MIGRATION GOVERNANCE INDICATORS

IOM
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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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With research and analysis by

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.
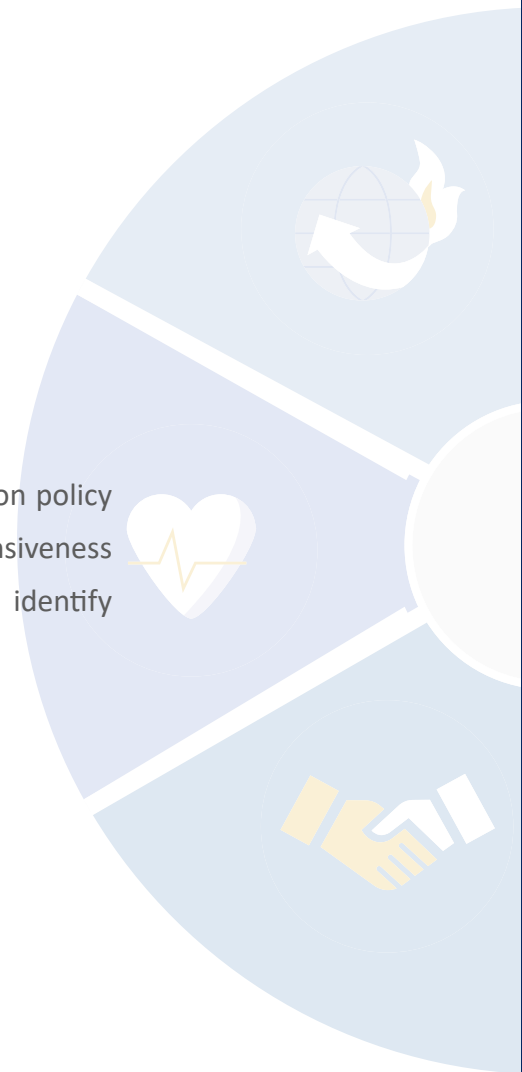
The MGI can be used to spark a discussion within governments, with other relevant stakeholders in the country, on their migration policy structures. It can help assess whether these structures, which have often been in place for several years, still address the main challenges and opportunities of today's 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 The Economist Intelligence Unit 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 offers 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 Iraq (hereinafter referred to as Iraq), as well as the areas with potential for further development, as assessed by the MGI.[4]

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[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 the Economist Intelligence Unit. 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.

PRINCIPLES

1. *Adherence* to international standards and fulfillment 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.

At the basis of

MGI

Which supports the measurement of

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

WHAT IT IS NOT

Not a ranking of countries

Not assessing impacts of policies

Not prescriptive

10 REDUCE INEQUALITIES

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 17	Indicators in this area assess countries' policies regarding 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 18	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 20	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
International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97)	**No**
United Nations Convention Relating to the Status of Refugees (so-called Geneva 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 (1994)**
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990	**No**

1.2. Migration governance: Examples of well-developed areas

Migrants in Iraq, depending on their migratory status, have access to government-funded health-care services equal to that of Iraqi nationals, whereby treatment is available upon payment of medical fees.

Migrants lawfully residing in Iraq have equal access to government-funded free education. The Regulation of the Second Amendment to the Ministry of Education System (1978) grant migrants who have been admitted to an educational institution free access to primary, secondary and higher education. International students pay the same fees as Iraqis when required, for instance for university evening classes. The Labour Law (2015) states that vocational training, when provided, is available to all on an equal opportunity basis, including to migrant workers.

Under the Social Protection Law (2014), migrants who have been residing in Iraq permanently, continuously and lawfully have access to social protection equal to that of Iraqi nationals.[5] The Law on the Residence of Foreigners (2017) allows an entry visa to be granted to a person to reunite with the head of their family or their guardian, or to an Iraqi person's spouse and children holding foreign passports. The Law does not mention any barrier to family reunification based on migratory status.

1.3. Areas with potential for further development

The Law on the Residence of Foreigners (2017) does not provide a path for foreign residents to obtain permanent residence permits in Iraq, but it can be granted to migrants from the Palestinian Territories. According to the Iraqi Nationality Law (2006), all non-nationals with a regular status except for migrants from the Palestinian Territories can apply for citizenship after ten years of continuous living in Iraq prior to applying. To guarantee their right of return, migrants from the Palestinian Territories cannot obtain Iraqi citizenship.

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[5] Under this law, the Ministry of Labour and Social Affairs (MoLSA) provides cash payments and social services to disabled persons, vulnerable women, orphans, prisoners' families, persons in state housing, juvenile offenders, married high-school students, and families below the poverty line.

Under the Labour Law (2015), foreign workers must have a work permit issued by the Ministry of Labour and Social Affairs (MoLSA) before they start working in Iraq. This Law also empowers the Minister to issue special instructions concerning the recruitment and employment of migrant workers. The Law on the Residence of Foreigners (2017) states that any bearers of visit visas or tourist visas are "not entitled to work anywhere in the Republic of Iraq, whether with or without pay".

Migrants holding a work permit are not allowed to change jobs in the private or public sector. Foreign workers may not work for anyone other than their sponsor; however, sponsorship may change from one private sector sponsor to another if the sponsored individual has a residence permit and if both the new and former sponsors provide approval. In addition, for all employment covered by the Labour Law (2015), MoLSA approval must also be obtained.[6] Movements within the public sector or from the private to the public sector must be approved by the Ministry of Interior (MoI). The Labour Law (2015) does not include provisions for migrants' access to self-employment.

Iraq does not yet have a policy or strategy to combat hate crimes, violence, xenophobia or discrimination against migrants. However, it does have legislation that covers hate crime. For example, Article 372 of the Iraqi Penal Code (1969) criminalizes, among other things, attacking the beliefs of faith groups.

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[6]   The Labour Law (2015) applies to all workers except for public officials appointed in accordance with the Civil Service Law and members of the armed forces, the police and internal security forces.

2 FORMULATES POLICY USING EVIDENCE AND WHOLE-OF-GOVERNMENT APPROACH

2.1. Migration governance: Examples of well-developed areas

The Council of Ministers devises national strategies and takes policy decisions relating to migration in Iraq. The Ministry of Interior (MoI) is responsible for border protection, administers nationality documents and the naturalization of non-citizens, and chairs the Permanent Committee for Refugee Affairs that makes recommendations on status determinations for refugees and asylum seekers. MoI grants visa approvals for foreign residents issued in coordination with the Ministry of Foreign Affairs (MoFA). The Ministry of Labour and Social Affairs (MoLSA) issues work permits for foreign workers. The Ministry of Migration and Displacement (MoMD) has an operational role to provide support and facilitate services in coordination with relevant government institutions for internally displaced persons (IDPs), Iraqis returning from abroad, Iraqis who have lost their citizenships and left the country, refugees and asylum seekers.

MoMD is tasked with coordinating efforts to engage with the diaspora. It has a Department of Migration Affairs the duties of which include providing legal support to Iraqis abroad whose asylum applications have been rejected or who are immigrants with an irregular status abroad, "activating files" of Iraqis detained abroad, and communicating with Iraqis abroad through contacts among the diaspora. MoMD has a range of initiatives to incentivize the return of skilled Iraqis, including providing land plots, cash grants and other benefits. It has also introduced a "cultural ambassador" programme whereby Iraqi celebrities engage in outreach activities with diaspora communities. MoFA provides consular assistance to those emigrants who have retained Iraqi nationality. However, Iraq does not have a dedicated agency responsible for enacting emigration policy.

Iraq has enacted national migration legislation regulating immigration. The Law on the Residence of Foreigners (2017) regulates the entry, stay and exit of foreigners in Iraq and identifies the different types of visa available to them. The Ministry of Migration and Displacement Law (2009) lists the groups of people for whom the Ministry facilitates services. These include Iraqi nationals who are returning to the country after being forced to leave it, Iraqi nationals who left because their Iraqi citizenship was withdrawn and who have not been granted asylum abroad, and refugees and asylum seekers living abroad and holding permanent residence or of a foreign nationality. The Political Refugee Act (1971) governs how Iraq grants asylum to refugees,[7] establishes the Permanent Committee for Refugee Affairs chaired by MoI, guarantees the right of non-refoulement, and lists other rights, duties and entitlements of refugees.

Iraq has national interministerial coordination mechanisms, but these cover only refugees and IDPs. The Permanent Committee for Refugee Affairs is responsible for all refugee-related matters and asylum cases. It meets regularly and its members include MoMD and MoFA. The Higher Committee for the Relief and Support of the Displaced is focused on providing support and assistance to IDPs, including resettlement.[8] It is chaired by MoMD and its members include MoI and the Ministry of Construction and Housing, among others.

Efforts are being made regarding data collection on migration. In March 2019, the MoMD Department of Information and Research published the quarterly report, Returning from migration, expatriation and displacement.[9] The report lists the number of returning IDPs and Iraqi emigrant families, and is disaggregated by governorate, but it does not cover other migrants and is not disaggregated by gender.

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[7] The Political Refugee Act (1971) addresses refugees who seek asylum in the Republic of Iraq only for political or military reasons.

[8] The Council of Ministers renamed the Supreme Committee for the Relief and Shelter of Families Displaced by Terrorist Operations as the Higher Committee for the Relief and Support of the Displaced in December 2019.

[9] Only the March 2019 report is available on the MoMD website: www.momd.gov.iq/Posts/Article?id=7204.

2.2. Areas with potential for further development

Specific migration-related issues are usually addressed by stand-alone government committees rather than through a comprehensive migration policy. There is currently no national migration strategy in Iraq. An Iraqi Government technical working group, consisting of MoMD, MoI, MoFA, MoLSA, the Ministry of Planning, the Ministry of Justice, the Central Statistics Organisation and officials from the Kurdistan Regional Government is drafting a national migration strategy as of June 2020.

There is no specific national legislation regarding emigration. The Iraqi Constitution (2005) states that Iraqis have the freedom to move, travel and reside in or outside of Iraq, but does not deal with the issue in detail. The MoFA, MoI and MoMD websites do not provide clear and accessible information pertaining to migration. The MoFA website provides consular information to Iraqis abroad and the MoMD website provides information about relief support for IDPs.

The Iraqi Constitution (2005) states that citizenship, naturalization, residency, and the right to apply for asylum[10] are areas of exclusive central government responsibility and Iraq does not currently have strategies in place to enhance vertical policy coherence on migration. The Constitution nonetheless specifies that competencies to manage customs and to formulate development and general planning principles are shared between the federal and regional authorities. Furthermore, MoMD is represented through its branches in each governorate and implements the instructions of the central Ministry.[11]

The national census includes questions about place of birth and collects demographic information about Iraqis abroad, but does not include questions specifically addressing migrants in Iraq.

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[10] The Constitution of Iraq (2005) refers only to asylum as "political asylum". No definition is provided
[11] The Constitution of Iraq (2005) states that the federal system in the Republic of Iraq is made up of a decentralized capital, regions, and governorates, as well as local administrations. One or more governorates have the right to organize into a region.

3 ENGAGES WITH PARTNERS TO ADDRESS MIGRATION AND RELATED ISSUES

3.1. Migration governance: Examples of well-developed areas

Iraq is a member of several regional consultative processes (RCPs) on migration, including the Arab Regional Consultative Process on Migration and Refugees Affairs (ARCP). The ARCP was established in 2015 and is an Arab platform to discuss and strengthen cooperation on migration issues. Two major regional concerns raised by the ARCP are diaspora engagement, and the conditions and rights of migrants and refugees having potential political and security implications. Iraq is also a member of the Budapest Process, which was established in 1993 and seeks to develop systems for orderly migration.

In 2013 Iraq and Sri Lanka signed a memorandum of understanding (MOU) that provides a legal framework for Sri Lankan skilled workers and professionals to work in Iraq and to ensure that their rights are protected. In 2019, Pakistan and Iraq agreed to finalize the signing of an MOU aimed at ensuring legal and risk-free migration of Pakistani workers to Iraq.

Iraq also has cooperation agreements with other countries that address migration. The European Union–Iraq Partnership and Cooperation Agreement (2012) dedicates article 105 to cooperation on migration and asylum. The article outlines that member parties "shall establish a comprehensive dialogue on all migration-related issues, including illegal migration, smuggling of migrants and trafficking in human beings, as well as the inclusion of the migration concerns in the national strategies for economic and social development of the areas from which migrants originate." In addition, migration issues are addressed by cooperation agreements with Sweden, Norway and Denmark, and informal arrangements with the Syrian Arab Republic and Turkey. In 2018, Germany and Iraq had reached an agreement to facilitate the return and reintegration of Iraqis who had not received asylum in Germany.

3.2. Areas with potential for further development

The Iraqi Government does not formally engage civil society organizations (CSOs) in agenda setting and implementation of migration-related issues. Engagement with CSOs is limited, tends to be on an informal basis, and concerns only IDPs or general issues that are not related to migration. CSOs and national non-governmental organizations (NGOs) are part of the Government's Joint Coordination and Monitoring Centre (JCMC), which is an institution responsible for coordination within the Government and with the international community on issues related to crisis management. Its responsibilities include responding to the needs of IDPs.

The Council of Ministers has a standing committee on NGOs that addresses NGO concerns and informally solicits input on policy matters. The standing committee's website, however, makes no mention of dealing specifically with migration or IDPs. The Ministry of Migration and Displacement (MoMD) Department of Branches' Affairs acts as the coordinating channel between MoMD central office and the mainly operational branches in the governorates and is responsible for "organizing, following up, communicating and liaising" with the ministry's administrative bodies in governorates and CSOs regarding its work and goals.

Iraq does not formally engage with the private sector, social partners or members of diaspora and expatriate communities in agenda setting or in the implementation of migration-related issues. Iraq is not part of a regional agreement promoting labour mobility. It does not have arrangements for formal intraregional mobility achieved as a result of its participation in RCPs.

4 ADVANCES THE SOCIOECONOMIC
WELL-BEING OF MIGRANTS AND SOCIETY

4.1. Migration governance: Examples of well-developed areas

The country has developed measures that promote ethical recruitment for immigrants. The Labour Law (2015) prohibits forced labour and enables The Ministry of Labour and Social Affairs (MoLSA) and workers' associations to establish bilateral agreements, regarding recruitment terms and working conditions, with their counterparts in the countries of origin or residence of foreign workers. Iraq has also developed measures that promote ethical recruitment for migrant workers. In 2015, parliament amended the Act Promulgating the Labour Code (1987) to allow migrants to maintain their residency and work permits if they change employers and to require employers to pay for return tickets to countries of origin at the end of employment contracts. In 2017, parliament amended the Law on the Residence of Foreigners (1978) and introduced a sponsorship system for the employment of foreign nationals. In December 2019, Iraq and the International Labour Organization (ILO) signed the Decent Work Country Programme, Iraq: Recovery and Reform (2019–2023) which is designed to support national initiatives to promote decent work and to strengthen Iraq's capacity to mainstream decent work in social and economic policies.

Iraq's Labour Law (2015) promotes gender equality for workers in general, including migrant workers. It guarantees equal work opportunities and equal wages between men and women for the same type of work and prohibits sexual harassment in the workplace.

The country allows equal access to university education for all international students. There are no restrictions on admission apart from academic competence. The Regulation of the Second Amendment to the Ministry of Education System (1978) allows free access to primary, secondary and higher education to those migrants granted admission to a course, and the Political Refugee Act (1971) guarantees those granted asylum equal access to education. There is no provision in Iraqi law that discriminates between Iraqis and non-Iraqis regarding payment of fees to private universities.

4.2. Areas with potential for further development

There is currently no national assessment for monitoring labour market demand for immigrants or the effects of emigrants on the domestic labour market, and nor is there a defined programme for managing labour migration to Iraq. The Ministry of Planning conducts a national assessment for monitoring the domestic labour supply, but the assessment does not measure effects of emigrants on the domestic labour market and it is not publicly accessible.

Iraq has formalized criteria for recognizing foreign qualifications for certain professions. Instructions issued by the Higher Education and Scientific Research Council on the Principles of Equality of Arab and Foreign Diplomas and Science Degrees apply to both the public and private sectors and mandate equal treatment of Arab and foreign degrees and Iraqi ones. Generally, qualifications are recognized in science, medicine and engineering.

Iraq has not yet developed mechanisms to protect the rights of its nationals working abroad. The Labour Law (2015) applies only in Iraq and offers no protection to Iraqis working abroad.

The Iraqi Government is not actively involved in promoting the creation of formal remittance schemes. Iraq is not involved in the G20 Plan to Facilitate Remittance Flows.[12]

Iraq does not have a specific programme to promote financial inclusion of migrants and their families. However, it does have a number of financial inclusion mechanisms for the general population; for example, the Ministry of Labour and Social Affairs (MoLSA) implements an initiative that offers loans for unbanked, low-income individuals – including Iraqi returnees – as part of reintegration services offered by the Government.

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[12] The MoMD has submitted draft proposals to support Iraqis abroad in sending remittances for internal ministerial approval as of June 2020.

5 EFFECTIVELY ADDRESSES THE MOBILITY DIMENSIONS OF CRISES

5.1. Migration governance: Examples of well-developed areas

Iraq's existing institutional architecture focuses mostly on a relief- and response-oriented approach to disaster risk management with multiple federal ministries and departments at governorate and district levels dealing with different aspects of disaster management. The Prime Minister's Office chairs the National Operations Centre (NOC), which is composed of representatives from each ministry, including the Ministry of Migration and Displacement (MoMD).

The country keeps records of nationals living abroad who register with their embassies and consulates on a voluntary basis. Some Iraqi embassies and consulates have online consular registration forms for Iraqis abroad, which cover basic biodata and contact information. The MoMD website refers to a registration page for individuals living abroad, and includes an electronic form for Iraqis living abroad, although the page was not functional on the English version of the website as of June 2020.

The Ministry of Foreign Affairs (MoFA) and MoMD provide consular assistance to Iraqis abroad, although these services are carried out mostly on an ad hoc basis in times of crisis. The MoFA website lists in Arabic, English and Kurdish the services offered by consular services, such as document authentication, birth certificates, death certificates, visas, passports, and marriage and divorce registrations. Iraq has also ensured that assistance is available to its nationals abroad in times of crisis on an ad hoc basis; for example, when the Iraqi embassy closed during the Yemen crisis, Iraq asked Oman to help in providing consular assistance to secure the safe return of Iraqis.

The National Development Plan (NDP) 2018–2022 issued by the Ministry of Planning references IDPs but not refugees or migrants. The NDP has the "recovery of communities affected by the displacement crisis" as one of its strategic objectives. It elaborates on this through several relevant sectoral development objectives, including the voluntary return of displaced persons; the social, economic and political integration of displaced persons and returnees; and the establishment of 100,000 housing units for families returning from displacement. The NDP also establishes a Displacement and Immigration Committee but does not include specific measures regarding the reintegration of returning migrants.

Iraq's Reconstruction and Development Framework of 2018 has a strong focus on addressing the needs of IDPs and returning migrants, including through improving inclusive local-level governance and cash-for-work and youth-targeted community services.

The Real Estate Registration Law (1971) enables all foreigners who have left the country to reclaim their properties when they return to Iraq.

5.2. Areas with potential for further development

The Iraqi Government does not have a formal strategy with specific measures to provide assistance to migrants, apart from refugees, during crisis and post-crisis phases in the country.

Iraq has no strategy or policy specifically dealing with the displacement impacts of disasters. It does not have a national disaster risk reduction (DRR) strategy.

A National Committee for DRR, established in 2007 with United Nations Development Programme support, established in the same year a National Disaster Risk Management Centre (NDRMC) to drive the DRR process in Iraq. There is, however, no focal agency at the national or governorate level to coordinate and integrate the multiple DRR related roles of various institutions. Iraq's National Policy on Displacement (2008) guides the Government of Iraq in allowing for the safe and dignified return of IDPs and refugees. It seeks to ensure the rights and needs of displaced persons are met. It focuses on IDPs but there are several references to migrants and refugees. However, it does not mention disasters.

Iraq does not yet have strategies in place for addressing migratory movements caused by environmental degradation and the adverse effects of climate change. The National Environmental Strategy and Action Plan for Iraq (2013–17) did not include reference to migratory movements, and there is no updated plan for beyond 2017. The National Policy on Displacement (2008) does not address environmental disasters or climate change as factors of displacement.

Iraq does not have a contingency plan to manage population movements during crises. However, in 2016–17 the Government was a partner in an emergency plan of action led by the International Federation of Red Cross and Red Crescent Societies (IFRC) for population movements resulting from IS action.

JCMC coordinates government crisis management response and regularly reports on population movements and displacements through its monthly Report on risks and recovery in Iraq. However, there are no communication systems in place for migrants to directly receive information on the evolving nature of crises and how to access assistance; nor is there a way for the public to communicate their needs to the Government.

There is no formal migration strategy that promotes reintegration of migrants in the aftermath of a crisis.

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

6.1. Migration governance: Examples of well-developed areas

A Border Crossing Commission, under the remit of the Council of Ministers, is responsible for integrated border control and security. It includes representation from the Ministry of Foreign Affairs (MoFA), the Ministry of Interior (MoI), Ministry of Finance, Ministry of Health, Ministry of Transport, Ministry of Commerce, Ministry of Agriculture, Ministry of Planning, Ministry of Tourism and Antiquities, and the Intelligence Service.

Border staff receive regular training, on average once a month, on matters relating to their work. The training is usually conducted by international organizations such as IOM, the North Atlantic Treaty Organization (NATO), and the European Union. For example, IOM has trained 1,000 border officials since 2012 and has been providing technical hardware training that deals with identity verification, migration information and the border management information system. MoI also conducts internal training through its Directorate of Training and Rehabilitation. MoI internal training for border staff includes modules on border security, human rights, passport control and document fraud detection, as well as language training in English, Farsi and Turkish. Training and equipment upgrades continue to be required at many border posts.

The Iraqi Government has a website clearly outlining visa options. The MoFA website outlines visa options in Arabic, English and Kurdish, and offers further information such as fees, documentation requirements and additional evidence needed to complete the application process. However, the website does not include application forms. In addition, embassy and consulate websites outline visa options in Arabic and English. The information is clear and up to date, but the level of detail depends on the website.

The Ministry of Migration and Displacement (MoMD) has internal policies aimed at attracting highly qualified Iraqi nationals who have migrated abroad, through customs allowances and other support. The return of skilled nationals is a high priority for the Iraqi Government and is linked to national development plans and the labour market. The MoMD Department of Migration Affairs is responsible for mechanisms used to promote the reintegration of skilled Iraqis returning to Iraq. Moreover, MoMD may issue instructions to grant land plots and apartments to groups for which it is responsible, including Iraqis returning from abroad.

Regarding human trafficking, Iraq's Central Committee on Combating Human Trafficking coordinates efforts to tackle human trafficking and includes representatives from several ministries and bodies including the Higher Judicial Council, MoI, MoFA and the Office of the United Nations High Commissioner for Humans Rights (OHCHR). The MoI antitrafficking unit, located within the anticrime directorate, is responsible for combating trafficking and labour exploitation.

Iraq passed an antitrafficking law in 2012 that criminalizes both sex and labour trafficking. The Constitution addresses human trafficking, as does the Law on Human Organs Transplant and Prevention of Trafficking (2016), Labour Law (2015), Law on the Residence of Foreigners (2017), Penal Code (1969), Criminal Procedure Code (1971) and the Law on Juvenile Welfare (1983).

Iraq has formal cooperation arrangements with other countries to prevent and counter smuggling. It is a member of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, which was established in 2002 and covers practical issues related to smuggling, trafficking and related transnational crime. Iraq's Central Committee to Combat Human Trafficking also cooperates with relevant international organizations, such as Interpol, United Nations Office on Drugs and Crime and ILO.

6.2. Areas with potential for further development

The Iraqi Government does not regularly publish information about its counter-trafficking activities. However, the MoI publishes on an ad hoc basis advertisements and leaflets about the dangers of human trafficking and announces arrests of alleged offenders. Such announcements are usually broadcast via television channels and local radio stations.
An MOU with the Philippines on human trafficking is in its draft stages and is under review by MoI as of June 2020.

Iraq does not have procedures or policies to ensure the minimization of risks for migrants in transit or at the border. However, it is a State Party to the Convention on the International Maritime Organization, the Protocol of 1988 Relating to the International Convention for the Safety of Life at Sea (1974), and the Convention on the International Regulations for Preventing Collisions at Sea (1972), which confer obligations upon the country to respond to maritime safety incidents.

No formal systems for the identification of missing migrants have been developed to date.

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ANNEX

MiGOF: Migration Governance Framework[13]

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.[14] 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.

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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 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 Portal[15] and uploaded on the IOM Online Bookstore.[16]

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[15] You can find the profiles at https://migrationdataportal.org/overviews/mgi#0.

[16] Please see https://publications.iom.int/.

www.migrationdataportal.org/mgi

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