

THE ISLAMIC REPUBLIC OF MAURITANIA |
PROFILE 2019

MIGRATION

GOVERNANCE

INDICATORS



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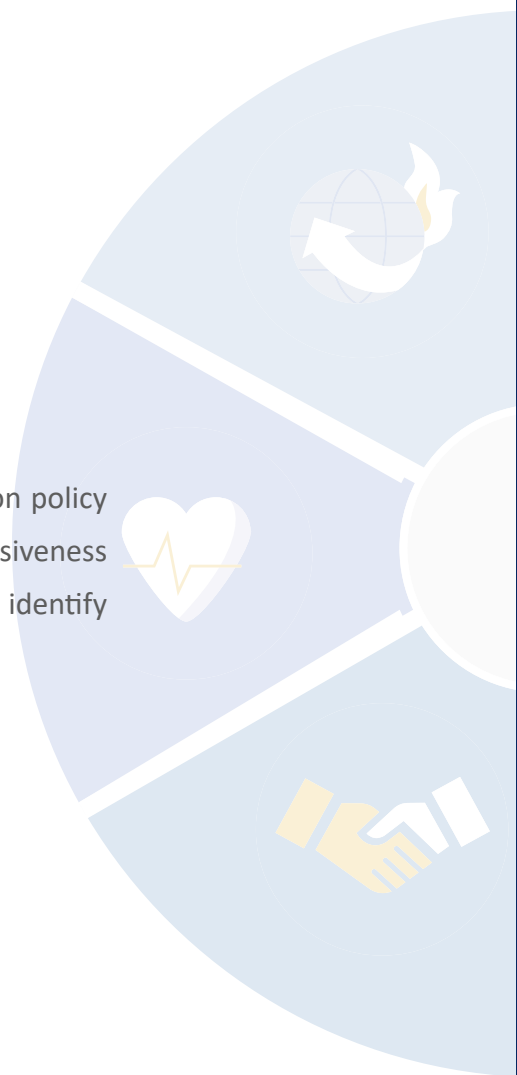
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OBJECTIVE

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



The MGI can be used to spark a discussion 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 Islamic Republic of Mauritania (hereinafter referred to as Mauritania), as well as the areas with potential for further development, as assessed by the MGI.⁴

¹ IOM Standing Committee on Programmes and Finance, seventeenth session (S/17/4 of 29 September 2015), article 2.

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

³ Ibid.

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

CONCEPTUAL FRAMEWORK

MiGOF

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

At the basis of

PRINCIPLES

1. **Adherence** to international standards and 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.

MGI

WHAT IT IS



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



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



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

Which supports the measurement of

WHAT IT IS NOT



Not a ranking of countries



Not assessing impacts of policies



Not prescriptive



SUSTAINABLE DEVELOPMENT GOALS

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 15

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 16

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 17

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 18

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

I.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, 1951	Yes (1991) ⁵
United Nations Convention relating to the Status of Stateless Persons, 1954	No
United Nations Convention on the Reduction of Statelessness, 1961	No
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	No
United Nations Convention on the Rights of the Child (CRC), 1989	Yes (1991)
United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990	Yes (2007)
United Nations Convention against Transnational Organized Crime, 2000	Yes (2005)

I.2. Migration governance: Examples of well-developed areas

Law No. 67.039 of 3 February 1967 establishing a social security system, amended by Executive Order No. 87.296 of 24 November 1967 and Law No. 72.145 of 18 July 1972,⁶ governing access to health services in Mauritania, do not discriminate between Mauritanian nationals and migrants.⁷ According to this law, migrants with a residence permit have equal access to public and private medical services as Mauritanian nationals.

Section 1 of Decree 2009-224 of 29 October 2009⁸ guarantees access to employment for any foreigner with a work permit. In order to obtain a work permit in Mauritania, the employer wishing to hire a migrant worker must demonstrate that this position cannot be held by a Mauritanian national. The 2004 Labour Code covers both national and migrant workers.

⁵ Reference to the 1951 Convention is made without prejudice to the role and responsibilities assigned by the United Nations General Assembly to the Office of the United Nations High Commissioner for Refugees in the protection of refugees and the search for solutions to refugee situations.

⁶ For more information, please see www.cnss.mr/pdf/LOI-67039-instituant-un-regime-de-securite-sociale.pdf.

⁷ At the international level, no universally accepted definition for "migrant" exists. The present definition is an umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally-defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students. International Organization for Migration, Glossary on migration, IML Series No. 34, 2019, available at https://publications.iom.int/system/files/pdf/iml_34_glossary.pdf.

⁸ Decree 2009-224 (2009) can be accessed at www.ilo.org/dyn/natlex/docs/MONOGRAPH/84146/93374/F853875740/MRT-84146.pdf.

According to Section 18 of Law No. 1961-112 enacting the Mauritanian Nationality Code, a resident can be naturalized if s/he has been habitually residing for at least five years in Mauritania at the time of his/her application for naturalization (other options towards nationality are birth or adoption, marriage or reintegration). From May 2012 onwards, the Ministry of Foreign Affairs established the conditions for obtaining the residence permit since the laws governing immigration make no mention of specific procedures to obtain permanent residency.⁹

I.3. Areas with potential for further development

Migrants do not necessarily have regular access to health care due to the fact that they are either unaware of the type of services available or do not know how to access them, or because they cannot bear the health-care costs.

Laws governing access to education in Mauritania do not distinguish between Mauritanians and migrants.¹⁰ Children of migrants who do not possess a birth certificate cannot have access to education. There is a gradual process to allow some refugees from Mbera to obtain a birth certificate.

There is no clear procedure for family reunification of migrants in Mauritania. The bill on the entry and residence of foreigners and on the right to asylum in Mauritania, which guarantees the right to family reunification to any migrant holding a residence permit in Mauritania, and presented in 2012, has been amended to only deal with asylum-related matters.

⁹ Decree 64-169 (amended) on the immigration security in Mauritania.

¹⁰ Especially Law No. 67.039 of 3 February 1967 instituting a Social Security system, amended by Law No. 72.145 of 18 July 1972 and Executive Order No. 87.296 of 24 November 1967.



2

FORMULATES POLICY USING EVIDENCE AND WHOLE-OF-GOVERNMENT APPROACH

2.1. Migration governance: Examples of well-developed areas

The general mandate of the Ministry of Interior is the drafting, implementation and monitoring of national policy relating to border control and security. The project management unit within the Ministry of Interior is also responsible for designing, coordinating and implementing plans and strategies related to migration in Mauritania.

The Directorate for Mauritanians Abroad and Consular Affairs within the Ministry of Foreign Affairs and Cooperation is responsible for the documentation of and providing consular assistance to Mauritanians abroad. In addition, the Ministry of Tertiary Education manages a portal¹¹ for the diaspora which was set up with the support of the International Organization for Migration (IOM).

Several laws and decrees regulate the various aspects of migration in Mauritania; for example Decree 62.169 of 1962 on the regulation of visa and travel permits, Decree 64.169 of 15 December 1964 on the immigration system, Decree 65.110 of 8 July 1965 amending Decree 64.169 on the immigration system, Law No. 65.046 of 23 February 1965 on criminal law provisions relating to the immigration system, Law 67.039 of 3 February 1967 on the Social Security system, Executive Order 91.022 of 20 July 1991 on the Constitution of Mauritania and Law 2001-052 of 19 July 2001 on the Code of Personal Status.

2.2. Areas with potential for further development

In 2010, in partnership with the European Union (EU) and the IOM, the Government of Mauritania drafted a national migration strategy that includes a well-defined action plan.¹² However, that strategy was only partially implemented, and a revision of the action plan is in progress.

The Directorate for the Surveillance of the Territory, which operates under the General Directorate for National Security, and the National Agency for the Population Register and Secure Documents, collect data on migrants entering or exiting the country for administrative purposes. This data is not published but is available on demand. The IOM has implemented its Displacement Tracking Matrix (DTM) in Mauritania since November 2018; the DTM covers the entire country in order to have a better understanding of people's movements (it does not cover refugees who have a refugee permit or asylum seekers who have applied to the United Nations High Commission for Refugees).

¹¹ To access the Portal: www.diaspora.mr.

¹² To access the strategy: www.iom.int/sites/default/files/country/docs/mauritania/Mauritania-National-Migration-Management-Strategy-FR.pdf.

3

ENGAGES WITH PARTNERS TO ADDRESS
MIGRATION AND RELATED ISSUES

3.1. Migration governance: Examples of well-developed areas

Mauritania participates in the Migration Dialogue for West Africa (MIDWA), facilitated by the International Organization for Migration (IOM). The MIDWA aims to encourage Member States “to discuss in a regional context common migration issues and concerns”.¹³ Mauritania also participated in all regional consultations related to the adoption of the Global Compact for Migration and adopted the Global Compact in December 2018.

Mauritania has signed several Memorandums of Understanding on migration with neighbouring countries such as the People’s Democratic Republic of Algeria, the Republic of Mali and the Republic of Senegal in order to regulate migration flows. On 5 May 2017, Mauritania signed an association agreement with the Economic Community of West African States (ECOWAS) on strengthened partnerships in several areas of common interest, such as encouraging the free movement of persons.¹⁴ Mauritania is also a Member State of the Arab Maghreb Union (AMU) which encourages the movement of people and goods between Mauritania and other member States.¹⁵

3.2. Areas with potential for further development

The country has not signed any regional agreements promoting the mobility of labour.

There is no formal collaboration between government, civil society, the private sector and the diaspora on the different aspects of migration policy. A yet-to-be operational intersectoral and interministerial body aims to bring together the relevant stakeholders, including the different ministries concerned and civil society actors, as well as human rights commissions and representatives of various migrant groups in Mauritania.

¹³ For more information, please see: www.iom.int/midwa.

¹⁴ See: www.ecowas.int/communique-final-accord-dassociation-entre-la-cedeao-et-la-republique-islamique-de-mauritanie/?lang=fr.

¹⁵ AMU member States are Mauritania, Morocco, Algeria, Tunisia and Libya.



4

ADVANCES THE SOCIOECONOMIC WELL-BEING OF MIGRANTS AND SOCIETY

4.1. Migration governance: Examples of well-developed areas

Mauritania has signed the Convention on Social Security (Decree No. 67-111 of 3 February 1967) with France which concerns in particular the reciprocity of social security schemes for migrant workers of the two countries.

The government promotes the formalization of remittances in Mauritania; the Central Bank regularizes remittances, establishes a list of authorized agencies and penalizes those involved in irregular practices.

4.2. Areas with potential for further development

There is no national assessment to systematically and regularly monitor labour market demands. The National Agency for the Promotion of Youth Employment (ANAPEJ) has a Labour Market Observatory but attempts to study the labour market have not been successful in the face of a fluctuating unstructured market.

“The Diagnostic Study on Migration Management in Mauritania, Focus on Sub-Saharan Female Migration in Nouakchott” conducted by the think tank, Mauritanies Perspectives in 2018¹⁶ highlighted the lack of data on migrants’ access to the labour market as most of them work in the informal sector. In November 2018 however, IOM started collecting data through its Displacement Tracking Matrix, in partnership with Mauritanian authorities. The data collection includes, amongst others, information on migrants’ access to the labour market (in Nouadhibou and Nouakchott). The administrative requirements for hiring or starting businesses are one of the major constraints for migrants.

There is no specific programme for the management of labour migration. Migrants can obtain a work permit in Mauritania under the condition that the work cannot be performed by a national. Legally-speaking, the migrant should be able to obtain a work permit, but in practice, obtaining a work permit depends on administrative procedures and requirements that are difficult for a migrant to meet.

Mauritania has not developed identification or protection mechanisms for its nationals working abroad. The ANAPEJ, in partnership with Pôle emploi-France and with funding from the European Union, has set up a professional mobility unit and is awaiting the implementation of its strategy.

¹⁶ To access the report: http://w.mp.mr/wp-content/uploads/2018/03/Doukoure_mp.etude_migration.pdf.



5

EFFECTIVELY ADDRESSES THE
MOBILITY DIMENSIONS OF CRISES

5.1. Migration governance: Examples of well-developed areas

There is a specific procedure under the refugee protection regime for those whose country of origin is in crisis. Indeed, the United Nations High Commissioner for Refugees (UNHCR) in Mauritania administers the asylum system in support of the Mauritanian authorities and may grant refugee status to persons in need of international protection. Asylum seekers receive certificates that are recognised by the authorities and that allow them to move around in the country.¹⁷ The Directorate General for Civil Protection has set up, with the help of the International Organization for Migration (IOM), an internal plan for the management of crises caused by natural disasters and resulting in the displacement of people at the borders (aside from the flow of refugees, which remains under the purview of the UNHCR) in support of the Ministry of Interior and Decentralisation (MIDEC). Crisis simulation exercises were also organized by the IOM to implement this plan under realistic conditions.¹⁸

The national policy promotes the reintegration of Mauritanians repatriated from Senegal and Mali, having fled the country during periods of crisis, ensuring for example, the protection of assets and rights. Section 21 of the Mauritanian Constitution¹⁹ guarantees the protection of regular migrants who hold a residence permit by indicating that “any foreigner residing regularly in the national territory benefits from the protection of the law for his person and assets”.

5.2. Areas with potential for further development

Mauritania does not have early warning systems and alarms in place to communicate information on the evolving nature of crises and how to obtain assistance, or to enable the public and displaced persons to communicate their needs.

Mauritania’s 2015–2018 National Action Plan for Capacity Building in Disaster Risk Reduction and Emergency Preparedness and Response does not have specific provisions concerning migrants or in the case of mass displacement.

The National Adaptation and Action Programme for Climate Change (2004) and the National Environment and Sustainable Development Strategy and its action plan for 2017–2021 do not make provisions for strategies in response to migratory movements caused by environmental degradation and the adverse impacts of climate change.

¹⁷ According to the UNHCR’s estimates, in January 2019, the Mbera camp had more than 54 000 Malian refugees who had fled their country.

¹⁸ Simulations took place on both sides of the border jointly with Malian and Senegalese authorities in April 2019.

¹⁹ Constitution of the Islamic Republic of Mauritania: <http://extwprlegs1.fao.org/docs/pdf/mau135226F.pdf>.



6

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

6.1. Migration governance: Examples of well-developed areas

Decree No. 48-2013 led to the creation of Tadamoun in March 2013, the national agency responsible for combating the consequences of slavery and poverty, and for inclusion. The agency is tasked with combating the consequences of slavery, the reintegration of Mauritanian returnees from Senegal and fighting against poverty. Mauritania also has a set of laws and regulations aiming to combat human trafficking and labour exploitation. For instance, in 2003, Mauritania adopted Law No. 025-2003 on combating trafficking in persons; on 30 October 2007, it passed Law No. 1154 on the criminalization of slavery and the prohibition of slave-like practices, and in 2009, the country adopted Law No. 2010-21 on smuggling of persons.

The Office of the Commissioner for Human rights and Humanitarian Action also has a draft Action Plan to combat trafficking in persons. Since 2015, the Government has been working in partnership with the International Organisation for Migration (IOM) to combat human trafficking in Mauritania, to assist with cases of survivors of trafficking but also to reform the law on trafficking in persons so as to integrate rights and procedures for such victims. Law No.033-2015 against torture and inhumane acts partly covers the issue of detention and Code 024/2018 on the Protection of Children also deals with migrant children.

The Directorate for the Surveillance of the Territory (DST) within the Ministry of Interior and Decentralization is specifically in charge of border control and security. The DST is made up of many units involved in migration management such as: airport police stations, border control posts, mobile units and the foreigners and intelligence police. The Central Bureau of Research (BCR in French) of the National Gendarmerie is also involved in migration management. The National Gendarmerie is in charge of ten border posts.

Mauritania has concluded several formal and informal agreements with neighbouring countries and destination countries such as the United Arab Emirates, the French Republic and the Kingdom of Spain on the management of migratory flows, including combating smuggling.

6.2. Areas with potential for further development

There is no formal government programme or specific policy aimed at attracting or reintegrating nationals who have emigrated from the country of origin.



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ANNEX

MiGOF: Migration Governance Framework²⁰

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.²¹ 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.

²⁰ IOM Council, Migration Governance Framework, 106th session, C/106/40 (4 November 2015). Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

²¹ Migration Governance Framework infosheet (2016). Available at <https://publications.iom.int/books/migration-governance-framework>.

The MGI process



1 Launch of the MGI process

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



2 Data collection

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



3 Interministerial consultation

The third step of the process is to convene an interministerial consultation where all relevant ministries and other stakeholders discuss the good practices and main areas that could be developed 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 in 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 Portal²² and uploaded on IOM's Online Bookstore.²³

²² You can find the profiles at <https://migrationdataportal.org/overviews/mgi#0>.

²³ Available at <https://publications.iom.int/>.





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