

JAMAICA | PROFILE 2019

MIGRATION GOVERNANCE INDICATORS



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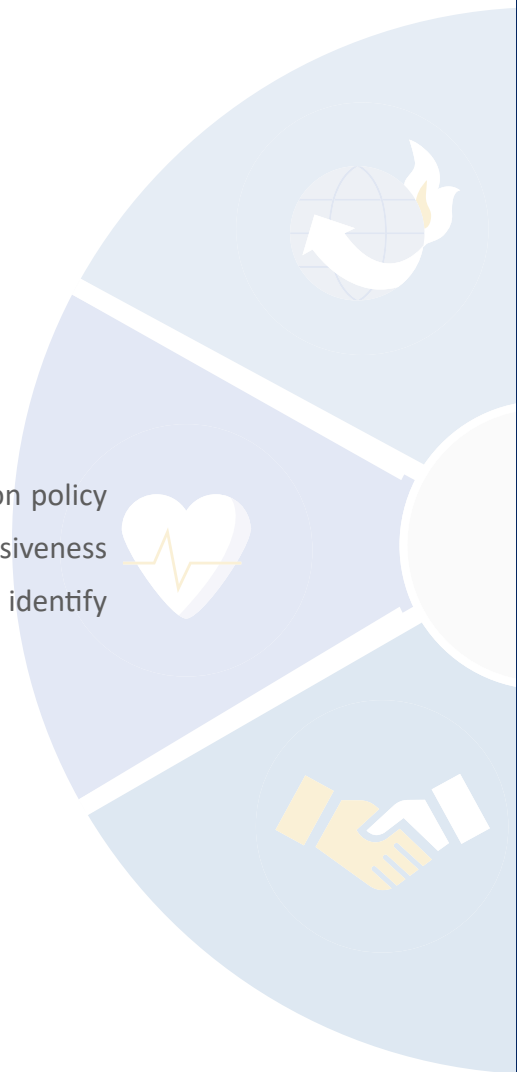
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OBJECTIVE

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 Jamaica, 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



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)	Yes (1962)
United Nations Convention relating to the Status of Refugees (so-called Geneva Convention), 1951	Yes (1964)
United Nations conventions on statelessness, 1954 and 1961	Yes (2013)
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	No
Convention on the Rights of the Child (CRC), 1989	Yes (1991)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990	Yes (2008)

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

All migrants in Jamaica have the same access to government-funded health services as citizens and health professionals are not required to verify a migrant's legal status when providing care. Furthermore, programmes such as the National Health Fund (NHF) and the National HIV/STI Response Program (NHP) are also available to migrants. The National Policy on International Migration and Development (2017) acknowledges the need to provide health care to groups such as undocumented migrants, refugees or displaced persons.

Migrants' access to social protection schemes is dealt with on a case-by-case basis. Social protection is available through the Public Assistance Division of the Ministry of Labour and Social Security (MLSS) and migrants may qualify for these assistance programmes. Migrants can also access the National Insurance Scheme, which is available to employed persons, self-employed persons and voluntary contributors.

I.3. Areas with potential for further development

Foreigners who wish to work in Jamaica must apply for a work permit from the Work Permit Department of the MLSS through their prospective employer, contractor or legal representative. Employers must submit documentation that outlines the reasons for the application, the duration of the work contract and a description of attempts to hire locally. Work permits can be issued for up to 12 months and the processing time is approximately four to six weeks. Applications can be processed when an individual is still on a temporary permit to be in Jamaica but foreigners on a visitor's permit in Jamaica must leave the country before they apply for a work permit. Non-nationals with a marriage exemption and/or having

certain qualifications under the Caribbean Community (CARICOM) Single Market and Economy (CSME) for the free movement of skills do not need to apply for a work permit.⁵

Citizens of Jamaica who live abroad cannot vote in national elections. According to the Electoral Commission of Jamaica, citizens of Jamaica residing in the country as well as Commonwealth citizens who have been resident in Jamaica for at least 12 months at the date of registration are eligible to vote in national elections.

⁵ The CSME is an arrangement among the CARICOM member States for the creation of a single enlarged economic space through the removal of restrictions resulting in the free movement of goods, services, persons, capital and technology and it confers the right of CARICOM nationals to establish a business in any participating CARICOM member State (CARICOM, Skill-free movement).



2

FORMULATES POLICY USING EVIDENCE AND WHOLE-OF-GOVERNMENT APPROACH

2.1. Migration governance: Examples of well-developed areas

The Planning Institute of Jamaica (PIOJ) is the national focal point for migration and development and the government agency responsible for designing and coordinating the implementation of the National Policy on International Migration and Development (2017) in Jamaica. It also works in collaboration with the Ministry of Foreign Affairs and Foreign Trade (MFAFT) and the International Organization for Migration (IOM) to develop migration policies and raise awareness about migration issues in Jamaica. The Ministry of National Security (MNS), through its executive agency, Passport Immigration and Citizenship Agency (PICA), is responsible for the border security system.

The PIOJ and the MFAFT led the efforts to develop the National Policy on International Migration and Development, in collaboration with various stakeholders. The policy is a framework for integrating international migration into the planning processes for the development and well-being of Jamaicans in the country and abroad. It represents a strategy for improving the living conditions of migrants in Jamaica by supporting the rehabilitation and reintegration of returnees. Its objectives are aligned with *Vision 2030 Jamaica*, the national development plan.

The Bureau of Gender Affairs (BGA) is responsible for the overall coordination of the gender mainstreaming activities, such as sensitization and awareness raising sessions on the National Policy for Gender Equality (NPGE, 2011). Through Gender Focal Points represented in Ministries, Departments and Agencies, the BGA ensures that gender considerations are integrated in all governance, plan, policy, project and programme documents.

The country has comprehensive legislation on immigration and emigration that can be consulted on the websites of PICA and of the Ministry of Justice.

Jamaica has an interministerial coordination mechanism on migration issues at the national level; the National Working Group on International Migration and Development (NWGIMD), established in 2011, coordinates inter-agency and non-governmental actions in relation to migration and development. The NWGIMD is chaired by the PIOJ, with the role of vice-chairperson held by MFAFT. It meets quarterly, or as needed, with various stakeholders from the public and private sectors, civil society and academia.⁶ In 2012, five subcommittees of the NWGIMD were established, focusing on the nine thematic areas outlined in the National Policy on International Migration and Development. The nine areas are: governance and policy coherence; human rights and social protection; diaspora and development; labour mobility and development; remittance and development; return, integration and reintegration; public order, safety and security; family, migration and development; and data, research and information systems.

MFAFT strengthened its institutional capacity through the creation of a Diaspora, Protocol and Consular Division (February 2017), with a dedicated Diaspora Affairs Department (DAD). The primary objective of the DAD is to develop and strengthen the linkages between the Government of Jamaica and the Jamaican diaspora, with a view to building relationships and encouraging diaspora participation in all aspects of national development. The programmes and projects run by the DAD are aligned to the four core goals of the national development plan, *Vision 2030 Jamaica*. Public-private partnership is also encouraged under this initiative.

The Statistical Institute of Jamaica publishes annual disaggregated data (by age and sex) on migration.

⁶ Public sector participants include the Office of the Prime Minister; Ministry of Foreign Affairs and Foreign Trade; Ministry of National Security; Ministry of Labour and Social Security; Ministry of Finance and Planning; Ministry of Economic Growth and Job Creation, Ministry of Justice/Attorney General's Department, Ministry of Health, Child Protection and Family Services Agency, Passport, Immigration and Citizenship Agency (PICA), Jamaica Customs Agency and the Statistical Institute of Jamaica (STATIN).



3

ENGAGES WITH PARTNERS TO ADDRESS MIGRATION AND RELATED ISSUES

3.1. Migration governance: Examples of well-developed areas

Jamaica's Human Employment and Resource Training Trust/National Training Agency (HEART) provides technical and vocational education and training to nationals and the certifications are recognized within the CARICOM.

Jamaica participates in the Caribbean Migration Consultations (CMC), a regional consultative process established in 2016 that focuses on migration in the Caribbean and Central America. Meetings occur around twice a year.

Jamaica formally engages with civil society, the private sector and the diaspora in agenda setting and the implementation of migration-related issues through the National Working Group on International Migration and Development. Furthermore, the Diaspora Advisory Board established in 2004 meets at least twice a year with representatives from the MFAFT. Stakeholders implement the Plan of Action for the reintegration of returning migrants and also work with civil society organizations to provide reintegration assistance to returnees.⁷

3.2. Areas with potential for further development

Jamaica does not have policies or programmes in place for the ethical recruitment of migrant workers across sectors other than those within the frameworks of a bilateral agreement.

⁷ These organizations include the National Organization of Deported Migrants (NODM), the Open Arms Drop-in Centre (OADC), the Open Heart Charitable Mission (OHCM) and the Family Unification Resettlement Initiative (FURI), among others.



4

ADVANCES THE SOCIOECONOMIC
WELL-BEING OF MIGRANTS AND SOCIETY**4.1. Migration governance: Examples of well-developed areas**

One of the main themes of the National Policy on International Migration and Development is the promotion of remittances as a tool for development. Additionally, Jamaica has programmes to promote the financial inclusion of migrants and their families, particularly when they are remittance senders and/or receivers. For instance, pre-departure information sessions organized by the MLSS together with representatives of financial institutions include principles of financial resource management. These programmes are led by the Government through the National Financial Inclusion Strategy: Access for All, 2016–2020. In line with these government programmes, the private sector has also introduced products responding to the needs of remittance receivers.⁸

Jamaica has a formal foreign qualification recognition framework; the University Council of Jamaica (UCJ) is the national external quality assurance agency (EQAA) for higher education in Jamaica and one of its key functions is to assure the quality of foreign credentials. The UCJ follows the recognition principles outlined by the United Nations Educational, Scientific and Cultural Organization (UNESCO) draft text of a Global Convention on the Recognition of Higher Education Qualifications.

Jamaica has formal bilateral agreements in place with destination countries. For example, various bilateral labour agreements are in place with the United States and Canada where Jamaica provides low- and semi-skilled labour, largely in the agricultural and hospitality sectors. These programmes include the United States Farm Work Program, the United States Hospitality Program and the Canada Low-Skilled Worker Program.

4.2. Areas with potential for further development

Jamaica has no official policy that describes measures to promote ethical recruitment of migrants, although there are some initiatives in place. For instance, one of the objectives of the National Policy on International Migration and Development is to monitor international recruitments and promote ethical practices. The Work Permit Committee, which includes the MLSS and PICA, reviews applications for work permits and work contracts to ensure fair treatment and protection of migrants' rights.

The MLSS appoints overseas liaison officers in destination countries (namely the United States of America and Canada) and these support the well-being of Jamaican nationals participating in work-abroad programmes. The Government of Jamaica also has a process in place that assesses local recruiters and publishes a list of those registered with the Government to operate as recruitment agencies for overseas employment.

There are no different visa categories to attract specific labour skills. Instead, individuals who want to work in the country must apply for a work permit once a job offer has been made.

The MLSS publishes various reports on labour market trends, opportunities and emerging occupations. In relation to migration, data collected includes information on the number of work permits granted, the number of CSME certificates granted as well as labour market trends. This information is not published, and there is very limited data on emigrants, especially migrant workers who go overseas using the services of private recruiters. The data collected is also not disaggregated by type of migrant.

⁸ For instance, the Alliance Prepaid MasterCard enables users to load remittances onto their cards and access services such as mobile bill payment and top-ups, payment at point-of-sale devices, and to transfer funds between cards.



5

EFFECTIVELY ADDRESSES THE
MOBILITY DIMENSIONS OF CRISES**5.1. Migration governance: Examples of well-developed areas**

Jamaica has systems to ensure effective communication between the Government and citizens during emergencies, with links to various alert systems including weather, earthquake and water communications services. The early warning systems managed by the Office of Disaster Preparedness and Emergency Management include standard procedures for issuing warnings and disseminating information, mainly via television and radio broadcasts, as well as social media. There are also systems for residents to communicate (in English only) with the Government. For example, the Stay Alert app can be downloaded and through the app information can be directly sent to the police.

Nationals living abroad have the option to register with Jamaican diplomatic missions (embassy or consulate). The Government of Jamaica has measures in place to assist nationals living abroad in times of crisis; for instance, the Consular Affairs Department offers various services including emergency assistance and protecting the rights of vulnerable Jamaicans abroad (such as offering counsel or transportation).

The Caribbean Disaster Emergency Management Agency (CDEMA), the intergovernmental agency for disaster management in the CARICOM, coordinates, as part of its mandate, emergency response and relief efforts to participating States that require such assistance. The Government of Jamaica also grants stay extensions as needed (typically 6 months) to CARICOM nationals whose countries are experiencing crises.

5.2. Areas with potential for further development

The Government of Jamaica does not have a strategy with specific measures to provide assistance to migrants during crisis and post-crisis phases. The Disaster Risk Management Act of 2015 does not contain specific plans for assisting migrants and there are no specific provisions for addressing the displacement impacts of disasters or migratory movements caused by environmental degradation and the adverse effects of climate change. There are also no contingency plans to manage large-scale movements in times of crisis.



6

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

6.1. Migration governance: Examples of well-developed areas

The Government of Jamaica aims to encourage members of its diaspora to return to live, work, raise families, do business, invest and retire in Jamaica. The Jamaica Customs Agency allows duty concessions on personal and household effects for those wishing to return.

The National Policy on International Migration and Development recognizes that there are both voluntary and involuntary returning migrants to the country and that both need services to facilitate their reintegration. MFAFT facilitates reintegration and has published a guide for returning Jamaicans, and it coordinates with PICA, an executive agency of the MNS, the Jamaica Customs Agency, the Trade Board Limited, the Ministry of Finance and the Public Service (MOFPS) and Jamaica Promotions Corporation (JAMPRO) to develop and provide information about programmes that facilitate reintegration. The medium-term socioeconomic policy framework, which is the main implementation mechanism for the national development plan *Vision 2030 Jamaica*, also addresses the reintegration of migrants.

A national action plan guides the Government's efforts to counter human trafficking. The relevant offences, punishment of offenders and assistance to be provided to victims of trafficking are stipulated in the Trafficking in Persons (Prevention, Suppression and Punishment) Act 2007, which was amended in 2013 and 2018.⁹ The National Task Force Against Trafficking in Persons (NATFATIP) was created in June 2005 and is a multi-agency body, composed of representatives from different ministries, governmental departments and agencies as well as non-governmental organizations (NGOs), to support the Government's policy and action plan to combat human trafficking in Jamaica.

The MNS is tasked with integrated border control and security and is responsible for the nation's border security system. The Coast Guard is also active in ensuring border security. Border staff are regularly trained in areas such as languages, gender and cultural aspects of border security.

The Government has had a border management system (BMS) in place since 2006. The current BMS is functional at all legal border crossing points and keeps electronic records of all entries and exits; it also verifies travel documentation. The system automatically records persons whose immigration status has expired.

6.2. Areas with potential for further development

PICA has some standard operating procedures regarding detention and works with the IOM to provide temporary accommodation for vulnerable immigrants to avoid moving them to detention centres.

NATFATIP does not publish data on counter-trafficking activities on a regular basis. Some data are collected and presented on a case-by-case basis.

There is a formal system for prospective migrants to apply for specific visa types prior to arrival (even if Jamaica allows visa-free travel for 116 countries); applicants from countries that require a visa prior to arrival can send a paper or electronic application to the embassy in their country. PICA does not have a fully online system for these applications on its website, hence the process is done via email.

⁹ Recent efforts to improve government capacity include the Trafficking in Persons Prevention, Suppression and Punishment Act; establishing the Anti-trafficking in Persons Task Force; developing a National Action Plan to Combat Trafficking in Persons; developing manuals to support training on trafficking in persons within the justice system; and implementing public education campaigns.



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2018 Recognising foreign qualifications. 26 March. Available at www.ucj.org.jm/recognising-foreign-qualifications/.



ANNEX

MiGOF: Migration Governance Framework¹⁰

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.¹¹ 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.

¹⁰ 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>.

¹¹ 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 on the Global Migration Data Portal

After the migration governance profiles are finalized and vetted by government counterparts, they are published on the Global Migration Data Portal¹² and uploaded on IOM's Online Bookstore.¹³

¹² You can find the profiles at: <https://migrationdataportal.org/overviews/mgi#0>.

¹³ Please see: <https://publications.iom.int/https://publications.iom.int/>.





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