

REPUBLIC OF MALAWI | PROFILE 2022

MIGRATION

GOVERNANCE

INDICATORS



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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 Malawi (hereinafter referred to as Malawi), 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)	Yes (1965)
United Nations Convention relating to the Status of Refugees (also known as the Refugee Convention), 1951	Yes (1987)
United Nations Protocol relating to the Status of Refugees, 1967	Yes (1989)
United Nations Convention relating to the Status of Stateless Persons, 1954	Yes (2009)
United Nations Convention on the Reduction of Statelessness, 1961	No
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	No
United Nations Convention on the Rights of the Child (UNCRC), 1989	Yes (1991)
United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990	No
Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969	Yes (1987)

1.2. Migration governance: Examples of well-developed areas

All migrants, regardless of status, have the same access to free public health care as nationals in Malawi. The Constitution (1994, revised 2017) establishes the governmental commitment to provide “adequate health care, commensurate with the health needs of Malawian society and international standards of health care” and equality of opportunity for all in accessing health services.

Malawi signed a Social Security Agreement with Zambia in 2003 on the portability of social security entitlements. Malawi also has agreements with Zimbabwe and South Africa regarding pension portability.⁵ Malawi participated in the 2017–2019 ILO-led programme “Extending access to social protection and portability of benefits to migrant workers and their families in selected RECs [Regional Economic Communities] in Africa”. One of the key activities of the programme included the “[a]ssessment of existing social protection access and portability provisions for formal and informal migrant workers in SADC [Southern African Development Community] [to] inform the development of suitable coordination mechanisms, administrative arrangements and management systems to support the portability of social security benefits within the sub region”.

⁵ Since the early 1900s, Malawi (then Nyasaland) has served as a source of migrant labour for Zambia (then Northern Rhodesia), Zimbabwe (then Southern Rhodesia) and South Africa, and remittance of pension benefits has been ongoing since then. In the case of South Africa, Malawians working for a large mining company receive periodic payments for work injuries they have sustained, through direct bank transfers.

Family reunification is possible for the spouses, minor children and dependent relatives of all categories of migrants in Malawi, as established by the Immigration Act (1964).

The Citizenship Act (1966) establishes that citizens of the Commonwealth and of certain African States⁶ can apply for citizenship if they are ordinarily residents in Malawi, meaning that they have resided legally in Malawi for a period of five years. Migrants from other countries can acquire citizenship if they are ordinarily residents in Malawi and have been residents for a period of seven years.

1.3. Areas with potential for further development

Migrants with regular status can access public education in Malawi; however, this is not explicitly outlined in legislation, and if there are limited seats, priority for public education is often given to citizens. The Education Act (2013) establishes that primary education is free for all children under the age of 18 years and is provided by local government authorities. However, the Education Act makes no specific reference to migrants.

Existing legislation does not outline the rights of migrants to social protection. The Second Malawi National Social Support Programme (2018) makes no reference to migrants' inclusion in social protection programmes. The Pension Act (2011) provides for the establishment of a pension scheme for employees, and the Workers' Compensation Act (2000) provides for compensation for workplace injuries. While neither makes specific reference to migrants' rights, the Workers' Compensation Act does not exclude regular migrant workers.

The Immigration Act establishes persons classified as "prohibited immigrants" and states that their relatives and dependants are not entitled to entry into Malawi.⁷

Permanent residents have equal access to employment and self-employment as nationals and do not require an employment permit. Migrants wishing to undertake employment or self-employment in Malawi must apply for a business residence permit or a temporary employment permit, both of which restrict the holder to the particular employment for which the permit is provided and require proof of employment to be submitted before they are issued.⁸

The Minister of Homeland Security has discretionary power to issue residence permits to persons he/she considers desirable migrants, as outlined by the Immigration Act. In practice, not all migrants are entitled to apply for a permanent residence permit on an equal footing. Migrants' abilities to obtain a permanent residence permit can depend on the historical diplomatic relationship of Malawi with their country of origin.

Malawian citizens living abroad are not able to vote in national elections. In order to vote, they must return to Malawi, register in a constituency and vote in person.

Malawi does not have a policy or strategy to specifically combat hate crimes, violence, xenophobia or discrimination against migrants. The Employment Act (2000) prohibits discrimination in employment on the grounds of nationality, and the Constitution prohibits discrimination based on national origin.

⁶ Article 14 (3) states the following: "The Minister may, where he is satisfied that it is desirable so to do, by order published in the Gazette declare that citizens or residents, or any class of citizens or residents, of any State or territory, or any part thereof, on the continent of Africa shall be persons of a class to which this section applies."

⁷ The Immigration Act lists a range of personal characteristics, such as illiteracy, disability and homosexuality, as grounds for being deemed a "prohibited immigrant".

⁸ The Immigration Act states that a business residence permit is granted to a "person who wishes to reside in Malawi for the purpose [of] carrying on a business, practising a profession or engaging in an occupation, for gain, profit or reward, as a self-employed person or a partner or a proprietor of that business, professional practice or occupation".



2

FORMULATES POLICY USING EVIDENCE AND WHOLE-OF-GOVERNMENT APPROACH

2.1. Migration governance: Examples of well-developed areas

The Ministry of Homeland Security (MOHS) is responsible for implementing all immigration-related policies. Other government institutions – including the Department of Immigration and Citizenship Services (DICS), the Diaspora Affairs Unit (DAU), the Malawi Police Service and Malawi Prisons Service, and the Ministry of Gender, Community Development and Social Welfare – are also responsible for implementing migration-related activities.

The Inter-Ministerial Steering Committee (IMSC) on Migration Management, established in 2019, is chaired by the Chief Secretary of the Office of the President and Cabinet (OPC), and consists of 15 members at principal secretary and headship levels from government ministries, departments and agencies.⁹ The overall objective of the Committee is to coordinate policy and political support, as well as guidance from relevant ministries, departments and agencies.

The Ministry of Foreign Affairs (MOFA) developed the Malawi Diaspora Engagement Policy (2017) and coordinates its implementation. MOFA's DAU, established in 2012, is responsible for engaging with the diaspora and mobilizing its involvement in Malawi's development, maintaining a database of the diaspora and protecting Malawian nationals abroad.

Rules and regulations pertaining to migration are available on the website of DICS, which falls under the remit of MOHS. The website contains information on the country's visa and permit regime for immigrants, including details on the types of visas and permits issued, as well as the requirements, fees and application process for each.

Malawi's 2018 Population and Housing Census includes questions on migration. The Census contained questions on emigration, including on the emigrant's destination, year of departure and activity abroad. The 2018 Census Main Report presents data on immigrants disaggregated by nationality, and data on emigrants who left Malawi between 2008 and 2018, disaggregated by sex, reason for leaving and country of destination.

2.2. Areas with potential for further development

The DAU established the Umodzi Diaspora Network Portal, an online portal for the diaspora that seeks to promote dialogue and action with regard to the socioeconomic development of Malawi; build a database of professional, skilled and semi-skilled Malawian diaspora members; enhance partnership formation and idea exchange among the diaspora; and create a platform to influence policy options and strategies in the diaspora's host countries. Nationals may access the portal and voluntarily register to create an account. The portal is operational as of February 2022 but needs to be updated.

MOHS led the development of Malawi's first National Migration Policy (NMP) and submitted the draft NMP to OPC in November 2019. As of February 2022, OPC is expected to hold a review meeting for the NMP. The draft NMP addresses migrant reintegration through, for example, the assisted voluntary return and reintegration scheme, but it has not yet been adopted. The Government of Malawi envisages that this policy will improve migration management in the country by implementing safe migration pathways that

⁹ Those members include: the Ministry of Homeland Security; the Ministry of Labour; the Ministry of Foreign Affairs; the Ministry of Gender, Community Development and Social Welfare; the Ministry of Finance and Economic Affairs; the Ministry of Trade and Industry; the Ministry of Local Government; the Ministry of Health; the Ministry of Information, Civic Education and Communications Technology; the Ministry of Education; and the Ministry of Youth and Sports.

serve as a better option to irregular migration. An overall strategic plan could further lead to the creation of a national agency responsible for coordinating the implementation of key national, regional and global commitments in the field of migration management.

Migration data are collected by various ministries and agencies, including the National Statistical Office, MOHS and DICS. For example, data on monthly returns are collected by DICS at all entry and exit points, including information on gender and reason for travel. However, these migration data are not published on a regular basis or analysed to inform policy development.

3

ENGAGES WITH PARTNERS TO ADDRESS
MIGRATION AND RELATED ISSUES

3.1. Migration governance: Examples of well-developed areas

Malawi participates in two regional consultative processes. Under the Southern African Development Community (SADC), Malawi is part of the Migration Dialogue for Southern Africa (MIDSA), which was established in 2000 to enhance inter-State cooperation to improve migration governance. Malawi is also a member of the Migration Dialogue from the Common Market for Eastern and Southern Africa Member States (MIDCOM), which was established in 2013 to improve government capacity to manage migration, build harmonized data-collection systems, and develop immigration policy and legislation.

Malawi has ongoing migration-related discussions with the main countries of destination for Malawian emigrants, including bilateral joint permanent commissions that have a focus on migration. Partner countries for these discussions and commissions include Burundi, Ethiopia, Mozambique, Rwanda, South Africa, the United Republic of Tanzania, Zambia and Zimbabwe.

The Malawi Diaspora Engagement Policy (MDEP) (2017) seeks to ensure “representation of the Diaspora network in the design and implementation of Malawi’s development strategies”. Malawi has also engaged its diaspora on an ad hoc basis, including during the drafting of the MDEP. For that, the Government held consultations with Malawians in Kenya, Ethiopia, South Africa, the United States of America and the United Kingdom. The Ministry of Foreign Affairs, in collaboration with IOM, mapped and profiled the Malawian diaspora in the United States, the United Kingdom and South Africa. This exercise, completed in June 2021, informs the Government of Malawi’s understanding of the diaspora resources it could harness, including the skills gaps and investment opportunities that the Malawian diaspora could exploit to allow them to contribute to the country’s development agenda. Malawi’s commitment to strengthening engagement with its diaspora aligns with its principle of involving them and leaving no one behind in the development of the country.

The Reserve Bank of Malawi (RBM) lists several investment opportunities for the diaspora in the financial sector, such as the Malawi Stock Exchange and foreign exchange bureau business and money transfer business operations. Further, RBM does not subject remittances from non-resident foreign currency denominated accounts to exchange control requirements.¹⁰

3.2. Areas with potential for further development

Malawi is not part of any regional agreements promoting labour mobility. SADC has various protocols and agreements covering migration and labour mobility; however, most are not operational in Malawi as of February 2022, with the exception of SADC’s Labour Migration Policy Framework and its Labour Migration Action Plan (2020–2025).¹¹ Additionally, the Common Market for Eastern and Southern Africa’s Protocol on the Gradual Relaxation and Eventual Elimination of Visa Requirements (1984) and the Protocol on the Free Movement of Persons, Labour, Services, the Right of Establishment and Residence (2001) are not yet operational in Malawi.

Malawi has a memorandum of understanding on the Accelerated Programme for Economic Integration with Mauritius, Mozambique, Seychelles and Zambia, which aims to facilitate labour mobility

¹⁰ Non-resident foreign currency denominated accounts (FCDAs), operational as from 2006, are held by, among others, the diplomatic community and international organizations. Malawians living abroad are free to open non-resident FCDAs with any bank in Malawi.

¹¹ These include the SADC Protocol on the Facilitation of Movement of Persons (2005), the SADC Protocol on Employment and Labour (2014), the SADC Regional Labour Migration Policy Framework (2014), the draft IOL-SADC Decent Work Programme (2021–2025), and the draft SADC Employment and Labour Protocol Implementation Plan (2017–2020).

among the countries; however, there is no evidence of its implementation. The country also does not have any formal bilateral labour agreements in place.¹²

Malawi engages civil society organizations (CSOs) in agenda-setting and the implementation of migration-related issues, but only on an ad hoc basis. For example, non-governmental organizations, including Save the Children and Women Lawyers Association, as well as the Malawi Congress of Trade Unions and the Malawi Network Against Trafficking, were consulted during the development of the MDEP. The National Plan of Action Against Trafficking in Persons (2017–2022) lists CSOs as “responsible partners”¹³ for its implementation.

Malawi formally engages members of the diaspora and expatriate communities in agenda-setting and the implementation of development policy through the Umodzi Diaspora Network Portal. The Network seeks to incorporate the diaspora into Malawi’s development through initiatives that include developing sustainable networks and platforms for engagement; encouraging brain circulation, knowledge exchange and skills transfer; and promoting diaspora investment.

Malawi does not yet formally engage the private sector in agenda-setting and the implementation of migration-related issues. It aims to achieve target 10.7.2 of the United Nations Sustainable Development Goals on facilitating orderly, safe, regular and responsible migration and mobility of people by implementing well-managed migration policies through consultations with the private sector.

¹² In September 2016, the Minister of Labour, Youth, Sports and Manpower Development drafted a bilateral labour agreement with Kuwait, but it is yet to be finalized as of February 2022. Malawi also signed a memorandum of understanding with the United Arab Emirates, valid from 2013 to 2017.

¹³ “Responsible parties” are those institutions assigned to lead the implementation of a specific activity or ensure that the activity has been implemented.



4

ADVANCES THE SOCIOECONOMIC WELL-BEING OF MIGRANTS AND SOCIETY

4.1. Migration governance: Examples of well-developed areas

The Malawi Diaspora Engagement Policy (2017) establishes financial remittances as a policy priority area and contains strategies to promote them. These strategies include engaging with financial institutions involved in money transfers to negotiate lower transaction costs for remittances, providing the diaspora with information on financial products and services available to them, creating incentives for investment in innovative financial products, and facilitating financial sector reforms. The Policy further outlines the Government's commitment to implement policy changes that encourage the diaspora to send remittances through formal channels, as well as to reduce barriers to entry in the money remittance business to encourage competition and lower prices.

Malawi accounts for migrant workers' skills and capabilities when deciding whether to admit them. When applying for a temporary employment permit, migrants must send a curriculum vitae providing details of their education and professional qualifications.

The Higher Education Qualification Framework (2019),¹⁴ developed by the National Council for Higher Education, establishes formalized criteria for the recognition of foreign-acquired qualifications. The Department of Higher Education and the National Council for Higher Education, both under the Ministry of Education, are responsible for recognizing these qualifications.

The Directorate of Inspection and Advisory Services under the Ministry of Education finalized a National Qualifications Framework in 2019.¹⁵ This Framework is aligned with the Southern African Development Community Qualifications Framework (SADCQF), established in 2011 to provide a mechanism for comparability and recognition of qualifications across the region so as to promote labour and study mobility. The SADC Qualifications Verification Network (SADCQVN) provides a networking tool for member States to verify qualifications used in the region.¹⁶

The Employment Act (2000) prohibits discrimination in recruitment on various grounds, including sex, race, nationality, and ethnic or social origin.

4.2. Areas with potential for further development

Malawi does not have a national assessment for monitoring the labour market demand for immigrants or the domestic labour supply and the impact of emigration on the domestic labour market. The National Statistical Office conducted a one-off Labour Force Survey in 2013 that collected data on labour force participation rates; employment rates by occupation, industry and status of employment; and youth employment rates. However, it did not cover emigrants or migrants in the workforce.

Malawi does not have different types of permits to attract specific labour skills. The temporary employment permit applies to all migrants.

Malawi implements measures to promote gender equality in the labour force as outlined in the Employment Act and the Gender Equality Act (2013), but these measures are not specifically targeted at migrants.¹⁷

¹⁴ The Higher Education Qualifications Framework was finalized in April 2019; however, it is yet to be gazetted as of February 2022.

¹⁵ More information is available at <https://malawi.un.org/en/42103-step-supports-malawi-develop-national-qualifications-framework>.

¹⁶ Malawi is part of SADCQVN and also the African Qualification Verification Network.

¹⁷ The Employment Act prohibits discrimination in employment, including in training, promotion, remuneration for equal work, and terms and conditions and termination of employment, on the basis of sex. The Gender Equality Act prohibits discrimination on the basis of gender and states that authorities in public service should employ no less than 40 per cent and no more than 60 per cent of either sex.

International students can access university education in Malawi if they obtain a student permit. While fees are determined by individual institutions, Malawian students, and in some cases students from the SADC region, pay lower fees than international students. International students on student permits are not allowed to work and must follow the standard process of obtaining a temporary employment permit after their graduation.

Malawi's National Strategy for Financial Inclusion (2016–2020), developed by the Ministry of Finance and Economic Affairs, aimed to increase the percentage of the adult population that hold a bank account and identified strategies to increase financial inclusion. These strategies included expanding the reach of digital payments and providing targeted financing for micro, small, and medium-sized enterprises and farmers. However, the Strategy did not focus on migrants.



5

EFFECTIVELY ADDRESSES THE MOBILITY DIMENSIONS OF CRISES

5.1. Migration governance: Examples of well-developed areas

The Department of Disaster Management Affairs (DODMA) oversees the implementation of disaster risk management programmes through disaster prevention, mitigation, preparedness, response and recovery activities. The National Multi-hazard Contingency Plan (MHCP) (2019–2020), developed by DODMA with support from United Nations agencies, the Malawi Red Cross Society and non-governmental organizations, establishes emergency response activities to address the displacement impacts of disasters,¹⁸ such as the implementation of school feeding programmes for displaced children. The MHCP has been updated and finalized for 2020/2021.

The 2020–2021 MHCP addresses the impact of climate change and the anticipated effects of the La Niña weather pattern, including displacement due to environmental hazards. Its objectives include providing support to all emergency response stakeholders to ensure the provision of food, water, shelter, health care and other emergency supplies to populations affected by climate-induced and other disasters, as well as assisting in relocating displaced persons to safer places.

Malawian citizens living abroad may register with the Umodzi Diaspora Network Portal on a voluntary basis. The Network provides emergency support services to them during crises. Malawi's missions abroad provide consular services, including liaising with local police in cases of abduction, and providing help during civil unrest and natural disasters.

Since 23 May 2020, Malawi has facilitated the reception of Malawian nationals impacted by the COVID-19 pandemic,¹⁹ through its consular representations in collaboration with the United Nations, development partners and civil society organizations, among others. Malawi has aided over 21,288 returnees as of 10 February 2021 through infection prevention and control measures; COVID-19 testing; provision of food and non-food items; distribution of water, sanitation and hygiene items; psychosocial support; and offering onward transportation to their destinations. Reintegration assistance has focused on supporting the return of Malawian nationals to the country without necessarily establishing strategies for their long-term welfare, such as including returnees in existing social security programmes. Several returnees may risk re-engaging in irregular migration in search of better opportunities, as the majority of migrant-led households have lost their incomes due to the COVID-19 pandemic.

5.2. Areas with potential for further development

Malawi does not have a strategy with specific measures to aid migrants during crisis and post-crisis situations. The 2020–2021 MHCP does not comprehensively address migrant issues in recovery strategies. To a limited extent, migrant and refugee issues are addressed, such as education following a disaster. Malawi's National Disaster Risk Management Policy (2015) does not refer to migrants, internally displaced persons or refugees.

Malawi's early warning systems that provide the public with information on the evolving nature of crises, including through the circulation of national and regional early warning bulletins, do not consider the specific vulnerabilities that migrants face. These would benefit from modernization and upscaling.

¹⁸ The National Multi-hazard Contingency Plan 2019–2020 was implemented during hazards such as floods, disease outbreak and civil strife that affected the country in those years.

¹⁹ These nationals were returning mainly from South Africa, the United States and the United Kingdom.

Malawi also has a communication system for the public to receive information on how to access assistance during crises and for them to communicate their needs to the Government. For example, under the United Nations Central Emergency Response Fund, civil protection committees that include community members have been redesigned to act as a link between community members and the institutions responding to crises. However, this system does not make specific provisions for migrants.

Neither the National Climate Change Management Policy (2016) nor the *National Resilience Strategy 2018–2030: Breaking the Cycle of Food Insecurity in Malawi* contains strategies to address migratory movements caused by environmental degradation and the effects of climate change, despite recent assessments showing that climate change is likely to increase barriers to rural–urban migration.

Malawi does not have measures in place to make exceptions to the immigration procedures for migrants whose country of origin is experiencing crisis. Exceptions are provided only for refugees, as outlined by the Refugee Act (1989).



6

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

6.1. Migration governance: Examples of well-developed areas

The Department of Immigration and Citizenship Services (DICS), under the Ministry of Homeland Security (MOHS), is responsible for border control and security, along with issuing travel documents, permits, visas and citizenship.

Malawi has an electronic system to manage visa overstays at some border posts. In 2019, in collaboration with IOM, the Government deployed the Migration Information and Data Analysis System (MIDAS) at the Mwami–Mchinji border post at the Zambia–Malawi border. MIDAS is a border management information system that collects, processes, stores and analyses traveller information in real time. It has also been installed at the Songwe–Kasumulu post at the border with the United Republic of Tanzania. Malawi has other electronic systems to ensure safe, orderly and regular migration, including: the integrated border control systems at Kamuzu International Airport and Chileka International Airport (which will soon be installed at the Mwanza and Dedza borders); an electronic visa issuance system; the electronic permit system for temporary, permanent and business permits at the Immigration Headquarters only; and the electronic passport issuance system in Lilongwe, Mzuzu, Blantyre and Mangochi.

Malawi has various engagement and investment opportunities for members of the diaspora, as presented on the Umodzi Diaspora Network Portal. These include qualification for a non-resident foreign currency denominated account and diaspora investment opportunities, such as participation in local stock exchanges and portfolio investments. The Government of Malawi also amended the 1966 Citizenship Act in December 2018 to allow for dual citizenship, thereby facilitating investment by Malawian nationals who adopted different nationalities after emigrating.

The Trafficking in Persons Act (2015) criminalizes human trafficking, provides for the protection of victims, and established the National Coordination Committee against Trafficking in Persons (NCCATIP) under MOHS. The responsibilities of the Committee include initiating education and awareness programmes on countertrafficking, formulating policies and programmes to prevent trafficking, and coordinating and overseeing the training of law enforcement officials. MOHS developed the National Plan of Action Against Trafficking in Persons (NPATIP) (2017–2022), which provides a road map for the prevention of trafficking in persons, the protection of victims and at-risk populations, and the effective prosecution of suspects.

6.2. Areas with potential for further development

DICS is responsible for training border officials, as outlined by the Integrated Strategic Implementation Plan for the Department of Immigration (2007–2012), which is still being implemented as of February 2022. However, training, including on migration-related topics, is held on an ad hoc basis. For example, in 2018, DICS provided training to new officials on victim identification and the provision of assistance to potential trafficking victims.

There is no formal government programme or dedicated policy that facilitates the reintegration of returning migrants. Malawi participated in IOM’s Pilot Action on Voluntary Return and Sustainable, Community-based Reintegration (from March 2017 to May 2020), which facilitated the reintegration of over 400 Malawians.

Data on anti-trafficking activities are collected and published on an ad hoc basis. For example, in 2018, the Malawi Police Service reported anti-trafficking law enforcement data from seven of Malawi’s district-level

police stations.²⁰ Nonetheless, the NPATIP establishes a strategic framework to produce monthly, quarterly and annual reports on the status of anti-trafficking interventions, and to publish and disseminate quarterly newsletters. Additionally, the Government is yet to publish the initial annual report drafted in 2018 for the NCCATIP. The Trafficking in Persons Act includes a provision to put in place specific registers for trafficking-in-person cases in all police stations, but this is yet to be implemented as of February 2022.

Malawi has measures in place to combat labour exploitation through the Employment Act (2000), which prohibits forced labour; and through the Constitution, which prohibits “slavery, servitude and forced labour”. However, these are not specifically targeted at migrants.

²⁰ The data are collected as for any other case handled by the police, and specific information on trafficking-in-person cases is gathered from these records upon request by stakeholders.



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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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