

REPUBLIC OF FIJI | PROFILE 2022

MIGRATION
GOVERNANCE
INDICATORS



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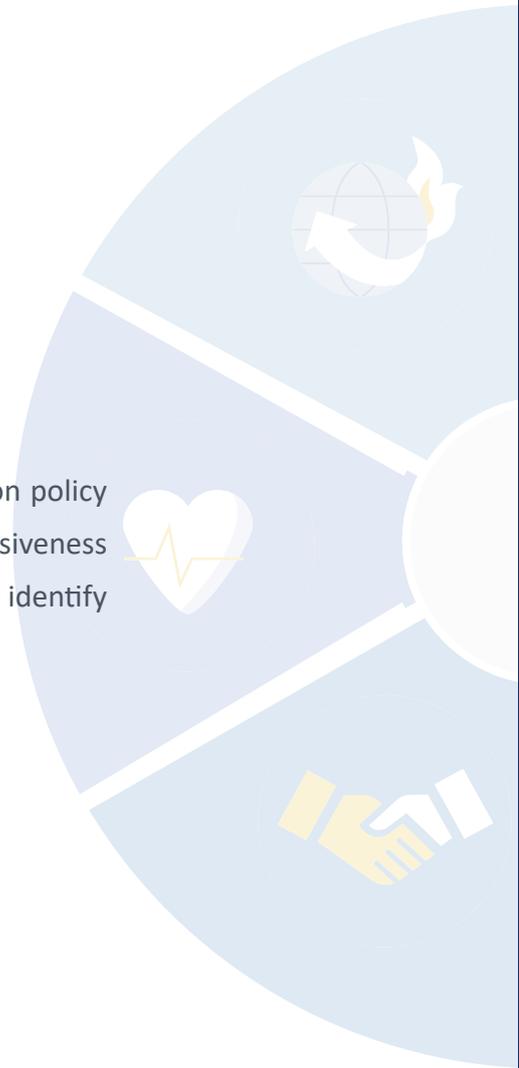
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OBJECTIVE

The MGI aims to support well-managed migration policy by helping countries assess the comprehensiveness of their migration governance structures and identify priorities on the way forward.



The MGI can be used to spark a discussion with governments and other relevant stakeholders in the country on existing migration policy structures. It can help assess whether these structures, which have often been in place for several years, still address the main challenges and opportunities of today's reality.

INTRODUCTION

This is an era of unprecedented mobility, and the need to facilitate orderly, safe, regular and responsible migration and mobility is becoming increasingly relevant.¹ The need to face the challenges and to maximize the opportunities that this mobility brings has been recognized with the inclusion of migration in the 2030 Agenda for Sustainable Development, which highlights the positive contribution of migrants to inclusive growth and development. Migration is integrated in a number of Sustainable Development Goal (SDG) targets, such as ending modern slavery and addressing the vulnerability of migrant workers. However, the central reference to migration in the SDGs is Target 10.7 on facilitating “orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”.²

The incorporation of Target 10.7 into the 2030 Agenda created the need to define “planned and well-managed migration policies”. This is why, in 2015, the International Organization for Migration (IOM) developed the Migration Governance Framework (MiGOF). This Framework offers a concise view of an ideal approach that allows a State to determine what it might need to govern migration well and in a way that suits its circumstances.³ The Framework was welcomed by IOM Member States in the same year.

In an effort to operationalize the MiGOF, IOM worked with Economist Impact to develop the Migration Governance Indicators (MGI), a standard set of approximately 90 indicators to assist countries in assessing their migration policies and advance the conversation on what well-governed migration might look like in practice.

The MGI helps countries identify good practices as well as areas with potential for further development and can offer insights on the policy levers that countries can use to develop their migration governance structures. However, the MGI recognizes that all countries have different realities, challenges and opportunities that relate to migration. Therefore, the MGI does not rank countries on the design or implementation of their migration policies. Finally, the MGI does not measure migration policy outcomes or institutional effectiveness. Instead, it takes stock of the migration-related policies in place and operates as a benchmarking framework that provides insights on policy measures that countries might want to consider as they progress towards good migration governance.

This country profile presents a summary of the well-developed areas of the migration governance structures of the Republic of Fiji (hereinafter referred to as Fiji), as well as the areas with potential for further development, as assessed by the MGI.⁴

¹ IOM Standing Committee on Programmes and Finance, Seventeenth Session (S/17/4 of 29 September 2015), Article 2.

² IOM Council, 106th Session, Migration Governance Framework (C/106/40 of 4 November 2015), page 1, footnote 1. Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

³ Ibid.

⁴ The MGI initiative is a policy-benchmarking programme led by IOM and implemented with the support of Economist Impact. Funding is provided by IOM Member States.

CONCEPTUAL FRAMEWORK

MiGOF

The IOM MiGOF sets out the essential elements to support planned and well-managed migration. It seeks to present, in a consolidated, coherent and comprehensive way, a set of three principles and three objectives which, if respected and fulfilled, would ensure that migration is humane, orderly, and benefits migrants and society.

At the basis of

PRINCIPLES

1. **Adherence** to international standards and fulfilment of migrants' rights.
2. **Formulates** policy using evidence and "whole-of-government" approach.
3. **Engages** with partners to address migration and related issues.

OBJECTIVES

1. **Advance** the socioeconomic well-being of migrants and society.
2. **Effectively** address the mobility dimensions of crises.
3. **Ensure** that migration takes place in a safe, orderly and dignified manner.

MGI

WHAT IT IS



A set of indicators that offers insights on policy levers that countries can use to strengthen their migration governance structures



A tool that identifies good practices and areas that could be further developed



A consultative process that advances dialogues on migration governance by clarifying what "well-governed migration" might look like in the context of SDG Target 10.7

Which supports the measurement of

WHAT IT IS NOT



Not a ranking of countries



Not assessing impacts of policies



Not prescriptive



TARGET 10.7

"Facilitate orderly, safe, regular and responsible migration and mobility of people, including through implementation of planned and **well-managed migration policies.**"



KEY

FINDINGS

The MGI is composed of around 90 indicators grouped under the 6 different dimensions of migration governance that draw upon the MiGOF categories:



MIGRANTS'
RIGHTS
PAGE 12

Indicators in this domain look at the extent to which migrants have access to certain social services such as health, education and social security. It also looks at family reunification, access to work, and access to residency and citizenship. The international conventions signed and ratified are also included.



WHOLE-OF-GOVERNMENT
APPROACH
PAGE 14

Indicators in this area assess countries' institutional, legal and regulatory frameworks related to migration policies. This area also looks at the existence of national migration strategies that are in line with development objectives and overseas development efforts, as well as institutional transparency and coherence in relation to migration management.



PARTNERSHIPS
PAGE 16

This category focuses on countries' efforts to cooperate on migration-related issues with other States and with relevant non-governmental actors, including civil society organizations and the private sector.



WELL-BEING
OF MIGRANTS
PAGE 18

Indicators in this area assess countries' policies on the recognition of migrants' educational and professional qualifications, provisions regulating student migration and the existence of bilateral labour agreements between countries. Aspects of diaspora engagement in the country of origin and migrant remittances are also under this domain.



MOBILITY DIMENSION
OF CRISES
PAGE 20

This category looks at the type and level of preparedness of countries when they are faced with mobility dimensions of crises. The questions look at the processes in place for nationals and non-nationals both during and after disasters, including if humanitarian assistance is equally available to migrants as it is to citizens.



SAFE, ORDERLY
AND REGULAR
MIGRATION
PAGE 22

This area looks at countries' approach to migration management in terms of border control and enforcement policies, admission criteria for migrants, preparedness and resilience in the case of significant and unexpected migration flows, as well as the fight against trafficking in persons.



1

ADHERENCE TO INTERNATIONAL STANDARDS AND FULFILMENT OF MIGRANTS' RIGHTS

1.1. International conventions ratified

Table 1. Signature and ratification of international conventions

Convention name	Ratified (Year)
International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97)	No
United Nations Convention relating to the Status of Refugees (also known as the Refugee Convention), 1951	Yes (1972)
United Nations conventions on statelessness, 1954 and 1961	Yes (1972, 1966)
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	No
United Nations Convention on the Rights of the Child (UNCRC), 1989	Yes (1993)
United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990	Yes (2019)

1.2. Migration governance: Examples of well-developed areas

All migrants in Fiji have the same access as citizens to Government-funded health services. Citizens can access public health care free of charge with a medical card, and migrants can access it without identification. The Bill of Rights in the Constitution of the Republic of Fiji (2013) supports the protection of life for all people and promotes “the right of every person to health, and to the conditions and facilities necessary to good health, and to health care services, including reproductive health care”. Fiji is also a signatory of the Astana Declaration (2018), which commits Fiji to the “fundamental right of every human being to the enjoyment of the highest attainable standard of health without distinction of any kind”.

Family reunification is possible for all migrants through different procedures related to personal characteristics (such as visa type, skill level or gender). The Immigration Act (2003) allows family members of certain categories of foreigners – such as diplomats, foreign citizens employed by the Fijian Government, and representatives of foreign States – to enter and reside in Fiji without a permit.⁵ The Fijian Immigration Department offers a special purpose permit which can also be granted to non-citizens who need to enter the country and reside with a family member who is legally in Fiji, if one is a dependant of the other. The special purpose permit can be granted to migrants under all visa categories.

Regular migrant workers in Fiji have access to the Fiji National Provident Fund (FNPF). According to the FNPF Regulations (2014), any person between 6 and 54 is eligible to be an FNPF member. The Regulations do not make any distinction on the basis of citizenship. The Fund is mandated by law to collect compulsory contributions from employees and employers towards the retirement savings of all workers in Fiji.

⁵ Section 2 of the Fijian Immigration Act of 2003 (last amended in 2020) defines family as “legally married spouses (including a surviving spouse) and any child under 21 years who has never been married, living together as a unit”.

1.3. Areas with potential for further development

Migrants have the same status as citizens in accessing Government-funded education and vocational training. According to the Constitution, every person has the right to early childhood, primary, secondary and further education, resources permitting. The Constitution does not frame education as being available only to Fijian citizens. In fact, in practice children below the age of 18 of migrants who possess a residence permit can attend a public school without the need for additional permits. Migrants who are 18 years and above must apply for a student permit to attend school in the country.

Section 25 of the Education Act (1978) states that fees for secondary and vocational schools are lower for those classified as “ordinary residents”, defined as pupils with one or more parent who is a Fijian citizen or a foreign citizen employed in Fiji. The difference in fees varies according to school type, but students not classified as ordinary residents can pay fees of up to four times higher if enrolled in private education institutions. The Second Schedule of the Education Act states that “non-residents” have access to higher education and vocational training in certain institutions, but fees differ from those charged to ordinary residents.

The country has a Poverty Benefit Scheme for low-income households with eligibility established through an application process administered by the Ministry of Women, Children and Poverty Alleviation. In addition, there is a Social Pension Scheme for those above the age of 66 who are not recipients of other State assistance. Only migrants who have become Fiji citizens can apply to access these schemes.

Foreign residents do not have the same access to employment as nationals in Fiji. The Immigration Regulations (2007) requires a contract of employment with an employer in Fiji for the issuance of a work permit. A request letter from the employer to the Fijian Immigration Department justifying the employment of the non-citizen is also required. Furthermore, a non-citizen with a work permit cannot change employers in Fiji under that same work permit. The renewal of work permits for each sector is considered on a case-by-case basis, depending on the need in the relevant sector or industry, and the final decision rests solely with the Minister and/or the Permanent Secretary for Immigration. There is no labour market survey conducted to streamline the renewal process of work permits. Non-citizens applying for a permanent residence permit are required to sign a declaration stating that they will not undertake employment in Fiji unless they secure the appropriate work permit.

Only foreign residents on investor and residence permits can be self-employed. Non-citizens in Fiji on an investor permit are allowed to manage their own business only.⁶ A foreign investor may obtain a seven-year permit by maintaining at least FJD 500,000 (USD 240,000) in a business, trade or undertaking approved by Investment Fiji, the Government’s investment and trade promotion agency. Migrants with a permanent residence permit can start a business, provided that a Foreign Investment Registration Certificate is obtained from Investment Fiji.

All migrants are entitled to apply for long-term residence in Fiji. The Immigration Regulations defines the permanent residence permit as one that is valid for five years from the date of issue – and which can be renewed after every five years. Any non-citizen who considers Fiji their home, whose presence in Fiji is beneficial to the interests of the country, and who has physically and lawfully resided in Fiji for a minimum of five years may be granted a permanent residence permit upon application and approval.

⁶ The Investment Act (2021) defines a foreign investor as a person who is not a Fijian citizen, or any legal person having their headquarters registered or incorporated outside of Fiji, making a direct investment in Fiji.



2

FORMULATES POLICY USING EVIDENCE AND WHOLE-OF-GOVERNMENT APPROACH

2.1. Migration governance: Examples of well-developed areas

The National Employment Centre (NEC) under the Ministry of Employment, Productivity and Industrial Relations (MEPIR), established through the National Employment Centre Act (2009), includes the Foreign Employment Service which facilitates the movement of workers outside the country. Its goal is to provide support services to selected candidates and facilitate their overseas employment through the various labour mobility programmes under bilateral arrangements. MEPIR through the Costed Operational Plan sets targets for all services, including the NEC. The Foreign Employment Service plan sets annual targets to achieve its objectives through the registration and selection of interested workers, along with conducting the medical assessment, physical fitness examination and interview; recruitment and mobilization of Fijian workers; pre-departure training; monitoring of workers' welfare; and reintegration.

The Labour Standard Services of MEPIR undertake foreign contract attestation on behalf of the Ministry for all foreign workers under the Employment Relations (Employment Agencies) Regulations (2008). The attestation of the employment contract is done by labour officers to ensure that minimum labour standards are met by the employer and that workers understand the contract process.

The Ministry also authorizes employment agencies under the Employment Relations (Employment Agencies) Regulations. Agencies intending to register as employers must go through a stringent vetting process, including the payment of a cash bond of USD 20,000 to the Government before any authorization is given. Strict monitoring and compliance measures are undertaken to ensure that workers and authorized agents adhere to the Regulations.

The Ministry of Foreign Affairs' strategic planning documents aims at strengthening diaspora engagement – namely, the Ministry's Strategic Plan (2018–2022) and the operational and business plans of Fiji's diplomatic missions. Several diplomatic missions also allocate funds within their respective annual budgets towards activities aimed at strengthening diaspora engagement. Through Fiji's diplomatic missions, the Ministry works to strengthen engagement with Fijian diaspora communities by connecting with diaspora associations and community leaders through various events and social gatherings. For instance, diplomatic missions organize Fiji Day celebrations in collaboration with Fijian communities abroad.

The Fiji National Development Plan (NDP) – made up of the 5-year plan (2017–2021) and the 20-year plan (2017–2036) – takes into consideration migration issues. It aims to strengthen border security and review immigration rules and regulations to facilitate the issuance of work permits, among others. The NDP also includes strategies to prevent irregular migration to Fiji, reduce the threat of transnational crimes, establish an integrated passport issuance system, and improve the management and monitoring of migration in the country.

Fiji's Immigration Act (2003) details the functions and powers of the Minister, the Permanent Secretary, and the Director for Immigration, as well as the immigration officers, and sets out specific provisions relating to immigration, including various visas and permits, "prohibited immigrants", claims for asylum, and deportation procedures. The Immigration Regulations (2007) sets out the regulatory framework for visas, immigration clearance and permits.

Fiji collects and publishes some migration data on a monthly basis. The Fiji Bureau of Statistics publishes a monthly report on visa arrivals, which details arrivals and departures to and from the country.⁷ The annual visitor arrivals statistics are based on disembarkation cards filled out by all persons arriving in the country, along with embarkation cards filled out by all departing citizens and residents.

The Ministry of Foreign Affairs' website provides contact details and links to Fiji's missions, embassies, high commissions, and honorary consulates abroad as well as diplomatic embassies and high commissions based in Suva. The list of requirements as well as application forms for visas and citizenship, along with the different types of permit requests, are available on the Fijian Immigration Department's website.

Fiji is making efforts to enhance policy coherence on migration issues. The Technical Working Group for Migration, co-chaired by the CEO of the Fiji Bureau of Statistics and the Director of the Fijian Immigration Department, includes representatives from government departments and ministries, international organizations, and members of civil society such as non-governmental organizations. Its core role is to discuss migration-related issues at the policy level, and it meets on a quarterly basis. The technical working group also works in collaboration with IOM and helps the Fijian Government in developing a long-term migration policy.

2.2. Areas with potential for further development

Fiji does not have a government agency or department responsible for designing and coordinating the implementation of an overall migration policy or strategic plan. Its migration portfolio is decentralized among various government agencies. The Fijian Immigration Department is responsible for the movement of people across Fiji's borders, while the NEC under MEPIR facilitates labour mobility of Fijian workers through various schemes – such as the Australian Seasonal Worker Programme, the Pacific Labour Scheme⁸ and New Zealand's Recognised Seasonal Employer scheme⁹ – under bilateral arrangements.

While the Fiji NDP considers migration issues, it is not gender-responsive, nor does it include strategies or objectives regarding migrant reintegration.

There is no evidence of national legislation currently in place in relation to emigration. Neither the Constitution of Fiji, the Immigration Act nor the Immigration Regulations refers to emigration.

⁷ This report records and disaggregates data according to arrivals and departures; number of residents, visitors and persons in transit; visitor arrivals by country of residence; visitor arrivals by purpose of visit; visitor arrivals from continental Europe; and resident departures by final destination and purpose of absence.

⁸ This is an initiative of the Australian Government which provides access to unskilled work opportunities for up to three years in the Australian meat industry, aged care industry, and agricultural and accommodation sectors, integrated by Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste, Tonga, Tuvalu and Vanuatu.

⁹ This is a New Zealand scheme which came into effect in April 2007. It allows the horticulture and viticulture industries to recruit labourers from Fiji for seasonal work when there are not enough New Zealand workers.

3

ENGAGES WITH PARTNERS TO ADDRESS
MIGRATION AND RELATED ISSUES

3.1. Migration governance: Examples of well-developed areas

Fiji is a member of the Pacific Immigration Development Community, alongside 21 other States and territories in Oceania,¹⁰ where members' immigration agencies discuss issues of mutual interest and foster multilateral cooperation. Fiji is also a member of the Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime (the Bali Process), which focuses on cooperation and information-sharing to raise awareness as well as combat human trafficking. Furthermore, Fiji is a member of the Inter-governmental Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants, which seeks to provide a setting for countries to tackle issues relating to population movement, such as refugee situations, human trafficking and irregular migration.

Fiji has signed a memorandum of understanding (MOU) with Australia for its Seasonal Worker Programme (2015).¹¹ It concerns the temporary employment of Fijian nationals in the agricultural and hospitality sectors. Additionally, Fiji signed an MOU with Australia in 2019 to supplement the Seasonal Worker Programme – namely, the Pacific Labour Scheme, which allows workers from Fiji to be employed across all sectors in Australia. Fiji also signed an MOU with New Zealand in 2014 on the employment of Fijian nationals in the horticulture and viticulture industries as part of New Zealand's Recognised Seasonal Employer scheme.

Fiji formally engages civil society organizations (CSOs) in agenda-setting and implementation of migration-related issues through the Technical Working Group (TWG) for Migration. The engagement of CSOs with the TWG is by invitation. Furthermore, the National TWG on Human Trafficking, led by the Ministry of Defence, National Security and Policing, actively engages with CSOs and invites them to its meetings on a thematic basis. Lastly, the Ministry of Economy engages CSOs in programmes and policy interventions on climate change and migration within Fiji.

3.2. Areas with potential for further development

Fiji is formally part of the Melanesian Spearhead Group's (MSG) Skills Movement Scheme, which was established in 2012 and also involves Papua New Guinea, Vanuatu and Solomon Islands. Under the scheme, a citizen of one participating State with a job offer in another can apply for permission to move to the State of prospective employment. The scheme applies only to certain skilled professions named by the receiving States in accordance with their market demand. Participating States can allow 400 skilled workers to migrate from one State to another. States have control of the professions that may enter through the scheme as well as the number of people. The scheme comes under the broader MSG Trade Agreement, which is still to be in force as of February 2022 as there remains two MSG members that are yet to sign. Furthermore, Fiji had signed agreements with several Pacific Island countries and territories – including Kiribati, Vanuatu, Nauru, Tuvalu and the Marshall Islands – under the Fiji Volunteer Services Scheme (2013).¹² Under the scheme, retired Fijian teachers and nurses could undertake temporary placements in these countries.

The Fijian Government's engagement with its diaspora communities on policy issues is limited, and the country does not have a national diaspora policy to ensure a more holistic and targeted approach towards diaspora engagement for Fiji's national development.

¹⁰ Membership is open to all official government immigration agencies within Melanesia, Micronesia, and Polynesia and includes Australia and New Zealand. The countries and territories whose immigration departments have signed the Pacific Immigration Development Community memorandum of understanding to become members include the following: Australia, the Cook Islands, the Federated States of Micronesia, Fiji, French Polynesia, Kiribati, the Marshall Islands, Nauru, New Zealand, New Caledonia, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu, and Wallis and Futuna.

¹¹ More information is available at <https://fijisun.com.fj/2015/04/01/mou-kick-starts-australian-seasonal-worker-scheme/>.

¹² More information is available at www.fiji.gov.fj/Media-Centre/News/FIJI-VOLUNTEER-SCHEME-TO-EXPAND-TO-REGIONAL-COUNTRY.

The Fijian Elections Office conducted an Overseas Voter Registration Drive across the world in countries such as Australia, Malaysia, New Zealand, the Republic of Korea, the United Kingdom and the United States of America in 2017 for the Fijian parliamentary elections in 2018. A total of 7,970 Fijians living abroad registered to vote. However, the actual voter turnout rate was only about 13 per cent through postal voting.



4

ADVANCES THE SOCIOECONOMIC WELL-BEING OF MIGRANTS AND SOCIETY

4.1. Migration governance: Examples of well-developed areas

The Fijian Immigration Department, through its Integrated Border Management System, examines stocks and flows of immigrants, foreign students, and migrants with irregular status in Fiji. The data captured on the Integrated Border Management System is disaggregated by age, sex, type of permit, validity, and sector and allows for trend analysis over a period of time. Fiji also conducts regular national assessments on labour market demands through the Fiji Bureau of Statistics' annual employment surveys. The surveys capture information on paid employment by gender, wage, salary and division.

Fiji has programmes to promote the financial inclusion of migrants and their families. The National Employment Centre Act (2009) stipulates pre-departure training for Fijian seasonal migrant workers to Australia and New Zealand, which includes financial literacy as part of the curriculum. Furthermore, in terms of workers' welfare under the Pacific Labour Scheme, this is well managed by Palladium, an agency contracted by the Australian Department of Foreign Affairs and Trade, through the Pacific Labour Facility where designated welfare coordinators are clustered to sites. In addition, Fiji's diplomatic missions in Canberra and Wellington make regular visits to Fijian migrant workers in Australia and New Zealand, and they work closely with the Ministry of Employment, Productivity and Industrial Relations with regard to the well-being of the Fijian workers.

Fiji has different types of permits to attract specific labour skills. According to the Immigration Regulations (2007), permits to enter, reside and/or work in Fiji can be granted to "officers and ordained priests and ministers of the Churches and religious bodies ... members of professions recognised as such by the Minister who have recognised professional qualifications and intend to practise their professions in Fiji ... persons under written contracts of employment with local employers and for whose services there is a reasonable demand which cannot be met satisfactorily within Fiji" and business investors.¹³

Fiji takes into account labour migrants' skills and capabilities when deciding whether to admit them. In order for a non-national to apply for a work permit, it is necessary that they submit a completed application form together with a curriculum vitae. Some professions (such as being a sailor, nautical crew or cook) require certificates, while a religious work permit requires certified copies of academic documents. The Immigration Regulations lists criteria for the issuance of work permits, including the specific skills and capabilities that are expected of the non-citizen applicants for particular fields, such as in teaching and medicine. For other professions, it is a must that "the non-citizen is a qualified member of a profession and intends to practise in that profession" to be granted a work permit.

The Fiji–Australia Vuvale Partnership, signed in 2019, expanded the labour mobility programmes in place between the two countries for the recruitment and mobilization of workers in the meat industry, aged care industry and accommodation industry for up to three years. Under the agreement, Australia committed to also deliver a comprehensive border security assistance package to help reinforce the integrity of Fiji's borders, contributing to strengthening border management and security across the region.

¹³ As of February 2022, the Fijian Immigration Department considers the following as key posts: directors, managers, lecturers, tutors, and teachers at private schools. Specific permits are issued for the fishing sector, and these include the following: captain, engineer, chief engineer, chief mate, bosun, manager, office staff, owner's representative, vessel representative, seaman, crew, cook and deckhand.

4.2. Areas with potential for further development

Fiji does not have a defined programme for managing labour immigration into the country. International students in Fiji on a student permit are not allowed to work, except for internships. A separate internship permit allows holders to undertake an internship or training at approved institutions.

Fiji has limited measures that promote ethical recruitment of migrant workers. The Employment Relations Act (2007) explicitly prohibits citizens from being employed under a “foreign contract of service” (i.e. a contract of service made within Fiji and to be performed wholly or partially outside the country) without a written authorization from the Permanent Secretary for Employment, Productivity and Industrial Relations.

Consular services for Fijians abroad include providing assistance during crises like civil unrest and national disasters, but there are no specific mechanisms to protect the rights of Fijian nationals working abroad. The National Employment Centre facilitates temporary emigration through the three labour mobility programmes under the Foreign Employment Service. The rights of workers are nonetheless addressed by bilateral arrangements made with specific countries, and the Fiji missions in Australia and New Zealand liaise closely with the Ministry of Employment, Productivity and Industrial Relations and keep track of Fijians deployed under the said programmes.

There are no formal remittance schemes in place in Fiji. The Reserve Bank of Fiji aims to collaborate with financial service providers to improve the transfer of international remittances to Fiji, but no measures have been implemented as of February 2022. Fiji’s National Development Plan states that the country is trying to increase the volume of remittances sent via smartphone, but it provides no further details. An example of this is through the Vuvale Partnership agreement (2019) between Fiji and Australia which, in part, aims to elevate cooperation between the countries to increase access to finance for both populations.



5

EFFECTIVELY ADDRESSES THE MOBILITY DIMENSIONS OF CRISES

5.1. Migration governance: Examples of well-developed areas

Fiji has communication systems in place to transmit information on the evolving nature of crises and ways to access assistance. According to its National Disaster Management Plan (1995),¹⁴ during emergency operations, the National Disaster Management Office activates the National Emergency Operations Centre (NEOC), which coordinates requests for assistance during emergencies and maintains records of all inward and outward communication. The NEOC's Information and Communication Unit records and distributes all incoming messages, provides information to the public and government agencies, and informs the National Disaster Management Committee of updates when required. The Fiji Military Forces, the Republic of Fiji Navy, the Fiji Police Force, the Fiji Posts and Telecommunications Ltd, and the Ministry of Communications assist the NEOC's operating teams in emergencies with communication, coordination and reporting emergency operations. Media agencies such as the Fiji Broadcasting Corporation are responsible for the transmission of emergency communications through mainstream media such as television and radio, and also through social media platforms under the direction of the NEOC. Communications are broadcasted in English and translated into Fijian, Hindi and Chinese. In addition, the messages are relayed to foreign diplomatic missions based in Fiji to share through their networks in their various official languages.

Fiji has strategies in place for addressing migration linked to environmental degradation and climate change. In September 2021, Fiji enacted the Climate Change Act, which states as one of its aims "safeguarding the rights of the relocated communities and [providing] funds for their relocation and resettlement". The Act also establishes the Fijian Taskforce on the Relocation and Displacement of Communities Vulnerable to the Impacts of Climate Change. Furthermore, the National Climate Change Policy (NCCP) (2018–2030) developed by the Ministry of Economy sets out objectives, expected outcomes, and strategies for managing human mobility caused by climate change. One of the expected outcomes of the NCCP is to actively protect climate-vulnerable populations through anticipatory and responsive policies and systems for managing human mobility. To do so, Fiji highlights regional cooperation with other countries to ensure adherence to international best practices. The NCCP further states that responses to climate change-related mobility issues should consider the role of immigration policy and labour mobility as tools that support economic and adaptation-related policies.

Fiji has a contingency plan to manage large-scale population movements in times of crisis. The *Displacement Guidelines* (2019) has general plans for displacement, including both "controlled movement" (such as evacuation) and "involuntary movement". To prevent large-scale displacement and minimize its effects, the *Guidelines* envisages three primary measures: risk assessment and prevention, developing resilience, and awareness-raising activities. It also lays out the measures to be taken before, during and after the crisis that has caused the displacement, and lists protection measures for temporarily and permanently displaced people. Temporary measures focus on steps that ensure adequate interim accommodation for people who have been displaced. Permanent measures focus on aspects such as creating sustainable livelihoods, diversification of income, and/or alternative financial schemes.

Fiji also participates in the Enhancing Protection and Empowerment of Migrants and Communities Affected by Climate Change and Disasters in the Pacific Region programme, which seeks to protect and empower communities adversely affected by climate change and disasters in the Pacific region, focusing

¹⁴ The National Disaster Management Plan has not been updated since 1995.

specifically on climate change and disaster-related migration, displacement, and planned relocation.¹⁵ Fiji in partnership with IOM organized a national consultation in 2021 to review the implications of climate change-related migration, displacement, and planned relocation on human security and share experiences on how climate change-related mobility is impacting communities and the development of a regional solution.

5.2. Areas with potential for further development

Fiji does not have a strategy with specific measures to provide assistance to migrants before, during or after crisis situations. There is no mention of migrants in the Natural Disaster Management Act (1998), the National Disaster Management Plan, the Disaster Recovery Framework (2016), the Fiji Tsunami Response Plan (2017), the National Humanitarian Policy for Disaster Risk Management (2017), or the National Disaster Risk Reduction Policy (2018–2030). The National Adaptation Plan (2018) does not refer to measures for aiding migrants before, during or after crisis situations, although it does aim to reduce income inequality through orderly, safe, regular and responsible migration.

Fiji has put in place some measures to make exceptions, on an ad hoc basis, to immigration procedures for immigrants whose country of origin is experiencing crisis – namely, any of the Pacific Island countries that are experiencing climate change-related crisis. The Immigration Act (2003) states that the Minister responsible for immigration may issue an order exempting any person from permit requirements, but it does not mention people whose country of origin is experiencing a crisis. The Act lays down the procedure for granting asylum, but it does not grant any exemptions from ordinary immigration procedures. Nonetheless, Fiji has offered permanent settlement to citizens of Kiribati and Tuvalu, two of the Pacific Island countries that are most affected by climate change, “should they need it”. Moreover, as of February 2022, the Fijian Immigration Department is in the process of revising the Immigration Regulations (2007) to further take into consideration migrants’ needs, including during crises.

¹⁵ This multi-country programme running from February 2019 to January 2022 is implemented by IOM, the Economic and Social Commission for Asia and the Pacific, the International Labour Organization, and the Office of the High Commissioner for Human Rights, in partnership with the Pacific Islands Forum Secretariat and the Platform on Disaster Displacement. It aims to establish a regional framework and to strengthen community-based solutions for addressing the multifaceted challenges posed by climate insecurity in the Pacific region, focusing on climate-induced and disaster-related migration, displacement and planned relocation.



6

ENSURES THAT MIGRATION TAKES PLACE IN A SAFE, ORDERLY AND REGULAR MANNER

6.1. Migration governance: Examples of well-developed areas

The Fijian Immigration Department administers and enforces the Immigration Act (2003), the Immigration Regulations (2007), the Passport Act (2002), the Citizenship Act (2009) and the Citizenship of Fiji Regulations (2009). It comprises six divisions: compliance and investigations, passports and citizenship, permits and visas, border control, research and development, and corporate services. The Fijian Navy is responsible for maritime surveillance and represents the Immigration Department out at sea.

The Ministry of Defence, National Security and Policing provides the overall leadership and guidance on border control and security. It chairs an Inter-agency Committee with membership from all the border control agencies, and which discusses emerging issues related to border control and security. The Committee is composed of different government departments, including the Fiji Revenue and Customs Service, the Fijian Immigration Department, the Biosecurity Authority of Fiji, Airports Fiji Limited and the Fiji Police Force.

Fiji has in place laws, policies and empowered State bodies to combat human trafficking. The National Human Trafficking Strategy (2021–2026) and the National Action Plan to Combat Human Trafficking (2021–2026) address the prevention of human trafficking, protection of victims, and prosecution of traffickers, as well as partnership, coordination and international cooperation.¹⁶ The National Human Trafficking Strategy and the National Action Plan encompass the four pillars of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children – namely, prevention, protection, prosecution and partnership. Furthermore, the Crimes Act (2009) deals comprehensively with various types of human trafficking-related issues such as slavery, bonded labour, sexual servitude and child labour. In addition, the Office of the Director of Public Prosecutions collaborates with the Fiji Police Force's Human Trafficking Unit to raise awareness of human trafficking and encourage citizens to come forward with potential cases of trafficking.

As a member of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, Fiji participated in the Fourth Joint Period of Action of the Bali Process held in Bangkok in 2018, which aimed to dismantle migrant-smuggling and trafficking-in-persons networks in the Asia-Pacific region through joint investigations.¹⁷

6.2. Areas with potential for further development

Fiji uses the Integrated Border Management System, which provides data on permits, border entries, applications for citizenship, as well as overstays. While the Integrated Border Management System captures the personal details of overstayers, it is not updated with changes in the residential address, making it difficult for enforcement agencies to monitor overstays. These are generally detected upon exiting the country, and individuals are fined and issued a notice prohibiting them from entering Fiji for a set period. The Fijian Immigration Department has a Compliance and Investigation section to deal with non-compliance, as well as an online portal through which the general public can report cases of visa overstay and other irregularities.¹⁸

¹⁶ More information is available at www.fiji.gov.fj/Media-Centre/News/COUNTERING-HUMAN-TRAFFICKING-TRAINING.

¹⁷ The Fourth Joint Period of Action resulted in several successes, including the arrest of a Fijian citizen as a result of the joint investigation conducted with Immigration New Zealand and the Fijian Police.

¹⁸ In December 2019 to December 2020, the number of overstays has decreased from approximately 13,000 to over 4,000.

Fiji does not conduct regular border staff training. However, it has collaborated with various countries and international organizations to train its border staff on specialized issues on an ad hoc basis. In 2019, Fiji hosted the Australian Border Force in collaboration with the Australian High Commission and the Fiji Revenue and Customs Service to conduct a workshop to help 13 countries in the Pacific region enhance their border protection skills.¹⁹ In 2020, a border training programme was organized by the Fijian Government and the United States embassy in Fiji. In 2021, in partnership with the Fijian Immigration Department, IOM launched the two-year project Strengthening Fiji's Border Management Capacity,²⁰ one of the features of which is training border agencies to deal with border security issues.

Fiji does not have procedures or policies to identify migrants in vulnerable situations, and to provide them with adequate referral and protection services.

¹⁹ More information is available at www.fracs.org.fj/news/2019-2/border-fundamental-workshop-to-enhance-border-protection/.

²⁰ More information is available at www.fiji.gov.fj/Media-Centre/News/STRENGTHENING-FIJI%E2%80%99S-BORDER-MANAGEMENT-CAPACITY-PR.



PREPAREDNESS AND RESPONSE PROTOCOLS ON THE RISKS OF THE NOVEL CORONAVIRUS (COVID-19)

This page summarizes key national COVID-19 policy responses in Fiji from a migration governance perspective. It is based on 12 questions that were added to the standard Migration Governance Indicators (MGI) assessment in the country in order to effectively assess national migration governance in the context of the COVID-19 pandemic.



The Fijian Immigration Department has put in place measures to extend permits for foreign nationals stranded in the country due to COVID-19. The application forms for the extension of work permits and residence permits for family members are available on the Fijian Immigration Department's website as of February 2022.¹ In order to help migrants maintain their legal status during the pandemic, a special one-month visa and permit was issued upon request. A formal permit extension application is required if the extension of stay exceeds one month.



Fiji provides ongoing support to Fijian nationals stranded abroad and facilitates their repatriation. More than 12,800 Fijian nationals have been repatriated since March 2020 through Fiji's COVID-19 quarantine protocols, at a direct cost to the Government of over FJD 18 million (USD 8.75 million) to cover meals, accommodation, COVID-19 tests, transportation and personnel costs.² For Fijians working under seasonal worker programmes, reintegration was facilitated by the Ministry of Employment, Productivity and Industrial Relations. The Ministry of Employment engages key ministries such as the Ministry of Agriculture, the Ministry of Lands and Mineral Resources, and the Ministry of Commerce, Trade, Tourism and Transport in facilitating the reintegration programme.³



Migrants can access COVID-19-related health services, but not under the same conditions as nationals. COVID-19 tests are available free of charge only for returning citizens and for citizens with COVID-19 symptoms, whereas non-citizens entering Fiji are required to pay a fee.⁴

¹ Fijian Immigration Department, Fiji immigration. Available at www.immigration.gov.fj/.

² Ministry of Economy, *Displacement Guidelines: In the context of climate change and disasters* (2019). Available at www.adaptationcommunity.net/wp-content/uploads/2020/03/Displacement-Guidelines-Fiji-2019.pdf.

³ Ministry of Health and Medical Services, Home page. Available at www.health.gov.fj/.

⁴ The Fijian Government, COVID-19 FAQs – Prevention. Available at www.fiji.gov.fj/COVID-19/FAQs/Prevention.



PREPAREDNESS AND RESPONSE PROTOCOLS ON THE RISKS OF THE NOVEL CORONAVIRUS (COVID-19)



Fiji citizens are not charged for quarantine facilities at designated hotels when flying into Fiji, while migrants are required to pay for the cost of quarantine.⁵ Fiji's contact-tracing app, careFIJI, is available from app stores and is free to download. Foreign nationals entering Fiji are required to install and use the app, while this is optional for Fijian citizens.⁶



Unemployment benefits for workers in the informal sector within areas under lockdown in Fiji are not available for foreign citizens.⁷ Furthermore, Government-funded paid leave for those on low incomes who have contracted COVID-19 is only available to Fijian nationals, as are the FJD 1,000 (USD 485) payments for workers in the informal sector who have tested positive for the virus.⁸

⁵ Republic of Fiji, Public Health (Amendment) (No. 2) Act. 4 September 2020. Available at www.parliament.gov.fj/wp-content/uploads/2020/09/Act-30-Public-Health-Amendment-No.-2.pdf.

⁶ Republic of Fiji, careFIJI – Frequently asked questions. Available at <https://carefiji.digitalfiji.gov.fj/faqs/>.

⁷ Republic of Fiji, Unemployment benefit for workers in informal sector within lockdown areas (2020). Available at [www.fiji.gov.fj/getattachment/dbb53051-9f90-40fc-9f9a-00107d9b2eea/Unemployment-Benefit-for-Lockdown-Areas-\(Informal.aspx\)](http://www.fiji.gov.fj/getattachment/dbb53051-9f90-40fc-9f9a-00107d9b2eea/Unemployment-Benefit-for-Lockdown-Areas-(Informal.aspx)).

⁸ The Fijian Government, 2020 COVID-19 budget response address by the Attorney-General and Minister for Economy Hon. Aiyaz Sayed-Khaiyum. 27 March 2020. Available at www.fiji.gov.fj/Media-Centre/Speeches/2020-COVID-19-BUDGET-RESPONSE-ADDRESS-BY-THE-ATTOR.





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ANNEXES

MiGOF: Migration Governance Framework²¹

In an attempt to define the concept of “well-managed migration policies”, the International Organization for Migration (IOM) devised a Migration Governance Framework (MiGOF), which was welcomed by the IOM Council in November 2015. For the purposes of the Migration Governance Framework, IOM defines governance as “the traditions and institutions by which authority on migration, mobility and nationality in a country is exercised, including the capacity of the government to effectively formulate and implement sound policies in these areas”.

The Framework sets out the essential elements of “good migration governance” – 3 principles and 3 objectives which, if respected and fulfilled, would ensure that migration is humane, safe and orderly, and that it provides benefits for migrants and societies.²² IOM’s view is that a migration system promotes migration and human mobility that is humane and orderly and benefits migrants and society:

When it:

- (i) Adheres to international standards and fulfils migrants’ rights;
- (ii) Formulates policy using evidence and a “whole-of-government” approach;
- (iii) Engages with partners to address migration and related issues.

As it seeks to:

- (i) Advance the socioeconomic well-being of migrants and society;
- (ii) Effectively address the mobility dimensions of crises;
- (iii) Ensure that migration takes place in a safe, orderly and dignified manner.

The MiGOF does NOT create new standards or norms. In drafting the Framework, IOM relied on its expertise and analytical work, as well as on existing commitments, non-binding declarations and statements. It does NOT address global migration governance that is the international architecture for dealing with issues related to migration and human mobility. Instead, the focus is on the governance and management of migration from the point of view of the State as the primary actor. It does NOT propose one model for all States. The Framework presents a “high road” or ideal version of migration governance, to which States can aspire.

The MiGOF is based on the understanding that, as the primary actor in migration, mobility and nationality affairs, a State retains the sovereign right to determine who enters and stays in its territory and under what conditions, within the framework of international law. Other actors – citizens, migrants, international organizations, the private sector, unions, non-governmental organizations, community organizations, religious organizations and academia – contribute to migration governance through their interaction with States and each other.

²¹ IOM Council, Migration Governance Framework, 106th Session, C/106/40 (4 November 2015). Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

²² Migration Governance Framework infosheet (2016). Available at <https://publications.iom.int/books/migration-governance-framework>.

The MGI process



1

Launch of the MGI process

The first step of the process is to explain what the MGI entails to key government officials, in order to ensure full understanding of the project and complete buy-in.



2

Data collection

The second step of the process is to start the collection and analysis of data, based on about 90 indicators grounded in the 6 dimensions of the MiGOF. A migration governance profile based on the analysis of the findings is then drafted and shared with the government counterparts.



3

Interministerial consultation

The third step of the process is to convene an interministerial consultation where all relevant ministries and other stakeholders discuss the good practices and main areas that could be developed further as identified in the draft migration governance profile, as well as priorities on the way forward. It is also an opportunity for them to comment and provide suggestions on the draft profile.



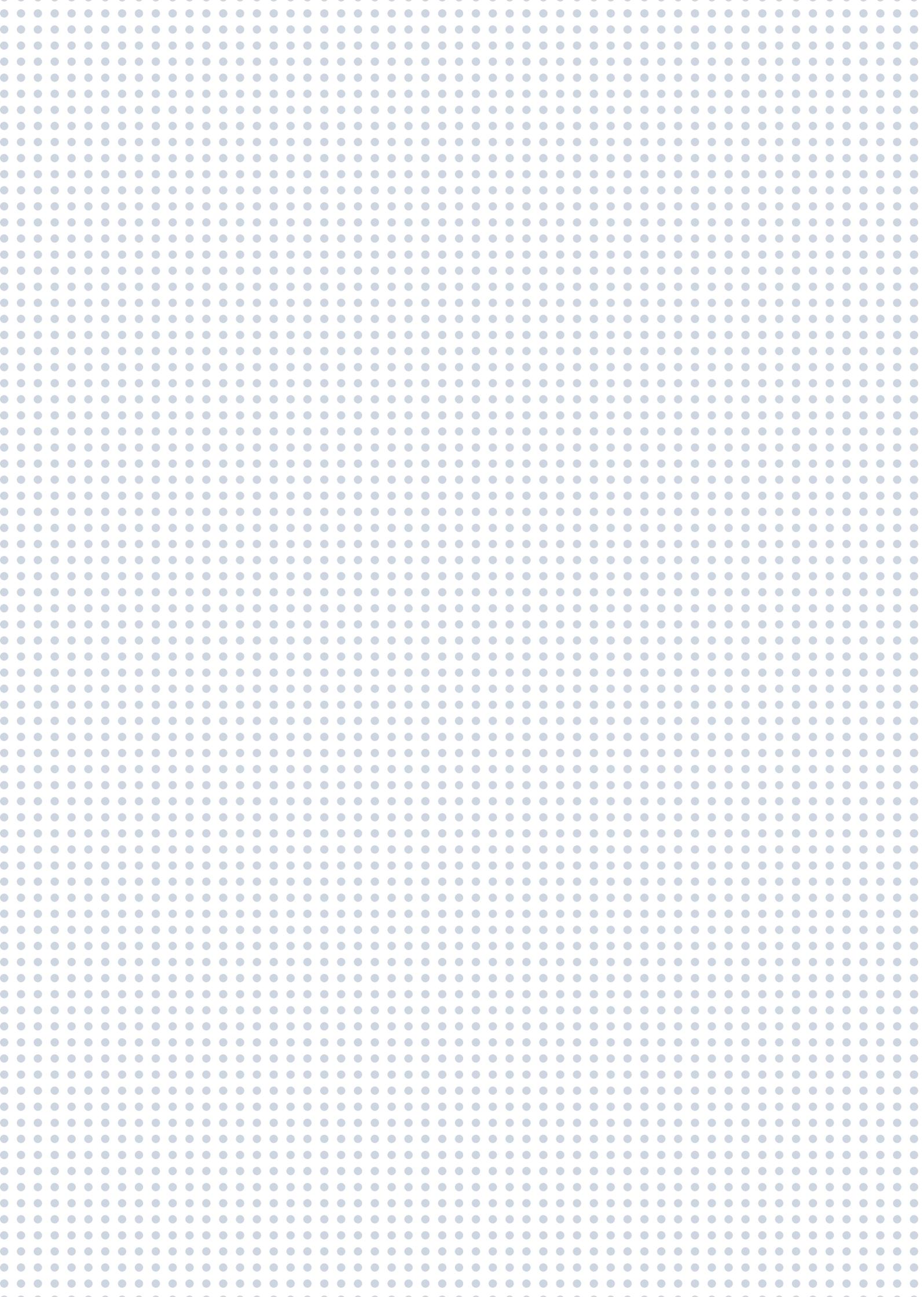
4

Publication of the report on the Global Migration Data Portal

After the migration governance profiles are finalized and vetted by government counterparts, they are published on the Global Migration Data Portal²³ and uploaded on the IOM Publications Platform.²⁴

²³ You can find the profiles at <https://migrationdataportal.org/overviews/mgi#0>.

²⁴ Please see <https://publications.iom.int/>.





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