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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

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REPUBLIC OF GUINEA-BISSAU | PROFILE 2021

MIGRATION GOVERNANCE INDICATORS



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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 Guinea-Bissau (hereinafter referred to as Guinea-Bissau), as well as the areas with potential for further development, as assessed by the MGIs.⁴

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.

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.

PRINCIPLES

At the basis of

- 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*

WHAT THEY ARE NOT



Not a ranking of countries



Not an assessment of policy impacts



Not prescriptive

Which support the measurement of







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 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

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 17 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 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 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 19 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.



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	Yes (1976)
United Nations conventions on statelessness, 1954 and 1961	Yes (2016)
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	No
Convention on the Rights of the Child (CRC), 1989	Yes (1990)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990	Yes (2018)
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000	Yes (2007)
Economic Community of West African States (ECOWAS) General Convention on Social Security, 2013	Yes (2013)

1.2. Migration governance: Examples of well-developed areas

Article 28 of Guinea-Bissau's Constitution of the Republic (1996) states that immigrants have the same rights as nationals to private-sector employment, but it clarifies that there are some restrictions to this entitlement.⁵ Furthermore, the General Labour Law (Law No. 2 of 1986) guarantees migrants' non-discriminatory access to the labour market.

As a member State, the country implements the ECOWAS General Convention on Social Security (2013), which guarantees the equal treatment and portability of social security rights for nationals of member States.

Law No. 6 of 2010 on nationality establishes that a foreigner who legally resides in the country for six consecutive years can apply for citizenship. The same law also allows for dual nationality. Citizens of Guinea-Bissau residing abroad are allowed to vote in national elections (both presidential and legislative), in line with provisions contained in the Constitution, Law No. 10 of 2013 on the election of the President of the Republic and the National People's Assembly, and Law No. 11 of 2013 on the electoral census. All citizens, residing in the country or abroad, must be registered to vote.⁶

⁵ Migrants may access only jobs of a technical nature.

⁶ Citizens living abroad must follow registration and voting instructions from the closest diplomatic representation.

1.3. Areas with potential for further development

The Constitution of Guinea-Bissau grants foreign nationals and stateless persons the same rights as citizens on the basis of the reciprocity principle.⁷

Existing legislation does not impose barriers for access to health care by migrants, but conditions for equal access as nationals are not explicit either. The Constitution (Article 49) and Law No. 4 of 2011 (2010) on education grant access to all levels of education to citizens with no specific reference to migrants. The General Labour Law (Law No. 2 of 1986) does not provide details on access to social protection for foreigners, and Law No. 4 of 2007 on the legal framework for social protection does not include provisions concerning the rights of migrants. There are no specific provisions regarding migrants' access to education in relevant legislation or policies.

Decree No. 1 of 1992 establishes the conditions and procedures for the entry, stay and exit of foreigners, yet it did not include any provision for family reunification. However, a new law on the entry, stay and exit of foreigners in Guinea-Bissau has been proposed to the cabinet and is yet to be approved as of April 2021.

The Constitution grants voting rights only to citizens, and there are no provisions allowing migrants to vote in local elections.

The country does not have a specific policy or strategy in place to combat discrimination and xenophobia against migrants.

In this context, reciprocity means that Guinea-Bissau offers citizens of another country certain rights on the condition that Guinea-Bissau's citizens enjoy similar privileges in that country. The list of countries with such a reciprocity agreement with Guinea-Bissau is not publicly available.



FORMULATE POLICY USING EVIDENCE AND WHOLE-OF-GOVERNMENT APPROACH

2.1. Migration governance: Examples of well-developed areas

In December 2018, Guinea-Bissau signed the Global Compact for Safe, Orderly and Regular Migration and developed a National Global Compact for Migration Action Plan (2021–2022) to work towards the achievement of the Compact's priorities for the country. Moreover, Guinea-Bissau has accepted to become a Global Compact for Migration champion country to "share insights, lessons learned and promising practices to contribute to achieving the objectives of the [Compact]".8

The Directorate General of Regional Integration, under the Ministry of Economy, Planning and Regional Integration, oversees issues related to the Protocol on Free Movement of Persons, Residence and Establishment in the Economic Community of West African States (ECOWAS) (1979).9

The Government of Guinea-Bissau has an institutional framework to address migration issues. The Directorate General of Migration and Borders, within the Ministry of Internal Affairs, is responsible for border management, the issuance of visas, and monitoring of the stay and residence of foreigners.

The Directorate General of Communities, under the Ministry of Foreign Affairs, International Cooperation and Communities, is responsible for engaging with and protecting the rights of citizens of Guinea-Bissau who are abroad, in coordination with diplomatic missions. In 2009, the position of State Secretary of Communities was established to handle diaspora and emigration issues.

The National Platform on Migration, created in 2013 under the then Ministry of Economy and Regional Integration and the Ministry of Interior, seeks to enhance horizontal coordination among ministries. The platform is comprised of key government agencies, international organizations and civil society organizations working on migration issues.

2.2. Areas with potential for further development

Guinea-Bissau does not have a national migration strategy. However, the Directorate General of Regional Integration is leading the development of a comprehensive draft national migration policy as of April 2021.

Legislation currently governing migration in Guinea-Bissau is fragmented, and migration regulations are not easily accessible to the public. When available, laws are only in Portuguese, which can pose difficulties to the majority of migrants coming from the ECOWAS region, who do not speak the language.

Guinea-Bissau's immigration policy is regulated by Decree No. 1 of 1992 that establishes the conditions and procedures for the entry, stay and exit of foreigners. However, the decree does not clearly define different migrant categories and migrants' rights.

The United Nations Network on Migration aims to encourage the international community's efforts towards implementing the Global Compact for Safe, Orderly and Regular Migration. The initiative to become a Global Compact for Migration champion country is voluntary and open to all Member States who wish to join. See: United Nations Network on Migration, 2020.

⁹ Established in 1975 via the Treaty of Lagos, ECOWAS is a 15-member regional group with a mandate to promote economic integration in all fields of activity of the constituting countries.

Collection, analysis and dissemination of data on migration in Guinea-Bissau are limited and do not take place in a regular manner. Nevertheless, the National Institute of Statistics collects data on migration every 10 years through the Population and Housing Census, with the last one conducted in 2009. Migration-related questions in the census are disaggregated by age, sex, country of residence, country of birth and previous country of residence. The Directorate General of Migration and Borders does not report on the number of foreign residents in the country, nor on the inflows and outflows of migrants. Moreover, there is no mechanism to centralize and standardize data collected through the consular registries of citizens of Guinea-Bissau abroad.

¹⁰ The National Centre for the Registration of Enterprises collects data on the nationality of business owners abroad, and the Embassy of Guinea-Bissau in Portugal actively collects online data from students originating from Guinea-Bissau.

¹¹ As of April 2021, the next census is scheduled for 2023.



ENGAGE WITH PARTNERS TO ADDRESS MIGRATION AND RELATED ISSUES

3.1. Migration governance: Examples of well-developed areas

Guinea-Bissau is part of regional consultative processes such as the Migration Dialogue for West Africa, "a platform to encourage the Member States of the Economic Community of West African States (ECOWAS) to discuss, in a regional context, such common migration issues and concerns for which immediate solutions may not be forthcoming on a national level". The country is also a member State of the Community of Portuguese Language Countries (Comunidade dos Países de Língua Portuguesa, CPLP), whose members regularly discuss migration policies.

The country has signed bilateral agreements with Portugal on medical evacuation and health assistance in 1992 and on social security in 1994. The latter agreement defines the formal steps necessary for requesting portability of social security benefits and includes several articles defining the conditions and additional requirements related to different types of pensions. An agreement on migration issues was also signed with Spain in 2008. In addition, agreements to promote labour migration and agreements for nationals of Guinea-Bissau to study abroad are in place with Brazil, China, the Gambia, India, Morocco, Portugal, the Russian Federation, Tunisia and Türkiye. Guinea-Bissau has also signed an agreement on cooperation on migration issues with Cabo Verde in 2021.¹²

3.2. Areas with potential for further development

The State Secretary of Communities is responsible for collecting data and maintaining a registry on citizens living abroad. Due to the lack of resources, data on diaspora members are limited and collected only through secondary sources, such as information published by destination countries. There is no indication of formal collaboration or communication with the diaspora communities to engage them in agenda-setting and the implementation of development policy. The National People's Assembly has a Specialized Commission on External Politics, International Cooperation and Emigration, which is interested in developing a cooperation framework with the diaspora of Guinea-Bissau. The Ministry of Foreign Affairs, International Cooperation and Communities through the State Secretary of Communities is also working to engage with the diaspora in a strategic way. For instance, in collaboration with IOM, the Ministry conducted a mapping of the Gambian, Guinean and Guinea-Bissau diasporas in Italy between September 2018 and February 2019. The study also includes recommendations from the participating countries in Italy on how to engage with diaspora members and organizations.

The bilateral agreement between Guinea-Bissau and Cabo Verde includes (a) strengthening cooperation and exchange of experience on consular services and management of emigrant communities, (b) promoting the creation of legal frameworks to facilitate the integration and regularization of nationals of Guinea-Bissau and Cabo Verde with irregular migratory status in the respective countries, including through flexible requirements and special measures, and (c) ensuring, to the extent possible, the provision of consular assistance and protection to nationals of both countries in territories where only one party has diplomatic or consular representation. See: Government of Cabo Verde, 2022.



ADVANCE THE SOCIOECONOMIC WELL-BEING OF MIGRANTS AND SOCIETY

4.1. Migration governance: Examples of well-developed areas

International students pay the same fees as nationals at the university level. Moreover, national legislation allows international students to work in the country after completion of their studies.

4.2. Areas with potential for further development

The Government has several programmes related to gender equality in the labour market, such as the Emancipation and Rights of Girls and Women in Guinea-Bissau (2018) and the National Policy for Promoting Gender Equality, 2012–2015 (2012). These programmes do not specifically mention migrants.

The Ministry of Economy, Planning and Regional Integration is responsible for defining the procedures for the accreditation of foreign qualifications, but the country does not have a formal skills and qualifications accreditation system.

There is no defined programme for managing labour immigration into the country, nor different types of visas to attract migrants with specific labour skills.

Although remittances represent the second largest source of foreign exchange and they corresponded to 9.5 per cent of the GDP in 2020, there are no schemes to encourage or formalize these flows. Nonetheless, in response to a government request, a study on remittances, funded by the United Nations Development Programme and carried out with the technical assistance of IOM, was finalized in 2020.¹³

¹³ The report has not been published as of April 2021.



5.1. Migration governance: Examples of well-developed areas

In recent years, Guinea-Bissau has taken action to promote the integration of refugees in the country. For instance, the Clause of Definitive Local Integration for Long Term Refugees (2017 and 2018) allows refugees to acquire nationality from Guinea-Bissau with reduced costs and simplified procedures.¹⁴

The National Early Warning and Response Centre in Guinea-Bissau is an initiative of the Economic Community of West African States (ECOWAS) to improve the early warning capacity of ECOWAS and its member States and allow them to proactively identify emerging crises and improve their response mechanisms.¹⁵ The National Centre shares information and manages crises, while reporting incidents that could cause a crisis to the Early Warning Directorate of the ECOWAS Commission.

5.2. Areas with potential for further development

The mobility dimensions of crises are not specifically taken into account at the legislative or operational level in Guinea-Bissau. While the country is considered one of the most vulnerable countries to climate change and there have been past episodes of displacements resulting from floods and droughts, there is no national strategy to manage disaster and climate-induced internal displacement. The country developed a National Programme of Action of Adaptation to Climate Changes (2006), but there are no policies in place to address migratory movements caused by extreme events and the adverse effects of climate change.

There are no special communication systems available to the population in times of crisis or emergencies, and existing communication channels do not account for the specific vulnerabilities that migrants and other at-risk groups face.

There are no emergency plans for citizens of Guinea-Bissau living abroad. Nonetheless, ad hoc missions from the Ministry of Foreign Affairs, International Cooperation and Communities have been previously organized to repatriate nationals in vulnerable situations in Libya and Angola. Moreover, an agreement was signed with Portugal in 1998 to assist nationals of Guinea-Bissau abroad, including the evacuation and repatriation of victims of violent acts and in cases of death, serious illness or accident, and detention.

¹⁴ More information is available in this article from the Atlantic Federation of African Press Agencies (Fédération Atlantique des Agences de Presse Africaines, FAAPA). Also see: Presidency of the Council of Ministers, 2018.

¹⁵ More information is available on IOM's ECOWAS Early Warning and Response Network (ECOWARN) page.

¹⁶ These movements were mainly linked to the seasonal cashew campaigns.

6.1. Migration governance: Examples of well-developed areas

The Directorate General of Migration and Borders, under the Ministry of Internal Affairs, is responsible for issuing and checking visas at the country's land and maritime border entry points.

Guinea-Bissau signed an agreement with Spain in 2008 covering multiple migration-related topics, including the exchange of information on human trafficking and smuggling, strengthening the capacity for combating irregular immigration and human trafficking, and the development of public campaigns to share information about the risks of irregular immigration and human trafficking.

Migrants can obtain their visas prior to arrival by applying at the diplomatic missions of Guinea-Bissau. In addition, Guinea-Bissau has an online electronic visa application system, which provides clear information about visa procedures and fees.

With the aim of engaging members of the diaspora in the national development process, Guinea-Bissau encourages the return of its nationals living abroad. Under Declaration No. 38 of 1986 on the Code of Emigrants, any citizen abroad returning to Guinea-Bissau to stay can benefit from fiscal and customs exemptions of personal goods. As of April 2021, the Government is reviewing the Code of Emigrants in order to guarantee them easier access to some benefits.

The country adopted Law No. 12 of 2011 on preventing and combating trafficking in persons and implemented its National Action Plan to Prevent and Counter Trafficking in Persons (2020–2021).¹⁷ The Institute for Women and Children, under the Ministry of Women, Family and Social Cohesion, is responsible for the coordination and implementation of the Plan through the National Committee to Prevent and Fight Against Human Trafficking, an interministerial working group that includes relevant ministries, international organizations and civil society organizations.

6.2. Areas with potential for further development

Guinea-Bissau does not have a system to monitor visa overstays. However, the Directorate General of Migration and Borders organizes operations to identify migrants in irregular situations.

No specific or regular training is provided by the Government to border and immigration officers. However, border agents have benefited from training in migration management and countering trafficking and smuggling as a result of partnerships with other countries, namely France, Portugal, Spain, Switzerland and the United States of America, as well as through projects funded by the European Union.

The detention of migrants in irregular situations is not a common practice in Guinea-Bissau, but there are no official directives ensuring that migrant detention is used only as a measure of last resort.

The Government relies primarily on the assistance and support of international organizations such as IOM and the International Federation of Red Cross and Red Crescent Societies to minimize risks for migrants transiting through Guinea-Bissau. The country does not have systems in place, including formal cooperation agreements with other countries, to trace and identify missing migrants within the national territory.

¹⁷ The National Action Plan to Prevent and Counter Trafficking in Persons was implemented for the period 2015 to 2018.

After the MGI assessment

IOM would like to thank the Government of Guinea-Bissau 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).



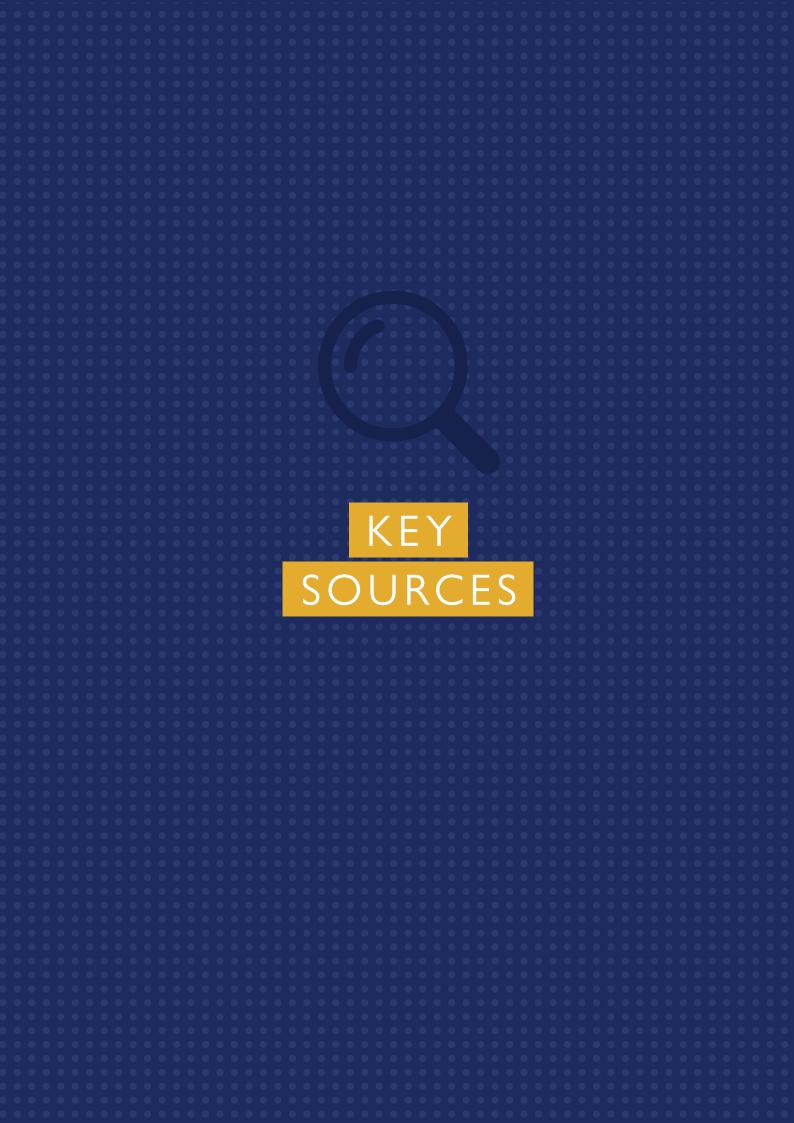
The findings can feed into capacity-building activities, which may connect to other IOM initiatives.



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.



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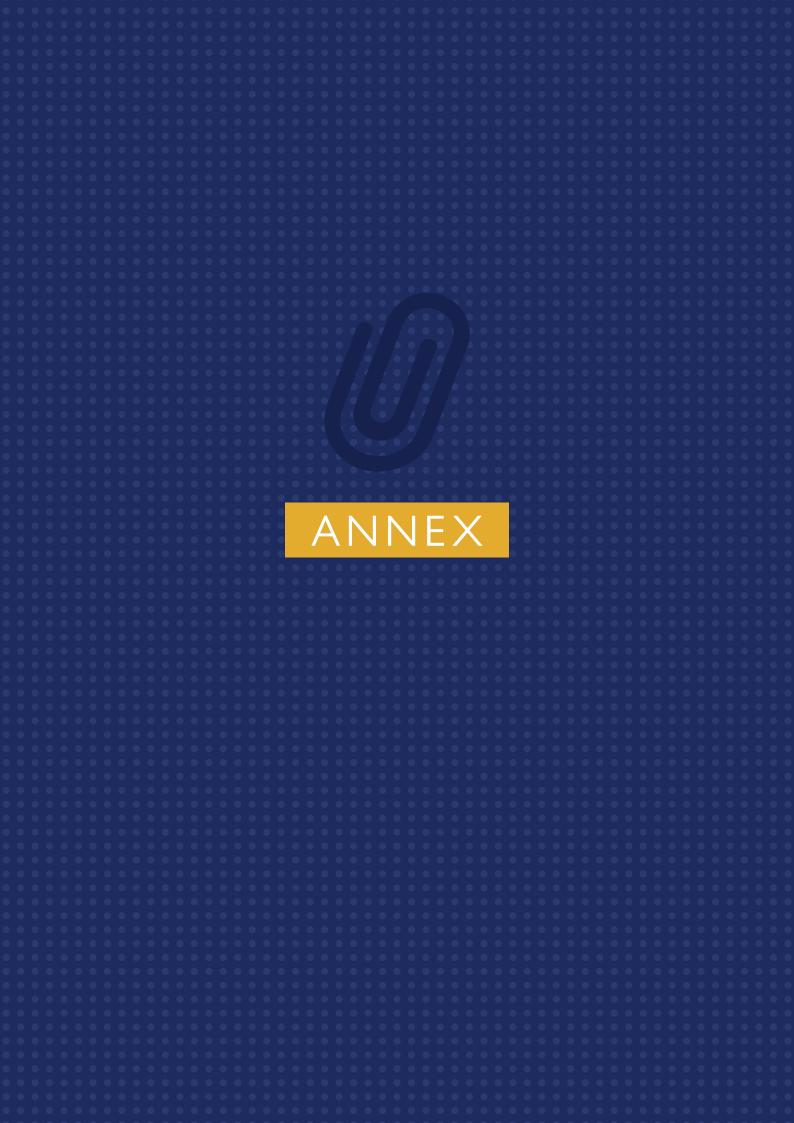
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The MGI process



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 #migrationgovernance









