

REPUBLIC OF THE MARSHALL ISLANDS |
PROFILE 2022

MIGRATION
GOVERNANCE
INDICATORS



IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

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Publisher: International Organization for Migration
17 route des Morillons
P.O. Box 17
1211 Geneva 19
Switzerland
Tel.: +41.22.717 91 11
Fax: +41.22.798 61 50
Email: hq@iom.int
Internet: www.iom.int

With research and analysis by

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CONTENTS

OBJECTIVES // 6

INTRODUCTION // 7

CONCEPTUAL FRAMEWORK // 9

KEY FINDINGS // 10

AFTER THE MGI ASSESSMENT // 24

COVID-19 ANALYSIS // 25

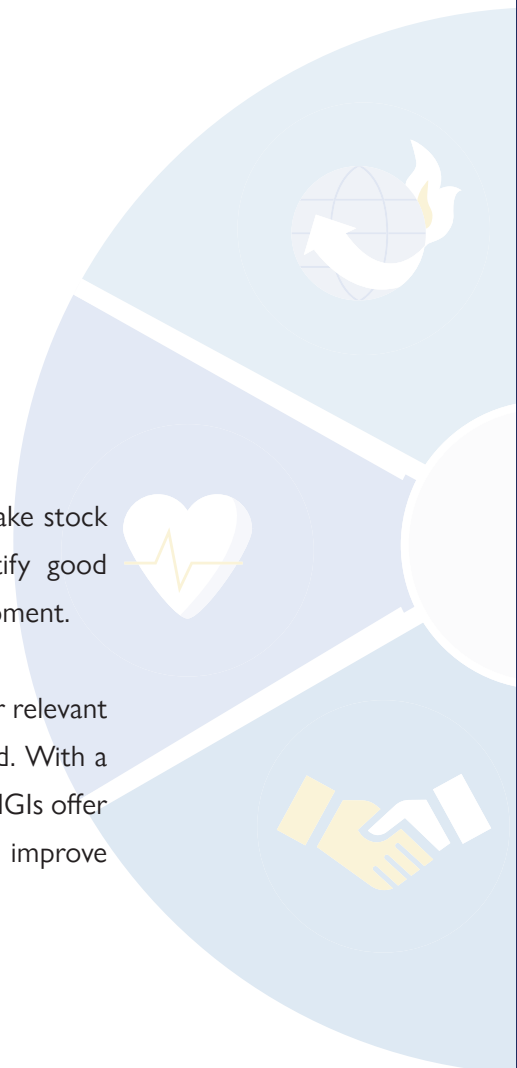
KEY SOURCES // 27

ANNEX // 29

OBJECTIVES

The MGIs aim to help governments, upon request, take stock of their migration policies and strategies to identify good practices and areas with potential for further development.

The MGIs open dialogues with governments and other relevant stakeholders to identify priorities on the way forward. With a focus on government ownership of the process, the MGIs offer support at the national and local levels to gradually improve migration management systems.



INTRODUCTION

“ Migration has been part of the human experience throughout history, and we recognize that it is a source of prosperity, innovation and sustainable development in our globalized world, and that these positive impacts can be optimized by improving migration governance.¹

The need to maximize the opportunities and to face the challenges that mobility brings has been recognized with the inclusion of migration in the 2030 Agenda for Sustainable Development, and with the adoption of the Global Compact for Safe, Orderly and Regular Migration. 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 Governance² Framework (MiGOF). This Framework³ 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. That same year, IOM in collaboration with Economist Impact developed the Migration Governance Indicators (MGIs), a standard set of almost 100 indicators that help States assess the comprehensiveness of their migration governance structures.

The indicators constitute a starting point to engage governments in a consultative process that allows them to identify areas that are well developed and others that would benefit from further development, and most importantly priorities that are in line with the specific challenges and opportunities that a given country is facing.

The MGIs are characterized by three main fundamental attributes:

1. The MGI process is a **voluntary** exercise: The MGIs are conducted in countries that have requested to be part of the process.
2. The MGIs are **sensitive to national specificities**: The MGIs recognize the different challenges and opportunities of each context, and therefore, do not propose a one-size-fits-all solution, but rather aim to spark a discussion on what well-governed migration can mean.
3. The MGIs constitute a **process**: The MGI process is not a static tool to collect data on countries’ migration frameworks. It is rather the first step of a dynamic exercise that can enable governments to identify areas of their migration policy in need of further development, or that could benefit from capacity-building.

The MGIs recognize that all countries have different realities, challenges and opportunities in relation to migration. Therefore, the MGIs do not rank countries on the design or implementation of their migration policies.

Finally, the MGIs do not measure migration policy outcomes or institutional effectiveness. Instead, they take stock of the migration-related policies in place and operate as a benchmarking framework that provides insights on policy measures that countries can consider as they further 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 the Marshall Islands, as well as the areas with potential for further development, as assessed by the MGIs.⁴

¹ United Nations, *Global Compact for Safe, Orderly and Regular Migration* (A/RES/73/195 of 11 January 2019), paragraph 8.

² “Migration governance” refers to the system of institutions, legal frameworks, mechanisms, and practices aimed at regulating migration and protecting migrants. It is used almost synonymously with the term “migration management”, although the latter is also sometimes used to refer to the narrow act of regulating cross-border movement at the State level.

³ IOM Council, *Migration Governance Framework*, 106th Session, C/106/40 (4 November 2015), page 1, footnote 1.

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’s Member States.

CONCEPTUAL FRAMEWORK

MiGOF

IOM's 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 and orderly, and benefits migrants and society.

At the basis of

PRINCIPLES

1. **Adhere** to international standards and fulfil migrants' rights.
2. **Formulate** policy using evidence and a whole-of-government approach.
3. **Engage** 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.



MGIs

WHAT THEY ARE

-  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 and the Global Compact for Migration implementation*

Which support the measurement of

WHAT THEY ARE NOT

-  Not a ranking of countries
-  Not an assessment of policy impacts
-  Not prescriptive



Note: "The Global Compact for Migration is framed in a way consistent with target 10.7 of the 2030 Agenda for Sustainable Development in which Member States committed to cooperate internationally to facilitate safe, orderly and regular migration."



KEY

FINDINGS

The MGIs consist of almost 100 indicators grouped under the six 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. They look 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 15

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 17

This category focuses on countries' efforts to cooperate on migration-related issues with other States and 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 in relation to disasters and climate change, 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

ADHERE TO INTERNATIONAL STANDARDS AND FULFIL 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	No
United Nations conventions on statelessness, 1954 and 1961	No
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	No
Convention on the Rights of the Child (CRC), 1989	Yes (1993)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990	No
International Convention on the Elimination of All Forms of Racial Discrimination, 1966	Yes (2019)
Convention on the Elimination of All Forms of Discrimination against Women, 1979	Yes (2006)

1.2. Migration governance: Examples of well-developed areas

Migrants have access to Government-funded health services under the same conditions as nationals. The Constitution of the Republic of the Marshall Islands (1979) establishes “the right of the people to health care” without making any distinction based on nationality or residency status. The Marshall Islands Health Fund Act (2002) established the Marshall Islands Health Fund, which includes the basic health benefits plan. The plan provides, pays for or reimburses all basic health-care services, including primary care as well as specialist and consultant care.⁵ Migrants who have been resident in the Marshall Islands for at least one year and pay taxes are covered by the plan. Those who are not covered by the plan and are regular residents can voluntarily pay a premium into the Health Fund to obtain cover upon authorization by the Health Services Board. Insurance cover is not needed to access health-care services, but coverage by the plan determines prices, with those covered by the plan paying lower fees.

⁵ The plan also covers diagnostic X-ray and laboratory tests, maternity care, childcare (including immunization), family planning services, annual physical examination, hospital care, in-patient physician and patient care, blood and blood derivatives, short-term physical therapy, prescription drugs, prosthetic appliances, vision care, dental care, and medical and dental equipment.

All migrants have the same access to public education services as nationals regardless of their migratory status. The Constitution of the Marshall Islands establishes the obligation of the Government to provide education services “for the people of the Republic” and makes no distinction based on nationality. The Marshall Islands Public School System Act (2013) establishes a public school system under the Ministry of Education, Sports and Training “to provide a thorough and efficient system of education to all children in the Republic”. The Act states that all children in the Marshall Islands are eligible to enrol in elementary schools from the age of 5. Public schools – primary (grades 1–8) and secondary (grades 9–12) – are free for all, including migrants, but only primary education is compulsory. In principle, migrants must possess valid student visas to attend school, though this requirement is not considered among the eligibility criteria in practice.

The Social Security Act (1990) establishes the Social Security Retirement Fund (SSRF), to which all employed and self-employed workers contribute, including migrant workers. All contributors to the SSRF are covered by disability and life insurance, as well as surviving spouse and child insurance benefits; and upon reaching the appropriate age, they are eligible for pensions.⁶ According to a new amendment to the SSRF in 2018, migrant workers that are above the minimum age for retirement, which is 63 years of age, can apply for a lump-sum payment that represents 80 per cent of their life-to-date paid social security contributions. As stated in the Social Security Act, old-age pensions are payable abroad for up to six months to migrants who have lived in the Marshall Islands and have left the country, and they may be paid for longer periods under reciprocal agreements with the Federated States of Micronesia, Palau and the United States of America.

The Marshall Islands has an agreement since 1999 with New Zealand⁷ on the portability of social security entitlements and earned benefits. Under this arrangement, Marshall Islands nationals who have been resident in New Zealand for 10 years, including at least 5 years after the age of 50, are eligible for 50 per cent of the gross rate of the New Zealand superannuation.⁸ For each additional year they reside in New Zealand, they are entitled to receive an extra 5 per cent of the New Zealand superannuation.

Foreign residents who have been ordinarily resident in the Marshall Islands for seven years may apply for citizenship by naturalization, as established by the Citizenship Act (1984). All individuals applying for citizenship must fulfil criteria related to character, health, financial situation, knowledge of the Marshallese language, and knowledge of the rights, privileges, responsibilities and duties of Marshallese citizenship. To access Marshallese citizenship, individuals are required to renounce all other citizenships. The Act also states that up to five foreign residents per year may be eligible for citizenship after less than seven years of residency if they have rendered distinguished service to the country or if conferral of citizenship is otherwise in the public interest.

Marshallese nationals residing abroad can vote in national and local elections. The Constitution and the Elections and Referenda Act (1980) establish the legal right to vote in national and local elections for all citizens of the Marshall Islands aged over 18 years. Residents abroad can vote through postal absentee ballots.⁹

1.3. Areas with potential for further development

The Marshall Islands gives its citizens preferential treatment in the selection and placement of trainees for vocational training, as Section 603 of the National Training Council Act (1991) states that “preference shall be given to citizens of the Republic”. This is also in line with Section 104 of the Protection of

⁶ In practice, to access life insurance, retirees need to voluntarily enrol with an independent insurer.

⁷ More information can be found on the [website of Work and Income](#), an organization within New Zealand’s Ministry of Social Development.

⁸ The New Zealand Superannuation Fund, or pension benefits fund, is a sovereign wealth fund in New Zealand that provides social protection, with universal superannuation for people over 65 years of age.

⁹ Public Law No. 2016-028 had led to a temporary three-year ban on voting from abroad. However, following elections in November 2019, the Supreme Court of the Marshall Islands ruled that Marshallese citizens residing abroad indeed have the constitutional right to vote.

Resident Workers Act (2004), which states that “resident workers shall at all times be given preference in employment in the Republic”.

Only nationals of the Federated States of Micronesia, Palau and the United States have equal access to employment as nationals. Under the Labor (Non-Resident Workers) Act (2018), all other migrant workers require a work permit to access employment for a specific job. They are unable to switch jobs under the same permit, unless one employer applies to another for a transfer.

The Marshall Islands does not issue indefinite residence permits or recognize any status comparable to permanent residency. Under the Immigration Act (2006), a foreign citizen may receive a residence visa an unlimited number of times, but each visa is valid only for a period of up to five years. Residence visas can be issued only to persons who held a Certificate of Actual Residence prior to 2006,¹⁰ naturalized or registered Marshallese citizens who do not hold a Marshallese passport, and honorary Marshallese citizens.

There is no specific policy or strategy in place to combat hate crimes, violence, xenophobia or discrimination against migrants. However, the Prohibition of Trafficking in Persons Act (2017) – which addresses sexual exploitation, forced or coerced labour, slavery, servitude, the removal of organs, and other forms of exploitation – makes specific reference to migrants in its provisions, stating that its measures apply in a non-discriminatory way with regard to “race, color, religion, belief, age, family status, culture, language, ethnicity, national or social origin, citizenship, gender, sexual orientation, political or other opinion, disability, property, birth, immigration status”. The Constitution mandates that “no law and no executive or judicial action shall ... discriminate against any persons on the basis of gender, race, color, language, religion, political or other opinion, national or social origin, place of birth, family status or descent”.

¹⁰ There is no clear definition of the Certificate of Actual Residence prior to 2006 included in the Immigration Act.



2

FORMULATE POLICY USING EVIDENCE AND WHOLE-OF-GOVERNMENT APPROACH

2.1. Migration governance: Examples of well-developed areas

The Division of Immigration, under the Ministry of Justice, Immigration and Labor, is responsible for enforcing the Immigration Act (2006). The Act streamlines the requirements for the issuance of visas and permits, clarifies procedures for the removal of persons who enter the Marshall Islands unlawfully, and regulates the enforcement of immigration laws. The Act is amended by the Immigration (Amendment) Act (2017) and complemented by the Immigration Regulations (2009), which set out the criteria and processes for applying for various types of visas.

The Marshall Islands provides clear, transparent, and easily accessible rules and regulations on immigration procedures. The Immigration Act and the Immigration Regulations are publicly available online. The Division of Immigration also includes information and application forms on its website and responds to enquiries by email.

The national census includes some questions on migration. The latest Population and Housing Census conducted in 2021 included questions on citizenship, current place of residence, place of residence five years prior to the census, and the place and country of birth. The report for the 2011 census includes the net migration rate of the population older than 5 years during the period April 2006 to March 2011; migrants from foreign countries (disaggregated by origin) during the period April 2006 to March 2011; and population born in foreign countries (disaggregated by place of birth).¹¹

2.2. Areas with potential for further development

There are no government agencies or departments responsible for designing and coordinating the implementation of an overarching migration policy or strategic plan. The Division of Immigration and the National Task Force on Human Trafficking are responsible for specific migration-related issues under their mandates.

There is no interministerial coordination mechanism on migration issues, but coordination takes place on an ad hoc basis. For instance, in January 2020, the Marshall Islands held its First National Climate Change, Migration and Health Dialogue organized jointly by the Ministry of Health and Human Services, the Climate Change Directorate, and the Pacific Regional Integrated Sciences and Assessments (Pacific RISA).^{12,13,14} The dialogue, which aimed to increase understanding of climate change impacts and open communication between community, government and other stakeholders on how to better mainstream climate change mitigation and adaptation into national policies and plans, was also attended by representatives of other interested organizations, including the Marshall Islands Red Cross Society, the Marshall Islands Marine Resources Authority, the College of the Marshall Islands, the Marshall Islands Council of Non-Governmental Organizations, IOM, several high school classes and other interested individuals.

The Marshall Islands does not have a dedicated agency responsible for enacting emigration policy or engaging with the diaspora; nor does it have legislation governing emigration. The Ministry of Foreign Affairs and Trade engages with Marshallese nationals abroad only on an ad hoc basis through its embassies and consulates.

¹¹ The report for the 2021 census is yet to be published as of December 2022.

¹² More information on the dialogue is available in this [article on the website of Pacific RISA](#).

¹³ The Climate Change Directorate was previously named the Marshallese Office of Environmental Planning and Policy Coordination.

¹⁴ The Pacific RISA programme supports Pacific island and coastal communities in adapting to the impacts of climate variability and change.

There is no national migration strategy defined in a programmatic document or manifesto. The Marshall Islands National Strategic Plan 2020–2030 (2020) mentions migration as a key area for development but does not include strategies to address migration issues.

The Marshall Islands does not collect and publish migration-related data on a regular basis. However, since 2018, data on movements into and out of the Marshall Islands have been recorded electronically by the Division of Immigration using the Migration Information and Data Analysis System (MIDAS), the Marshall Islands' border management system. The data are disaggregated by gender, age, destination, reason for travel and length of travel. The Division of Immigration presents the data in an annual report to the Attorney General, Parliament, and the Ministry of Justice, Immigration and Labor, as well as the Economic Policy, Planning and Statistics Office. However, these data are not published.



3

ENGAGE WITH PARTNERS TO ADDRESS MIGRATION AND RELATED ISSUES

3.1. Migration governance: Examples of well-developed areas

The Marshall Islands participates in the Pacific Immigration Development Community, alongside 21 other States and territories in Oceania,¹⁵ which enables the immigration agencies of member States to discuss issues of mutual interest and foster multilateral cooperation. Its current thematic focus includes migration policy, migration legislation, migration data, irregular migration, cooperation on governance, and border management.

The Marshall Islands also participates in the Pacific Islands Development Forum (PIDF), a regional cooperation platform with 14 member States, which aims to identify innovative solutions for sustainable development and poverty reduction in collaboration with international organizations, the private sector and civil society organizations (CSOs). The PIDF Secretariat and the International Committee of the Red Cross expressed their interest in exploring areas of mutual collaboration, especially climate-induced migration and disaster displacement.

The Marshall Islands participates in the Pacific Islands Forum Secretariat (PIFS), which is made up of 18 member nations and seeks to address the challenges and opportunities that the Pacific faces, through political dialogue and decision-making. As of December 2022, PIFS is working with IOM and other United Nations agencies on a regional Pacific Climate Mobility Framework.¹⁶ The Framework recognizes that scales and patterns of movement may alter over time as physical conditions in the Pacific change, and it seeks to ensure that the needs of those who face individual barriers to movement (such as on account of a disability or caring responsibilities) as well as more systemic barriers (such as legal and policy settings) are taken into account.

The Marshall Islands signed the Compact of Free Association (1983, amended in 2003) with the United States. Under this bilateral agreement, citizens of the Marshall Islands and their immediate relatives have the right to reside and work indefinitely in the United States and its territories without the need for any visa or permit. While this right is not mutual, as per the Compact, United States citizens do not require a visa to enter the Marshall Islands.

3.2. Areas with potential for further development

The Government has not signed migration-specific memorandums of understanding with other countries, nor does it participate in bilateral migration-related negotiations or discussions.

The National Strategic Plan 2020–2030 (2020) aims to “[p]romote partnerships among public–private and Civil Society Organizations” but does not specifically mention migration issues. On an ad hoc basis, the Marshallese Government has engaged with CSOs in the United States¹⁷ on migration-related topics, such as displacement caused by nuclear testing. It has also involved the private sector in reviewing immigration legislation on an ad hoc basis through invitations to public hearings during the drafting process.

¹⁵ Oceania refers to the region as defined by the United Nations Department of Economic and Social Affairs.

¹⁶ The draft Pacific Climate Mobility Framework is available on the website of the Economic and Social Commission for Asia and the Pacific.

¹⁷ For example, We Are Oceania, the Marshallese Educational Initiative and the Arkansas Coalition of Marshallese.



4

ADVANCE THE SOCIOECONOMIC WELL-BEING OF MIGRANTS AND SOCIETY

4.1. Migration governance: Examples of well-developed areas

The Labor (Non-Resident Workers) Act (2018) requires employers to prioritize the employment of Marshallese citizens and apply a quota such that foreign citizens account for no more than 50 per cent of an employer's workforce. However, non-resident workers may be recruited to supplement the local labour force with available and qualified workers for professions that lack suitably qualified Marshallese workers. The National Training Council assesses data on work permits issued, and the Protection of Resident Workers Act (2004) requires a labour market test conducted by the Labor Division of the Ministry of Justice, Immigration and Labor to prove that citizens are not available for a particular position. If the National Training Council's assessment of data on work permits reveals that a high rate of migrant workers is observed in a particular occupation, it introduces programmes to train Marshallese citizens for that occupation. The programmes are mostly focused on technical and vocational education and training and include occupations such as carpentry and mechanics.

There are different types of permits to attract specific labour skills. As per the Immigration Act (2006), all migrant workers require an E-1 work visa, which can be granted for up to two years. However, employers must first acquire a work permit for migrant workers before a work visa is issued. Under the Labor (Non-Resident Workers) Act, there are five types of work permits: Foreign Investor, Professionals included in the Occupational Shortages List (OSL),¹⁸ General, Family and Temporary.¹⁹

According to the Labor (Non-Resident Workers) Act, migrants' skills and capabilities are assessed when applying for the OSL Professionals work permit and the General work permit. Applicants for the OSL Professionals work permit must demonstrate that they meet the requirements of the occupational category for which they are applying, and the application for a General work permit requires proof that the proposed applicant meets the prescribed minimum level of education and experience.

The Marshall Islands participates in the Pacific Qualifications Framework (PQF) and the Pacific Register of Qualifications and Standards (PRQS), together with the other countries and territories of the Pacific Islands Forum. The PQF serves as a metaframework for countries without national qualifications authorities and enables them to benchmark their national qualifications against the PQF. The PRQS enables the recognition of specific qualifications, particularly those in the health sector. Furthermore, Marshallese institutes of higher education, such as the University of the South Pacific, are accredited by the Western Association of Schools and Colleges in the United States.

4.2. Areas with potential for further development

There is no national assessment for monitoring the labour market demand for immigrants, the domestic labour supply and the effects of emigrants on the domestic labour market in the Marshall Islands. The labour market tests required by the Protection of Resident Workers Act (2004) and the OSL are not based on labour market skills gap assessments.

¹⁸ Migrants with the necessary requirements can obtain an OSL professional work permit, which is easier to obtain than the general work permit.

¹⁹ The Foreign Investor work permit is applicable to foreign investors who intend to live and invest in the Marshall Islands whether as self-employed or employing skilled non-resident workers. The permit for OSL professions is open to those seeking to work in a profession that the Government has identified as having a domestic shortage of human resources. The General work permit is applicable to any employer intending to apply for a work permit for any other occupation not listed in the OSL. The Temporary work permit is applicable to any employer intending to hire a non-resident worker for a period of up to six months in any calendar year, to address emergencies if and when they arise, train local staff, or carry out short-term technical work for which suitably skilled labour is not readily available. The Family work permit is applicable to any person who is legally married to a citizen of the Marshall Islands and is lawfully in the Republic under the Immigration Act.

The Marshall Islands' *Statistical Yearbook 2017* (2018), published by the Economic Policy, Planning and Statistics Office (EPPSO), under the Office of the President, includes the number of foreign workers in the Marshall Islands between 2015 and 2017, disaggregated by sex but not by migratory status.²⁰ Data on the number of work permit holders, disaggregated by sex, are presented to Parliament in the annual report of the Labor Division, but this is not publicly available.

There are no specific measures in place to promote gender equality for migrants in the labour force. However, the Gender Equality Act (2019) prohibits gender discrimination in all areas, including employment, for all workers regardless of nationality.

There are no specific measures to promote the ethical recruitment of migrant workers. However, slavery, involuntary servitude and forced labour are prohibited under the Constitution of the Marshall Islands (1979) and the Prohibition of Trafficking in Persons Act (2017).

The Marshall Islands has not developed mechanisms to protect the rights of its nationals working abroad, but measures are adopted on a case-by-case basis through informal networks. For instance, on several occasions IOM has been involved in addressing cases of potential human trafficking in collaboration with the National Task Force on Human Trafficking.

The Marshall Islands does not actively promote the creation of formal remittance schemes. EPPSO has no specific measures for facilitating the creation of formal remittance schemes, and the National Strategic Plan 2020–2030 (2020) does not make mention of remittances or efforts to facilitate them.

²⁰ The *Statistical Yearbook* also recognizes the technical support of the Inclusive Growth thematic cluster of the United Nations Development Programme Pacific Office in Suva, Fiji.



5

EFFECTIVELY ADDRESS THE
MOBILITY DIMENSIONS OF CRISES

5.1. Migration governance: Examples of well-developed areas

The National Disaster Management Office (NDMO) is responsible for identifying, developing and implementing disaster management programmes and maintaining, testing and reviewing disaster management plans and operational procedures.

The Tile Til Eo²¹ Committee was set to develop the 2050 Climate Strategy and includes the Climate Change Directorate in its adaptation-focused working group. This Committee has guided the development of the draft National Adaptation Plan (due for adoption in December 2022). The Plan includes the relocation of communities from the outer islands to larger islands and the elevation of some of the islands to keep them habitable.

The National Strategic Plan 2020–2030 (2020) states that, as a low-lying Pacific island, the country faces the stark choice between relocating the population and finding alternative solutions to rising sea levels. According to the Plan, the Marshall Islands “is considering whether to relocate all 55,000 citizens (making them climate refugees) or to find other feasible options”. The Plan clearly states that among the key principles that underpin the Marshall Islands’ approach to adaptation is the right to remain, where “citizens ... have a natural right to remain in their homelands and this right should be protected”.

The Marshall Islands maintains communication systems for the public to receive information on the evolving nature of crises. The Government uses radio communication between Majuro and neighbouring islands in times of crises, as well as social media platforms to inform the public. It also sends information to the public via mass text messages. Additionally, the website of NDMO provides an email address, a telephone number, and a “Contact” page where individuals can fill out a form for all queries and requests and bring to NDMO’s attention any information relating to disaster management. Furthermore, the website is kept up to date with the most recent information, guidance, and standard operating procedures and other preparedness and response documentation. These systems take into consideration some of the vulnerabilities that migrants face. During small-scale crises, the Government disseminates notices in Marshallese and English. During large-scale disasters such as intense tsunamis, information is shared in Mandarin and Tagalog as well.

The Marshall Islands makes exceptions to immigration procedures on an ad hoc basis for migrants whose country of origin is experiencing crisis. Under the Immigration Regulations (2009), the Attorney General may allow a person who is ineligible for visas and permits to enter the Marshall Islands under the Immigration Act (2006) in the event of an emergency, including disasters.

5.2. Areas with potential for further development

The Marshall Islands does not have a strategy with specific measures to assist migrants before, during or after crises; nor does it have a national disaster risk reduction strategy with specific provisions for preventing and addressing the displacement impacts of disasters. The *Disaster Management Reference Handbook* (2019), the National Action Plan for Disaster Risk Management 2008–2018 (2007), the National Strategic Plan 2015–2017 (2014), the Joint National Action Plan for Climate Change Adaptation and Disaster Risk Management 2014–2018 (2013), and the NDMO Strategic Plan 2017–2019 (2017) do not include such provisions. As of December 2022, there are plans to update legislation, but they have been delayed due to the COVID-19 pandemic.

²¹ In Marshallese *Tile Til Eo* means “Lighting our way to the future”.

There are no specific measures in place to assist nationals living abroad during crises. The country maintains embassies in the United States, Japan and Fiji, as well as consulates in the United States and the Philippines, which provide assistance to nationals on a case-by-case basis. For example, during the COVID-19 pandemic, the embassy in Fiji supported the repatriation of stranded students.

The National Strategic Plan 2020–2030 does not contain any specific measures addressing displacement or the reintegration of returning migrants after crises.

Migration issues are not explicitly addressed in the Marshall Islands' recovery strategies, but in practice, migrants are provided with assistance on an equal basis as nationals during disaster recovery. There is no mention of migrants or migration in recovery strategies in the NDMO Strategic Plan, the *Disaster Management Reference Handbook* or the National Strategic Plan 2020–2030.



6

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

6.1. Migration governance: Examples of well-developed areas

The Division of Immigration within the Ministry of Justice, Immigration and Labor is responsible for border security and control. It enacts immigration policy, carries out immigration clearance procedures at approved airports and seaports, issues visas and permits, and implements and enforces shore pass procedures.²² The Marshall Islands Ports Authority works closely with the Division of Immigration for the overall management of points of entry, while the Customs Division (which is part of the Division of Customs, Treasury, Revenue and Taxation, under the Ministry of Finance, Banking and Postal Services) has officers at the Amata Kabua International Airport in Majuro, the Main Delap Dock in Majuro Atoll and the Port of Ebeye in the Kwajalein Atoll.

The Marshall Islands has a system in place to monitor visa overstays.²³ In 2019, the Government acquired Phase I of the Migration Information and Data Analysis System (MIDAS), a border management system customized to the Marshall Islands' specific needs. Through MIDAS, the Division of Immigration monitors those entering and exiting the territory and collects, processes, stores and analyses traveller information in real time and across the entire border network.²⁴

The Prohibition of Trafficking in Persons Act (2017) criminalizes trafficking in persons and prescribes up to 15 years of imprisonment and/or fines of up to USD 10,000 for offenders, as well as more severe punishment for cases where a victim is under 18 years of age. The National Task Force on Human Trafficking (NTHT), established in 2014, is chaired by the Office of the Attorney General. NTHT leads the Government's anti-trafficking efforts and includes government, non-governmental and international organizations as members.²⁵ Since its establishment, NTHT has led the passing of counter-trafficking legislation, spearheaded the coordination of investigations and drafted a referral mechanism. It has also developed a curriculum to raise awareness of human trafficking in schools and communities, as well as training for law enforcement.

The Prohibition of Trafficking in Persons Act establishes measures to combat migrant labour exploitation by criminalizing trafficking in persons in the Marshall Islands, including forced prostitution and other forms of sexual exploitation; forced or coerced labour or services, including bonded labour and debt bondage; slavery or practices similar to slavery; servitude, including sexual servitude; the removal of organs; and other forms of exploitation. The Act states that its measures are applied in a non-discriminatory manner, regardless of a person's "immigration status". It also states that "a victim of trafficking in persons who is a foreign citizen shall not be held criminally liable for immigration offenses established under the Immigration Act, if entry into the Republic without lawful approval was occasioned by the fact that such person was a victim of an offense under this Act, and to the satisfaction of the Director of Immigration".

²² According to the Immigration Act, shore pass procedures relate to the issuance of shore passes to crew and passengers of fishing and commercial vessels. They require all officers and members of the crew of a fishing or commercial vessel intending to go on land while the vessel is at the dock, to present to the issuing officer upon arrival a valid medical certificate to obtain a general shore pass.

²³ The system is in place at Amata Kabua International Airport and the Port of Majuro.

²⁴ MIDAS does not monitor those leaving through Kwajalein because there is no space in the military base airport for immigration officers to process outgoing passengers.

²⁵ This includes the Office of the Attorney General; the Ministry of Justice, Immigration and Labor; the Ministry of Health and Human Services; the Ministry of Culture and Internal Affairs; the Marshall Islands Police Department; the Marshall Islands Public School System (under the Ministry of Education, Sports and Training); the Banking Commission; the Division of Customs, Treasury, Revenue and Taxation (under the Ministry of Finance, Banking and Postal Services); IOM; nonprofit organizations such as the Mejedik Club, Micronesia Legal Services, Youth to Youth in Health, Women United Together Marshall Islands and Waan Aelōñ in Majel; as well as faith-based organizations and traditional leadership.

6.2. Areas with potential for further development

Border staff receive training only on an ad hoc basis. For instance, in 2018, 12 officers, including 9 from the Division of Immigration, received training from IOM on immigration and border management and passport examination procedures. Border officials also receive training from the Pacific Immigration Development Community, which works with members, other regional organizations, donors and specialists to improve the skills of immigration officers in the region.

There are no policies or strategies to ensure that migrant detention is used only as a measure of last resort. The Immigration Act (2006) provides for the detention of any person who is in the Marshall Islands unlawfully, including persons who remain in the country for a period of more than 14 consecutive days after the expiry of a visa or permit, and those who enter the country without a visa and do not qualify for an exemption. However, when a person is arrested and detained in accordance with a removal order and it becomes apparent that they are unable to leave the Marshall Islands within 24 hours, they must be released unless a warrant for further detention (up to 14 days) is obtained from a High Court. Adults may be detained in a police station or alternative accommodation, while minors are detained in alternative accommodation.

While the National Strategic Plan 2020–2030 (2020) notes the challenge of “brain drain” caused by emigration, there are no formal programmes or dedicated policies focused on attracting nationals residing abroad or facilitating the reintegration of returning nationals.

The Government collects data on trafficking cases and its counter-trafficking activities, but it does not systematically publish these. However, it responds to external requests for information, such as the United States Department of State for its annual *Trafficking in Persons Report*.²⁶

The Marshall Islands does not have formal cooperation agreements with other countries to prevent and counter the smuggling of migrants, or any policies and procedures to identify migrants in vulnerable situations and provide them with adequate referral and protection services.

²⁶ The reports can be found on the [website of the United States Department of State](#).

After the MGI assessment

IOM would like to thank the Government of the the Republic of the Marshall Islands for their engagement in this process. IOM hopes that the results of this assessment can feed into the Government's strengthening of their migration governance. After an MGI assessment, the following are recommended:



The MGI report can be used to inform policy work with the support of IOM (if desired).



The findings can feed into capacity-building activities, which may connect to other IOM initiatives.



A follow-up assessment can be conducted after three years to verify progress.



Governments can exchange best practices and innovative solutions with other governments that have conducted the MGI process.



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

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



Migrants can access COVID-19-related health services under the same conditions as nationals. Since early 2020, the Marshall Islands has been implementing COVID-19-related health measures, including preparing intensive care unit beds and isolation units, and rolling out COVID-19 vaccines.¹

All migrants, regardless of status, have access to vaccination against COVID-19 under the same conditions as nationals. There has been a “phased approach” to COVID-19 vaccination in the Marshall Islands. Phase 1 targeted critical populations in Majuro and Ebeye, including health-care workers and selected essential government workers in direct contact with suspected and confirmed COVID-19 cases. In Phase 2, the general population was vaccinated; and in Phase 3, there were special targeted efforts to reach those not vaccinated in the first two phases.²



Some financial support and social security measures in the context of COVID-19 are available to migrants. During the onset of the pandemic, the Government offered economic relief payouts to 128 local companies affected by the impacts of COVID-19.³ Migrant-owned businesses also benefited from this assistance. Some unemployment benefits were introduced in the Marshall Islands in 2020 under the United States Coronavirus Aid, Relief, and Economic Security (CARES) Act,⁴ an economic stimulus bill passed by the United States Congress and signed into law on 27 March 2020 in response to the economic fallout from the COVID-19 pandemic in the United States. However, the assistance was available only to Marshallese citizens.



The Marshall Islands has taken the needs of migrants into account through the relaxation of immigration and work permit rules by extending visas or transferring visa types without requiring having to exit and re-enter the country. These measures were initiated to help migrants stranded in the Marshall Islands extend their stay and continue to work during the COVID-19 pandemic.

¹ World Health Organization, WHO, Government of Japan, and Governments of the Marshall Islands, Federated States of Micronesia and Palau partner to enhance COVID-19 preparedness and response. 4 April 2022.

² Centers for Disease Control and Prevention, Republic of the Marshall Islands Interim COVID-19 Vaccination Plan (2020).

³ International Monetary Fund, Policy responses to COVID-19 – Republic of Marshall Islands (2021).

⁴ United States Congress, Coronavirus Aid, Relief, and Economic Security Act or the CARES Act. 19 March 2020.



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



All information related to COVID-19 – such as that concerning the vaccine booster and vaccination rates, active and recovered COVID-19 cases, and deaths – is published in both Marshallese and English on the social media page of the Ministry of Health and Human Services.



Migratory status is not captured in publicly available COVID-19 health statistics. However, data on vaccination status are disaggregated by age, region and sex.⁵



The Marshall Islands has not adopted any measures to promote diaspora contributions to the Marshall Islands' COVID-19 response.⁶



The Marshall Islands has not implemented measures to facilitate the continued flow of remittances during the pandemic.⁷ In 2020, the effects of the pandemic on the Marshallese community in the United States were partly covered in the IOM assessment on the socioeconomic impact of the pandemic on labour mobility.⁸ However, little information about remittances from the United States to the Marshall Islands is available.

⁵ Republic of the Marshall Islands, Ministry of Health and Human Services Facebook page.

⁶ Republic of the Marshall Islands, Office of Commerce, Investment and Tourism home page.

⁷ Republic of the Marshall Islands, Economic Policy, Planning and Statistics Office home page.

⁸ International Organization for Migration, *Rapid Assessment of the Socioeconomic Impacts of COVID-19 on Labour Mobility in the Pacific Region* (2020).





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ANNEX

The MGI process



1

Launch of the MGI process

The first step of the process is to explain what the MGIs entail 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 six 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 [Migration Data Portal](#) and the [IOM Publications Platform](#).



www.migrationdataportal.org/mgi

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