



Migration Governance Snapshot: Republic of Vanuatu

August 2018

In 2015, the International Organization for Migration (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 that 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 use to strengthen migration governance. The MGI is not meant to rank countries in the assessment of the comprehensiveness of their migration policies, or to identify gaps and areas that could be strengthened. The MGI aims to assist countries while advancing the conversation on migration governance by clarifying what “well-governed migration” might look like in the context of the [Sustainable Development Goal Target 10.7](#), “Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.”

This country snapshot presents a summary of well-governed areas of the Republic of Vanuatu (hereafter referred to as Vanuatu) 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 IOM Member States.

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Key findings

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

I.1. International conventions ratified

The table below follows a standard format and looks at the ratification of specific international conventions. The list of conventions covered is by no means exhaustive.

Convention name	Ratified
ILO Migration for Employment Convention (Revised), 1949 (No. 97)	No
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 (1993)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990	No
Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)	Yes (1995)
United Nations Convention on the Law of the Sea (UNCLOS)	Yes (1999)

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

All immigrants, regardless of their legal status, can access government-funded national health services, including both emergency and non-emergency services.

There is a [Special Portability Agreement](#) between New Zealand and Vanuatu (and 21 other Pacific countries) with regard to pensions, which allows those who qualify for pensions from New Zealand to continue to receive these from Vanuatu.

All (non-visitor) types of visa allow family members to be granted the same class and length of visa as the original applicant. The Immigration Act (2010) defines a family member as a partner, dependent child or any other person who, in the opinion of the Principle Immigration Officer, can be treated as family.

The Constitution of Vanuatu allows for any person to apply to become a naturalized citizen of Vanuatu if they have lived there continuously for at least 10 years prior to application.

The Representation of the People Act allows for the Electoral Commission to designate a polling station in a foreign country and for the registration of Ni-Vanuatu emigrants living overseas.

The State Law Office (SLO) has capacity to prepare the ratification bill for Parliament once the government decides that a convention be ratified, however it is not the role of SLO to decide whether or not a convention is ratified; that is a decision for the government to make.

I.3. Areas with potential for further development

The law does not provide for the granting of asylum or refugee status, and the government only provides protection to refugees and grants temporary refugee status and asylum on an ad hoc basis.

Although all immigrants have access to public health services, at private health-care facilities different fees may apply to both Ni-Vanuatu and non-Ni-Vanuatu patients.

Education is not compulsory in Vanuatu, it is not enshrined in the law and many students have to resort to internal migration to the capital to access the full range of education services. Access to education for immigrants is not guaranteed in all institutions.

There are restrictions for immigrants accessing the labour market compared with nationals. In order to take up employment in Vanuatu, a work permit is necessary for foreign residents holding a residency permit, or foreign investors who hold a certificate under the Vanuatu Foreign Investment Promotion Act. The Labour Act (1985) allows work permits to be refused should the Commissioner of Labour decide that a position should instead be filled by a national. Furthermore, certain occupations are reserved for nationals (as specified in the Labour Act and the Foreign Investment Promotion Act). Examples of these occupations are typists and waiters, as well as sectors such as tourism ventures, trade in certain products, manufacturing of handicrafts, services such as vendors and drivers, and certain fishing activities. The Constitution of Vanuatu only allows citizens of Vanuatu to be appointed to public office.

There is no provision in the [Immigration Act](#) for the issuance of permanent residency, and the Act states that residency permits may only be issued for a period of one to ten years. According to the Department of Immigration, permanent resident visas (up to 10 years) may be granted to those with Ni-Vanuatu descent, those who have resided in the country for the last 12 months, or those willing to invest large amounts in the country. However, the rules on permanent residency could be clarified further.

There is need for improved gender balance in the seasonal worker scheme to Australia and New Zealand.

2. Formulates policy using evidence and whole of government approach

2.1. Migration Governance: Examples of well-developed areas

Migration policy design and implementation are handled by the Ministry of Internal Affairs. The Ministry includes the Department of Labour, which issues work permits to prospective migrant workers and coordinates participation of Ni-Vanuatu workers in overseas programmes for seasonal workers. It also includes the Department of Immigration which is responsible for the overall policy, administration, issuing of visas and residency permits, as well as the collection of data.

The [Vanuatu Immigration Act \(2010\)](#) sets out the institutions that regulate immigration to Vanuatu and the determination of refugee status. The legislation is complemented by the [Immigration Visa Regulation Order \(2011\)](#) which sets out the criteria and processes for applying for various types of visa.

The [Vanuatu National Statistics Office](#) uses visitor details sourced from port and airport arrivals/departures which are published monthly, and is planning to include migration questions in the next mini-census. Furthermore, to gather internal and external migration data, the latest [Vanuatu National Population and Housing Census \(2009\)](#) contained questions regarding citizenship, usual place of residence, residence five years prior to the census and place of birth. The census reports contain specific sections on migration. A “mini-census” survey, which contained questions related to place of residency, was conducted in 2016 following Tropical Cyclone Pam.

The Ministry of Foreign Affairs, International Cooperation and External Trade, together with the Ministry of Internal Affairs, hosted the National Labour Mobility Summit with over 100 participants comprising government officials, parliamentarians and representatives from host countries Australia and New Zealand. The national Labour Mobility Summit recommended the development of a National Labour Mobility Policy to be drafted by December 2018.

2.2. Areas with potential for further development

Vanuatu has no border management information system; as a consequence, there is limited data and evidence to inform policy development. The Department of Immigration does not publish data on migration regularly outside of the census.

Vanuatu has not yet developed comprehensive and specific national legislation on migration. In addition, a defined migration strategy is still to be realised.

Although Vanuatu engages with the diaspora on an ad hoc basis, it has not yet established an institution tasked with coordinating efforts to engage with its diaspora population.

Visa and immigration regulations are made via ministerial order and as such are available [online](#). However, due to amendments to the original order, it is difficult to understand current regulations. The Department of Immigration has a [website](#) with a section dedicated to visa applications. However, the information relating to different visa categories or ways to apply is not particularly clear.

Whilst there are no official inter-ministerial coordination mechanisms on migration, the Department of Immigration has in the past held meetings with counterparts from the [Department of Customs and Inland Revenue](#), the [Department of Labour](#) and the Citizenship Commission, but only on an ad hoc basis. In terms of vertical integration, there is room for improvement as the Department of Immigration has thus far not held any meetings with decentralized government agencies.

3. Engages with partners to address migration and related issues

3.1. Migration Governance: Examples of well-developed areas

Vanuatu is a member of the [Pacific Immigration Directors' Conference](#), which is a forum for immigration agencies in the Pacific to discuss and foster cooperation with a view to strengthening systems throughout the region. It has 23 participating states and meets annually. Vanuatu is also a member of the [Bali Process](#) on People Smuggling, Trafficking in Persons and Related Transnational Crime.

Vanuatu is a member of the [Melanesian Spearhead Group \(MSG\) Skills Movement Scheme](#) which is governed by a memorandum of understanding (MOU) with Fiji, Papua New Guinea and the Solomon Islands, and aims to facilitate the temporary movement of nationals among these countries for the purpose of employment. Vanuatu signed a visa waiver agreement with the EU in 2015 which is more formal than an MOU and allows visa-free travel to the EU for up to 90 days. It is also a member of the [New Zealand Recognised Seasonal Employer \(RSE\) scheme](#) and the [Australian Seasonal Worker Programme \(SWP\)](#). These allow seasonal workers to work in New Zealand and Australia and are governed by MOUs.

Vanuatu has established a South-to-South cooperation agreement with Universities in Australia and Cameroon for skills-transfer and skills-exchange programmes for the education sector. There is a skills transfer programme with Nauru that provides unemployed and retired teachers with opportunities for teaching in Nauru.

Additionally, the Pacific Labour Arrangement has been agreed as part of the [Pacific Agreement on Closer Economic Relations \(PACER\) Plus](#) between Vanuatu and a number of other Pacific countries, Australia and New Zealand. This complements the existing schemes, aims to increase the benefits to the labour-sending countries, and establishes the Pacific Labour Mobility Annual Meeting (PLMAM) to discuss further initiatives, such as the upcoming Australian Pacific Labour Scheme.

3.2. Areas with potential for further development

The National Labour Mobility summit recommended the updating of the "MOU and the Inter-agency Understanding" with Australia and New-Zealand.

The formal engagement of civil society and the private sector in agenda-setting and implementation of migration policy could be strengthened. There has been participation by these sectors in the past (for example, in the development of the 2010 Immigration Act, and the amendment the Constitution and the Citizenship Act to allow dual citizenship), but there is no current engagement.

There are limited diaspora engagement activities headed by the Ministry of Foreign Affairs; more structured and regular diaspora mapping, skills and resources profiling and diaspora engagement is required.

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

4.1. Migration Governance: Examples of well-developed areas

Vanuatu participates in the New Zealand RSE scheme, and the Australian SWP, which allow seasonal workers to work in New Zealand and Australia, respectively.

Vanuatu also participates in international schemes with common qualification frameworks. The [Pacific Register of Qualifications and Standards \(PRQS\)](#) was developed with the expectation that if a course is included in the Register it will be recognized across the region. In addition to the PRQS there is the Pacific Qualifications Framework (PQF) which serves as a meta-framework for countries with no qualifications authority. These countries are able to benchmark their national qualifications to the PQF.

There are some measures in place to promote ethical recruitment for immigrants. Forced labour and slavery are prohibited by the constitution and in legislation.

There is anecdotal evidence of diaspora groups who pool resources for developing community assets such as rehabilitation of school teachers, housing, and school classrooms. Furthermore, there is some diaspora engagement and mobilization of remittances for community development especially through the [Vanuatu Investment Promotion Authority](#).

4.2. Areas with potential for further development

The Government does not currently assess the labour market to determine demand for migrant labour. Moreover, there is no data on the number of workers in the various provinces; this has led to labour shortages at peak season in outlying provinces. Similarly, there are no assessments on the effects of emigration on the domestic labour market. There are no programmes to manage labour immigration, such as adjusting visa awards according to labour market demands, or considering migrants' skills when assessing visa applications.

According to expert interviews, the Department of Labour collects some data on the labour market on an ad hoc basis; however, this data is limited, is not regularly updated, and is not published. The data is disaggregated by sex and consists of registration of unemployed persons, seasonal workers (emigrants) and work permit holders (immigrants).

Access to education is not restricted and student visas are issued to international students. However, some institutions may charge higher fees to international students. There are currently no schemes that specifically facilitate international students working following graduation. International students may work during their studies only if this activity is a compulsory element of their course.

The National Labour Mobility Summit recommended the development of agent and employer guidelines to inform the seasonal worker programmes, including: improvement of selection procedure, pre-departure orientation, and licensing of labour recruitment agents. The summit also highlighted the need for the

development of a programme for integration of returning workers. The Government is not currently promoting the creation of a formal remittances scheme.

Although spot checks are carried out on employers jointly by the [Department of Immigration](#), [Department of Labour](#) and [Department of Customs and Inland Revenue](#), there is limited awareness of human trafficking and no protection arrangements in place for victims of trafficking in Vanuatu.

5. Effectively addresses the mobility dimensions of crises

5.1. Migration Governance: Examples of well-developed areas

Vanuatu has adopted and is implementing the [Vanuatu Climate Change and Disaster Risk Reduction Policy 2016-2030](#), under which a National Policy on Climate Change and Disaster-Induced Displacement was prepared and approved by the Government. The Policy aims to address displacement in times of disaster or resulting from the effects of climate change. The Policy contains sections addressing the long-term recovery needs of communities affected by displacement; the Government is currently working on the strategy for its implementation.

The Government also has various unpublished evacuation/contingency plans regarding inhabited volcanic islands. Following Tropical Cyclone Pam in March 2015, the Government, along with humanitarian agencies, established a National Cluster System to implement disaster-preparedness activities year-round and to respond to disasters when they arise. This Inter-Cluster is the coordinating mechanism for the nine technical clusters: Education; Emergency and Telecommunications; Food Security and Agriculture; Gender and Protection; Health and Nutrition; Logistics; Shelter; Water, and Sanitation and Hygiene. Each cluster is jointly led by a Government agency and a humanitarian partner.

An inter-ministerial cluster system to coordinate government response with non-governmental organizations and UN agencies in cases of humanitarian emergencies is activated once the Council of Ministers issues a state of emergency declaration. The National Disaster Committee is the internal government structure responsible for coordinating humanitarian action and it is comprised of all heads of government departments.

The National Disaster Management Office, under the Government of Vanuatu, also published [Evacuation Centre Guidelines](#), which list minimum safety requirements for evacuation centres.

During events such as the tropical cyclones, which regularly threaten Vanuatu, the Government issues emergency communications via the Internet, radio broadcasts and SMS messages. The National Disaster Management Office also accepts incoming calls from the public. Government updates are published online via the [Department of Meteorology and Geohazards](#) website. However, emergency communications systems do not currently take into account the specific vulnerabilities of immigrants, such as the need for evacuation.

The Vanuatu Ministry of Education has developed a special curriculum on climate change and natural disaster management that is implemented from primary school to university.

5.2. Areas with potential for further development

The [Vanuatu Climate Change and Disaster Risk Reduction Policy 2016-2030](#) does not cover specific situations that migrants may face during crises because of their specific status in the country.

In order to support the implementation of the National Policy on Climate Change and Disaster-Induced Displacement, technical assistance is required to ensure that stakeholders have technical skills and knowledge needed to implement the policy and have Standard Operating Procedures (SoPs) on planned relocation, local integration, and return to places of origin.

Vanuatu has a National Disaster Act (2006) and a draft Disaster Risk Management Bill (2016), as well as the Provincial Disaster Risk Management Plans. However, these will need to be updated to align with the National Policy on Climate Change and Disaster-Induced Displacement.

There is no official process for making exceptions to the immigration procedures for immigrants whose country of origin is experiencing a crisis. However, under a recent border treaty with the Solomon Islands there is a provision for movement between the two countries' bordering provinces in times of disaster.

The Government of Vanuatu's national development strategy, [Vanuatu 2030](#), captures climate change and disaster risk reductions but does not make specific provisions regarding internal displacement.

Although Vanuatu has developed guidelines and standard operating procedures to facilitate evacuations, guidelines and standard operating procedures for temporary and permanent relocation are yet to be developed.

There is a need for enhanced provision of social services, such as education and health, in communities affected by disasters, and the areas of relocation.

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

6.1. Migration Governance: Examples of well-developed areas

Vanuatu uses a Joint Agency Group (consisting of the [Department of Immigration](#), the [Department of Customs and the Inland Revenue](#), and various law-enforcement agencies) to control the border and combat human trafficking. Primary line functions, such as checking passports and issuing visas upon arrival, have recently been transferred from the [Department of Immigration](#) to the [Department of Customs and Inland Revenue](#). Border officials receive training on an ad hoc basis, and the Government has developed a border management curriculum with the International Organization for Migration and has rolled out a pool of trainers from the Department of Immigration and Department of Customs. Capacity building of frontline and secondary line border officials is supported by the joint collaboration between the Australian border force and the International Organization for Migration.

The [Department of Immigration](#) offers certain online application functions, including visa applications. Completed forms can also be emailed to the Department with scanned supporting documents. A scanned approval letter can be emailed to applicants to present at the border, in order to receive their respective visa.

6.2. Areas with potential for further development

The [Department of Immigration](#) has a manual system for notifying residency permit holders regarding their permit expiration, and therefore it is unable to detect overstays automatically; a border management information system is required.

There are no dedicated inter-institutional coordination mechanisms or national focal points responsible for Vanuatu's response to trafficking in persons or smuggling of migrants. The Government does not regularly publish information regarding counter-trafficking activities.

The [Department of Immigration](#)'s website outlines various visa options, but does not offer much detail to aid understanding on different visa categories or how to apply. The visa processing system for seasonal workers going to Australia and New Zealand is yet to be improved.

While Vanuatu legislation allows dual citizenship with the aim to attract nationals who have emigrated, there are no formal programmes for facilitating the return and reintegration of Ni-Vanuatu migrants to their home country.

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