver the policy outcomes which Government intends;
• improve the client experience because applicants understand what is required;
• improve efficiency and decision-making practices;
• result in greater transnational consistency;
• allow immigration services to address non-routine situations.

Specific needs and vulnerabilities. Create visa policies and procedures to address specific needs and vulnerabilities, such as for humanitarian purposes.

A topical example was the desirability of creating mechanisms whereby states could give temporary visa status to victims of trafficking pending resolution of their situation. For example, the Tuvalu TA intervention report proposes a visa class which allows the Government to invite a person to apply - the visa would be utilized in a range of situations including to assist identified victims of trafficking.

Labour mobility for development. States and ROs should continue to explore opportunities to enhance labour mobility as a tool for development in the Pacific region including by means of the MSG initiatives and more broadly. In parallel, States and ROs should continue to explore opportunities to remove barriers to mobility for short-stay entry.

Links between visa, migration, development. Ensure that visa policy reform is linked to broader migration and development policies and mainstreams human rights principles and gender equity considerations.

Action interventions in the Pacific have given a much stronger focus to the positive benefits of well-managed migration for national and regional development and to the scope for visa systems to address situations of humanitarian need.

Policy making and implementation skills. Capacity building entities and states should support the development of policy making and policy implementation skills in Pacific immigration bureaucracies including through:

• targeted training in policy making skills;
• mentoring and on-the-job learning;
• wider staff participation in consultative and policy development processes to ensure ownership by those that will be ultimately responsible for delivering policies and services.
Training. The implementations of policy and legislative changes must include a strong training component, including best practice training design and delivery as well as continuity of training.

Participants in the recent ACP-EU Regional Meeting noted the importance of knowledge management to support institutional memory. Training strategies should be designed to ensure that staff rotation and churn do not jeopardize effective administration. Reinforcement training and proper documentation of policies and procedures are key elements in safeguarding institutional memory.

Involvement of senior officials. In driving programs of policy and legislative change, senior management of relevant ministries/institutions should:

- ensure the development of a detailed implementation plan; and
- monitor and measure progress against that plan as well as conduct post-implementation evaluation.

Technology-proof reform. Parties engaged in policy or legislative review (whether capacity building entities, States, or international or regional organizations) should ensure that reforms incorporate future-proofing to enable technological development. This normally includes inserting provisions in legislation so that the legal basis for innovations such as E-visas is clear.

Regional dialogue. There should be ongoing communication and regional engagement, involving PIDC and IOM, around BMS feasibility, documenting business requirements, and support for market research/procurement arrangements. A continued and intensive regional dialogue on BMS options and other technological innovations including E-visa may lead to synergies in procurement and system support and will minimise the chances of poorly informed decision making on vital IT infrastructure.

Information accessibility. Strategies for improving public accessibility to visa information should include support and guidance in developing agency website presence. The development of comprehensive and well-structured websites supports one of the key elements of the ACP-EU Dialogue recommendations as well as GCM objectives 3 and 12. Information concerning visas should be accessible in multiple languages.