

Migration Governance Snapshot: the Republic of Mauritius

June 2018

In 2015, IOM developed a [Migration Governance Framework \(MiGOF\)](#) to help countries define what “well-managed migration policy” might look like at the national level. The MiGOF was welcomed by IOM’s Member States in the same year. The Migration Governance Indicators (MGI) were developed to assist countries operationalize the MiGOF by using a standard set of approximately 90 indicators which could be applied across six key policy domains.

The MGI is a tool based on policy inputs, which offers insights on policy levers that countries can use to develop their migration governance. The MGI is not intended to function as a measurement of outcomes related to migration policies and institutions, instead it operates as an input-based benchmarking framework that offers insights on policy measures that countries can action to strengthen migration governance. The MGI is not meant to rank countries on the design or implementation of migration policies, but rather to be a framework to help countries in the assessment of the comprehensiveness of their migration policies, as well as to identify gaps and areas that could be strengthened. The MGI aims to assist countries when advancing the conversation on migration governance by clarifying what “well-governed migration” might look like in the context of the [SDG Target 10.7](#).

This country snapshot summarizes the well-developed areas of the Republic of Mauritius’ migration governance structures, as well as the areas with potential for further development, as assessed by the MGI.¹

¹ The Migration Governance Indicators (MGI) initiative is a policy-benchmarking programme led by the International Organization for Migration (IOM) and implemented with the support of the Economist Intelligence Unit. Funding is provided by the Government of Sweden.

The opinions expressed in this report are those of the authors and do not necessarily reflect the views of Sweden or the International Organization for Migration (IOM). The designations employed and the presentation of material throughout the report do not imply expression of any opinion whatsoever on the part of IOM concerning legal status of any country, territory, city or area, or of its authorities, or concerning its frontiers or boundaries.

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Key findings

I. Adherence to international standards and fulfilment of migrants' rights

International conventions ratified

Convention name	Ratified
ILO Migration for Employment Convention (Revised), 1949 (No. 97)	Yes (1969)
Convention relating to the Status of Refugees, 1951	No
Convention relating to the Status of Stateless Persons, 1954	No
Convention on the Reduction of Statelessness, 1961	No
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	No

Migration Governance: examples of well-developed areas

The Republic of Mauritius performs strongly in adhering to international standards and fulfilling migrants' rights. Children of non-citizens who hold a valid work and residence permit have access to primary, secondary and tertiary education under the same conditions as Mauritian citizens. Access to the labour market is unrestricted for permanent residents and their spouses provided that they hold an occupation or work permit.

Non-citizens in the Republic of Mauritius may access most health-care services for free, including treatment for chronic conditions such as diabetes. They are also eligible to participate in the national social insurance scheme, which entitles them to a disability, retirement or survivor pension. Under the National Pensions Act, both local and foreign workers are eligible to contribute to the national pensions scheme from the first day of employment, with the exception of non-citizens employed in export-oriented companies, who are eligible only after two years of residence in the country. They are also required to contribute to the National Savings Fund, which entitles them to the payment of a lump sum on retirement or when they leave the country. The lump sum comprises the contributions paid, together with accrued interest at the time of the payment.

The Permanent Residence Permit allows non-citizens to work and live in the Republic of Mauritius for a period of ten years, at which point it may be renewed. Non-citizens holding an Occupation Permit (OP)² are eligible to apply for a Permanent Residence Permit if they have held an OP for three years immediately preceding the date of application for permanent residence and they meet certain criteria. Permanent residents are eligible to apply for Mauritian citizenship following a period of five years of residence, according to Sections 5 and 9 of the Republic of Mauritius Citizenship Act of 1968.

Areas with potential for further development

According to the regulations outlined in the Republic of Mauritius' Immigration Act (Act No. 13) and the Non-citizens (Employment Restriction) Act (Act No. 15), as well as the Work Permit Guidelines established by the Ministry of Labour, Industrial Relations, Employment and Training (MLIRET), migrants holding a work permit cannot freely access the labour market (private or public sector), or switch employers. Neither can they seek permanent residence or bring their families to the Republic of Mauritius, unless a residence permit application has been made separately for family members. Migrant workers must leave the country after a maximum of four years of continuous employment, with the exception of workers in the manufacturing and construction sectors, who are allowed to work up to eight years. However, holders of Occupation Permits (OP) can freely

² The OP is a combined work and residence permit which allows foreign nationals to work and reside in the Republic of Mauritius under three specific categories (investor, self-employed and professional). See http://op.investmauritius.com/Download/OP_Guidelines.pdf.

access the labour market and may switch employer. The OP-holders must de-register their OP with their former employer and reapply for an OP under the new employer. There is no limit on the number of years an OP-holder can work and reside in the Republic of Mauritius.

The Constitution legitimizes the enactment of laws that discriminate against non-citizens according to their health status (Immigration Act (Act No. 13)) on grounds that migrants living with a disability or disease may present a threat to public safety or a burden to the taxpayer. For instance, the Republic of Mauritius still applies HIV-related restrictions on the entry, stay and residence of non-nationals. Migrant workers and, in some cases, international students must provide evidence of their negative HIV status to qualify for work and residence permits (Section 8 of the Immigration Act (Act No. 13)). However, migrant workers are not discriminated against under the Employment Rights Act (Act No. 33) of 2008.

2. Formulates policy using evidence and whole of government approach

Migration Governance: examples of well-developed areas

Mauritian Government entities such as the Prime Minister's Officer (PMO), which is the national focal point for issues pertaining to migration, as well as the Department of Home Affairs, the Ministry of Labour, Industrial Relations, Employment and Training (MLIRET), the Ministry of Foreign Affairs, Regional Integration and International Trade, as well as the Ministry of Education and Human Resources, Tertiary Education and Scientific Research, are involved in different aspects of migration management, including the design and operational implementation of migration policies. The Passport and Immigration Office (PIO) enforces migration policy and contributes to policy design. It manages border control at ports of arrival, enforces immigration regulations, processes applications and issues occupation and residence permits to applicants who wish to work, invest, or live in the Republic of Mauritius. Applications for residence, occupation and work permits are reviewed by the PMO's Home Affairs Division.

Coordination between government entities is facilitated by the National Steering Committee on Migration and Development, chaired by the PMO. Established in 2015, the Committee is composed of relevant ministries dealing with migration issues, as well as the Bank of Mauritius and the Economic Development Board (EDB, created as a result of the merger of the Board of Investment, Enterprise Mauritius and the Financial Services Promotion Agency). The Committee has established a solid partnership framework among the most relevant governmental entities having specific attributions in the field of migration. It meets on a regular basis to ensure coordination among its members on migration matters and to act as forum to exchange updates on current developments related to migration in the country. This cooperative inter-agency structure includes all relevant stakeholders to promote a consolidated and comprehensive approach to migration management. The Committee has worked on the development of a National Migration and Development Policy in collaboration with the International Centre for Migration Policy Development (ICMPD). This policy was formally endorsed by the Government of the Republic of Mauritius on 1 June 2018.

To engage the diaspora, the Government of the Republic of Mauritius launched the Mauritius Diaspora Scheme in 2015 under the purview of the Economic Development Board (EDB). The scheme aims to attract Mauritian investors and skilled professionals living abroad.

The Republic of Mauritius' Immigration Act and Non-citizens (Employment Restriction) Act were both adopted in 1970 with the aim of regulating immigration and setting employment regulations for non-citizens. Both acts have been amended several times over the past two decades to manage migratory flows more effectively and align them with national development and investment strategies. In the last five years, the Government of the Republic of Mauritius has also attempted to ensure that information pertaining to migration policies is easily available. These efforts are aimed at facilitating the visa application process for foreign workers and helping them to understand the country's legal and institutional frameworks. To address the issue of internal migration (mainly from Rodrigues Island to Mauritius), the Ministry of Social Integration and Economic

Empowerment established the Rodrigues Information and Support Desk in November 2017, providing internal migrants with information about the administrative procedures and various services available to them on the island of Mauritius.

Areas with potential for further development

The Republic of Mauritius adopted its first national migration and development policy in June 2018. The policy and its action plan, which were developed in the context of a joint EU-ICPMD initiative, “Migration EU eXpertise”, were formally endorsed by the Government on 1 June 2018 and will be implemented initially within a two-year time frame. The policy envisages the strengthening of the role of the National Steering Committee to ensure increased coordination among government agencies towards the achievement of its goals, to exchange data on a regular basis, and to create coherence and synergies between various policy areas.

Although the Government has implemented the Mauritius Diaspora Scheme under the aegis of the EDB to attract Mauritians living abroad, there is no dedicated institution responsible for implementing emigration policy. As for the assistance of nationals residing abroad, the Republic of Mauritius maintains 19 diplomatic missions and has one consulate overseas. The Government may wish to increase representation with necessary facilities in identified countries to which significant numbers of Mauritians have emigrated.

3. Engages with partners to address migration and related issues

Migration Governance: examples of well-developed areas

The Republic of Mauritius cooperates with a variety of partners on migration-related platforms and is part of the Common Market for Eastern and Southern Africa (COMESA) – MIDCOM.³ The main objective of the COMESA – MIDCOM is to provide a platform for informal and non-binding dialogue on issues and opportunities related to migration management, thereby improving the capacity of the governments to manage migration. Alongside Malawi, Mozambique, Seychelles and Zambia, the Republic of Mauritius is a member country in the World Bank’s Accelerated Program for Economic Integration (APEI). A memorandum of understanding (MOU) was signed in 2016 to facilitate movement of business people and professionals between APEI countries. As a South African Development Community (SADC) member state, the Republic of Mauritius has also participated in deliberations to implement inter-regional mobility initiatives, and it participates in the Global Forum on Migration and Development (GFMD), chairing the sixth annual GFMD Concluding Summit Meeting in 2012. The Republic of Mauritius has ratified the Migration for Employment Convention of 1949 and the Convention on the Rights of the Child (CRC). It is represented on the International Organization for Migration (IOM) Council.

In terms of bilateral cooperation, the Republic of Mauritius is actively promoting labour agreements with other countries. The Government has signed a technical cooperation agreement with the Republic of Seychelles (1990), a bilateral labour service cooperation agreement with People’s Republic of China (January 2005), and an Agreement on the Regulation of Manpower Employment with the State of Qatar (2014). In addition, circular labour migration agreements have been signed with France (2008), Italy (2012), and with Canadian employers, universities and cultural associations between 2008 and 2014 to enable Mauritian workers to gain professional experience and training in these countries before returning to the Republic of Mauritius. Furthermore, several MoUs were signed in October 2017 with the Republic of Seychelles concerning the recruitment of Mauritian doctors and teachers to work in Seychelles.

³ Migration Dialogue for COMESA member states.

The Republic of Mauritius formally engages with civil society organizations, the private sector and members of the diasporas in migration agenda-setting. The Mauritius Council of Social Services promotes communication, collaboration and networking among non-governmental organizations, the Government and the private sector through meetings, workshops, consultations and institutional development activities. Business Mauritius, an independent association representing over 1,200 local businesses, has actively participated in the development of the National Migration and Development Policy. The EDB, through the Mauritius Diaspora Scheme, and the Ministry of Foreign Affairs, Regional Integration and International Trade formally and informally engage with members of the diaspora and diaspora associations through the EDB's Diplomatic Missions and other promotional activities. Moreover, the recently adopted National Migration and Development Policy provides for the establishment of a diaspora affairs bureau under the Ministry of Foreign Affairs, Regional Integration and International Trade, as well as "diaspora desks" in diplomatic missions abroad.

Areas with potential for further development

The Republic of Mauritius has neither signed nor ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW), and is not party to the 1954 Convention relating to the Status of Stateless Persons or to the 1961 Convention on the Reduction of Statelessness. Furthermore, it has not ratified the ILO Migrant Workers (Supplementary Provisions) Convention of 1975 or the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).

4. Advances the socioeconomic well-being of migrants and society

Migration Governance: examples of well-developed areas

The MLIRET plays a major role in monitoring the Mauritian labour market and assessing demand and supply. It also facilitates the employment of Mauritian nationals abroad, with assistance from the IOM.

The Republic of Mauritius allows non-citizens access to tertiary education institutions, without any limitations. The Tertiary Education Commission issues guidelines on applying for student visas and residence permits for trainees. The guidelines specify that there are no additional fees, formal restrictions or quotas in place for international students. Besides the obligation to fulfil student visa requirements, international students have unrestricted access to courses and training programmes and benefit from equal educational opportunities. Moreover, subject to authorization from the MLIRET, international students may work for up to 20 hours per week.

Areas with potential for further development

The Republic of Mauritius does not have a defined programme managing labour migration, and the Government tends to hire foreign workers to meet the needs of the labour market on an ad hoc basis. The immigrant workforce typically holds visas of up to four years before returning to their country of origin.⁴ Some work permits issued for specific sectors (textiles, construction and export-oriented industries) can be renewed for a further four years. There is no specific Government programme to manage or adjust work visas based on labour market demand, even though the issue of work permits tends to be demand-driven and subject to certain well-defined criteria for different sectors and scarcity areas. For example, given that there is a lack of Mauritian labour in the ICT-BPO⁵ sector, the eligibility criteria to apply for an OP in that sector have been

⁴ Non-citizens with an OP are not subject to time limitations. These limitations apply to holders of work permits under Article 4 of the Non-citizens (Employment Restriction) Act and the MLIRET "Guidelines for Work Permit Application".

⁵ Business process outsourcing.

relaxed. The Ministry of Labour evaluates the effects of emigration on the labour market, but this evaluation is not systematic and is conducted exclusively within the framework of circular migration agreements.

With few exceptions – such as the Association of Chartered Certified Accountants certification – the Republic of Mauritius is yet to participate in international schemes with common qualification frameworks. However, in the context of the Southern African Development Community Qualifications Framework (SADCQF), efforts by participating states have been intensified to implement a regional agreement aimed at establishing a mechanism for the verification of SADC qualifications. The Republic of Mauritius is currently implementing the SADCQF and is aligning its national framework with the regional framework.

While no formal regulations or institutional measures have been developed to promote the ethical treatment and recruitment of migrant workers, there are certain regulations in place regarding private recruitment agencies. For example, in order to grant and renew licences, the MLIRET requires recruitment agencies to implement policies and processes to ensure that their activities are conducted in a manner that treats migrant workers with dignity and respect, and that are free from any form of coercion or inhumane treatment, according to the Recruitment of Workers Act of 1993. MLIRET inspectors conduct periodic assessments of the living and working conditions of migrant workers, and a migration service provider is currently being recruited to help the MLIRET set standards for the ethical recruitment of migrant workers. In addition, the Special Migrant Workers Unit, which was set up in 1999 by the MLIRET, is tasked with monitoring whether migrant workers are employed on decent terms and conditions and whether their fundamental rights are respected. The Government has no mechanisms or measures in place to protect the rights of its nationals working abroad, but provides consular assistance in a number of countries on a case-by-case basis.

5. Effectively addresses the mobility dimensions of crises

Migration Governance: examples of well-developed areas

The Republic of Mauritius' National Disasters Scheme (NDS), published in 2015, has specific provisions addressing the displacement impacts of disasters. Mauritian authorities are responsible for keeping records of the number of people affected by the disaster (especially displaced families, women, children and the elderly), carrying out surveys to assess the extent of damage, and for ensuring the safe return of displaced persons to their respective homes.

Whenever a crisis becomes imminent, the Mauritian National Disaster Risk Reduction and Management Centre (NDRRMC) has the responsibility to activate the National Emergency Operations Command (NEOC), which makes use of the command, control, coordination and communication system of the national police force to ensure effective dissemination of information and thus reach the entire affected population, including migrants.

Migrants, irrespective of their legal status, have the right to access humanitarian aid in the event of a crisis or natural disaster. The NDS does not distinguish between citizens and non-citizens in the provision of emergency support during a natural disaster or crisis.

Areas with potential for further development

Migrants are not specifically mentioned in the NDS. The Government has not implemented a dedicated strategy with measures to provide assistance to migrants in the event of a natural disaster or major crisis, nor has a contingency plan to manage large-scale population movements. Nevertheless, the NDS intends to protect all people (citizens and non-citizens) living in the Republic of Mauritius.

There are currently no strategies in place for addressing migratory movements caused by the adverse effects of environmental and climate change. However, the IOM, in collaboration with the Ministry of Environment

and Sustainable Development, together with various stakeholders involved in issues relating to migration, environment and climate change, have developed a policy paper and action plan on “Migration, Environment and Climate Change” that has been endorsed at the technical level by relevant stakeholders. This policy paper aims to address vulnerabilities and build resilience among migrants and migration-affected communities in the face of environmental and climatic changes in the Republic of Mauritius. The next step involves the political process, that is, the endorsement of the policy paper and its action plan by the Government. The political process would ensure greater ownership by stakeholders and implementation of the policy paper’s recommendations (policies, strategies and actions) by relevant stakeholders to address migratory movements caused by the adverse effects of environmental and climate change. In fact, one of the recommendations of the policy paper, the “setting up of a Rodrigues Desk to assist Rodriguans moving to Mauritius (internal migration)”, has already been implemented by the National Empowerment Foundation under the aegis of Ministry of Social Integration and Economic Empowerment. The policy paper and action plan has also been shared with experts working on the National Migration and Development Policy, for integration in the overarching national migration policy.

The Republic of Mauritius has no provisions to grant asylum in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. Moreover, the country's migration laws detailed in the Immigration Act and the Non-citizens (Employment Restriction) Act do not include any measures or procedures that regulate the return (or the protection of assets) of migrants who might leave The Republic of Mauritius during a crisis.

6. Ensures that migration takes place in a safe, orderly and dignified manner

Migration Governance: examples of well-developed areas

The Republic of Mauritius has a host of measures in place to ensure the orderly and dignified treatment of migrants. The PIO monitors visa overstays and enforces the country’s immigration laws (Immigration Act and the Non-citizens (Employment Restriction) Act). The Immigration Act states that any person who violates the conditions outlined by the law may be convicted and liable to a fine or sentenced to imprisonment for up to six months (Section 23 of the Immigration Act (Act. No. 13)). The PIO is empowered through the PMO to manage border control at ports of arrival and to enforce immigration regulations. PIO staff occasionally participate in capacity-building activities provided by international organizations such as the IOM.

The Government of the Republic of Mauritius has created several websites describing the available work and residence permits, corresponding requirements, and the steps that must be taken by applicants to obtain them. These websites include the PIO’s homepage which lists visa requirements, and the EDB’s website (www.investmauritius.com), where applicants may access occupation permit guidelines. The MLIRET, through its Work Permit Unit, has developed an e-work permit tool, which was piloted in 2017 and will be fully operational in 2018. This tool will allow users to submit work permit applications online.

In 2015, the Government announced measures and proposed an incentives package to attract Mauritian diaspora members. One such measure was the implementation of the Mauritian Diaspora Scheme by the EDB, aimed at involving members of the Mauritian diaspora in the economic development of the country. Individuals qualifying under the scheme’s criteria are granted various tax and customs duty exemptions.

Areas with potential for further development

The Republic of Mauritius does not have a specific strategy to combat human trafficking. However, the Government enacted a law to combat the trafficking of persons in 2009 (Act No. 2 of 2009). It also established an inter-ministerial committee on human trafficking under the Attorney General’s Office, and the police force

has set up a steering committee on human trafficking. The Government does not publish specific reports or information on its counter-trafficking activities. Information on human trafficking in the Republic of Mauritius is sourced externally from reports published by international organizations.

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