



Republic of Malawi

National Voluntary Review of GCM

ACRONYMS

AU	African Union
AUC	African Union Commission
CSOs	Civil Society Organisations
EU	European Union
GCM:	Global Compact on Migration
GoM	Government of Malawi
IBCS	Integrated Border Control System
ICMP	International Centre for Migration Policy Development
ICMPD	International Centre for Migration Policy Development
ILO	International Labour Organisation
IOM	International Organization for Migration
JLMP	Joint Labour Migration Programme
MDAs:	Ministries, Departments and Agencies
MGDS III	Malawi Growth and Development Strategy III;
MGI	Migration Governance Indicators
NMP	National Migration Policy
NSO	National Statistical Office
SADC	Southern African Development Community
SB	Standard Bank
SDGs	Sustainable Development Goals
UNDAF	United Nation Development Assistance Framework
UNECA	United Nation Economic Commission for Africa
UNFPA	United Nation Population Fund
USAID	United States Agency for Development

1. Introduction and Methodology

In December 2018, the Republic of Malawi participated in a Global Compact for Safe, Orderly and Regular Migration (GCM) Conference in Marrakech, Morocco. Following the Conference, the Republic of Malawi welcomed the GCM's comprehensive approach to the governance of migration and committed to its implementation. This voluntary review of the GCM is a demonstration of this commitment and highlights the efforts taken by Malawi since the Conference.

The Ministry of Homeland Security is primarily responsible for the preparation of this National Voluntary Review with support from the Ministry of Foreign Affairs. A number of Government Ministries, Departments and Agencies (MDAs) also participated in the review. These include the Office of President and Cabinet; the Ministries of Economic Planning Development and Public Sector Reforms; Labour; Gender, Community Development and Social Welfare; and Civic Education and National Unity; the Department of Immigration and Citizenship Services; the Malawi Police Service; and the National Intelligence Service were also involved. Additionally, various Non-Governmental Organizations including the academia and the Malawi Network Against Trafficking participated in the review.

The review was conducted through a workshop organized by the Ministry of Homeland Security where all key stakeholders were represented and requested to prepare reports on each of the 23 objectives of the GCM. The process was, however, affected by the lead Ministry's inability to effectively coordinate the data collection and report writing processes due to political instability in the period after May 2019 general elections and the COVID-19 pandemic in 2020. Despite the challenges, the Government of Malawi was able to submit the report.

The Government of Malawi is grateful to the International Organization for Migration (IOM) for providing support during the preparation of the report.

2. Policy and Enabling Environment

This section presents the policy and enabling environment that have been considered in this National Voluntary Review. Malawi has been implementing objectives of the GCM through the commitment made when Malawi Government signed the Sustainable Development Goals (SDGs) and African Union Agenda 2063. To this end, Government in collaboration with different stakeholders has developed the Trafficking in Persons Act (2015) and the Malawi Diaspora Engagement Policy (2017). Two key policies are also in draft form and are expected to become operational in 2021, these are the National Migration Policy and the National Labour Migration Policy. Further to this, the Inter-Ministerial Steering Committee on Migration Management was established in 2018 to get policy and political support and guidance from relevant MDAs at the level of the controlling officers.

The Trafficking in Persons Act (2015) makes provisions for the prevention and elimination of trafficking in persons, provides for the establishment of the National Coordination Committee against Trafficking in Persons for the coordination and management of matters related to trafficking in persons; and provides for matters incidental thereto and connected therewith.

The Malawi Diaspora Engagement Policy was developed by the Ministry of Foreign Affairs through its Diaspora Affairs Unit, in collaboration with the International Centre for Migration Policy Development (ICMPD), and with Government MDAs, the Private Sector, Academia, the Diaspora and the Civil Society Organizations.

In order to ensure that the Malawi Diaspora Engagement Policy does not divert from other major Government statements on development, efforts were made to incorporate other major Government policies. Although this Policy will initiate reviews of some statutes, in principle it relates to the country's major policies, strategies and international agreements such as: - Constitution of the Republic of Malawi; Malawi Vision 2020; Malawi Growth and Development Strategy III; Malawi Foreign Policy; National Migration Policy; African Union Agenda 2063; and United Nations Sustainable Development Goals.

The draft National Migration Policy (NMP) seeks to provide a framework within which relevant legislation shall be adopted and proper administrative mechanisms shall be institutionalized. The NMP will integrate the country's major migration procedures and actions into a cohesive whole within the context of the migratory flows. It also clarifies the institutional framework within which the Department of Immigration, the Malawi Police Services, the Refugee Department, the National Intelligence Bureau and other key stakeholders coordinate to create an integrated and cohesive national migration network.

The Policy will be dynamic and adaptive to new and emerging challenges while enshrining the values on which migration management hinges: sovereignty of state borders and well-being of citizens; respect for human rights of all migrants; the facilitation of the integration of vulnerable migrants and non-discrimination ethos. The Policy further complements other policies and strategies that seek to create essential conditions for successful economic development.

The underlying guiding principles of this policy lean heavily on the 1994 Malawi Constitution and other relevant laws as well as the international agreements that Malawi commits itself. It also draws from the Immigration Act of 1964 as amended in 1989, the 1989 Refugee Act, the Malawi Citizenship Act of 1966 and other relevant legislations.

The draft Malawi Labour Migration Policy on the other hand seeks to protect migrants and harness the benefits of labour migration for socioeconomic development in Malawi. The instructional framework of Labour Migration Policy includes Government MDAs working together to implement migration policies in Malawi. For instance, the Ministry of Labour is responsible for regulating work-related issues among immigrants, the Immigration Department is responsible for regulating immigration and collecting data on emigrants. Similarly, the management of migration and development issues is a joint responsibility of the Ministry of Finance, the Reserve Bank of Malawi, and the Ministry of Foreign Affairs.

The African Union (AU), to which Malawi is a member state, has developed several frameworks to govern mobility and protection of migrants. For instance, the AU Migration Policy Framework, which was developed in 2006, provides guidelines for the formulation

and implementation of national migration policies on the continent. The Joint Labour Migration Programme (JLMP), which was designed by the African Union Commission (AUC) with support from the ILO, IOM and the UNECA, also seeks to support effective implementation of intra-regional labour migration programmes as outlined in the AU Migration Policy Framework. At the sub-regional level, countries within the Southern African Development Community (SADC) have been collaborating to develop mechanisms for facilitating labour mobility and protect labour migrants within the sub-region. More recently, a SADC regional migration policy framework has been developed for the purpose of harnessing the benefits of labour migration and providing a framework for protecting migrants and their families within the SADC sub-region. Following these agreements, Malawi is developing Labour Migration Policy, but the work has been beset by political instability and COVID-19 pandemic.

3. Progress on GCM objectives

The Government of the Republic of Malawi views the GCM as a comprehensive approach to the governance of migration and, as such, has not conducted any specific exercises to identify priority indicators or to develop any implementation plan. Nevertheless, the principles and objectives of the GCM are well integrated into Malawi's policies and practices. Amongst the 23 GCM objectives, the Government of Malawi addressed 14 objectives (See Annex 1). The remainder of this section highlights some key developments as they relate to the various objectives of the GCM.

Data and Evidence (Objective 1 and 3)

The Republic of Malawi has been working on improving its migration data capacities for a long time. In 2020, The National Statistical Office prepared the Malawi Population and Housing Census Thematic report on migration with assistance from United Nations Population Fund (UNFPA), Standard Bank (SB), USAID of the US Government, the Norwegian Government, GIZ from the German Government, and the Irish Aid from the Irish Government.

Further to the quest to collect migration data, the Government of Malawi through Department of Immigration and Citizenship services has the Integrated Border Control System (IBCS) with its data center installed at Immigration Headquarters. The system stores migration data for migrants entering and exiting Malawi.

A multi-stakeholder workshop was organized on Migration Governance Indicators (MGI) Assessment Consultative meeting in September, 2020 which brought together participants from different stakeholders, the process identified priority targets and indicators related to migration including data collection.

Clear Procedures, Decent Work, and Better Data (Objectives 2, 6, 7, 12, 16 and 18)

The Government of Malawi through the Department of Immigration and Citizenship Services began issuing permits and visas since 1998. The Department recently developed electronic Permit System which was launched in February, 2019 and the electronic visa system which was launched in October, 2019 to manage the issuance of permits and visas. The electronic permit system seeks to establish a transparent process for immigrants seeking to live and work in the Republic of Malawi. It enhances interagency cooperation and migration data through the integration of different databases. The electronic visa system enhances timely issuance of visas to immigrants.

The Government of Malawi through the Ministry of Labour has in place labour laws that aim at safeguarding conditions of service, protecting workers and ensuring decent work. The Malawi labour laws do not discriminate as they cover all workers, including migrant workers. Listed below are the Malawi labour laws:

1. Employment Act (2000) – ensures decent work by ensuring that there is compliance in minimum terms of employment
2. Labour Relations Act (1996) – Promotes and protects freedom of Association
3. Workers Compensation Act (2000) ensures decent work by providing social security in form of compensation to injured workers and pension to
4. Occupational and Safety Act (1997) - The Act provides for the regulation of conditions of employment as regards safety, health and welfare of the workers.

The ministry is also responsible for processing pensions received for those who migrated for work to South Africa, Zimbabwe, and Zambia.

There are no specific laws for migrant workers except for Policy statement on Temporary Employment of Expatriates and Employment guide.

In 2016 Malawi developed labour export guidelines for private and employment agencies and migrating individuals. The guidelines aim at reducing vulnerabilities during the migration process. Malawi has also entered into Bilateral Labour Agreement with United Arab Emirates which was signed on 4th August 2013. Furthermore, Malawi has ratified the Migration for Employment International Labour Organization (ILO) Convention (revised) No. 97

Border Management (Objectives 9, 10 and 11)

In 2012, Government started the process of modernizing the country's border crossing point. To this end, the Department of Immigration and Citizenship Services installed Integrated Border Control System (IBCS) in five border posts namely; Immigration Headquarters, Kamuzu International Airport, Chileka International Airport, Mwanza, and Songwe. In addition, the Department has installed electronic visa system in 36 border posts to facilitate the movement of migrants.

Currently Government, with support from African Development Bank, is in the process of modernizing the Mchinji border post with Zambia and transforming it into a One Stop Border Post. Similar projects will be implemented with support from the World Bank covering Songwe Border with Tanzania in the north as well as Dedza and Mwanza borders with Mozambique in the central and south respectively.

Government also engages in bilateral agreements with Zambia, Tanzania and Mozambique to strengthen security in combating transnational crimes through Joint Permanent Commission on Defence and Security (JPCDS) meetings held with all neighbouring

countries. Recent such meetings took place with Mozambique from 17th -21st November, 2020 in Blantyre, Malawi and with Zambia from 7th- 11th December, 2020, in Kitwe, Zambia.

Return, Readmission and Reintegration (Objective 21)

The Government of Malawi through the Ministry of Homeland Security and Foreign Affairs with support from IOM, EU and other development partners have helped to repatriate Malawian returnees stranded in foreign countries (South Africa and China) in light of COVID -19 pandemic and xenophobic attacks.

Diaspora (Objective 19 and 20)

The Government of Malawi through Ministry of Foreign Affairs adopted the first Malawi Diaspora Engagement Policy in 2017. The policy recommends a number of actions which intend to enhance the connection between Malawi and its diaspora. It seeks to mainstream the diaspora initiative into Diaspora agenda and responds to the urgent need to recognize Malawi diaspora and bring it to the centre of the country's policies. The Malawi Diaspora Engagement Policy, therefore, brings together key international stakeholders to build enabling environment to which the diaspora will find avenues to contribute to social economic development of Malawi.

Government implementing a number of diaspora centred initiatives such as the Diaspora Portal, where all data relating to the GoM and its diaspora can be sourced. Another notable initiative is the Diaspora Mapping and Profiling project which the Government, through the Diaspora Affairs Unit in the Ministry of Foreign Affairs and with support from IOM, is currently implementing in order to source diaspora data from RSA, UK AND USA for the socio-economic development of Malawi.

The Government of Malawi through Ministry of Foreign Affairs works hand in hand with the Reserve Bank of Malawi to improve general financial services affecting migrants.

4. Means of Implementation

The Government of the Republic of Malawi values its partnerships with international organizations and non-governmental organizations in the implementation of its migration related policies, and these will continue to be important in the future. The Department of Immigration and Citizenship Services in its 2018-2023 Strategic Plan prioritizes several areas of relevance to the implementation of the objectives of the GCM. Notably, the Strategic plan establishes the following objective: ‘By 2023, to provide sound migration, permit and citizenship management through the control of borders, issuance of travel documents and permits in accordance with the law and international best practice for national security and social-economic development’.

The United Nations Development Assistance Framework (UNDAF), 2019-2023 for Malawi, also establishes the provision of reintegration support to returning migrants, particularly in the areas of employment, business development, access to finance and remittances, as a major focus for UN programmes in the country.

During the 32nd African Union Summit whose theme was “Year of Refugees, Returnees and Internally Displaced Persons”, held in Addis Ababa in February, 2019, commitments were made by different member states including Malawi to improve migration policies.

The COVID-19 pandemic presented challenges to Malawi, however, it also presented some opportunities. The Government of the Republic of Malawi has been interested in attracting its migrants back to the country. However, the pandemic put pressure on resources that were allocated for the exercise of bringing back Malawians. As a result, resources meant for implementation of other projects were diverted to Covid19 response.

To ensure smooth implementation of GCM now and in future, Malawi will need additional financial and technical support from development partners.

Next Steps.

This National Voluntary Review shows considerable number of policy documents and strategies aimed towards the implementation of the GCM. The absence of a specific implementation plan for GCM is, nonetheless, obscured by the existence of prevailing policies, strategies, and activities that aim at ensuring safe, orderly and regular management of migration in the country. The Government is committed to actively participating in relevant activities regarding the implementation of GCM by, among other things, establishing a National Migration Coordination Centre/GCM Technical Working Group to spearhead the coordination and implementation of the agreement. The Centre will include the Ministries, Departments and Agencies (MDAs) and the civil society organizations. Malawi further commits to engage in the International Migration Review Forum in 2022, and any other further national review exercises.

OBJECTIVE	OBJECTIVE ADDRESSED
1. Collect and utilize accurate and disaggregated data as a basis for evidence-based policies	Yes
2. Minimize the adverse drivers and structural factors that compel people to leave their country of origin	Yes
3. Provide accurate and timely information at all stages of migration	Yes
4. Ensure that all migrants have proof of legal identity and adequate documentation	
5. Enhance availability and flexibility of pathways for regular migration	
6. Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work	Yes
7. Address and reduce vulnerabilities in Migration	Yes
8. Save lives and establish coordinated international efforts on missing migrants	
9. Strengthen the transnational response to smuggling of migrants	Yes
10. Prevent, combat and eradicate trafficking in persons in the context of international migration	Yes
11. Manage borders in an integrated, secure and coordinated manner	Yes
12. Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral	Yes
13. Use migration detention only as a measure of last resort and work towards alternatives	
14. Enhance consular protection, assistance and cooperation throughout the migration cycle	
15. Provide access to basic services for migrants	
16. Empower migrants and societies to realize full	Yes

inclusion and social cohesion	
17. Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration	
18. Invest in skills development and facilitate mutual recognition of skills, qualifications and competences	Yes
19. Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries	Yes
20. Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants	Yes
21. Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration	Yes
22. Establish mechanisms for the portability of social security entitlements and earned benefits	
23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration	