COMPARATIVE STUDY ON THE FREE MOVEMENT OF WORKERS IN SELECT EAST AFRICAN COMMUNITY COUNTRIES:

BURUNDI, KENYA, RWANDA AND THE UNITED REPUBLIC OF TANZANIA

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A Pilot Study Diagnosis of Labour Migration in the East African Community Highlighting Existing Gaps on Migration Policy Frameworks, Data Management and Migrant Worker Practices in Four East African Community Partner States – Burundi, Kenya, Rwanda and the United Republic of Tanzania

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ACRONYMS AND ABBREVIATIONS

AEB	Association of Employees of Burundi
AMADPOC	African Migration and Development Policy Centre
AUC	African Union Commission
COSYBU	Confédération des Syndicats du Burundi (Confederation of Trade Unions of Burundi)
CRVS	Rwanda Civil Registration and Vital Statistics Systems
DGIE	Directorate General of Immigration and Emigration
EAC	East African Community
EAC CMP	East African Community Common Market Protocol
GDP	Gross domestic product
ICT	Information and communications technology
ILO	International Labour Organization
IOM	International Organization for Migration
IPRS	Integrated Population Registration System (Kenya)
ISTEEBU	Institut de Statistiques et d'Études Économiques du Burundi (Institute of Statistics and Economic Studies of Burundi)
JLMP	Joint Labour Migration Programme
KNBS	Kenya National Bureau of Statistics
KNCHR	Kenya National Commission on Human Rights
LMIS	Labour Market Information System (Rwanda)
MIFOTRA	Ministry of Public Service and Labour (Rwanda)
MPFA	Migration Policy Framework for Africa

NCM	National Coordination Mechanism on Migration Secretariat (Kenya)
NEA	National Employment Authority (Kenya)
NGO	Non-governmental organization
NIDA	National Identification Agency (Rwanda)
NISR	National Institute of Statistics of Rwanda
OCGS	Office of the Chief Government Statistician (Zanzibar)
ODL	Occupation Demand List
OSBP	One-stop border post
RAS	Refugee Affairs Secretariat (Kenya)
RDB	Rwanda Development Board
REC	Regional Economic Community
SDG	Sustainable Development Goals
UN	United Nations
ZIPA	Zanzibar Investment Promotion Authority

EXECUTIVE SUMMARY

This comparative study assesses migration patterns and policy issues in four of the East African Community Partner States, namely Burundi, Kenya, Rwanda and the United Republic of Tanzania. The East African Common Market Protocol (EAC CMP) provides – under Articles 7, 9 and 10 – for movement of persons, travel documents and the free movement of workers respectively. At the continental level, the African Union Migration Policy Framework for Africa makes recommendations, as policy guidelines, considered best practices for its Member States in migration management. This study looks at three specific migration issues, i.e. national policy frameworks, data management and migrant worker practices.

The study found that most of the Partner States do not have a migration and/or labour mobility policy framework in place. Burundi and Rwanda have national migration policies. In Kenya, the policy is still in draft form, while the United Republic of Tanzania has incorporated labour migration into the National Employment Policy. In all the pilot countries, the various national laws primarily regulate labour migration. It is therefore recommended that Partner States develop national migration and/or labour migration policies, and further align them with the African Union's recommended frameworks and EAC Common Market mandates.

In terms of data management, all Partner States are engaged in the collection and management of migration data, generally done by the immigration department. Most of the data is collected manually and done by both the border management officials and immigration officers; all pilot countries also have research institutions – the statistics offices that conduct periodic surveys and produce reports including on migrant workers within their country. Other institutions involved in data management include the investment

or registry officers for businesspersons; all collect some sort of data that relate to migrant workers. For example, at entry of the migrant worker, required information includes name, age or date of birth, passport details, sex, nationality, marital status, profession, reason for entry and address; while information from immigration institutions or registration for work permit of the migrant will, in addition to the above information sought, include employment status or and position/designation of the migrant. Some institutions are responsible for information relating to deaths, births and national identification cards, while others collect data on population or census statistics of the country, but all these institutions usually collect some sort of data relating to migrant workers. Save for Kenya, the other pilot countries are yet to put in place a more harmonized data management system among the institutions.

Kenya has an elaborative mechanism for sharing data among its institutions. First is under the Integrated Population Registration System (IPRS), which receives data or records from various registers such as the passport register, aliens register and the citizen register. It uses a database system linked to other institutions of the Government; it is important to note that the IPRS is yet to be fully functional but proves to be the most ideal data management system at the national level. Secondly, Kenya has established a National Coordination Mechanism for Migration (NCM), an institutional framework to coordinate data collection from all institutions and/or agencies dealing with migration-related matters in the country. Plans to fully digitize data collection services and processes for efficiency and effectiveness of the departments under the Ministry of Interior and National Government Coordination are underway. The NCM has proven to be an effective platform for learning about existing data sets that are available at the government level, as well as identify points of duplication. The IPRS and NCM, once fully functional, will be a best practice that other EAC Partner States can emulate to foster effective data sharing both at intra- and inter-institutional levels.

At the inter-EAC level, data management can be enhanced through the One-Stop Border Post (OSBP) arrangement. The East African Community One Stop Border Posts Act, 2016 provides a legal framework to support the movement of persons, goods and services. The OSBP concept allows for border management for the movement of persons that in turn facilitates movement of workers.

The final section on migrant worker practices collects testimonials from migrant workers to determine their experience in the host Partner State. The EAC CMP is a very ambitious agreement among the Partner States that was aimed at, among others, removing all barriers to trade in a progressive manner, and ensuring free movement of persons, including workers in the community.

In Burundi, migrant workers are expected to comply with the laws of Burundi and, upon entry into the country, are expected to possess a visa, work permit or residence permit. On application for a work permit, the employer is expected to pay 3 per cent of the salary as permit fees. The migrants interviewed indicated challenges in the processing of these permits. Save for in the law, there were no clearly published guidelines for the procedure used in acquiring work permits, neither was the duration indicated. In general, though, the survey respondents indicated that they were treated fairly at the workplace, and no discrimination against migrant workers was reported.

Kenya and Rwanda recognize the use of machine-readable national identification cards, an arrangement agreed upon in the Northern Corridor Integration Project. Migrant workers are required to comply with the immigration and labour laws of Kenya prior to and upon being issued with a work permit. According to the responses from selected interviewed stakeholders in the government ministries and authorities, the country prefers receiving migrant workers under the class of skilled workers. Migrant workers under Kenya's labour

laws are afforded equal protection before the law and can seek both administrative and judicial remedies for violation of any labour rights.

Rwanda has waived visa fees and residence permit fees for EAC citizens, as well as implementation of the dependents' right to seek any employment not necessarily on the Occupation Demand List. The procedure for obtaining work permits has also been made easier for all foreigners, but even more preferential is the fact that Rwanda allows EAC citizens to enter Rwanda for up to six months to look for employment opportunities. All respondents agreed that the application process for permits was relatively easy. Migrant workers in Rwanda can freely change jobs (save for the public sector), hold retirement benefit scheme with similar benefits as the locals, own property for business such as land and office complex, pay taxes at the local or residence rate and join labour union(s). All migrants interviewed had no major challenges or difficulties in the treatment by their employers or by the Government.

In the United Republic of Tanzania, there are different treatments accorded to skilled and uncertified elementary EAC migrant workers. The commitments made by the United Republic of Tanzania on the free movement of workers under the EAC CMP give preference to skilled labourers only, thus uncertified elementary labourers are not accommodated by any law in the United Republic of Tanzania and cannot therefore easily obtain work permits. For skilled labourers to be able to work in the United Republic of Tanzania, EAC citizens and all other migrants are required to apply for residence permit and work permit. All applicants for residence permits must first obtain a work permit from the Labour Commissioner under the Ministry of Labour, except those entering the country for other purposes, such as studies, research, attending court case and retired persons. Respondents also highlighted the need to make the process transparent; in some cases, labour commissioners will ask for additional documentation not indicated at the time of application,

which causes delays in process of the permits. The United Republic of Tanzania implemented a reduction of residence permits fees for citizens of EAC Partner States compared to other migrants such that EAC citizens pay half of the amount paid by other foreigners when applying for residence permit.

In July 2014, a process by the EAC Secretariat to harmonize classification for issuance of work and residence permits procedures and fees commenced; Regulation 6(9) of the CMP Annex II requires Partner States to harmonize work and residence permit fees. This process has not been concluded, and therefore no such harmonized policy is in place. However, of the countries in this study, only two – i.e. Kenya and Rwanda – decided to waive work permit fees for all EAC citizens. With the absence of a regional migration policy governing labour migration in the EAC, the internal policies and laws of each Partner State relating to the entry and employment of other EAC Partner States citizens govern labour mobility within the EAC.

INTRODUCTION

The East African Community (EAC) is composed of six countries, namely Burundi, Kenya, Rwanda, South Sudan, Uganda and the United Republic of Tanzania. In 2015, the region was estimated to have a population of over 145.5 million people, and a gross domestic product (GDP) of about USD 147.5 billion.[1] As the region intensifies efforts to achieve its integration milestones, specifically within the context of the EAC Common Market Protocol (CMP), cross-border movement of labour has made labour migration a pertinent issue for the Partner States. This is with specific regard to the need for developing appropriate policies, harmonizing such policies and addressing existing gaps on data collection and availability for policy formulation. Indeed, the "free movement of persons is a key pillar of economic integration and development" as it "ensures availability of skills and labour where needed to spur investment and economic development".[2]

In 2010, the International Labour Organization (ILO) estimated that there were approximately 19.3 million migrants in Africa, of which 8.4 million were classified as migrant workers.[3] The importance of labour migration is therefore recognized at international, continental and sub regional levels, with initiatives being undertaken to enhance formulation of effective labour migration policies based on effective collection and availability of labour migration data at all levels.

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1   East African Legislative Assembly, Facts and figures (n.d.). Available from www.eala.org/assembly/category/facts-and-figures (accessed November 2017).

2   African Union Commission, International Labour Organization, International Organization for Migration, United Nations Economic Commission for Africa (AUC-ILO-IOM-ECA), *Labour Migration Governance for Development and Integration in Africa: A Bold New Initiative*, Programme brief (2015), p. 4. Available from www.ilo.org/wcmsp5/groups/public/---africa/documents/meetingdocument/wcms_345393.pdf

3   International Labour Office (ILO), *International Labour Migration: A rights-based approach* (ILO, Geneva, 2010), p. 17.

At the global level, the 2030 Agenda on Sustainable Development, which came into force in January 2016, has entered in all the 17 Sustainable Development Goals, the aim to protect human rights of all people and reduce poverty in a sustainable manner by the year 2030.[4] The ambitious goals and targets of the UN are intertwined with the vision for a world free of poverty, hunger, disease and want, where all life can thrive; a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination; of respect for race, ethnicity and cultural diversity; and of equal opportunity permitting the full realization of human potential and contributing to shared prosperity; and a world where each country enjoys inclusive and sustainable economic growth and decent work for all. All arms of the United Nations, including the International Organization for Migration (IOM), are committed to working towards the achievement of these goals in their mandates.

To begin with are the conventions, which are initiatives intended to foster the realization of rights of migrant workers under ILO, and include, among others:

(a) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), which stipulates provisions that apply to all migrant workers during the entire migration process of both the workers and their families;

(b) ILO's Migration for Employment Convention (Revised), 1949 (No. 97), which among the key provisions, mandates Member States to make available national policies and laws that govern migrant workers to other members, as well as provide adequate information to migrant workers, in particular a transparency tool to facilitate the process of labour migration; and

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4   United Nations, Transforming our world: The 2030 Agenda for Sustainable Development (n.d.). Available from https://sustainabledevelopment.un.org/post2015/transformingourworld (accessed May 2018).

(c) Migrant Workers Recommendation, 1975 (No. 151), which is a supplementary, and Migrant Workers (Supplementary Provisions) Convention 1975 (No. 143) with provisions relating to migrants in abusive conditions and calls for equality of opportunities and treatment of workers whether or not they are migrants.

All the above conventions provide for the protection of migrant workers at different, and in some cases, all stages of the migration process.

At the continental level, the African Union initiatives are informed by challenges, such as the lack of implementation of free circulation regimes, lack of coherence in national labour migration policies, lack of dialogue and coordination on labour migration among the various stakeholders, lack of capacity, coordination and policy involvement on migration by labour institutions and the lack of social protection and social security for migrants.[5] In January 2018, the Thirty-second session of the African Union adopted Protocol for the Establishment of the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment.[6] The Protocol provides, under Articles 14 and 15, for the free movement of workers and their dependants to be in accordance with the laws and policies of the host Member State.[7] Article 18 of the same Protocol encourages Member States to mutually recognize academic, professional and technical qualifications of nationals, further looking to establish a continental qualification framework to promote movement of persons. Article 19 speaks to the portability of social security benefits encouraging bilateral, regional and continental arrangements to enforce the same.

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5   AUC-ILO-IOM-ECA, 2015.

6   African Union, Report of the Third Ordinary Session of the Specialized Technical Committee on Justice and Legal Affairs (EX.CL1076 (XXXII)), Addis Ababa, Ethiopia, 22–26 January 2018; Annex 9. Enforcement is pending adoption and ratification by some members.

7   Ibid., 13.

Furthermore, Article 25 of the Protocol promotes the cooperation among Member States on border management systems and data sharing at the ports or points of entry and exit. The Protocol is a bold initiative to enhance the free movement of persons (and workers) at the continental level and provide guidance on its management at the regional and bilateral levels for the African continent.

The efforts noted above had their genesis in 2001; the then Organization for African Union Council of Ministers made the resolution on the establishment of a Strategic Framework for a Policy of Migration in Africa,[8] encouraging Member States to work towards the free movement of people and the development of a strategic framework for a migration policy. This is, among others, intended to ensure proper administration of migration-related issues. Accordingly, the African Union developed the African Common Position on Migration and Development and a Migration Policy Framework for Africa (MPFA) in 2006. Both documents acknowledge the challenge of migration in Africa and make recommendations for addressing these challenges at national, regional/continental and global levels.

The MPFA was revised in 2017 and adopted in January 2018, but still maintains a pillar on labour migration management; it also recognizes migration data and research under its cross-cutting issues. On labour migration, it advocates for **national labour migration policies, structures and legislation; harmonization of labour migration policies, regional cooperation and regional economic integration** among others.[9] On data management, it recommends **strengthening and/or establishing national, regional and continental capacities for migration research, data collection, analysis and sharing, and the exchange of best practices**; conducting robust **gender-responsive research and enhance**

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8   Organization for African Union Council of Ministers, Decision CM/Dec 614 (LXXIV) (2001).

9   African Union, The Revised Migration Policy Framework for Africa and Plan of Action (2018–2027) (African Union, Addis Ababa, n.d.). Available from https://au.int/sites/default/files/newsevents/workingdocuments/32718-wd-english_revised_au_migration_policy_framework_for_africa.pdf

data collection, acquisition, analysis and accountability measures at all stages of migration; **engendering coordination and collaboration between national/regional ministries/agencies** responsible for migration and research institutions gathering migration data; and **harmonizing collection of migration data**.[10] It further calls for the speedy implementation of the Joint Labour Migration Programme (JLMP), which was adopted by the African Union in 2015, and seeks to facilitate free movement of workers in order to promote regional integration and development.

The JLMP objective is to "promote labour migration to support cross-border investment and to fill the skills gap".[11] In this regard, an action plan was adopted with two specific objectives: (a) strengthening effective governance and regulation of labour migration and mobility in Africa; and (b) supporting the implementation of labour migration standards and policy.

The African Common Position on Migration and Development specifically recommends Member States, among others, to: (a) adopt a policy on migration; (b) collect all relevant information on the extent of the migration problem, including through research and surveys; and (c) improve intersectoral or interministerial coordination and dialogue on migration by establishing a central body to manage migration.[12] The MPFA identifies nine thematic migration issues for Member States, and further makes recommendations to facilitate the formulation and implementation of national and regional migration policies.[13] Three of the thematic issues that are of importance in this study are labour migration, border management and migration data. Under labour migration, the framework recommends that

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10 African Union, n.d.

11 AUC-ILO-IOM-ECA, 2015:17.

12 African Union, African Common Position on Migration and Development, Executive Council, Ninth Ordinary Session (EX.CL/277 (IX)), 25–29 June 2006, Banjul, The Gambia (2006).

13 African Union, The Migration Policy Framework for Africa (EX.CL/276 (IX), Executive Council, Ninth Ordinary Session, 25–29 June 2006, Banjul, The Gambia.

Member States establish "regular, transparent and comprehensive labour migration policies, legislation and structures at the national and regional levels", as well as foster regional cooperation and harmonization of labour migration policies.[14]

The framework proposes that establishing regular, transparent and comprehensive labour migration policies, legislation and structures at the national and regional levels can result in significant benefits, such as clearly outlined and achievable objective for management of remittances, skills transfer and improvement, technology transfer and satisfaction of important labour market needs, among others.

The recommendations for the framework on National Labour Migration Policies, Structures and Legislation include the following: (a) **incorporate best practices into national legislation** in particular the ILO Conventions No. 97 and No. 143 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; (b) **develop national labour policies, laws and structures/institutions** to build or enhance the national capacity for migration management; (c) **ensure gender-specific approaches** to promote equality in labour migration management; (d) **provide social protection and social security benefits**, such as unemployment insurance, compensation for employment injury and pension or retirement benefits for migrant workers; and (e) **enhance labour migration data collection**, analysis and exchange among the countries.

The second strategy under the labour migration was to ensure "regional co-operation and harmonization of labour migration policies";[15] that cooperation assists in ensuring systemized and regular movement of workers responding to supply and demand needs of the domestic and host States. The key recommendations

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14 African Union, 2006a.
15 African Union, 2018b: Annex 9, p. 12.

advanced here were that Member States: (a) cooperate with the view of facilitating the free movement of persons; (b) maintain open and continuous contact and communication to ensure adequate work conditions in host countries; (c) enhance data collection, analysis and exchange on labour needs and supply; and (d) harmonize subregional migration policies.

Thirdly, the strategy proposed is the ongoing process of regional integration in the continent that must take account of managing cross-border labour movements within the increasing labour markets created by the integration.[16] The more integration happens within the continent, the wider the labour market and the more cooperation will increase among Member States facilitating the movement of persons and workers. The framework recommends that **Member States within the various regional economic communities (RECs) consider adopting protocols that achieve free movement of persons** and to establish regional labour exchanges aimed at facilitating employment of available human resources of one Member State in another Member State.[17]

Another thematic area worth noting and of relevance to this study is border management, which is a key element in any migration system. In relation to movement of persons, border management's goal is to control the movement of persons to facilitate the entry of regular migrants through legal channels and eliminate illegal border crossings, human trafficking and smuggling. Border management focuses on the exit and entry of the persons and must take in consideration matters of security of the State, the appropriate travel documents used and the legitimacy of the movement of the person to avert crimes, such as xenophobia, human trafficking and terrorism.[18]

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16 African Union, 2018b.

17 Ibid., 13.

18 Ibid., 13–14.

For migration data, African development institutions have noted the need for sufficient data on the characteristics and conditions of migrant workers for purposes of formulating appropriate and responsive economic, labour, enterprise development, investment, education and social protection policies.[19] The relevance of migration data can therefore not be overstated.

The MPFA highlights the lack of migration data as one of the main obstacles to the effective management of migration, policy and cooperation.[20] Systematic collection, analysis and exchange of labour migration data at both national and regional levels fosters a greater understanding of migration trends and realities within RECs.[21] This, according to the MPFA, further "serves as a basis for the development of effective regional migration management policies", and the furthering of regional collaboration on migration issues.[22] The framework therefore recommends among others:

(a) Adoption of strategies to enhance data collection, analysis and exchange among and between countries of origin and destination of migrant workers;[23]

(b) Harmonization of (sub)regional policies to promote free movement of persons and right of residence;[24] and

(c) Enhancement of coordination between ministries and research institutions gathering migration data.[25]

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19 AUC-ILO-IOM-ECA, 2015:10.

20 African Union, 2006a:29.

21 Ibid., 30.

22 Ibid.

23 Ibid., 12.

24 Ibid.

25 Ibid., 29.

The African Union Agenda 2063, which is Africa's vision for the socioeconomic transformation, builds on the above migration efforts as it does on other sectoral frameworks in the region. Specifically, aspiration #2 of the Agenda is "an integrated continent, politically united based on the ideals of Pan Africanism and the vision of Africa's Renaissance".[26] Under this aspiration, the continent aims at establishing an African citizenship and passport, the African Common Market (by 2025) – under which issues of migration are covered – and the African Union Free Movement of Persons Protocol, all of which are expected to promote labour mobility.

At the regional level, the EAC CMP governs migration and labour mobility in the EAC. Article 10 paragraph 1 obliges Partner States to guarantee the free movement of workers who are citizens of the other Partner States, within their territories. Effectively, Partner States must ensure that workers of other Partner States are not discriminated against on the basis of their nationality in relation to employment, remunerations and other conditions of work and employment. The CMP accords migrant workers the following rights:

(a) Right to apply for employment and accept offers of employment;

(b) Right to move freely within the territories of Partner States for employment purposes;

(c) Right to conclude contracts and take up employment in other Partner States;

(d) Right to stay in the territory of a Partner State for employment purposes;

(e) Right to enjoy freedom of association and collective bargaining for better working conditions;

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26 African Union Commission, *Agenda 2063: The Africa We Want, Framework Document*, September 2015.

(f) Right to enjoy the rights and benefits of social security accorded to workers of a host Partner State; and

(g) Right to be accompanied by a spouse and a child.

In order to facilitate labour mobility within the community, Partner States undertook to harmonize their labour policies, national laws and programmes and national social security policies, laws and systems.[27] They further agreed to ease cross-border movement of persons through adopting an integrated border management system, as well as establishing one-stop border posts (OSBPs).[28] Annex II of the EAC CMP contains the Free Movement of Workers Regulations, which highlight agreed-upon procedures for Partner States, such as: (a) provision for entry, exit and stay;[29] (b) procedures for acquiring work permits;[30] (c) the movement of dependants;[31] (d) employment of spouse and child of a migrant;[32] (e) access to employment opportunities through a labour market information system;[33] and (f) equal treatment in employment.[34]

Within the schedule of commitment, Partner States made commitments to specific categories of workers. The specific commitments of the pilot countries can be found in Annex I of this report.

It is critical that in implementing the EAC CMP commitments on movement of persons, the EAC Partner States create national policies

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27 See Article 12 of the East African Community Common Market Protocol.

28 See Article 5 (2) (b) of the East African Community Common Market Protocol.

29 The East African Community Common Market (Free Movement of Workers) Regulations, Annex II Regulation 5, p. 34.

30 Ibid., Regulation 6, p. 35.

31 Ibid., Regulation 6, p. 35.

32 Ibid., Regulation 9, p. 36.

33 Ibid., Regulation 12, p. 27.

34 Ibid., Regulation 13, p. 37.

to inform migration within their borders, and even more critical that these policies are harmonized across the region to ensure that there is uniformity or equity in the treatment of EAC citizens.

Several initiatives have been made within the context of the EAC Common Market to foster the free movement of persons and free movement of workers of the Partner States. In relation to border management and data management, Article 5(2b) of the EAC CMP indicates the Partner States' agreement to ease cross-border movement of persons and adopt an integrated border management system. Multiple efforts have been made towards that end; the EAC, in collaboration with the National IT Industry Promotion Authority of the Republic of Korea, conducted a study with the objective of assessing the feasibility of developing a harmonized e-immigration information system for the East African Partner States.[35] This study was in recognition of the need to adopt necessary accelerated border control information technology programmes, a common visa policy, harmonization of policies to deter irregular migration and an automated immigration information system to coordinate actions among the concerned departments of EAC Partner States. The findings were benchmarked against Republic of Korea's KISS system (Integrated Passenger Information System) for border management, as well as the elaborate European Union policies and system known as the Schengen Information System and the Visa Information System, which allow the 25 European countries that are part of the Schengen to share information on both visa and movement of persons in a secure centralized IT system.[36] The study also included an implementation plan to have a harmonized policy, as well as an integrated information and communications technology (ICT) infrastructure to support data management and sharing with the EAC border management officials.

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35 National IT Industry Promotion Agency, Republic of Korea and East African Community, Feasibility Study on Developing Harmonized e-immigration Information Systems for the East African Community (EAC) Region (EAC Secretariat, October 2012).

36 Ibid., 101–111.

Secondly, the EAC Regional Strategic Framework for e-immigration reinforces the EAC Partner States' commitment to developing an integrated system for managing and sharing migration data at inter-State level.[37] One of the most notable initiatives is the OSBP, which is a concept aimed at facilitating the movement of goods and people across the EAC region by ensuring alignment of legal and institutional frameworks that support border management at entry and exit points of the EAC Partner States. The OSBP is specifically provided for in the East African Community One Stop Border Posts Act, 2016 and accompanying regulations, whose objective is to enhance trade by ensuring that goods, services and persons move efficiently through the region.[38] The concept stems from the African Union Programme for Infrastructure Development in Africa and Priority Action Plan that highlights the need and efforts towards addressing the infrastructure challenges hampering trade in Africa.

In 2004, the EAC – under the Northern Corridor Transit and Transport Coordination Authority – developed a Transport and Trade Facilitation Project, which included the development of OSBPs in the region. The development of the OSBP involved three different initiatives:

(a) Developing harmonized legal and institutional frameworks and procedures for the management of the OSBP. This included amending legal provisions at the national level of each Partner State; secondly, the various government agencies involved in border controls – such as the customs authorities, the immigration control and the standards authorities – need to operate in coordination with one another. Alignment of work hours for officials, sequencing of controls and harmonizing

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37 East African Community, Regional Strategic Framework for e-immigration 2014/15–2019/20, August 2014. Available from http://repository.eac.int/bitstream/handle/11671/1697/final%20%20 e-immigration%20strategic%20framework.pdf?sequence=1&isAllowed=y

38 See Section 3 of the East African Community One Stop Border Posts Act, 2016.

procedures[39] and documentation needed in transit all work to minimize duplication in procedures and reduce transit time for goods and persons cross the borders.

(b) Secondly, each Partner State needs to demarcate physical locations at exit points for the construction of infrastructure to facilitate the OSBP.[40] Section 7 of the East African Community One Stop Border Posts Act provides that these demarcations shall be mutually agreed upon by the relevant Partner States.

(c) Lastly, and of equal importance, is the development of ICT infrastructure to implement an effective OSBP. Section 22 of the East African Community One Stop Border Posts Act requires Partner States to develop and implement comprehensive mandatory ICT at their common borders. Moreover, Section 16(1) allows members to carry out controls by utilizing the single-window system.[41] Needless to say, ICT development at the OSBP would mostly facilitate movement of persons and in particular data sharing across the EAC with an integrated single-window system.

So far, the OSBP has greatly reduced transit challenges especially for movement of goods by eliminating duplicated processes through the single window, and also the time spent at the border is dramatically shorter because of the sequencing of procedures and working hours of the officials. There is however still room for the application of or optimizing the "single-window system" for the movement of persons and its potential to enhance data management and sharing between the EAC Partner States.

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39 Ibid., Section 12 and Section 21.

40 Ibid., Section 7 and Section 39 on harmonization of structures and facilities in control zones.

41 Section 2 of the East African Community One Stop Border Posts Act defines *single window system* to mean a "facility that allows parties involved in trade and transport to lodge standardized information and documents with a single entry point to fulfil all import, export and transit related regulatory requirements".

Data collection and research is essential to understanding and developing appropriate responses to the labour movement challenges in the EAC. Accurate, up-to-date data can assist to access the scale and trends of labour movement within the community to establish a basic profile of persons moving and where they are moving. The EAC, recognizing the importance of evidence-based policymaking, provides for labour force surveys or manpower surveys to be implemented by the Partner States. Regulation 14(1) of the East African Community Common Market (Free Movement of Workers) Regulations mandates the EAC Secretariat to carry out manpower surveys to enable Partner States in determining available gaps and skills in the labour market. The surveys have been carried out in some of the Partner States, while others have not yet acquired the funds for the same; it is therefore a gap that needs to be filled in the monitoring of the EAC labour market.

Challenges however remain among EAC Partner States in fulfilling their obligations on free movement of workers and management of data, which are in line with the recommendations of global and continental frameworks. This report therefore makes an in-depth analysis of labour migration policy framework, migration data collection and management systems, and the migration practices in the selected pilot EAC Partner States. It makes recommendations for Partner States to: (a) develop labour mobility specific policies; (b) enhance the existing structures and the laws that implement the policies; (c) enhance the availability of migration data for evidence-based policymaking within the EAC; and (d) sensitize EAC citizens of their rights or freedoms for labour mobility in the region and the obligations of Partner States to the migrant workers and their dependants.

PURPOSE AND SCOPE

IOM is supporting labour mobility in the EAC through this study to contribute to better-informed decision-making and enhance technical expertise on migration management in all EAC Partner States. IOM, through Arcadia Advocates, has undertaken this comparative study of existing gaps in the national policy frameworks on labour migration, while investigating migration data management and migrant worker practices in four pilot EAC Partner States – Burundi, Kenya, Rwanda and the United Republic of Tanzania.

SPECIFIC OBJECTIVES OF THE STUDY

The study investigates the policy frameworks, institutional frameworks and coordination mechanisms at both the national and regional levels:

National Policy framework: This study captures all the existing national migration policies and labour mobility policies in each State and incorporates the best practices for policy formulation. It also investigates the basis of the policy, the stakeholders involved in the formulation of the policy and the institutions implementing the policy. Importantly, it seeks to determine whether the national policy framework responds to continental and regional recommendations and commitments on migration and labour mobility.

To conduct an in-depth analysis of migration data management: The study investigates the data collection and management systems in the four pilot countries specifically data collection/gathering, processing/analysis, dissemination/reporting and exchange/sharing the following four levels:

(a) Intra-institutional (across divisions or units within the same government ministry, department or agency);

(b) Inter-institutional (between government ministries, departments and agencies);

(c) Inter-State (cross-border level); and

(d) Intraregional (EAC level).

Migrant worker practices: Another objective of this study is to perform a diagnostic of the state of affairs in relation to the treatment of migrant workers. The section is based on the surveys conducted on migrants from other EAC Partner States working in the four pilot countries. It highlights the following: (a) conditions for entry of migrant workers; (b) requirements that must be met by a migrant worker before taking up employment; (c) opportunities of migrant workers in the migrant State; and (d) challenges faced by the migrants. It is important to note that this section entails specific experiences of the surveyed migrants and may differ from one migrant to the other. In surveying the migrants, efforts were made to include migrant workers from each of the EAC Partner States.

A final objective is to identify gaps in the national policy framework, data management and migrant worker practices, as well as make recommendations to address them.

METHODOLOGY

This comparative study was conducted following a methodology prescribed by IOM to ensure maximum stakeholder consultation on the three main issues under study. The methodology and study process described below was applied to the four pilot countries. This methodology was explained and highlighted to IOM in the Inception report that was submitted on 10 April 2017.

Data gathering and review: The first step in this study was the preliminary desktop research, which developed a baseline for consultation meetings and the questionnaires applied at data gathering.

This process integrated analysis and review of existing relevant regional documents, such as the African Union MPFA, the EAC Treaty and the EAC CMP, various EAC reports and acts dealing with labour mobility, as well as national documents, such as government policies, laws, rules and regulations and existing country reports on matters of migration. Questionnaires developed thereunder were subjected to comments at the stakeholder planning meeting in the pilot countries.

Stakeholder planning meetings and consultations: In collaboration with the country offices of IOM in the pilot countries – Burundi, Kenya, Rwanda and the United Republic of Tanzania – consultations and field interviews were conducted with the relevant government and non-governmental stakeholders, as well as individual actors. The stakeholder consultations were preceded by a one-day stakeholder planning meeting that involved stakeholders from different government and civil society, such as the migration departments or ministries, border management officers, representatives from the labour office or ministries, officers from investment authorities and ministries, statistics officers, civil society officers and in some cases, international organizations working with migrants and refugees.

At the planning meetings, the study methodology and objectives were explained to the stakeholders, and draft questionnaires were presented for comments. National consultants were then engaged to conduct surveys, part of which was done during the stakeholder planning meetings with follow-up face-to-face data collection thereafter. A part of the survey also involved migrants from the

region of varying education or skill levels, as well as the varying sectors of the economies.

Stakeholders were interviewed using structured questionnaires developed for obtaining information on the mandates of the institutions on migration, their data collection and sharing mechanisms and the experiences of migrants in the survey jurisdiction. A detailed list of stakeholders can be found in Annex II of this report.

Limitations: The analysis in this report has various limitations that must be taken note of; to begin with, the pilot study was approved for only four of the six EAC States. Therefore, the two countries, Uganda and South Sudan, have not participated in the surveys; this also means that a comprehensive analysis of the region was not possible.

Secondly, one of the main themes of the study is the migrant worker practices in the pilot countries. This part of the study required both qualitative and quantitative analysis. The consultants faced many difficulties; in particular, it was difficult to obtain data from migrants, especially the undocumented migrant workers, for fear of being disclosed, while other respondents were simply skeptical about the use of the information they provided. The survey respondents were promised anonymity so that their identity is protected in the participation of the study.

KEY FINDINGS

CHAPTER I: NATIONAL POLICY FRAMEWORK

Global, continental and regional frameworks all encourage countries to develop policies on migration and labour mobility. This is a best practice and usually a starting point for addressing the challenges of labour migration. Also encouraged is the harmonization of migration and labour policies within the context of regional economic integration. This section investigates whether the pilot countries have a migration policy and/or labour mobility policy, as well as the scope or subject matters dealt with in the policies. The scope and subject matter of the policies is based on continental and regional recommendations or obligations of Partner States as contained in the African Union Migration Policy for Africa and the EAC CMP respectively. The broad themes discussed are as follows:

National labour migration policies, structures and legislation: These give basis for implementing continental- and regional-level commitments that relate to migration and labour mobility. They should be comprehensive and gender responsive, for example, by addressing challenges of women migrant workers.

Regional cooperation and harmonization of labour migration policies: Both the African Union MPFA and the EAC CMP[42] recommend that Member States review and/or harmonize their labour policies, national social security policies, national laws, programmes and systems to facilitate the free movement of labour,

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42 See Article 12 of the East African Community Common Market Protocol.

for example, by providing visas on arrival for all citizens of other Member States.[43]

Free movement of workers: Article 10 of the EAC CMP provides that citizens of Partner States are free to move within the community for purposes of work, and that they should not be discriminated against with regards to employment, remuneration and other conditions of work and employment. This also includes enjoying the benefits of social security in the host Partner State and the right to be accompanied by a spouse and child.

Border management: This is important not only for security reasons, but in this context, for facilitating free and better movement of goods and services across borders. It addresses aspects of OSBPs, working hours, data collection systems and others.

Finally, the section also looks at the consultative process and coordination among stakeholders in developing and implementing the policies, as well as identifies gaps and makes recommendations for the identified gaps.

 BURUNDI

Burundi acceded to the EAC in July 2007, together with Rwanda, and is the second smallest country in the EAC, geographically covering approximately 27,834 km^2, and bordered by Rwanda, the United Republic of Tanzania and Democratic Republic of the Congo. Economically, it has the lowest GDP, i.e. USD 3.007 billion in 2016 and has a population of approximately 9.9 million as at 2017.[44]

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43 In Article 5.2(c) of the EAC Common Market Protocol, Partner States agree to "remove restrictions on movement of labour, harmonise labour policies, programs, legislation, social services, and provide for social security benefits and establish common standards and measures for association of workers".

44 World Bank, World Development Indicators: Burundi (n.d.). Available from https://data.worldbank.org/country/burundi (accessed January 2018).

Burundi has a national policy framework on migration. The National Migration Policy of the Republic of Burundi was developed in 2015 through an inter-ministerial committee on migration chaired by the Ministry of Home Affairs and co-chaired by the Ministry of Public Security. The process, however, was spearheaded by the Ministry of Home Affairs and Patriotic Education and the Ministry of Public Security, which are in fact charged with the overall responsibility of managing migration issues in Burundi. The Policy was developed "to deal with international migration, and issues related thereto such as regular and irregular migration, border management, Burundian travel documents, the Burundian diaspora, the links between migration and development, security and regional integration".[45]

In the policy, Burundi demonstrates its commitment to the regional and continental frameworks in Strategy 5.2. It states that the policy was developed in line with, among others, the African Union MFPA (2006) and the EAC CMP. While the policy addresses migration issues of all foreigners, it takes specific note of the EAC CMP and commits to implementing its provisions, specifically on free movement of labour, rights of stay and establishment, as well as strengthening inter-State cooperation to promote free movement of labour within the EAC.[46]

Strategy 2 of the policy provides for border management and recognizes the need to facilitate movement of people and goods through the following: (a) reducing transit time; (b) longer hours of operation; (c) establishing OSBPs; (d) harmonizing operating hours of OSBPs with neighbouring Partner States; (e) fast communication between OSBPs and the immigration headquarters; and (f) fast data entry and processing.

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45 See Government of Burundi, National Migration Policy of the Republic of Burundi (Government of Burundi, Bujumbura, 2015), p. 7.

46 Ibid., 17.

According to Strategies 4.1 and 4.2, Burundi allows for entry and stay of foreigners, including nationals of other EAC Partner States who do not require visas at entry but are granted an entry pass of up to six months. Indeed, the migration policy provides for preferential treatment of migrants who are going to improve the livelihood of Burundians by creating jobs, or those who have qualifications not possessed by nationals. Generally, such migrants are required to have visas, whose cost and validity is determined by the competent authorities. For EAC citizens, however, Strategy 4.3 provides for visa waivers by maintaining the right of EAC nationals to move and reside in Burundi without a visa; instead, EAC citizens are given an entry pass but must travel with a valid travel document, such as a national passport or an EAC passport. Burundi is yet to enforce the machine-readable identity cards as valid travel documents for East Africans.

In terms of work permits, foreigners (including citizens of EAC Partner States) are required to apply and pay for work permits. Strategy 7.2 provides that the relevant authorities will determine the procedure for granting such work permits. Pursuant to Regulation 6(9) of Annex II of the EAC CMP, this would require that work permits be issued in accordance with the harmonized classification of work permit and forms, fees and procedures as may be approved by the Council. There is therefore a commitment by Burundi to harmonize work permit acquisition procedures to facilitate the movement of EAC workers into its territory.

The policy contains provisions on migration and gender issues. In Strategy 10.2, it provides that government programmes on migration must consider the gender aspect and pay attention to and leverage the roles of men and women in the migration process. It specifically provides against all forms of discrimination, exploitation and violation of women in the migration process. Thus, Burundi national migration policy seeks to be gender responsive.

Burundi's national migration policy allows for updating of the legal framework on migration.[47] It highlights the importance of reviewing and strengthening the country's legal framework for purposes of filling any existing gaps and updating it to respond to evolving continental and regional frameworks. To this end, it provides that the review of the national legal framework must be done with the aim of harmonizing it with the Treaty for the Establishment of the East African Community and the EAC CMP.

With regards to implementation of the policy. Strategy 5.2 recognizes that its implementation requires the involvement of various institutions, such as the Confederation of Trade Unions of Burundi (Confédération des Syndicats du Burundi, COSYBU), Ministry of the Presidency in charge of EAC Affairs, Institute of Statistics and Economic Studies of Burundi (Institut de Statistiques et d'Études Économiques du Burundi, ISTEEBU), Ministry of Public Service and Labour (MIFOTRA), Ministry of Youth, Ministry of Foreign Affairs, National Commission on Human Rights and Association of Employees of Burundi (AEB). However, there is no proper implementation and circulation of the policy, evidenced by the fact that the majority of the above stakeholders, including some who attended the consultation meeting, are not aware of its existence.

As previously mentioned, the National Migration Policy of the Republic of Burundi largely addresses itself to international migration issues. While it addresses some issues related to labour migration, there are still many gaps on labour migration. It is, however, important to note that Burundi is in the process of developing a labour-specific policy that will address such issues.

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47   See National Migration Policy of the Republic of Burundi, p. 42.

Gaps

- The National Migration Policy does not pronounce itself on issues of social security benefits for migrant workers.

Recommendations

- The process of developing the Labour Migration Policy should be fast-tracked, while ensuring that it responds to labour issues not just for Burundians, but for EAC citizens and all other foreigners.

- The development of the Labour Migration Policy must be consultative and engage all stakeholders concerned.

KENYA

Kenya is one of the founding members of the EAC. It also is one of the bigger Partner States covering 580,367 km^2, bordered by the United Republic of Tanzania to its south, Uganda to its west, Ethiopia, Somalia and South Sudan to the north and the Indian Ocean to its east. Of the six EAC Partner States, Kenya has the highest GDP at USD 70.529 billion, making it the largest economy in the region.[48] By 2017, Kenya's population was estimated at 46.7 million.[49]

Kenya has no labour migration specific policy in force, but efforts are ongoing to develop a National Labour Migration Management Policy that will incorporate mandates of the Government of Kenya to the EAC CMP movement of workers and border management initiatives

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48 World Bank, World Development Indicators: Kenya (n.d.). Available from https://data.worldbank.org/country/kenya?view=chart (accessed March 2018).

49 International Monetary Fund (IMF), Report for selected countries and subjects (n.d.). Available from www.imf.org/external/pubs/ft/weo/2016/01/weodata/weorept.aspx?sy=2010&ey=2017&scsm=1&ssd=1&sort=country&ds=.&br=1&pr1.x=58&pr1.y=17&c=618,714,733,738,746,664&s=NGDP,NGDPD,NGDPDPC,LP&grp=0&a (accessed January 2018).

that are already underway. In addition, a draft National Migration Policy for Kenya is in the pipeline, and the National Coordination Mechanism on Migration (NCM) is spearheading it. The NCM completed the Draft National Migration Policy for Kenya following a stakeholders' meeting in March 2017 that awaits validation.

The policy is intended to facilitate the management of "labour migration for the benefit of migrant workers and their families", as well as "provide up to date labour market information on development of human resource development policies and strategies".[50] The draft policy outlines a comprehensive prescriptive framework to guide migration management in Kenya. Within the context of this study, however, the analysis is based on other national legal instruments that address migration and labour mobility.

Currently, in absence of a national policy, the regulation of migration and data collection is guided by the national laws, regulations and other legal instruments. These primarily include the following: (a) Constitution of the Republic of Kenya, 2010; (b) Citizenship and Immigration Act, 2011; (c) Kenya Citizenship and Immigration Regulations, 2012 (as amended in 2016); (d) Kenya Citizens and Foreign Nationals Management Service Act, 2011; and (e) Statistics Act, 2006. Additionally, labour laws – such as the Employment Act, 2007; Labour Relations Act, 2007; Labour Institutions Act, 2007; Occupational Safety and Health Act, 2007; Industrial Court Act, 2011; and the Work Injury Benefits Act, 2007 – lend themselves to addressing migrant labour issues. Within this context, therefore, it should be noted that the general labour laws of Kenya apply to both citizens and migrant workers equally. On the basis of this, it may be concluded that Kenya does not discriminate against migrant workers from other EAC Partner States.

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50   IOM, *Migration in Kenya: A Country Profile 2015* (IOM, Nairobi, 2015), p. 115. Available from https://publications.iom.int/books/migration-kenya-country-profile-2015

There are, however, some provisions that are specific to migrant workers; for example, Section 5 (1)(b) of the Kenya Employment Act of 2007 provides against discrimination of migrant workers. It provides that the Minister of Labour, Labour officers and the Industrial Court have the responsibility "to promote and guarantee equality of opportunity for a person who is a migrant worker or a member of the family of the migrant worker, lawfully within Kenya". Thus, migrant workers, including nationals of EAC Partner States, may conclude contracts and take up employment in accordance with the contracts, national laws and administrative procedures without any discrimination and enjoy the freedom of association and collective bargaining for better working conditions in accordance with the national laws of Kenya, as provided by Article 10.3 of the EAC CMP.

The legal provisions of the laws afford equal treatment to both national and non-nationals in respect to contributory social security benefits.[51] Kenya's 2011 National Social Protection Policy[52] recognizes the international (ILO) and regional instruments on the protection of rights of workers, including migrant workers, providing for equal access to social security and protection for all workers in Kenya. The equal access to social security in the law is traced right from the Constitution of Kenya, 2010,[53] through other plethora of laws, which include the following: (a) National Social Security Fund Act, 2013;[54] (b) National Hospital Insurance Fund Act, 1998;[55] (c) Pensions Act

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51 C. Van Panhuys, S. Kazi-Aoul and G. Binette, "Migrant access to social protection under Bilateral Labour Agreements: A review of 120 countries and nine bilateral arrangements", Extension of Social Security Working Paper No. 57 (ILO, Geneva, 2017), p. 67.

52 Ministry of Gender, Children and Social Development, *Kenya National Protection Policy*, June 2011 (Ministry of Gender, Children and Social Development, Nairobi, 2011), p. 2.

53 Article 43 (1)(e) guarantees that "Every person has the right – to social security".

54 Act No. 45 of 2013 [Revised Edition 2014].

55 Act No. 9 of 1998 [Revised Edition 2014].

(Cap. 189);[56] (d) Retirement Benefits Act (Cap. 197);[57] and (e) Social Assistance Act, 2013.[58]

The Department of Immigration Services under the Ministry of Interior and Coordination of National Government has the mandate to: (a) formulate the national migration policy and review immigration laws and regulations; (b) control and regulate entry and exit of all persons; (c) removal of prohibited migrants; and (d) issuance of Kenya passports and other travel documents, entry permits and visas, as well as work permits and passes. The Department is also the key enforcement body of immigration laws and implementation of related policies in Kenya. This, however, is done in collaboration with other government ministries, departments and agencies.

Gaps

- The national migration policy is still in draft form and undergoing the legal process, thus, not at the stage of implementation.
- Non-existence of a national labour mobility (specific) policy.

Recommendations

- Kenya should fast-track the finalization of a national migration policy.

- Fast-track the development of the National Labour Mobility Management Policy to govern all labour workers and must pronounce itself on the EAC mandates of movement of workers, social security and its portability, protection of rights of workers and their dependants and all the best practices recommended for labour migration policy.

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56 Revised Edition 2012 [Cap 189 – 1986].

57 Revised Edition 2012 [2010].

58 Act No. 24 of 2013.

RWANDA

Rwanda joined the EAC in 2007. It is the smallest country in the EAC, covering approximately 26,338 km^2 of land and bordered by Uganda, Burundi, the United Republic of Tanzania and Democratic Republic of the Congo.[59] Rwanda's population is recorded at 11.9 million in 2016, and it has a GDP of USD 8.376 billion.[60]

The National Migration Policy and Strategy 2008 that was developed by the Directorate General of Immigration and Emigration (DGIE) currently guides Rwanda's migration. The policy was drafted with input from key stakeholders, including the Ministry of Public Service and Labour, Ministry of Foreign Affairs and East African Community, Ministry of Local Government, Ministry of Trade and Industry, National Intelligence and Security Service, Rwanda Office for Tourism and National Parks, Rwanda Revenue Authority and Rwanda Development Board (RDB), as well as the labour unions and the Rwandan diaspora.

The policy was developed in line with both national and international development plans and strategies, such as the Vision 2020; National Investment Strategy; Economic Development and Poverty Reduction Strategy at the national level; and the Millennium Development Goals, the New Partnership for Africa's Development and Migration for Development Programme at the regional and international levels. The policy thus complements the key principles of these strategies.

The National Migration Policy pronounces itself on issues, such as border management, labour migration, residency and the institutional

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59 World Bank, World Development Indicators: Rwanda (n.d.). Available from https://data.worldbank.org/country/rwanda (accessed August 2018).

60 IMF, n.d.

framework for migration, as well as providing strategies through which the policy actions can be implemented or achieved.

On labour migration, the Policy is designed to attract skilled labour both from the region and internationally, in order to meet the skills gaps in Rwanda. Pursuant to Section 4.2 of the Policy, this is achieved by offering preferential treatment to skilled workers in professions or sectors that were identified to have gaps in the economy.

Secondly, the Policy is meant to attract and facilitate foreign investments in Rwanda by creating favourable climate for investment in areas that will ultimately improve the economy. It aims at facilitating entry and residence of skilled migrants in accordance with the country's labour policy and the Occupation Demand List (ODL). It is therefore aligned with the National Employment Policy, the aim of which is to implement a more integrated labour structure of both the locals and foreigners in the country.

On residence, the policy provides for best practices on temporary residence, residence of dependants and permanent residence.[61] Therefore, subject to national conditions, foreigners may take up permanent or temporary residence in Rwanda, as may their dependants.

Section 4.11 of the Policy covers border control and management issues. It seeks to adopt best practices for border control, such as the following: (a) incorporating modern solutions for border control; (b) effectively handling the issuance and verification of passports, visas and other travel documents; and (c) facilitating movement of citizens and visitors alike. Furthermore, the Policy ensures the establishment and gazetting of OSBPs, for purposes of providing convenient and expeditious clearance of people and goods crossing Rwanda's borders.

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61 See Sections 4.4, 4.4 and 4.6 of the National Migration Policy and Strategies for the Republic of Rwanda.

DGIE handles all migration matters in the country. These include managing the border posts, handling applications and issuance of visas, permits, nationality, passports and residence cards. Together with MIFOTRA, DGIE and other key stakeholders are currently developing a national policy on labour mobility. The development of the policy has been consultative thus far, with officials from government institutions working on labour, investment and migration issues, trade unions or workers and employers' organizations and individual migrants being consulted in the process. The policy is pending approval from the Cabinet and aimed at supporting the National Migration Policy and Strategy of 2008 as a comprehensive policy governing labour migration in the country.

The Draft National Labour Mobility Policy has three main objectives of relevance to this study. These objectives are: (a) ensure better governance and regulation of labour mobility; (b) promote and support migration of skilled men and women to secure work environments where protection of their human rights is upheld to the highest standards; and (c) provide effective protection and services to migrant workers and their families. Of critical importance is the fact that the Policy is aimed at mainstreaming labour mobility issues into national development plans, strategies and district action plans. This will facilitate in general labour mobility by providing for challenges, such as the transferability/mobility of social security contributions by migrants leaving the country and securing the work environment of migrants by protecting their rights and those of the dependants.

Rwanda boasts of national strategies and programmes that facilitate labour mobility especially for the citizens of other EAC Partner States. One key initiative in Rwanda is the ODL, developed in 2013 following Ministerial Instruction No. 003/19.18 of 04/04/2013, which mandated MIFOTRA to create the ODL. Article 2 of the Ministerial Instruction defines ODL to mean "the list of occupations for which

skills are lacking or in short supply on the labour market". The scope of the ODL under Article 3 provides that the list applies to the following:

(a) All foreigners seeking employment in Rwanda on individual basis;

(a) Foreigners whose countries of origin have signed agreements with Rwanda in regard to other specific occupations; and

(a) Citizens from EAC, who shall use the procedures provided for by the Common Market Protocol while seeking employment on occupations that are liberalized under the Protocol and mentioned by the ODL.

The ODL provides favourable treatment to foreigners with the required skills seeking employment in those sectors. DGIE uses this list for the issuance of work permits, and if a foreigner applies for a work permit and has the qualifications or is being employed in any of the ODL sectors, a three-year renewable work permit is granted, rather than two years for the other employment not within the ODL. Article 5 of the Ministerial Instruction provides for an annual update of the ODL list, which is annexed to the Instructions; however, the ODL update is still in progress and preceded by a labour force survey that informs the directorate of what skills gaps still exist in the labour market.

All the laws and policies relating to the immigration in Rwanda have been harmonized with Rwanda's commitments in the EAC CMP. Parts of the laws reviewed include the labour laws that also apply to migrant workers without prejudice. For example, foreign workers are allowed to join a trade union, have their social security savings within the Rwandan savings schemes and apply for and move jobs as they please. The migrant workers are also protected against exploitation and can use the legal system to seek redress for any abuse by the employer.

Rwanda conducts a labour force survey, as well as the Integrated Business Enterprise survey twice every year. Both surveys are conducted by the National Institute of Statistics of Rwanda (NISR). Rwanda's labour surveys are meant to provide information regarding the availability of jobs in the country that require skills from other EAC countries to fill capacity gaps. The Ministry of Labour is responsible for providing updates of the survey.

It is also important to highlight that the Rwanda Education Board and Higher Education Council are mandated to provide certificates of recognition for academic and profession qualifications of other EAC citizens and foreigners. Moreover, Rwanda also has the special permit for semi-skilled workers and artisans who are nationals of the EAC, therefore encouraging the movement of workers in all the varying skill levels.[62]

Gaps

- The Rwanda National Policy on Labour Mobility is still in draft.

- The existing National Migration Policy and Strategy does not provide for transferability of social security funds for the EAC migrant workers.

- The National Migration Policy and Strategy makes no mention of harmonizing the policy with EAC developments.

Recommendations

- Fast-track the draft National Policy on Labour Mobility.

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62 Permit H4 requires evidence of job experience of a minimum of two years or certificate from previous employment as testimony of special skills and applies to workers, such as mechanics and hairdressers.

UNITED REPUBLIC OF TANZANIA

The United Republic of Tanzania is the largest country in the EAC with a landmass of 947,300 km^2 and has a population of 54.5 million million people. The United Republic of Tanzania is also a founding member of the EAC and has a GDP of USD 47.34 billion.[63] It is bordered by the Indian Ocean, Kenya, Uganda, Rwanda, Burundi, Zambia, Malawi and Mozambique. The United Republic of Tanzania is a union of Tanganyika and Zanzibar and has migration issues dealt with at the union level, while labour issues are not part of the union matters. They are therefore dealt with separately/as individual States i.e. Mainland Tanzania and Zanzibar.[64]

The United Republic of Tanzania neither has a labour migration specific policy nor a general policy governing migration; however, migration practices are informed by other national laws, directives, labour, employment and investment policies and international labour migration/human rights standards, as well as the EAC Treaty and CMP at the regional level.

The United Republic of Tanzania has taken considerable efforts to enhance the employment policy to incorporate issues regarding labour migration, and all stakeholders, including migrants, were consulted in the development of this policy. The policy now awaits government approval before being published. Currently, there is no stand-alone labour migration policy existing in the country, therefore, matters relating to migrant labour are addressed by the employment policy and the Employment and Labour Relations Act, 2004, as well as the Non-Citizens (Employment) Regulations, 2016.

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63 Government of the United Republic of Tanzania, National Bureau of Statistics, *2016 Tanzania in Figures* (National Bureau of Statistics, Dar es Salaam, June 2017).

64 Second Schedule, Constitution of the United Republic of Tanzania, 1967 as amended from time to time.

Section 2 of the Employment and Labour Relations Act, 2004 states that the provisions contained therein apply to all employees in the United Republic of Tanzania, with the exception of those in selected security and national services. Thus, migrant workers are subject to the provisions of this Act. In Section 7.4, the Act specifically provides against discrimination, among others, on the basis of nationality, in any institutional employment policy or practice. Effectively, the Act applies to nationals of the United Republic of Tanzania and migrant workers in the same measure. This includes areas of interest, such as employment, remuneration, conditions of work and collective bargaining.

EAC CMP Annex 1 on free movement of persons and Annex 2 on free movement of workers play the big part of facilitating/informing the fluid movement of EAC workers into the country. Additionally, the United Republic of Tanzania holds National Implementation committee meetings, monitoring and evaluation reporting framework, which among other things, checks and acts as a watchdog on the progress of the United Republic of Tanzania's implementation and attainment of free movement of persons and workers from EAC to the United Republic of Tanzania.

Gaps

- The United Republic of Tanzania does not have a national migration or labour mobility policy in place.

- The laws in place do not provide for portability of social security.

Recommendations

- Steps should be taken to develop migration and labour mobility policies to consolidate the relevant issues, such as free movement of workers and non-discrimination of foreign EAC workers as per the EAC Common Market, social security provisions, rights of dependants and border management in a single document and improve their management within the United Republic of Tanzania.

Table 1: Comparison of national policy frameworks in pilot East African Community countries

Benchmarks/Best practices	Burundi	Kenya	Rwanda	United Republic of Tanzania
National migration policy	National Migration Policy of the Republic of Burundi 2015	Draft Migration Policy for Kenya (finalized by NCM)	National Migration Policy 2009	None
National labour mobility policy	None; currently using Labour Code Act No. 1/037 issued on 7 July 1993	None, but in the process of developing a National Labour Migration Management Policy	Draft National Labour Mobility Policy is pending approval from the Cabinet	Catered for in the National Employment Policy, 2008
Do current policy or law on labour migration address gender issues?	Yes	No; gender addressed in the draft National Migration Policy	No; gender addressed in the draft National Labour Mobility Policy	Yes
Was the development of the policy or law on labour migration consultative?	Yes	Yes	Yes	Yes

Benchmarks/Best practices	Burundi	Kenya	Rwanda	United Republic of Tanzania
Does the policy or law on labour migration address regional cooperation and harmonization of mandates on labour migration?	Yes; policy provides harmonization with EAC CMP	No	Ministry of Education (policy institution) oversees the certification of academic and professional qualifications	Yes, Tanzania Commission for Universities and Vocational Education and Training Authority for recognition of academic and professional qualifications
Does the policy or law on labour migration include border management and the OSBP implementation?	Yes	Yes	Yes	Yes

Free movement of workers: Are there provisions on non-discrimination with regards to employment, remuneration and other conditions of work and employment?	Yes	Yes	Yes	Yes
Free movement of workers: Are migrant workers able to enjoy the benefits and social security within the current policy or law?	Yes, no portability but bilateral arrangement with Rwanda	Yes; no portability	Yes; no portability but bilateral arrangement with Burundi	Yes; no portability
Free movement of workers: Are the rights of dependants (spouse and child/children) indicated in the policy or law?	Yes	Yes	Yes	Yes

CHAPTER II: DATA MANAGEMENT

Data is the cornerstone for responsive policy formulation and implementation. The MFPA recommends that Member States, among others:[65]

(a) Establish or strengthen capacities for data collection, analysis and sharing, migration research and exchange of best practices;

(b) Promote coordination and collaboration between relevant institutions responsible for migration data management and research; and

(c) Harmonize the collection of migration data, data collection tools, methods and intervals at continental and regional levels.

This section therefore will focus on the institutions engaged in data management, types of data collected, data collection mechanisms, coordination and data sharing among institutions and Partner States. It will further identify the gaps in data management and make recommendations thereto.

 BURUNDI

ISTEEBU is the institution mandated with data collection, distribution and management in Burundi; however, the Burundi Office for Labour and Employment specifically collects labour migration data alongside all labour-related data in the country.

Migration and labour data is collected daily at the different border posts or during application for a work permit or residence permit.

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65 African Union, n.d.

This data is collected manually using forms, which are filled out at the collection point, and thereafter transferred manually to a computer database. It is then stored either on an electronic database or paper files. Data is updated biannually and often prompted by the change in a migrant's status or by policy changes requiring the update of this data.

The type of data collected depends on the purpose of migration. Generally, entry and departure data includes point of entry/departure, personal information, passport details, purpose of visit, details of carrier, contacts in Burundi, country of origin and final destination in Burundi. For a residence permit, additional information, such as personal information of dependants and details of previous permit(s) are held. An application for a work permit will require additional information like a police record from the country of origin, employment contract and qualifications not possessed by Burundians.

In terms of data protection, only the entitled users within the institution are allowed to have access. Thus, in the Ministry to the Office of the President Responsible for EAC Affairs, only the department in charge of specialized monitoring and assessment has access to the data. This ministry is also mandated with tracking the progress Burundi is making in the implementation of the EAC CMP. It is further required to share this information with other ministries in charge of EAC affairs within the community.

While ISTEEBU is at the heart of data collection and management in Burundi, there are many other institutions/stakeholders involved specifically in migration matters and data management in Burundi. The major institutions are identified in Figure 1. The circle with "Other" represents AEB, National Commission on Human Rights, Ministry of Youth and Ministry of Public Service and Labour.

Figure 1: Institutions engaged in migration data management in Burundi
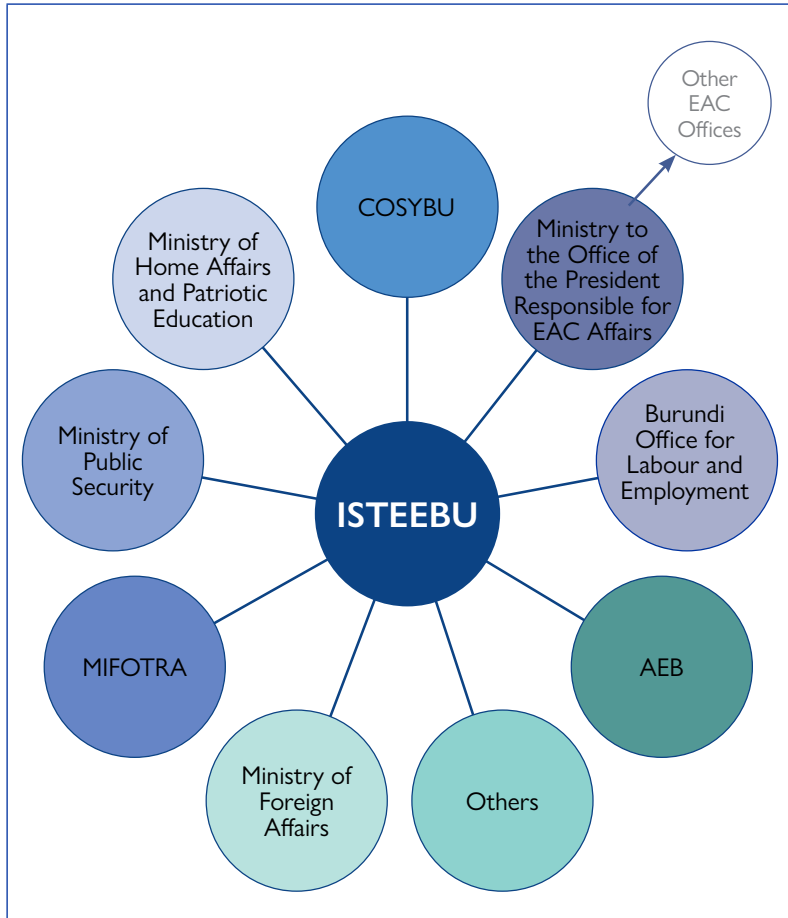
While it is recognized that stakeholder institutions need to work together on migration and data issues, data collected or created by the different institutions is kept with those institutions mainly due to the fact that data collected is not specifically labour related but may have an aspect of migrant workers. Data sharing among the government institutions is only by formal application and for specific

information; therefore, a department or an institution will only get information when they need it for another project or report. The application must also lay out the reasons for seeking that data.

In terms of inter-State sharing of data, the Ministry to the Office of the President Responsible for EAC Affairs, under the coordination of the EAC Secretariat, provides data on employment to the EAC, as well as other EAC Partner States' ministries or related agencies. Research initiatives, such as the World Bank/International Finance Corporation score card on movement of workers in the EAC, have also been supported with various data sources by the ministries and the aforementioned institutions.

Gaps

- Little coordination at both intra-institutional and inter-institutional level for data sharing.
- No existing infrastructure for harmonized data collection and management and especially the manual process of data collection is inefficient.

Recommendations

- Establish a coordination mechanism for collection and sharing of data within the institutions and at inter-institutional levels that promotes collaboration on data management including for migrant workers.

- Consider investment in modern ICT technology for harmonized data management at the national level.

- For inter-State data management, consider the use of single-window system for border controls on movement of persons.

KENYA

The collection of data on and from migrant workers in Kenya is a primary obligation of the Department of Immigration Services. However, other institutions such as the Refugee Affairs Secretariat of Kenya (RAS) also collect data for specific migrants such as refugees. This is because Kenya is one of the Partner States that hosts a large number of refugees.

Data collection relating to migrant workers in Kenya is still largely done manually at the different entry and border points, but also more specifically during the processes of application for entry and work permits. The general entry and departure data collected is the same as above in Burundi. There are, however, different classes of visas granted, which depend on the purpose or type of work a migrant is seeking the permit for (see details in the annex).

Other labour-related institutions that collect and use labour migration data in Kenya include the National Employment Authority (NEA), Integrated Population Registration System (IPRS), National Registration Bureau, RAS, the Kenya National Commission on Human Rights (KNCHR) and the African Migration and Development Policy Centre (AMADPOC). The Kenya National Bureau of Statistics (KNBS) collects, analyses and disseminates general statistical data obtained from a national census or other government institution.

Under this study, the effectiveness of the data collection systems relating to labour migration in Kenya was highly rated following the launch of the digital system. Data collection systems in Kenya are generally perceived to be effective, but there is still room for improvement in order to achieve optimum efficiency.

Data is shared under the IPRS, which is an initiative of the Government of Kenya "to create a national population register as single source of

personal information of all Kenyan citizens and registered foreigners resident in Kenya".[66] The IPRS receives data or records from various registers, such as the passport register, aliens register and the citizen register. It uses a database system linked to other institutions of government. When the institutions update their information, the same is automatically updated at the IPRS.

Whereas the IPRS is a commendable initiative, not all institutions in Kenya are linked to the system. Furthermore, the interlinkage is not proper, and uploading of information (data) is not in real time. However, once fully functional, the IPRS will be a best practice that other EAC Partner States can emulate to foster effective data sharing both at intra- and inter-institutional levels.

Kenya has further established the NCM, an institutional framework to coordinate data collection from all institutions and/or agencies dealing with migration-related matters in the country. The NCM was launched in 2016 and is based at the Directorate of Immigration Services and Registration of Persons under the Ministry of Interior and Coordination of National Government.[67] Plans to fully digitize data collection services and processes for efficiency and effectiveness of the departments under the Ministry of Interior and Coordination of National Government are underway. One of the respondents for this study, i.e. AMADPOC, observed that the NCM has proven to be an effective platform for learning about existing data sets that are available at the government level, as well as identifying points of duplication.

The adoption of the IPRS and the NCM is expected to, among others, increase the efficiency of collection and sharing of labour

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66 Kenya, Ministry of Interior and Coordination of National Government, Directorate of Immigration and Registration of Persons (2015). Available from www.interior.go.ke/index.php/2015-02-28-06-43-52/state-department-of-interior/directorate-of-immigration-registration-of-persons (accessed November 2017).

67 IOM, "Kenya unveils National Migration Coordination Mechanism", Press release, 22 July 2016. Available from www.iom.int/news/kenya-unveils-national-migration-coordination-mechanism

migration data by consolidating collaboration among government, as well as private sector institutions. Sharing of data outside the IPRS or NCM is through publication of general, periodical or annual reports available to the public online on the websites of the respective institutions. Any other information is only obtainable after making a written application and payment of requisite fees (where applicable) to the respective institution. IOM's *Migration in Kenya: A Country Profile 2015* notes that the country gathers a significant amount of migration data but equally still faces significant challenges in data analysis, sharing and dissemination.

Figure 2: Illustration of ideal data collection and sharing mechanism under the IPRS and NCM interventions

Figure 2 shows that so far, only a few government institutions in Kenya are connected to the IPRS. Furthermore, whereas the institutions connected to the IPRS can access the information uploaded by other connected institutions, departments, agencies and institutions not connected to the IPRS cannot readily access the said information, and neither can they share the same with other stakeholders under the system.

At the inter-State or cross-border level, Kenya shares its data with border countries through the Joint Operation Centres that share data in real time with the relevant Partner State at the border controls. This data is specific to the exit and entrance of persons moving from or to Kenya. The Security Laws (Amendment) Bill of Kenya also manages committees with countries that share borders with Kenya, and information exchange through reports or requested statistics are exchanged by officials at the regular committee meetings or upon request.

Gaps

- The IPRS is functional but needs to integrate all relevant departments and ministries. There are numerous independent institutions (in a silo set-up system) that undertake collection of same data, causing duplication of data.

Recommendations

- Fast-track the integration of departments not yet part of the IPRS to accomplish an efficient inter-institutional and intra-institutional data management system.

- For inter-State data management, consider the use of single-window system for border controls on movement of persons.

RWANDA

DGIE is responsible for migration data collection in Rwanda. Majority of the data collected by the Directorate is at the entry points through their border management system and at application for permits, passes or visas by foreigners. At the entry points, only entry visas are provided, but for EAC citizens, the entry pass applies for a period of three months. Work permits, residence permits and dependants' passes have to be applied for separately after the worker has been admitted into the country.

Thus, the data collected by the Directorate on work permits of persons seeking to establish a business or set up an investment differs from, but is complementary to, that data sought by RDB. On the one hand, the Immigration Department will require and collect information of those migrants seeking work permits after they have attained approvals and licences to set up an investment, while on the other hand, RDB will collect information relating to the foreigner's investment plan, type of investment and the necessary licences required for operating the business or investment. So foreigners intending to engage in business within Rwanda have to interface with both the Department of Immigration for their work permits and the RDB for investment or business licences. It is important to note that the RDB also contributes data to the Labour Market Information Systems under MIFOTRA.

Within the DGIE, data is generally captured digitally; even where the migrant is asked to fill a form, the officers transfer the information to an online system whose security is very high. Furthermore, there exists an IT border system, known as the Travel Match System, which allows for all border control points of Rwanda to upload and access real-time data on entry and exit of persons through the various

border posts. The data from this system can also be accessed by the National Identification Agency (NIDA), NISR and MIFOTRA.

NISR is the national institute responsible for research in Rwanda; it conducts various surveys and research including on issues of labour and immigration. NISR also collects data on population; in particular, it is responsible for the national census, including data on the national labour force, which also relates to migrant workers.[68] Despite the similarities in the information collected by them and the Department of Immigration, there is no clear mandate or mechanism for the integration of this data. Albeit the lack of a data-sharing strategy, NISR regularly receives reports from the Department of Immigration; this is usually data relating to the number of foreigners granted entry, or foreign workers and businesspersons in the community. Departmental or institutional reports are also developed only within the institutional mandates.

The data from NISR is available on its website in reports and statistics; alternative data can also be acquired on request from NISR. Moreover, NISR website hosts web portals for varying data, some of which have additional features, such as application programming interface and web services for automated data sharing.

Lastly, MIFOTRA is responsible for overseeing the process of labour force surveys, which are conducted by NISR but specific to labour and skills analyses in the country. In general, Rwanda has only a few institutions collecting migration-related data, so sharing that data within the two institutions, i.e. Department of Emigration and the RDB, is simple. There is a memorandum of understanding to share the various statistics they acquire. However, other institutions have to make a formal request for information on migrant workers as and when they require it.

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68 See www.statistics.gov.rw/statistical-publications/subject/labour-force-and-economic-activity (accessed April 2018).

Slightly related to the labour data collection is the Rwanda Civil Registration and Vital Statistics Systems (CRVS), which runs a civil registration virtual web-based application. This CRVS is the mandate of the NIDA, which is responsible for registration of birth and death and provision of national identification for nationals and passports and identification for refugees and migrants as well.

At the inter-State level, Rwanda shares data with its EAC Partner States during the Cross-border National Implementation Committee meetings, through reports provided by the Ministry to the Office of the President Responsible for EAC Affairs and can also provide data upon request by any of the other EAC Partner States.

Figure 3: Relationship of data collection within Rwanda
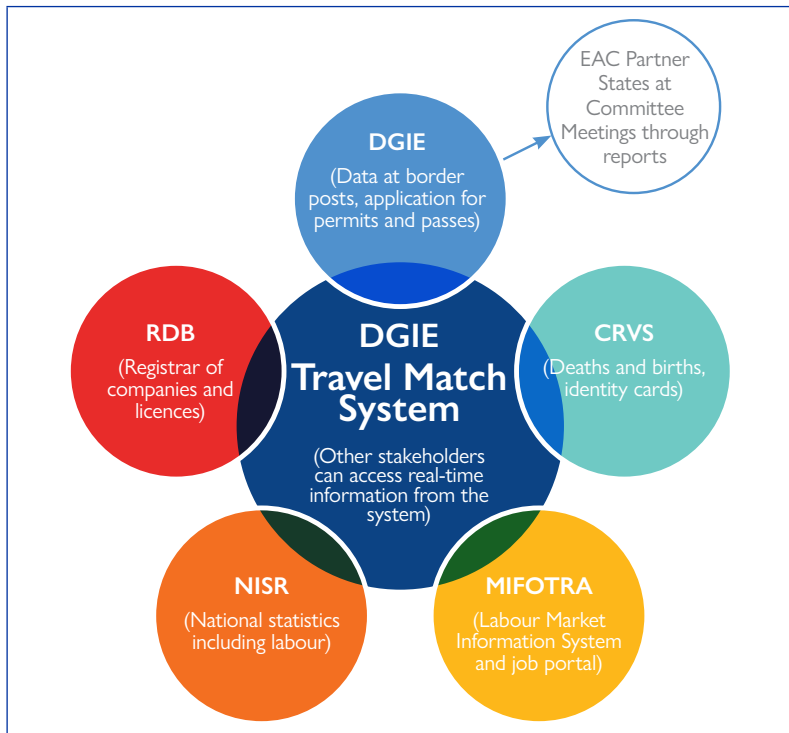
Gaps

- No harmonized/centralized data collection management system.

Recommendations

- Develop a data management (including data collection and data sharing) strategy to facilitate easy data management among the institutions.

- Consider the development of a centralized system for the collection and management of population and labour data for Rwanda.

- Consider the use of single-window system at border control centres to facilitate inter-State data on movement of persons.

UNITED REPUBLIC OF TANZANIA

In the United Republic of Tanzania, the Immigration Department (under the Ministry of Home Affairs), Labour Commissioner Department (under the Prime Minister's Office, Labour, Youth, Employment and Persons with Disability), National Bureau of Statistics and Tanzania Investment Centre are directly responsible for collecting migration data (see Figure 4). They collect data and issue residence and business permits, and work permits respectively. All other government institutions and ministries get migration data from these institutions.

The Zanzibar Immigration Department maintains a level of autonomy with their data management, although data sharing is fluid within the whole Immigration Department in the United Republic of Tanzania. The Office of the Chief Government Statistician of Zanzibar (OCGS), Zanzibar Investment Promotion Authority (ZIPA), Zanzibar Commission for Tourism and Ministry of Labour Economic Empowerment and Cooperation collect data for Zanzibar and are the key institutions for data collection in Zanzibar that related to labour, investment and employment that are not union matters of the United Republic of Tanzania.

Figure 4: Relationship of data collection in the United Republic of Tanzania
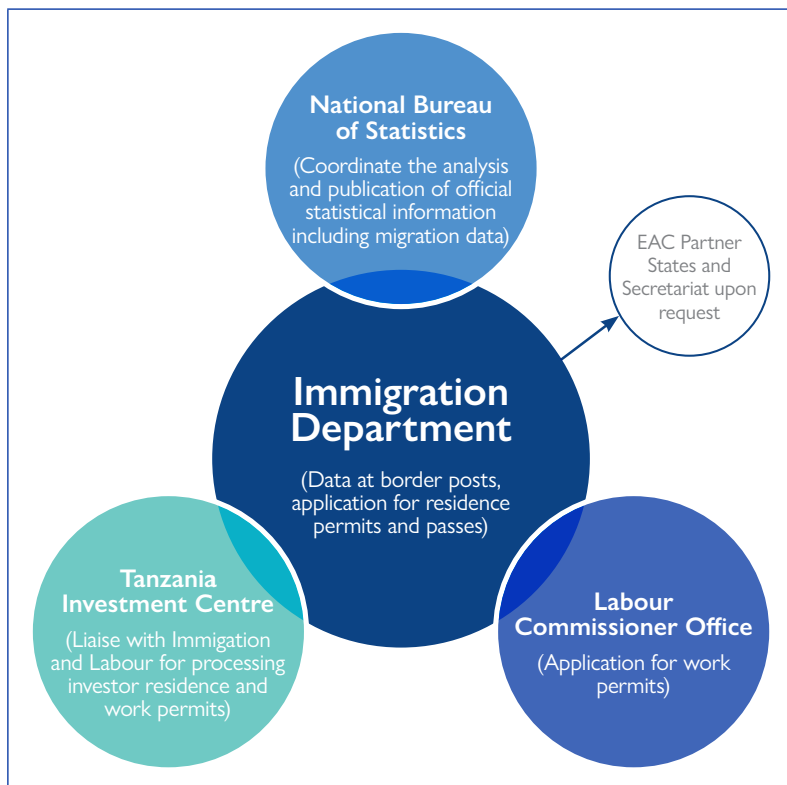
Figure 5: Relationship of data collection in Zanzibar
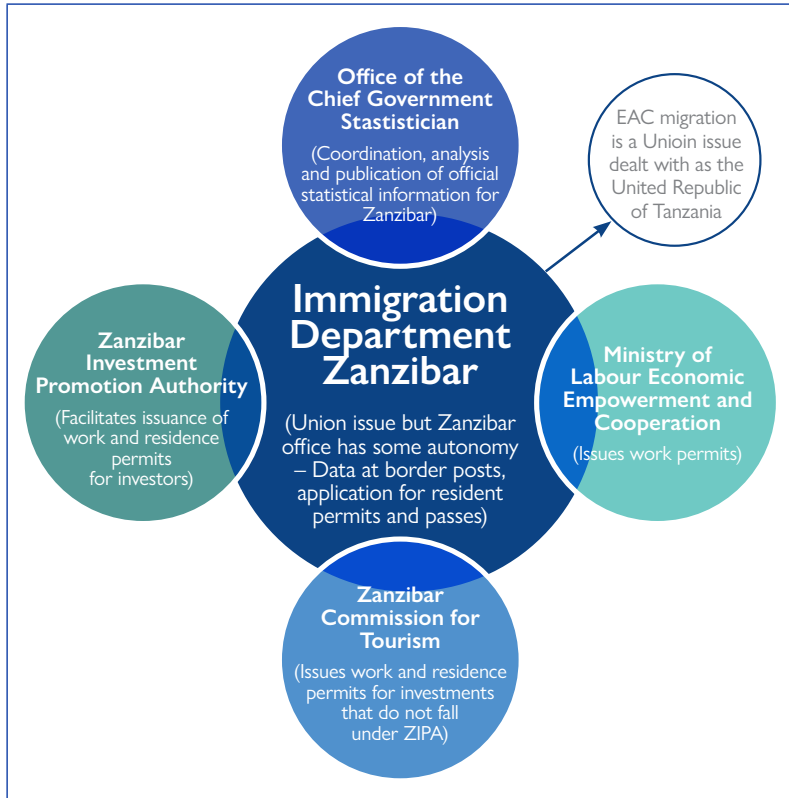
Data is collected on a daily basis by the Immigration Department at all border posts during entry and exit. This information is kept or transmitted to the national level for compilation in the national database. All migration data collected is stored and shared both electronically and on paper files.

Sharing of data between institutions in the United Republic of Tanzania is upon request, through a formal letter explaining the reason for requiring the data and specific type of data required by the applicant institution. Typically, migration data is usually requested to facilitate official publications or reports by institutions, such as the

tourism board or the investment board on the number or types of migrants working or visiting the country. These publications are then shared with the public, and also used to inform the policies made by the Government.

The most common method of data collection is manual, i.e. migrants fill prescribed forms requiring certain details, either at entry or while acquiring permits. This data is then transferred manually to a computer database where it is stored. On some occasions, however, the immigration officer will digitally input data while interfacing with the migrant directly by asking for the necessary information from the migrant. These methods and procedures in the collection of data from migrants are informed by the administrative mechanisms and immigration laws that require the migrants to fill in forms at entry and exit points. These forms are available online in respective institutions' websites.

Institutions responsible for collecting migration data strive to ensure that data collected are stored electronically to preserve consistence, and well-trained officers handle the exercise of filling and storing the data to ensure consistency and completeness.

For institutions that collect data from immigration and the Labour Commissioner as a secondary source for institutional purposes such as developing reports, the common practice for ensuring authenticity of the data is to organize a stakeholders' validation meeting or establish a steering committee. In Zanzibar, there is a national statistics ad hoc committee that validates the migrants' statistics, among other duties.

Migration data collected is updated depending on the needs of the institution, which stores that particular data. The Labour Commissioner Office and Immigration Office update their migration data on a monthly basis as a legal and administrative requirement.

To protect the confidentiality of information shared, institutions sharing the data may sign memorandums of understanding, or in their request for data, they must specify the need, reasons and use of the data and will be allowed to use and share the data according to indicated reasons. On average, it takes less than a week for a request to be processed. However, when the data is requested by private entities, the process of acquiring data is unpredictable.

In order to address challenges, institutions engaged in the collection, processing and analysis of EAC migration data are installing electronic services, moving to digital and biometric data collection and also cooperating with Partner States. The United Republic of Tanzania has established e-gov system, whereas most of the government applications such as work permit and residency permits, data storage and sharing is done online. Furthermore, the Government of the United Republic of Tanzania is making considerable efforts to support the National Data Centre.

At both the inter-State and regional level, the United Republic of Tanzania has had an open policy of sharing data upon request by Partner States and/or the EAC Secretariat. Officials at the border also share data during committee meetings, in reports and upon request.

Gaps

- No harmonized/centralized data collection management system.
- Budget shortages for migration data management and research, such as the manpower surveys.

Recommendations

- Consider a single harmonized or centralized data management framework and/or system that allows the different national institutions and government departments or agencies to upload and access information on persons in the country including migrant workers.

Recommendations

- Mobilize additional resources for migration data research/skills, labour survey or manpower survey in order to inform the formation of the labour mobility policy and the renegotiations of the movement of workers in the EAC Common Market.

- Consider the use of the single-window system at border posts to facilitate the interstate data sharing for movement of persons.

Table 2: Country comparison on migration data management

	Burundi	Kenya	Rwanda	United Republic of Tanzania
National capacities for migration research data collection, analysis and sharing	No	Yes; KNBS	Yes; NISR on LMIS and ODL initiatives	Yes; OCGS
Promote coordination and collaboration between relevant institutions responsible for migration data management and research	No	Yes; IPRS and NCM	Yes	Yes
Harmonized collection of migration data at the national level	No	Yes; IPRS and NCM	No	Yes

CHAPTER III: MIGRANT WORKER PRACTICES

Article 7.1 of the EAC CMP guarantees the free movement of East African citizens within their territories. Article 7.2 guarantees non-discrimination in the entry without visa, free movement, stay in territory and existence of a citizen of an EAC Partner State through the Partner States' territory. It is important to note that an EAC citizen can be denied any of these rights on the grounds of public policy, public security or public health under Article 7.5.

All Partner States of the EAC require migrants to enter through legally established border posts and comply with the formal border management procedures to get access to the State they are moving into. Article 7.7 of the EAC CMP has a requirement that each Partner State shall effect reciprocal opening of border posts and keep the posts open for 24 hours to facilitate the free movement of persons. The East African Community One Stop Border Posts Act further reiterates this, providing that Partner States should synchronize their business hours in control zones such as OSBPs.

The survey found that in all the EAC Partner States, EAC migrant workers do not require entry visas at entry points. The border management issues an entry pass to all EAC citizens at no cost to anyone who holds a national passport or ID of one of the EAC Partner States. This entry pass is valid for at least three months of stay without requiring a residence or work permit.

In relation to the travel documentation, the Partner States agreed – under Article 8 – to issue national identification to their citizens. Moreover, in Article 9, the Partner States recognize each other's passports as a valid travel document or an EAC passport and goes

as far as agreeing to use machine-readable and electronic national identity cards for EAC citizens travelling through their territories. There is some variation in the documentations used or accepted at entry points of the EAC Partner States. Kenya, Rwanda and Uganda allow machine-readable identification cards for EAC travellers at border posts as an alternative to the national passports. The other three countries are yet to procure the technology to implement this in their jurisdictions, and therefore EAC citizens entering Burundi, United Republic of Tanzania and South Sudan must hold a formal national passport before they are allowed into the country.

Under the free movement of workers, this survey considered the rights guaranteed under Article 10 of the EAC CMP, including the right to enter the territory of another Partner State, apply for employment and accept offers of employment, move freely, conclude contracts and take up employment, enjoy freedom of association such as joining a labour union to bargain for better working conditions, and enjoy the rights and benefits of social security within the host Partner State.

In addition, under Article 10.5 of the Protocol, the migrant worker is guaranteed the right to be accompanied by his dependants, i.e. a spouse and children who also are entitled to seek and take up employment or engage in any economic activity.

The survey conducted in the pilot countries showed that all EAC countries require migrant workers to possess a valid work and/or residence permit or both before they can be permitted to work.

The EAC CMP provisions that will be considered as best practices on the Partner States' treatment of migrant workers all fall along the EAC CMP provisions, as discussed above and are summarized as follows:

- Entry *without visa requirements and fees*;

- Use of standard *travel documents* including the *machine-readable and electronic* national identity cards (Article 9 of the EAC CMP);

- Freedom to *seek and take up employment* and conclude contracts within the host country;

- Freedom of *association and collective bargaining*;

- Rights and benefits of *social security*; and

- Rights to be accompanied by *dependants* and the rights of *dependants to seek and take up employment or economic activity*.

BURUNDI

To a greater extent, migration takes place due to economic reasons, although in East Africa and in the case of Burundi, civil strife has played a big part in keeping labour migration moving away from Burundi. Most of Burundi's migration flows are conflict induced; there are therefore more migrants and refugees leaving Burundi than those seeking employment in Burundi. Conflict and migratory flows in Burundi have evolved into a cyclical pattern; conflict generates refugees and internally displaced persons, and in turn, bars inflow of possible workers into the country.[69] It is, however, important to note that Burundi still has some migrants within the country who made up part of the survey pool for this study.

Related to this is the fact that most Burundians working in other countries, especially those in the farms in the United Republic of Tanzania, are irregular migrants. These workers – because they are undocumented – are unaware of their rights and often times abused and taken advantage of by the employers in need of cheap labour.

Nonetheless, Burundi seems to favour skilled migrants especially those who have skills that are not possessed by the local people. In fact, this is one of the requirements that must be satisfied in order for migrants to get employment in Burundi. Other requirements are nationality of one of the EAC Partner States, a business proposal and proof of finances to conduct a business in the country.

All survey respondents in Burundi indicated that Kenya is a preferred labour destination above all the other EAC countries for its highly developed status and availability of opportunities. However, for Burundians seeking employment in other EAC Partner States, the

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69 S. Fransen and A. Ong'ayo, "Migration in Burundi: History, Current Trends and Future Prospects", Paper Series: Migration and Development Country Profiles (Maastricht Graduate School of Governance, 2010).

main challenge faced is the language barrier. Burundi, being mainly a Francophone country, poses a challenge with its citizens being able to seek and take up employment in the other EAC Partner States that are predominantly English speaking.

Labour migration in Burundi is managed by a number of stakeholders including COSYBU, ISTEEBU, the Ministry of Public Service, Labour and Employment and Police for Air, Borders and Foreigners (Police de l'Air, des Frontières et des Étrangers). Migrant workers are expected to comply with the laws of Burundi and upon entry into the country are expected to possess a visa, work permit or residence permit. According to the EAC CMP, citizens of EAC Partner States are not required to pay any work permit fees; however, EAC migrants to Burundi are still expected to apply for permits, and the employer then pays 3 per cent of the salary as permit fees, and the required documents are application letter, passport, residence permit, CV, diplomas and passport-size picture.[70]

Testimonial on residence permits:

> *Burundi's residence permit is granted free as long as one has secured a job; however, when I travel out of the country, upon my return, I am asked to pay a fee at immigration even when I present the valid residence permit. This is still unexplained.*
>
> A Rwandan national

Respondents, however, indicated challenges in the processing of these permits. While the Immigration Directorate pointed out that the guidelines for application for residence permit are available on the notice board, three of the migrant respondents noted that they highlighted the obscurity of the application process and the criteria used for granting the permits.

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70   See Article 12 and Article 3 of Ministerial Ordinance No. 660/086/92 issued on 17 February 1992.

Relating to permit application and processing procedures:

> *The procedure to follow for residence permits is not clearly told to me. I was given a list of documents to submit but after that, I don't know what happens. Also, I had to wait for a long time before I was called to get my permit when it was issued.*
>
> Rwandan national in Bujumbura

Permit applications are usually presented before a commission that sits weekly to decide whether or not the applicants are granted permits as requested. However, the practice is to wait for at least five permit applications before a sitting, which could explain some of the delays in the process.

Respondents indicated that the duration for acquiring work permits is "long" and "unpredictable". On the other hand, they indicated a smoother process for acquiring residence permits for dependants, especially children. Nonetheless, from the survey, it is clear that many migrants do not bring their families along because of the security situation in the country.

In general though, the survey respondents indicated that they were treated fairly at the workplace, and no discrimination against foreigners was reported by any of the respondents.

On the right to be accompanied by dependants:

> *Because of what is going on in the country, I do not feel it safe to have my wife and children with me. Perhaps in the near future, they will be able to join me.*
>
> – Social worker in Bujumbura

Gaps

- The procedure for processing permits is still unclear to some migrants.

Recommendations

- Consider investment in technology that allows for movement of EAC citizens using machine-readable ID and EAC e-Passports.

- Clarify the procedure for acquisition of work permits by indicating the sittings of the committee that only happens with a minimum number of five applications to assess the work permit applications.

- Fast-track the initiatives involved with the transferability of social security across East Africa at the regional level rather than bilateral agreements for the same.

KENYA

Kenya attracts a vast array of migrants. These include regular and irregular migrants, as well as forced migrants such as refugees.[71] Due to its strategic coastal location, economic development, education facilities and the tourism industry, among others, Kenya receives migrants from all over the world partly due to the aforementioned pull factors. The country attracts professionals in many fields and industries, as well as semi-skilled labour. The migrant workers are engaged by international non-governmental organizations (NGOs), as well as the general domestic private sector.

IOM's *Migration in Kenya: A Country Profile 2015* highlights the health sector as one of the sectors that are reliant on migrant workers.[72] Furthermore, Kenya, in addition to persons migrating for study purposes,[73] receives a large number of forced migrants in the form of asylum seekers and refugees. The country is reported to rank among the largest refugee-hosting countries in Africa.[74] The vast majority of migrants received by Kenya come from other African countries are from other EAC Partner States.[75]

Kenya has taken a number of initiatives since the commencement of the EAC CMP to facilitate the movement of workers under the Common Market. The NCM that was established will also work towards further streamlining the free movement of workers across the EAC region in line with the Common Market Protocol. It is worth noting that the KNCHR has commenced migration and

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71 IOM, 2015:24, 27, 33 and 37.

72 Ibid., 33.

73 Ibid., 34.

74 Ibid., 37.

75 Ibid., 16.

human rights projects to enhance its mandate of protecting the rights of migrants and combating human trafficking. The projects will include the training and raising of public awareness for migrants on their rights and responsibilities.

The Department of Immigration Services is the primary regulator of migrant workers in Kenya. It issues the necessary entry visas and work or residence permits to foreigners coming to work in Kenya. Under the EAC CMP arrangement, citizens of other EAC Partner States are not required to pay any work permit fees for the issuance of work permits by the Department of Immigration Services. At entry and exit, Kenya recognizes the use of machine-readable national identification cards, an arrangement agreed upon by other two EAC Partner States of Uganda and Rwanda in the Northern Corridor Integration Project.

On visas and entry passes:

> *Kenya does not issue visas to East Africans; the stamp in the passport is called an entry pass and not a visa. And it is free of charge for all holding an East African passport (passport or ID of an East African Partner State).*
>
> A Kenyan Immigration Officer

With regard to visas and work permits, as expected, the experiences of migrants varied one from another. An expert from the United Republic of Tanzania in the financial sector based in Nairobi but supporting East African offices – including Ethiopia and Djibouti – had a seamless experience with acquiring his work permit.

On permit procedure:

> *I was headhunted by my company, so my experience is pretty unique – all I needed to provide were my documentations and that of my family. Our permits were ready within three weeks of providing the documents, and my family moved within two months of getting the contracts.*
>
> Edwin, a Tanzanian working in the financial sector within East Africa

Two migrants had similar experiences of waiting for up to three months before being issued with work permits. Moreover, one of the migrants could not move to take up their job in Nairobi even though the contract was already running; she was advised of this at the time of application and also given the option of using a special pass to move to Kenya and take up the job as an interim solution. Another migrant worker was issued a work permit one year after issuance of the first contract, and a renewal nine months after issuance of the second contract.

On permit processing duration:

> *No, it does not take two weeks as you have been told. My permit process took over three months. Moreover, a contract had already been issued, but I had to wait before moving to Nairobi to take up my position. There was an option of me using a three-month special pass as I waited for the permit, but that would mean that I would still be paid from Uganda and yet the establishments are different. I, however, was told this from the beginning that the permit process can take up to three months, so my expectations were managed.*
>
> A Ugandan banker in Kenya

> *Policy narrative different from reality. There is a general political narrative that East Africans can work anywhere in East Africa but still require to have a permit, and there is a lot of bureaucracy.*
>
> A migrant development worker in Kenya

Migrant workers are required to comply with the immigration and labour laws of Kenya prior to and upon being issued with a work permit. If the responses of the few select migrants is anything to go by, it would appear that the preferred migrant workers in Kenya are those very highly skilled and experts in their profession.

There was no discrimination highlighted by the respondent; in fact, the surveyed migrants noted with confidence that under Kenya's labour laws, they are afforded equal protection before the law and can seek both administrative and judicial remedies for violation of any labour rights. The surveyed migrant workers reported no challenges, such as physical or sexual harassment/violence, restriction of movement, debt bondage, forced labour or withholding, underpayment or delayed payment of wages and benefits.

KNCHR receives complaints on human rights violations from migrant workers, and through its mandate of ensuring the promotion and protection of human rights in Kenya, undertakes the protection of rights of migrant workers. RAS of Kenya (Department of Refugee Affairs), which collects data from asylum seekers and refugees, recommends such migrants when they are offered a job. The migrants are still required to meet the minimum requirements, which include obtaining a work permit from the Department of Immigration Services.

In respect to access to employment opportunities, NEA encourages foreign or migrant workers who are residents of Kenya to register with the Authority to access employment opportunities.[76] However, respondents indicated that they do not necessarily have the same opportunities for work as nationals of Kenya. Rather, it is easier if the expertise they have is not readily available nationally.

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76 National Employment Authority Act, 2016, Section 21.

On access to employment and rights of dependants:

> *I have lived here for over 20 years. My dad moved to Nairobi when we were young, and we moved with him. All my schooling is local, and I studied business in the University of Nairobi – School of Business, a Kenyan university. In fact, I performed much better than many of my classmates, but I will not be granted a work permit for the jobs simply because I am not Kenyan. It is the same story with two of my Tanzanian friends who went to the same school with me and grew up here because their parents moved to Nairobi. In fact, on one occasion, I was told by an officer that I will only get a work permit after all Kenyans have been employed. I guess it is the law to give priority to their own, so that is why I am now looking for opportunities back home even though technically, Kenya is home to me, and my family is here.*
>
> Mercy, a business graduate living in Nairobi

From the experience of Mercy and two of her Tanzanian former classmates, little attention is paid to them as dependants of migrants entitled to seek employment in the host country. This calls into question whether or how the rights of the dependants have been enforced in the pilot countries.

Gaps

- Unclear criteria for the issuance of permits as well as expected timeline.

Recommendations

- Clarify the procedure for acquisition of work permits, and provide a tracking of processes for the applicants giving reasons for delay and/or denial.

- Fast-track the initiatives involved with the transferability of social security across East Africa at the regional level.

- Provide clear guidelines relating to the rights of dependants of migrant workers to seek and accept employment within Kenya.

RWANDA

Rwanda is recognizing the electronic readable IDs as travel documents at the border entry points for Ugandan and Kenyan ID holders. This system is open to citizens of all Partner States; however, Burundi and the United Republic of Tanzania do not issue electronic readable cards and therefore have to use passports at the entry points. This is an example of direct implementation of the CMP to facilitate the easy movement of persons across the EAC. It is also being implemented by Uganda and Kenya, but as noted earlier, the other three countries do not have the readable card systems to issue the electronic readable IDs to their citizens.

The procedure for obtaining permits has also been made easier for all foreigners, but even more preferential is the fact that EAC citizens are allowed to enter Rwanda and stay for up to six months to look for employment opportunities. In Rwanda, Ministerial Order No. 02/01 of 31/05/2011 establishes regulations and procedures relating to migration. Article 8 of the Ministerial Order provides for entry visa – that Class V-1: Entry visa is "issued to a foreigner who intends to visit Rwanda for any purpose other than work or business and is not a citizen of a country with which Rwanda has a visa waiver regime". Rwanda waived visa regime with all the citizens of EAC; therefore, at entry, all citizens receive an entry pass at no fee and do not have to apply for the same prior to their travel. In addition, the entry for EAC citizens are valid for three months and can be renewed for another three months.

A critical initiative of Rwanda is the ODL list; towards the end of filling the skills gap in the ODL, the Ministerial Order provides for an entry visa referred to as a "Job search". This visa is only granted to a skilled worker, whose occupation is on the ODL seeking

employment. Such worker can either apply for the Job Search visa from the Rwandan diplomatic mission in the applicant's country of residence or online.

On the ODL and application for permits:

" *Migrant workers with skills or practicing professions on the ODL list receive preferential treatment at issuance and renewal of work permits. And if you are an EAC citizen whose profession matches that of the ODL and you have acquired a contract of employment in that field, you get up to a month to apply for the permits while the other foreigners only have 15 days.*

A Rwandan Immigration Officer "

The Job Search visa is valid for a period of 90 days, renewable once and is meant to allow the migrant to look for employment in the skills in which he/she is qualified but does allow the holder of such a visa to work. Once the holder secures work, that visa is then invalid and he or she must seek a residence permit in order to take up that employment.

For migrant workers, Rwanda grants residence permits that allow the migrant to take up employment and/or entrepreneurship within the country. The definition of a residence permit is provided under Law No. 04/2011 of 21/03/2011 on Immigration and Emigration, stating that a residence permit is permission "allowing a foreigner to reside temporarily or permanently in Rwanda and for the purposes other than visit". This permission includes for work and business or investments; therefore, migrants in Rwanda are issued residence permits as opposed to "work permits" as is the case with other pilot countries.

Article 3 of the Ministerial Order provides for residence permits, in particular: "A temporary residence permit shall enable a foreigner to reside in Rwanda within a specified period. While in Rwanda, a

holder of temporary residence permit may work, establish businesses invest in new or existing businesses, unite with family members or any other activity authorized by his/her permit". For the self-employed persons, two classes of permits are issued: Subclass 1 is for a foreign investor under ODL and entitles the foreigner to three years residence permit renewable upon application, while Subclass 2 is for the investor who is not on the ODL and entitles the person to two years residence permit renewable upon application.

Article 4 of the Ministerial Order provides the various classes of other residence permits, including migrants engaged in various professions or employments, students pass or vocational trainees, special pass given to a foreigner who secures work for a duration of three months or less and dependants pass for the spouse and children of the migrants. It is important to note the definition of the "dependants" under Article 1 of the Order means "family member, close relative or any other person who may be considered as a family member as provided by this Order".

On dependants and their rights:

"

I first came to Kigali with my mother, and we opened a restaurant. It was not very difficult to do; we had a lawyer helping us with the processes; and later of course my father; who was sick at the time, joined us. His permits were also easy to get.

A Burundian businesswoman in Rwanda

"

A more refined definition of the dependants considered to be granted dependants pass is under Article 4, which provides that the pass shall be issued to a "close relative or any other person who may be considered as family member of temporary resident, permanent resident holders or of a national". This definition is wider than the definition provided for in the EAC CMP that restricts a dependant to the spouse and children of the migrant under the age of 18 years.

On dependants and their rights:

> *My wife lives and works in Kigali. I have business in Kampala, but I often get to take off time to be with my family in Kigali. I have considered the move to open a business in Kigali and sure once the financial opportunities become available, the dependants pass will make the transition easier.*
>
> A Ugandan businessman

Of the migrants surveyed in Rwanda, half of them indicated that they searched for and found jobs while residing in Kigali, while the other half had already obtained employment contracts before entering the country. All respondents agreed that the application process for permits was relatively easy and predictable.

On freedom to seek and accept offers of employment:

> *This is my second job here in Kigali. I first started working [on] an NGO but wanted to do some more corporate law work. When I applied and got this job, I did not have to apply from outside the country; I simply changed my status and applied for a new work permit. It took me a total of about one month.*
>
> – A Ugandan lawyer working in Rwanda

Migrant workers in Rwanda can freely change jobs (save for the public sector), hold retirement benefit scheme with similar benefits as the locals, own property for business such as land and office complex, pay taxes at the local or residence rate and join labour union. All migrants interviewed had no major challenges or difficulties in the treatment by their employers or by the Government.

All the details regarding requirements for application are online, and the forms can be downloaded and submitted to the DGIE.[77]

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77 See Government of the Republic of Rwanda, Directorate General of Immigration and Emigration, Permits (n.d.). Available from www.migration.gov.rw/index.php?id=79 (accessed April 2018).

On permit acquisitions:

> *My employer was in charge of acquiring permits for me and my family. Being an audit firm, they are already in the business of processing such documents. However, in Rwanda, the process is clearly laid out for you on the Immigration Directorate website, and once you have your papers, it's very easy.*
>
> Andrew, an auditor working in Rwanda

It is important to note that Rwanda has made the most progress in opening up its labour market to foreigners in general and also to EAC citizens in particular. Workers whose professions or skills are among the ODL receive preferential treatment with a grant of three-year work permit upon obtaining employment, and this permit is renewable for another three years.

One of the major concerns indicated by the migrants was the contribution to the social security or pension's fund. The EAC has not yet implemented transferability of pension across the EAC States; therefore, when a labourer working in another EAC State other than their own decides to return or move to a State, the main option they have is to withdraw their savings before they leave the country.

On transferability of pension:

> *I save with the social security here. But when my contract ends and I want to go back home, I will have to go through a long process of drawing all my savings and prove that I will not return to the country to work. I don't know anywhere in East Africa where they can transfer my savings to my country; also, I think the rates are different. In the United Republic of Tanzania, I would contribute up to 20 per cent of my pay depending on which fund you save with.*
>
> A Tanzanian national

Gaps

- Preferential treatment is based on desired professions and not nationality; it however includes some professions that were commitments made by Rwanda under the Annex II, hence diminishing the preferential treatment to EAC citizens by offering those professions to other foreigners as well.

Recommendations

- The professions under the ODL list should not include the professions committed under Annex II. This way, the professions that are in Annex II will prioritize East Africa citizens before considering other foreign workers.

- Fast-track the initiatives involved with the transferability of social security across East Africa at the regional level.

UNITED REPUBLIC OF TANZANIA

The commitments made by the United Republic of Tanzania on the free movement of workers under the EAC CMP give preference to skilled labourers only. Uncertified elementary labourers are not accommodated by any law in the United Republic of Tanzania and cannot therefore easily obtain work permits.

The United Republic of Tanzania is signatory to the following:

(a) Migration for Employment Convention (Revised), 1949 (No. 97);

(b) Minimum Age Convention, 1973 (No. 138);

(c) Minimum Wage Fixing Convention, 1970 (No. 131);

(d) Dock Work Convention, 1973 (No. 137);

(e) Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152);

(f) Equal Remuneration Convention, 1951 (No. 100);

(g) Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19);

(h) Worst Forms of Child Labour Convention, 1999 (No. 182); and

(i) Workers' Representatives Convention, 1971 (No. 135).

All these conventions aim to protect labourers in the workplace but more importantly, the United Republic of Tanzania strives to implement these conventions and ensure that foreigners and nationals are treated equally as well as protected against abusive practices by employers.

Where migrant workers' rights have been violated, the Employment and Labour Relations Act, 2004 (No. 6) and Labour Institutions Act, 2004 (No. 7) allows all employees (EAC migrants inclusive) to file complaints at the Labour Commission for mediation and arbitration. To avoid criminal liability, the migrant worker is supposed to discharge his/her contractual liabilities to the employer and other creditors or enter into arrangements to disperse them before leaving the country. Before an EAC migrant worker can discontinue work, he/she must surrender the work permit for cancellation and other administrative procedures.

A migrant worker can be forced to leave the United Republic of Tanzania according to Section 27 of the Immigration (Revised Edition) Act, 1995, when it is confirmed by a court that he/she committed a serious crime in his/her country and an order for deportation has been issued. Other circumstances for deportation include where the migrant is considered to be a danger to national security or falls under the category of undesirable migrant.

Furthermore, the United Republic of Tanzania has enacted and passed laws like Anti-Trafficking in Persons Act, 2008, Child Act, 2010 and other regulations that deter forms of abuse and discrimination in general. Human trafficking and related crimes attract jail time of up to 20 years and a fine of up to 20 million Tanzania shillings.

To be able to work in the United Republic of Tanzania, EAC citizens and all other migrants are supposed to apply for residence permit and work permit. Except for Residence Permit class A, Residence Permit class B and C, all of which are issued prior to coming into the country by the Immigration Department and takes 7 to 14 days to obtain. The survey with migrants, however, found that the duration is unpredictable, and undue delays with no provided reasons to the applicants have been reported on several occasions.

All applicants of residence permits should first obtain work permit from the Labour Commissioner under the Ministry of Labour, except those coming for other purposes, such as studies, research, attending court case and retired persons. Respondents also highlighted the need to make the process transparent; in some cases, labour commissioners will ask for additional documentation not indicated at the time of application, which causes delays in the processing of permits.

On application process for work permit:

" *The application process is online, but I was, on several occasions, asked to present additional documents, which were not even listed on the website. Moreover, I need to apply and pay for both the work permits and residence permits.*

– A Ugandan lawyer trained from the University of Dar es Salaam

"

Through the enactment of Immigration (Amendment) Regulations, 2016, the United Republic of Tanzania has embarked on the implementation of the mandates of the EAC CMP by reducing residence permits fees for citizens of EAC Partner States compared to other migrants; for example, other migrants for class A-1 to A-3 pay USD 3,000, while EAC citizens pay USD 1,500. EAC citizens pay half of the amount paid by other foreigners when applying for residence permit. However, compared to other EAC Partner States, the cost of residence permits for EAC citizens in the United Republic of Tanzania is still very high, given that other Partner States do not charge for residence or work permits. The United Republic of Tanzania also still charges business pass fee at USD 100 and dependant pass USD 250, thus imposing a heavy fee burden on migrants and employers when recruiting talents from EAC. The same is evident when applying for work permit; although the law prescribes 14 working days as the time taken to obtain the permit,

experiences proves it takes more than one month, and the process can be dragged to even a longer period.

On permit fees and dependants:

> *The company usually processes the permits and is responsible for paying for it as well. But compared to Uganda where I worked before, the permit fees are so high (USD 3,000) and the process took over six months for me to be formalized. Then the process for having my family join me was even more tedious. In the end, we opted to have them stay in Nairobi.*
>
> – Peter, a Kenyan working in a beverage company in Dar es Salaam

Under Non-Citizens Employment Regulation Act, 2016, work permit costs USD 1,000 for investors and self-employed migrants, USD 500 for non-citizens in possession of prescribed professions, and USD 500 in approved religious and charitable organizations. A business pass in the United Republic of Tanzania is granted for three months at a cost of USD 100 for EAC migrants. The migrant-respondents expressed their discontent relating to the burden of higher fees charged by United Republic of Tanzania institutions (Immigration Department and Labour officers) to EAC migrants as a setback on free movement of persons and labour.

The United Republic of Tanzania's employment and labour laws in general accords equal treatment to foreigners as that extended to nationals. This means that migrant workers are able to change jobs or apply for new jobs, hold a retirement benefit scheme same with the locals, pay taxes at the local/residence rate, join trade or workers' unions and institute a suit in the local courts on employment-related issues, to be accompanied by dependants. The Land Act 1999 prohibits foreigners from owning land. Foreigners can rent land and offices from the locals.

In Zanzibar, application for work permit is prior to entering Zanzibar and made through ZIPA offices or the Labour Commissioner; it takes up to 14 days and more to obtain the permits, and once in Zanzibar, apart from labour matters, the migrants are treated, protected and subjected to laws of the United Republic of Tanzania similar to Tanzanians.[78] The application for residency permit is similar to that of Mainland Tanzania. East Africans are charged the same fees for work permit as other foreigners.

Gaps

- High fees charged for work and residence permits.

Recommendations

- The application process for work or residence permits or business pass have since been made easier and more predictable; however, migrant education of the procedure is necessary to provide absolute clarity.

- Fast-track the initiatives involved with the transferability of social security across East Africa at the regional level.

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78 The application guidelines can be found on the ZIPA website (www.zanzibarinvest.org/zipanew/work. html) (accessed June 2018).

Table 3: Summary of migrant practices and experiences

	Burundi	Kenya	Rwanda	United Republic of Tanzania
Do EAC citizens need visas?	None; provision of entry pass	None; provision of entry pass	None; provision of entry pass	None; provision of entry pass
What visa fees are payable by EAC citizens?	No fees	No fees	No fees	No fees
What is the duration of stay per admission?	3 months renewable	3 months; renewable	3 months; renewable	3 months; not renewable
Do EAC migrant workers require residence permits?	To be obtained together with work permit For dependants	Work permit holders do not need residence permits For dependants	To be obtained together with work permit For dependants	To be obtained after acquiring the work permit For dependants
What residence permit fees are payable by EAC migrant workers?	No fees	No fees	No fees	Refer to fees under the Second Schedule of Immigration (Amendments) Regulations 2016

	Burundi	Kenya	Rwanda	United Republic of Tanzania
What are work permit fees payable by EAC migrant workers?	USD 60 to USD 84	No fees	No fees for EAC nationals	Between USD 1,500 and USD 100 for East Africans for Tanzania Mainland. USD 300 for Zanzibar Investors under ZIPA – free
Duration for acquisition of residence permit	Depends on the category	14 days after application	Within 3 days after application	14 days after application
Duration of residence/work permit	1 year; renewable	At least 7 years	3 years for professionals on ODL list and Annex II commitments 2 years for other professions or skills (both renewable)	Duration of the assignment or 2 years Work permit is 1 year for Zanzibar
Business (special) pass fees		No fees for East Africans	No fees for East Africans	USD 100
Duration of business (special) pass		3 months, renewable once	3 months; renewable once	3 months; not renewable

RECOMMENDATIONS AND CONCLUSIONS

This report bases its recommendations on the findings that the EAC Partner States have made considerable efforts towards fostering the movement of workers; however, there is still more to be done to facilitate it within the region. Data collection and management systems at national levels (intra- and inter-institutional levels), inter-State or cross-border level, and the intraregional level in the EAC remain ineffective, partly due to lack of proper institutional frameworks and coordination mechanisms at both the national and regional levels.

The report therefore recommends the following strategies to foster the harmonization of migration data collection procedures and national labour migration policy frameworks.

Adoption of labour migration policies and laws based on international best practice. Among the selected pilot EAC Partner States, none of the countries has a comprehensive national labour migration policy in force. Burundi and Rwanda have a migration policy, while Kenya has a Draft National Labour Migration Policy. The United Republic of Tanzania has no migration policy but relies on its employment policy to coordinate migrant workers. The institutional frameworks in the Partner States are generally guided by domestic legislation, which does not adopt the recommended best practices on labour migration management. This partly accounts for lack of effective coordination among labour migration data collecting institutions in the Partner States, as a number of the laws relied upon do not enhance the sharing of labour migration data or establishment of better effective mechanisms.

Kenya's amendment of its immigration laws, coupled with the adoption of the IPRS and the NCM, in spite of a few challenges, are steps in the right direction.

It is recommended that all Partner States formulate and adopt national labour migration policies and laws that are open and transparent based on best practices from the African Union framework and as recommended by the UN and the ILO.[79, 80] The best practices include common definitions and classifications of migrant workers, protection and the manner in which migrant workers are treated, as well as modes and means of collecting, analysing and sharing migration data.

Secondly, it is also recommended that Partner States embark on harmonizing their labour laws and migration laws. The Partner States undertake to harmonize their labour policies, laws and programmes to facilitate the free movement of labour within the community. National social security policies, laws and systems must also be reviewed and harmonized across the region to provide for social security of self-employed persons who are citizens of other Partner States. Currently, many of the Partner States regulate labour, migration and social security issues in general laws that address those specific issues, and it is assumed that those laws and policies cover migrant workers since they "apply to all employees".

Furthermore, Partner States must accelerate the process of formulating and adopting a protocol on the portability or transferability of social security among themselves. The study found that two of the Partner States have a bilateral agreement to transfer social security benefits among themselves, but this agreement was

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79 ILO's Migration for Employment Convention (Revised), 1949 (No. 97); Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975 (No. 143); and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990.

80 African Union, 2006a:43.

found critical due to the high exchange of workers between the two countries. With the EAC Common Market, for the free movement of workers to be fully effective and facilitated, it is critical that the portability of retirement funds is considered a priority for the region.

Data management: The African Union, in its migration framework for Africa, recommended pertinent and essential strategies for enhancing regional migration data exchange in the MPFA as follows:[81]

- Formulation and implementation of a common regional data standard and other initiatives to strengthen regional efforts to collect, analyse and share accurate basic information and data on the characteristics of migration in each country with a view of improving security, and fostering migration and regional integration.

- Constitution of a regional forum for further exchange of information, experience and perspective among governments, and through which a stocktaking of existing mechanisms and data could be undertaken, best practices highlighted, common definitions identified and possibilities for data harmonization considered.

- Facilitation of the exchange of information between responsible authorities in charge of managing legal migration flow and fight against irregular migration and trafficking of human beings.

The above recommendations by the African Union can be further realized through the following initiatives:

One-stop border post for movement of persons: The one-stop border posts likened to those facilitating the free movement of goods have the potential to enhance effective border management

. . . .

81 African Union, 2006a:30.

as a key element of a national migration system.[82] The East African Community One Stop Border Posts Act, 2016 provides for the legal framework for establishing one-stop border posts. Section 3 of the Act clearly stipulates the objective of the Act to extend to the efficient movement of persons within the community in enhancing trade.[83] The collaboration of the border control authorities in the respective Partner States having a common border in the collection of labour migration data can easily facilitate the sharing of such data at the inter-State level, and intraregional level whenever necessary.

The findings of the report place the immigration departments in the respective Partner States at the forefront of collecting labour migration data. The data is collected at border points of exit and entry, as well as during the process of application for and issuance of work permits. However, there is generally no systematic and coherent sharing of data among data collecting institutions to facilitate effective labour migration policy formulation. In particular, the potential for data sharing at inter-State level lies in the use of a single-window system by border controls. The single window ensures that the Partner States that share the border can access real-time information once one of the officials has uploaded the same on the entry or exit of a person at that particular post. This system can enhance security controls by the border management teams of the Partner States, reduce duplicated process for movement of persons, and most importantly automate the sharing of data between the two States at any particular border post. This can further facilitate greater coordination among institutions gathering migration data and statistics while avoiding duplication of data.

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82 African Union, 2006a:13.

83 "The objective of [the] Act is to enhance trade through the efficient movement of goods, persons and services within the Community." (Section 3 of the East African Community One Stop Border Posts Act, 2016).

Internal communications strategies – Emulate Kenya's IPRS and NCM: Other EAC Partner States should consider adopting data management systems and mechanism similar to Kenya's IPRS and NCM.

Kenya adopted IPRS, which when fully operational, will run as a department under the Directorate of Immigration and Registration of Persons.[84] The system receives data from government institutions, then information is automatically updated in the IPRS database when an institution linked to the system updates a person's data. The IPRS is intended to be a single source of personal information on both citizens and foreigners who are residing in Kenya. The establishment of the National Coordination Mechanism on Migration, which coordinates collection, and sharing of migration data among institutions, have further boosted the intervention.

The effective implementation of the IPRS requires computerized collection of data and working connection of the various institutions to the system. The initiative further implores the various institutions to collaborate and cooperate in the collection and sharing of labour migration data alongside other information. This would increase sharing of migration data and availability of such data to support effective policy formulation. Adopting a common information system will inevitably improve the efficiency of labour migration data collection, updating of the data, analysis and sharing of data for effective policy formulation nationally.

The EAC recognizes that it is important to base policy formulation on data evidenced through surveys, such as the manpower surveys that were intended to be conducted in all EAC Partner States. Albeit the high costs, it is upon each of the Partner States to implement

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84 Kenya, Ministry of Interior and Coordination of National Government, Directorate of Immigration and Registration of Persons, About us (n.d.). Available from www.immigration.go.ke/AboutUs.html (accessed November 2017).

surveys and use that data in formulating policies to govern and manage labour migration within the region.

Moreover, the MPFA acknowledges the challenge of migration in Africa, one of which is the lack of accurate and current data to base decision on movement of persons. It is therefore our recommendation that Partner States identify and mandate national institutions to conduct research and surveys on labour and migration that should guide the various initiatives in fostering free movement of workers in the region.

LIST OF REFERENCES

LAWS

BURUNDI

(a) National Migration Policy of the Republic of Burundi (Government of Burundi, Bujumbura, 2015)

(b) Law No. 1/010 of 18 March 2005 Concerning Enactment of the Constitution of the Republic of Burundi

(c) Labour Code, Decree No. 1/037 of 1993

(d) Ministerial Ordinance No. 66/086/92 Governing Foreigners' Employment in Burundi

(e) Institute of Statistics and Economic Studies of Burundi Decree (GN) 100/033, 1990

(f) Law No. 1/14 of 2015 Governing Public and Private Partnership

(g) Law No. 1/07 of 2010 (Commercial Code)

KENYA

(a) The Constitution of the Republic of Kenya, 2010

(b) Kenya Citizenship and Immigration Act (Act No. 12 of 2011) (Cap. 172)

(c) Employment Act, 2007 (No. 11 of 2007)

(d) Industrial Court Act, 2011 (Act No. 20 of 2011) (Cap. 234B)

(e) Kenya Citizens and Foreign Nationals Management Service (No. 31 of 2011)

(f) Kenya Citizenship and Immigration Regulations, 2012 (as amended in 2016)

(g) Kenya National Commission on Human Rights Act (No. 14 of 2011) (Cap. 5B)

(h) Labour Institutions Act, 2007 (No. 12 of 2007)

(i) Labour Relations Act, 2007 (Acts No. 14)

(j) National Employment Authority Act, 2016 (No. 3 of 2016)

(k) Occupational Safety and Health Act, 2007 (Act No. 15 of 2007) (Cap. 514)

(l) Refugees Act, 2006 (No. 13 of 2006)

(m) Registration of Persons Act (Cap. 107)

(n) Statistics Act, 2006 (No. 4 of 2006)

(o) Work Injury Benefits Act, 2007 (Act No. 13 of 2007) (Cap. 236)

RWANDA

(a) Ministerial Order No. 05/01 of 14/03/2014 Establishing Other Categories of Travel Documents and Another Class of Visa

(b) Organic Law No. 30/2008 of 25/07/2008 Relating to Rwandan Nationality

(c) Law No. 13/2009 of 27 May 2009 Regulating Labour in Rwanda

(d) Presidential Order No. 21/01 of 27/05/2009 Establishing the Procedure for the Application and Acquisition of Rwandan Nationality

(e) Law No. 04/2011 of 21/03/2011 on Immigration and Emigration in Rwanda

(f) Ministerial Order No. 02/01 of 31/05/2011 Establishing Regulations and Procedures Implementing Immigration and Emigration Law

(g) Ministerial Order No. 03/01 of 31/05/2011 Determining the Fees Charged on Travel Documents, Residence Permits, Visas and Other Services Delivered by the Directorate General of Immigration and Emigration

(h) Ministerial Order No. 04/001 of 31/01/2012 on The Diplomatic Passport

(i) Law No. 05/2012 of 17/02/2012 Governing the Organisation and Functioning of International Non-Governmental Organisations

(j) Presidential Order No. 70/01 of 03/12/2013 Establishing Border Frontiers

(k) Ministerial Instructions No. 003/19.18 of 04/04/2013 Determining Occupations in Demand List

(l) Law No. 13ter/2014 of 21/05/2014 Relating to Refugees

(m) Ministerial Order No. 06/01 of 19/03/2015 Determining Additional Requirements for Registration and Renewal of Certificate of Registration of an International Non-Governmental Organisation

UNITED REPUBLIC OF TANZANIA

(a) The Constitution of the United Republic of Tanzania of 1977

(b) Non-Citizens (Employment Regulation) Act, 2015

(c) Immigration Act (Revised Edition), 2016

(d) Immigration (Amendment) Act, 2015

(e) Immigration (Amendment) Regulations, 2016

(f) Employment and Labour Relations Act, 2004 (No. 6 of 2004) (Cap. 366)

(g) Labour Institutions Act (No. 7 of 2004) (Cap. 300)

(h) Employment and Labour Laws (Miscellaneous Amendments) Act, 2015 (No. 24 of 2015)

(i) National Social Security Fund Act (Cap. 50)

(j) Employment and Labour Relations (Code of Good Practice) Rules, 2007 (GN No. 42 of 2007)

(k) Employment and Labour Relations (General Regulations), 2017 (GN No. 47 of 2017)

(l) Labour Institutions (General) Regulations, 2017

(m) Non-Citizen (Employment Regulation) Regulations, 2016

(n) National Five Year Development Plan 2016/17–2020/21

(o) National Employment Policy, 2008

CONVENTIONS, TREATIES AND OTHER INTERNATIONAL INSTRUMENTS

African Union

2001   Resolution (Regulation) on Establishment of a Strategic Framework for a Policy of Migration in Africa. CM/Dec. 34(LXXIV). Council of Ministers Seventy-fourth Ordinary Session/Ninth Ordinary Session of the AEC, 5–8 July 2001, Lusaka, Zambia.

2006a   The Migration Policy Framework for Africa, EX.CL/276 (IX). Executive Council, Ninth Ordinary Session, 25–29 June 2006. Banjul, The Gambia.

2006b   African Common Position on Migration and Development, Executive Council, Ninth Ordinary Session (EX.CL/277 (IX)), 25–29 June 2006, Banjul, The Gambia.

2018a   Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment. Adopted by the Thirtieth Ordinary Session of the Assembly, Addis Ababa.

2018b   Report of the Third Ordinary Session of the Specialized Technical Committee on Justice and Legal Affairs (EX. CL1076(XXXII). Addis Ababa, 22–26 January 2018.

2018c   Implementation Roadmap for the Draft Protocol to the treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment.

n.d.   The Revised Migration Policy Framework for Africa and Plan of Action (2018–2027). African Union, Addis Ababa. Available from https://au.int/sites/default/files/newsevents/workingdocuments/32718-wd-english_revised_au_migration_policy_framework_for_africa.pdf

African Union Commission

2015   *Agenda 2063: The Africa We Want.* Framework Document.

African Union Commission, International Labour Organization, International Organization for Migration, United Nations Economic Commission for Africa (AUC-ILO-IOM-ECA)

2015   Joint Labour Migration Programme – Labour Migration Governance for Development and Integration in Africa.

East African Community

1999   The Treaty for the Establishment of the East African Community. EAC Secretariat, Arusha.

2009   Protocol on the Establishment of the East African Community Common Market (Entered into force 2010). Available from http://eacj.org//wp-content/uploads/2012/08/Common-Market-Protocol.pdf

2014   Regional Strategic Framework for e-immigration 2014/15–2019/20. Available from http://repository.eac.int/bitstream/handle/11671/1697/final%20%20e-immigration%20strategic%20framework.pdf?sequence=1&isAllowed=y

2016   The East African Community One Stop Border Posts Act, 2016. Available from www.eala.org/documents/view/the-east-african-community-one-stop-border-posts-act-2016

2017   The East African Community One Stop Border Post Regulations 2017. EAC Secretariat, Arusha.

International Labour Organization (ILO)

1949   Convention No. 97 – Migration for Employment Convention (Revised), 1949 (Concerning migration for employment). Available from www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C097

1975   Convention No. 143 – Migrant Workers (Supplementary Provisions), Convention, 1975 (Concerning migrations in abusive conditions and the promotion of equality of opportunity and treatment of migrant workers). Available from www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C143

Government of the Republic of Rwanda, Directorate General of Immigration and Emigration

n.d.   Permits. Available from www.migration.gov.rw/index.php?id=79 (accessed April 2018).

United Nations

1990   International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Available from www.ohchr.org/en/professionalinterest/pages/cmw.aspx

REPORTS

Abella, M.

2006   Policies and best practices for management of temporary migration. UN/POP/MIG/SYMP/2006/03. Paper presented at the International Symposium on International Migration and Development, Population Division, Department of Economic and Social Affairs, UN Secretariat, Turin, Italy, 28–30 June 2006.

AUC-ILO-IOM-ECA

2015   *Labour Migration Governance for Development and Integration in Africa: A Bold New Initiative.* Programme brief. Available from www.ilo.org/wcmsp5/groups/public/---africa/documents/meetingdocument/wcms_345393.pdf

East African Employers Organization (EAEO)

2016   Position paper on free movement of workers in EAC with focus on challenges employers face while recruiting talents from other EAC Partner States. Arusha, United Republic of Tanzania, March 2016.

Fadayomi, T.O.

2013   *Enhancing Migration Data Management in Nigeria: Assessment and Recommendations.* Data assessment, ACPOBS/2013/MDA06. ACP Observatory on Migration and IOM, Brussels. Available from https://publications.iom.int/books/enhancing-migration-data-management-nigeria-assessment-and-recommendations

Fransen, S. and A. Ong'ayo

2010   Migration in Burundi: History, Current Trends and Future Prospects. Paper Series: Migration and Development Country Profiles. Maastricht Graduate School of Governance.

Government of the Republic of Kenya

2011   *Kenya National Protection Policy*. Ministry of Gender, Children and Social Development, Nairobi.

Government of the United Republic of Tanzania, National Bureau of Statistics

2017   *2016 Tanzania in Figures*. National Bureau of Statistics, Dar es Salaam.

International Labour Organization (ILO)

2006   *ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration*. ILO, Geneva.

2010   *International Labour Migration: A rights-based approach*. ILO, Geneva.

International Organization for Migration (IOM)

2004   *Essentials of Migration Management. A Guide for Policy Makers and Practitioners. Vol. 2: Developing Migration Policy.* IOM, Geneva. Available from www.miglib.org/sites/default/files/Essentials%20of%20Migration%20Management%20Vol_2.pdf

2015   *Migration in Kenya: A Country Profile 2015*. IOM, Nairobi. Available from https://publications.iom.int/books/migration-kenya-country-profile-2015

2017   Appeal Voluntary Repatriation of Burundian Refugees in Tanzania: Situation Overview. IOM Burundi Country Office. Available from www.iom.int/sites/default/files/country_appeal/file/Finalised-Appeal-Burundi-Repatriation.pdf

Keusch, M. and N. Schuster

2012   *European Good Practice Examples of Migration and Development Initiatives with a Particular Focus on Diaspora Engagement.* Vienna Institute for International Dialogue and Cooperation, Vienna.

Masabo, J.

2015   Making the EAC regime beneficial to female migrant workers. *African Journal of International and Comparative Law*, 24(4): 541–560.

Nangale, G.

2012   The Role of the State in Economic Development: Employment Challenges in Eastern Africa – The Case of Tanzania. A Country Paper Presentation at the Friedrich Ebert Stiftung (FES) Eastern African Conference on Employment Policies in Nairobi, Kenya. September 24–25, 2012. Dar es Salaam.

National IT Industry Promotion Agency, Republic of Korea and East African Community

2012   Feasibility Study on Developing Harmonized E-immigration Information Systems for the East African Community (EAC) Region. East African Community Secretariat, Arusha.

Institute for Social Law and Policy

2016   Draft Report on Access to Social Security for Migrant Workers from Africa, Including Portability Regimes, September 2016.

Organization for African Union

2001   Organization for African Union Council of Ministers, Decision CM/Dec 614 (LXXIV).

Oucho J., L. Oucho and A. Ong'ayo

2013   *The Biggest Fish in the Sea? Dynamic Kenyan labour migration in the East African Community.* Research report, ACPOBS/2013/ PUBO2. ACP Observatory on Migration and IOM, Brussels. Available from https://publications.iom.int/books/biggest-fish-sea-dynamic-kenyan-labour-migration-east-african-community

Parker, J.

2005   International migration data collection: A paper prepared for policy analysis and research programme of the Global Commission on International Migration. Global Commission on International migration (GCIM). Available from www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/policy_and_research/gcim/tp/TP11.pdf

Samuel Hall

2017   Understanding intra-regional labour migration in the East African Community (EAC): Literature review. June 2017. (n.p.).

United Nations Department of Economic and Social Affairs, Statistics Division

1998   *Recommendations on Statistics of International Migration, Revision 1*. ST/ESA/STAT/SER.M/58/Rev.1. United Nations, New York.

United Nations

n.d.   Transforming our world: The 2030 Agenda for Sustainable Development. Available from https://sustainabledevelopment.un.org/post2015/transformingourworld (accessed May 2018).

Van Panhuys, C., S. Kazi-Aoul and G. Binette

2017   Migrant access to social protection under Bilateral Labour Agreements: A review of 120 countries and nine bilateral arrangements. Extension of Social Security Working Paper No. 57. ILO, Geneva.

WEBSITES/ONLINE SOURCES

East African Legislative Assembly

n.d.   Facts and figures. Available from www.eala.org/assembly/
category/facts-and-figures

International Monetary Fund (IMF)

n.d.   Report for selected countries and subjects. Available from
www.imf.org/external/pubs/ft/weo/2016/01/weodata/
weorept.aspx?sy=2010&ey=2017&scsm=1&ssd=1&sort=
country&ds=.&br=1&pr1.x=58&pr1.y=17&c=618,714,733,
738,746,664&s=NGDP,NGDPD,NGDPDPC,LP&grp=0&a

International Organization for Migration (IOM)

2017   Kenya unveils National Migration Coordination Mechanism.
Press release, 22 July. Available from www.iom.int/news/
kenya-unveils-national-migration-coordination-mechanism

Kapinga, W.

2015   Tanzania: Legislative update 2015. Simmons & Simmons
elexica.   Available   from   www.elexica.com/services/
CreatePDF.ashx?url=http://www.elexica.com/nl-NL/legal-
topics/projects/17-tanzania-legislative-update-2015&name=
Tanzania%3A+legislative+update+2015

**Kenya, Ministry of Interior and Coordination of National
Government**

2015   Directorate of Immigration and Registration of Persons.
Available   from   www.interior.go.ke/index.php/2015-02-
28-06-43-52/state-department-of-interior/directorate-of-
immigration-registration-of-persons

Kenya, Ministry of Interior and Coordination of National Government, Directorate of Immigration and Registration of Persons, Department of Immigration Services

n.d.   Permits and passes. Available from www.immigration.go.ke/b-permits-or-passes/

Kenya National Bureau of Statistics

n.d.   Publications. Available from www.knbs.or.ke/publications/

Kenya Vision 2030

n.d.   Homepage. Available from www.vision2030.go.ke

United Republic of Tanzania, National Bureau of Statistics, Ministry of Finance

2016   *Formal Sector Employment and Earnings Survey, 2015: Tanzania Mainland.* Available from http://nbs.go.tz/nbs/takwimu/labour/EES_2015_REPORT.pdf

World Bank

n.d.a.   World Development Indicators: Burundi. Available from https://data.worldbank.org/country/burundi (accessed January 2018).

n.d.b.   World Development Indicators: Kenya. Available from https://data.worldbank.org/country/kenya (accessed March 2018).

n.d.c.   World Development Indicators: Rwanda. Available from https://data.worldbank.org/country/rwanda (accessed August 2018).

ANNEX I: SCHEDULE OF COMMITMENTS FOR FREE MOVEMENT OF WORKERS (PILOT COUNTRIES ONLY)

Partner State	Category of workers				Implementation date
	Major groups	Subgroup	Minor groups	Occupational titles	
Burundi		Physical, mathematical and engineering science professionals	Physicists, chemists and related professionals		2010
			Mathematicians, statisticians and related professionals		
			Computing professionals		
			Architects, engineers and related professionals		

Partner State	Category of workers				Implementation date
	Major groups	Subgroup	Minor groups	Occupational titles	
		Life science and health professionals	Life science professionals		
			Health professionals		
			Nursing and midwifery professionals		
		Teaching professionals	University teachers		
		Other professionals	Business professionals		
			Archivists, librarians and related professionals		
			Social science and related professionals		
			Writers and creative or performing artists		
			Religious professionals		

2010								
Chairman; Company director; Company/Chief executive	Company secretary/ Executive	University president	University rector	Vice chancellor	Director, Educational institution	Principal, Training college/ educational institution	Company secretary	University/College principal
Managing directors	Executive secretaries	University vice chancellors			Other school/ institutional principals		Company secretaries	University/College principals
Directors and chief executives								
Administrators and managers								
Kenya								

Partner State	Category of workers				Implementation date
	Major groups	Subgroup	Minor groups	Occupational titles	
		Specialized departmental managers	Finance managers	Accounts controller	
				Finance controller	
				Finance officer	
				Accounting manager	
				Budget manager	
				Finance manager	
				Finance and administration manager	
				Ship purser	
			Administration managers	Administration manager	

Organization and methods manager; Marketing manager; Accounting manager; Sales manager; Sales and marketing manager; Sales promotion	Export manager	Import manager	Export/Import manager	Advertising manager	Public relations manager	Distribution manager	Procurement manager
Organization and methods managers, sales and marketing managers	Export–Import managers			Public relations manager and advertising managers		Supplies and distribution managers	

Partner State	Category of workers				Implementation date
	Major groups	Subgroup	Minor groups	Occupational titles	
				Purchasing manager	
				Supplies manager	
				Warehouse manager	
			Information technology managers	Computing services manager	
				Data processing manager	
				Data processing system operations manager	
				Information systems manager	
			Research, planning and development managers	Planning and development manager	
				Research manager	

				2010
Professionals	Other departmental managers	Other departmental managers	Research and development manager	
		Production and operations managers	Plant operations manager	
			Quality control manager	
			Workshop manager	
			Other departmental managers	
	Physical science professionals	Physicists and related professionals	Physicist; Geologist; Hydrologist; Meteorologist	
		Chemists	Chemical analyst; Physical analyst; Food analyst	

Partner State	Category of workers				Implementation date
	Major groups	**Subgroup**	**Minor groups**	**Occupational titles**	
		Mathematicians, statisticians and computing professionals	Mathematicians and related professionals	Actuarial mathematician (Applied mathematics and Pure mathematics); Operations research analyst; Mathematical statistician	
			Statisticians	Biometrician; Biostatistician; Statistician; Applied demographer	
			Computing professionals	Systems analyst; Computer programmer; Database administrator; Computer scientist	
		Engineering science professionals	Architects and town planners	Architect; Quantity surveyor; Town planner; Traffic planner	

Surveyors and cartographers	Surveyor; Land surveyor; Photogrammetrist; Hydro-surveyor; Cartographer
Civil engineers	Civil engineer; Structural engineer; Highway, road and street construction engineer
Mechanical engineers	Mechanical engineer;
	Mechanical engineer (Motor and engines); Agricultural engineer; Heating, ventilation and refrigeration engineer
Chemical engineers and technologists	General chemical engineer
	Petroleum chemical engineer
	Food and drinks technologist; Laboratory technologist

Partner State	Category of workers				Implementation date
	Major groups	Subgroup	Minor groups	Occupational titles	
			Mining engineers, metallurgists and related technologists	Mining engineer; Ceramics technologist; Glass technologist; Metallurgist; Drilling engineer; Software engineer; Telecommunications engineer; Electronics engineer; Electrical engineer	
			Production and related engineers	Production engineer; Textile/Leather technologist; Maintenance engineer	
		Health and life science professionals	Health professionals	Medical doctor; Medical research officer; Dentist; Veterinarian; Veterinary research officer; Pharmacist	
			Nursing and mid-wifery professionals	Hospital matron; Nurse; Public health nurse; Midwife	

Teaching professionals	Life science professionals	Biologist; Botanist; Zoologist; Ecologist
	Secondary and technical institute teachers and instructors	High school teacher; Head teacher; Principal; Technical college instructor; Polytechnic instructor
	Special education teaching professionals	Teacher of the blind; Teacher of the deaf; Teacher of the mentally handicapped
	Education methods	Education
	Advisers and assessors	Methods adviser; Curriculum developer; Field educator; Education assessor; Audiovisual and other teaching aids specialist
	Other teaching professionals	Technical/Job instructor; Teaching professional not classified elsewhere

Partner State	Category of workers				Implementation date
	Major groups	Subgroup	Minor groups	Occupational titles	
		Legal professionals	Lawyers	Advocate; Legal officer	
		Social science and related professionals	Economists	Macro-economists; Micro-economist	
			Psychologists	Clinical psychologist; Occupational psychologist	
			Sociologists, anthropologists and related professionals	Anthropologist/ Archeologist; Geographer	
			Historians and political scientists	Historian; Political scientist	
			Philologists, translators and interpreters	Philologist; Translator; Linguist; Interpreter	

Business professionals	Accountants, personal and occupational professionals	Accountant vocational; Guidance counsellor; Occupational analyst; Management analyst; Human resource specialist; Counsellor
	Other business professionals	Public relations officer; Market research analyst; Advertising executive; Home economist
Other professionals	Archivists, librarians and related professionals	Archivist; Art gallery and museum curator; Librarian/ Documentalist; Book publisher
	Religious professionals	Minister of religion; Father-in-charge/Parish priest; Chaplain
	Authors, journalists and related professionals	Author; Journalist; Editor; Press/Information officer; Radio and television announcer

Partner State	Category of workers				Implementation date
	Major groups	Subgroup	Minor groups	Occupational titles	
			Sculptors, painters and related professionals	Sculptor; Artist; Cartoonist; Engraver and etcher; Graphic artist; Other artists	
			Composers, musicians, singers and choreographers	Music composer; Instrumentalist; (Orchestra) Orchestrator; Orchestra conductor; Vocal group conductor; Concert and opera singer	
	Technicians and associate professionals	Engineering technicians	Technical draughtsmen	Mechanical draughtsman; Electrical draughtsman; Architectural draughtsman; Civil engineering draughtsman; Cartographic draughtsman; Technical illustrator; Lithographic artist	2010

Civil engineering and related technicians	Civil engineering technician; Building engineering technician; Clerk of works; Survey technician; Soil technician
Mechanical engineering and related technicians	Mechanical engineering technician; Heating, ventilation and refrigeration technician armourer
Electrical engineering technicians	Electrical engineering technician; Electricity tracer
Electronics and telecommunications engineering technicians	Electronic engineering technician; Telecommunication engineering technician; Computer technician
Chemical engineering technicians	Chemical engineering technician; Chemical process technician; Petroleum technician

Partner State	Category of workers				Implementation date
	Major groups	Subgroup	Minor groups	Occupational titles	
			Photographers, image and sound recording equipment controllers	Photographer; Camera operator (Motion picture); Television camera operator; Cinematographer; Sound recording operator	
			Broadcasting and telecommunications equipment controllers	Radio-telephone communication operator; Telegrapher/Signaler; Ship radio officer; Flight radio officer; Broadcasting station operator; Cinema projectionist; Public address equipment operator; Radio communications operator	
		Medical and health science associated professionals	Medical assistants and clinical officers	Medical assistant; Audiometrist; Technician anaesthetic; Clinical officer/assistant; Vaccinator	

Sanitarians	Sanitarians; Public health technician/inspector; Sewage superintendent/technician
Optometrists and opticians	Optometric technician; Dispensing optician
Dental technicians	Dental technician; Dental hygienist
Physiotherapists and related associate professionals	Physiotherapist; Osteopath; Podiatrist; Orthopedic technician; Medical X-ray and radio technician
Veterinary assistants	Veterinary assistant; Nurse; Animal technician; Dip/ Veterinary; Vaccinator
Pharmaceutical assistants	Pharmaceutical assistant; Shop assistant; Chemist
Other associate medical, nursing and nutrition workers	Nutrition technician; Herbalist

Partner State	Category of workers				Implementation date
	Major groups	Subgroup	Minor groups	Occupational titles	
		Physical and life science professionals	Physical and chemical science technicians	Chemistry laboratory technician; Physics laboratory technician	
			Life science technicians	Biology laboratory technician; Medical laboratory technician; Drug inspector	
			Agronomy and forestry technicians	Agronomy and forestry technician; Soil science technician	
		Ship and aircraft controllers	Ship's desk officers and pilots	Ship's master (Captain); Ship navigating officer; Ship pilot; Marine superintendent officer (Deck)	
			Aircraft pilots and related workers	Passenger aircraft pilot; Cargo and service aircraft pilot; Flight navigator; Flight engineer; Air traffic safety technician	

	Air traffic controllers	Air traffic controller
Business and social services associate professionals	Insurance brokers and agents	Insurance broker; Insurance underwriter; Insurance salesman; Insurance claims officer/assessor
	Real estate agents	Real estate salesman; Real estate broker; Realtor; Property salesman
	Buyers, appraisers and auctioneers	Purchasing agent; Appraiser/Valuer; Auctioneer
Primary and Pre-primary education and other teachers	Primary education teachers	Primary education teacher; Lower primary education teacher; Upper primary education teacher
	Pre-primary education teachers	Pre-primary education teacher; Kindergarten teacher; Nursery school teacher

Partner State	Category of workers				Implementation date
	Major groups	Subgroup	Minor groups	Occupational titles	
			Other teachers and instructors	Adult education teacher; Driving instructor; Flying instructor; Animal trainer	
		Other business social services, athletics, sports and related workers	Non-ordained religious assistants	Non-ordained religious assistant; Faith healer, Catechist; Missionary and related worker	
			Social workers and helpers	Social welfare worker (General); Psychiatric social worker; Culture centre worker; Institutional housemother; Library assistant; Information assistant	
			Athletes, sportspersons and other related workers	Sportsperson; Sports coach; Physical trainer/ instructor	

Decorators and commercial designers	Radio, television and other announcers	Street, nightclub and related workers Acrobats, clowns, magicians and related workers	Safety, health and quality inspectors/ controllers
Commercial artist; Decoration designer; Interior decoration designer; Fashion designer; Industrial designer; Sign writer	Radio and television announcer/commentator; Compeer	Band conductor; Instrumentalist (except orchestra); Singer (Vocalist); Dancer; Acrobat; Aerialist; Clown; Magician	Meat inspector/grader; Occupational health and safety inspector; Consumer products health and safety inspector; Consumer products quality inspector/controller; Pollution safety and health inspector

Partner State	Category of workers				Implementation date
	Major groups	**Subgroup**	**Minor groups**	**Occupational titles**	
	Craft and related trades workers	Extraction and building trades workers	Mechanical, electrical, building and fire inspectors		2010
			Metal, machinery and related trades workers	Builder (Traditional houses); Stonemason; Concrete block maker; Brick and tile moulder; Floor layer; Carpenter; Plumber; Roofer; Glazier; Painter; Building electrician	
		Metal, machinery and related trades workers	Metal moulders, welders, structural-metal preparers and related trade workers	Metal moulder; Core maker; Welder; Sheet metal worker; Sheet metal maker; Tinsmith; Boiler smith; Coach builder; Panel beater; Structural metal worker; Construction steel erector; Rigger; Rope and cable splicer; Underwater worker	

Blacksmiths, tool makers and related trade workers	Smith; Gunsmith; Metal former; Tool and die maker; Metal working machine tool setter; Lathe setter; Milling machine setter; Drilling machine setter; Planning machine; Grinding machine setter; Cutting instrument sharpener; Saw doctor; Metal spinner; Buffing and polishing machine operator; Textile card grinder
Machinery mechanics and fitters	Motor vehicle mechanic; Diesel engine fitter; Motorcycle mechanic; Aircraft engine fitter; Airframe fitter – assembler; Marine engine fitter – assembler; Turbine fitter – assembler; Metalworking machine-tool fitter – assembler

Partner State	Category of workers				Implementation date
	Major groups	Subgroup	Minor groups	Occupational titles	
			Electrical equipment fitters and installers	Electrical fitter; Electrical motor and generator fitter; Electrical transformer fitter; Electrical instrument fitter; Maintenance electrician; Vehicle electrician; Electrical repairman	
			Electronics equipment fitters and servicers	Electronics fitter assembler; Electronics fitter (Radio-TV and radar equipment); Electronics fitter (Medical equipment); Computer and related equipment fitter; Electronic fitter (Industrial equipment); Refrigeration and air-conditioning fitter; Electronic signaling system fitter; Office machine mechanic; Electronic products inspector	

Rwanda	Professionals	Physical science professionals			2010
			Electrical linesmen and cable jointers	Telephone and telegraphic equipment installer; Telephone and telegraphic equipment mechanic; Electronic equipment fitter and servicer	
				Electrical power linesman; Electrical traction	
				Linesman; Telephone and telegraph linesman; Electrical cable jointer	
			Solar equipment fitters and installers	Solar equipment fitter and installer	
		Physicists and related professionals, chemists		Physicist; Geologist; Hydrologist; Meteorologist	

Partner State	Category of workers				Implementation date
	Major groups	Subgroup	Minor groups	Occupational titles	
		Mathematicians, statisticians	Mathematicians and related professionals	Chemical analyst; Physical chemist; Food chemist; Mathematician (Applied mathematics and Pure mathematics); Actuary; Operations researcher	
		Engineering science professionals	Architects and town planners	Architect; Quantity surveyor; Town planner; Traffic planner	
			Surveyors and cartographers	Surveyor; Land surveyor; Photogrammetrist; Hydro-surveyor; Cartographer	
			Civil engineers	Civil engineer; Structural engineer; Highway, road and street construction engineer	
			Mechanical engineers	Mechanical engineer; Mechanical engineer (Motor and engines); Agricultural engineer; Heating, ventilation and refrigeration engineer	

Health and life science professionals	Chemical engineers and technologists	General chemical engineer; Petroleum chemical engineer; Food and drinks technologist, Laboratory technologist
	Mining engineers, metallurgists and related technologists	Mining engineer; Ceramics technologist; Glass technologist; Metallurgist; Drilling engineer
	Health professionals	Medical doctor; Medical research officer; Dentist
	Life science professionals	Biologist; Botanist; Zoologist; Ecologist
Teaching professionals	Secondary and technical institute teachers and instructors	High school teacher; Head teacher; Principal; Technical college instructor; Polytechnic instructor
	Special education teaching professionals	Teacher of the blind; Teacher of the deaf; Teacher of the mentally handicapped

Partner State	Category of workers				Implementation date
	Major groups	Subgroup	Minor groups	Occupational titles	
	Technicians and associated professionals	Engineering technicians	Technical draughts persons	Engineering technician	2010
			Civil engineering and related technicians		
			Medical equipment operators		
			Physiotherapists and related associate professionals		
		Optical and electronic equipment operators			
United Republic of Tanzania	Professionals	Teaching	University and higher education teachers	PhD holder	2010

Year	Profession	Category	Sector
2015	Teacher (Mathematics, Physics, Biology and Foreign Languages)	Secondary school teachers	
2010	Teacher (English medium primary school); Degree holder (not applicable in the islands)	Primary school and early childhood teachers	
	Tutor (Agricultural colleges); Master's degree holder; Teacher (Vocational education training) in any field provided the teacher is a holder of a master's degree	Other teaching professionals	
2010	Cultural heritage tutor/teacher	Cultural heritage	
2011	Mining engineer	Engineering professionals (excluding Electro-technology)	Engineering
2011	Geomorphologist		

Partner State	Category of workers				Implementation date
	Major groups	Subgroup	Minor groups	Occupational titles	
				Civil engineer	2010
				Railways construction engineer; Sewerage and sanitary engineer; Civil/ Irrigation engineer; Soil mechanic engineer; Dock construction engineer	2012
		Science	Life science	Agricultural field officer (at least a diploma holder)	2015
		Health	Medical doctors and practitioners	Medical officer	2015
				Specialist in another field	2010
				Nurse and midwife	2010
		Land surveying	Surveyors	Cadastral surveyor and cartographer	2015
	Technicians and associate professionals	Air traffic	Air traffic controllers	Air traffic controller	2012

ANNEX II: STAKEHOLDER LISTS

Regional methodology and steering committee meetings for supporting labour mobility in the East African Community Project

- World Bank
- International Labour Organization (ILO)
- Ministry of Home Affairs, United Republic of Tanzania
- International Organization for Migration (IOM) Kenya
- IOM United Republic of Tanzania
- IOM Rwanda
- IOM Burundi
- Arcadia Advocates
- Burundi Labour Commissioner
- East African Community (EAC) Secretariat
- Directorate of Immigration and Registration of Persons Kenya
- Prime Minister's Office Labour, Youth, Employment and Persons with Disability (PMO-LYED), United Republic of Tanzania
- Directorate of Nationality, Passports and Immigration, South Sudan
- Directorate General of Immigration and Emigration, Rwanda

BURUNDI

TOTAL OF 6 MIGRANTS

- 2 Rwandans
- 1 Tanzanian
- 1 Ugandan
- 2 (Undisclosed – EAC citizen)

STAKEHOLDER PLANNING MEETING AND CONSULTATION

- IOM Burundi
- Arcadia Advocates
- Ministry of Labour
- Ministry to the Office of the President Responsible for EAC Affairs
- Ministry of Public Security and Disaster Management
- Association des Employés du Burundi (AEB)
- Confederation of Trade Unions of Burundi (COSYBU)
- Ministry of Foreign Affairs
- L'Office Burundais de l'Emploi (OBEM)
- L'Office National de Protection des Réfugiés et Apatrides (ONPRA)
- Institute of Statistics and Economic Studies of Burundi (Institut de Statistiques et d'Études Économiques du Burundi, ISTEEBU)
- L'Agence Burundaise pour l'emploi des jeunes (ABEJ)
- Intercontact Services
- Ministry of Human Rights, Social Affairs and Gender

VALIDATION OF FINDINGS

- IOM Burundi
- Arcadia Advocates
- La Commission Nationale Indépendante des Droits de l'Homme (CNIDH)
- Ministry of Labour
- Ministry to the Office of the President Responsible for EAC Affairs
- Ministry of Public Security and Disaster Management
- AEB
- COSYBU
- Ministry of Foreign Affairs
- OBEM
- ONPRA
- ISTEEBU
- ABEJ
- Intercontact Services
- Ministry of Human Rights, Social Affairs and Gender
- Civil society association: MD-MAH

REVALIDATION OF THE REPORT

- IOM Burundi
- Arcadia Advocates
- CNIDH
- Ministry of Labour
- Ministry to the Office of the President Responsible for EAC Affairs
- Ministry of Public Security and Disaster Management

- AEB
- COSYBU
- Ministry of Foreign Affairs
- OBEM
- ONPRA
- ISTEEBU
- ABEJ
- Intercontact Services
- Ministry of Human Rights, Social Affairs and Gender

KENYA

TOTAL OF 6 MIGRANTS

- 1 Tanzanian in the finance sector
- 2 Tanzanian businesspersons
- 1 Ugandan in the banking industry
- 1 Ugandan social worker
- 1 Ugandan (Dependant of a migrant)

STAKEHOLDER PLANNING MEETING AND CONSULTATION

- IOM Kenya
- Arcadia Advocates
- Ministry of Labour
- National Registration Bureau (NRB) Kenya
- Civil Registration Department
- Refugee Affairs Secretariat
- Kenya National Employment Authority (NEA)

- National Productivity and Competitiveness Centre
- Directorate of Immigration and Registration
- African Migration and Development Policy Centre
- Kenya National Commission on Human Rights

VALIDATION OF FINDINGS

- IOM Kenya
- Arcadia Advocates
- Department of Immigration
- NRB Kenya
- Ministry of Labour

REVALIDATION OF THE REPORT

- IOM Kenya
- Arcadia Advocates
- NEA
- Ministry of Labour
- NRB Kenya

RWANDA

TOTAL OF 7 MIGRANTS

- 2 Ugandan lawyers
- 2 Ugandans in the financial sector
- 1 Tanzanian
- 1 Burundi businesswoman
- 1 Burundi

STAKEHOLDER PLANNING MEETING AND CONSULTATION

- IOM Rwanda
- Arcadia Advocates
- Ministry of Foreign Affairs and Cooperation (MINAFFET)
- Rwanda Development Bank (RDB)
- Ministry of Public Service and Labour (MIFOTRA)
- Kigali Employment Service Centre (KESC)
- The Trade Union Centre of Workers of Rwanda (CESTRAR)
- Directorate General of Immigration and Emigration (DGIE)

VALIDATION OF FINDINGS

- IOM Rwanda
- Arcadia Advocates
- MINAFFET
- RDB
- MIFOTRA
- KESC
- CESTRAR
- DGIE
- District Labour Inspection Officers

REVALIDATION OF THE REPORT

- IOM Rwanda
- Arcadia Advocates
- MINAFFET
- National Institute of Statistics and Research

- RDB
- MIFOTRA
- KESC
- CESTRAR
- DGIE
- District Labour Inspection Officers

UNITED REPUBLIC OF TANZANIA

TOTAL OF 12 MIGRANTS

- 3 Ugandans
- 4 Burundians (refugee status)
- 2 Kenyans
- 1 South Sudan businessman
- 2 (undisclosed – EAC citizen)

STAKEHOLDER PLANNING MEETING AND CONSULTATION

- IOM United Republic of Tanzania
- Arcadia Advocates
- EAC Secretariat
- Tanzania Investment Centre (TIC)
- Zanzibar Social Security Fund (ZSSF)
- Immigration Services Department, United Republic of Tanzania
- Capital Markets and Securities Authority (CMSA)
- Immigration Services Department, United Republic of Tanzania (Zanzibar Office)

- Ministry of Industry, Trade and Investment (MITI)
- Ministry of Foreign Affairs and East African Cooperation
- Bank of Tanzania
- Asylum Access Tanzania (AATZ)
- PMO-LYED United Republic of Tanzania
- Association of Tanzania Employers (ATE)
- Tanzania Chamber of Commerce, Industry and Agriculture
- Zanzibar Investment Promotion Authority (ZIPA)

VALIDATION OF FINDINGS

- IOM United Republic of Tanzania
- Arcadia Advocates
- National Bureau of Statistics (NBS) – United Republic of Tanzania
- Office of the Chief Government Statistician (OCGS) Zanzibar
- Immigration Services Department, United Republic of Tanzania
- International Committee of the Red Cross (Dar es Salaam)
- ZSSF
- Ministry of Labour, Empowerment, Elders, Youth, Women and Children
- Ministry of Industry, Trade and Marketing – Zanzibar (MITM)
- TIC
- Trade Union Congress of Tanzania
- CMSA
- AATZ
- MITI
- PMO-LYED United Republic of Tanzania
- ZIPA
- ATE

REVALIDATION OF THE REPORT

- IOM United Republic of Tanzania
- Arcadia Advocates
- AATZ
- MITI
- ZIPA
- TIC
- President's Office – Zanzibar
- PMO-LYED United Republic of Tanzania
- NBS – United Republic of Tanzania
- ZSSF
- Bank of Tanzania
- Tanzania Chamber of Commerce, Industry and Agriculture
- OCGS – Zanzibar
- Immigration Services Department United Republic of Tanzania

ANNEX III: SAMPLE QUESTIONNAIRE ON MIGRANT WORKER PRACTICES

MIGRATION EXPERIENCES

RESPONDENT'S BACKGROUND AND ADDRESS

Name (optional):
Company/Institution (or type of institution):
1. What is your level of education? ☐ High school ☐ Certificate ☐ Diploma ☐ Undergraduate degree ☐ Masters/PhD ☐ Others *(Please specify)*
2. How did you first hear about the opportunity to work in Burundi?
3. Were you in the Burundi when you found out of the job opportunity? ☐ Yes   ☐ No
4. Was Burundi always a desired destination for you to work? ☐ Yes   ☐ No
5. If yes, why?

6. What requirements did you have to satisfy in order to get that job/position?
(Tick appropriate response.)

- ☐ Be a national of one of the East African countries
- ☐ Possess qualifications that locals do not already have
- ☐ Have an employment contract
- ☐ Have a business proposal and proof of finances to conduct a business
- ☐ Have an entry visa
- ☐ Have a work permit
- ☐ Others *(Please list below)*

7. How long did it take for you to acquire a work/residence permit?
(Tick appropriate response.)

☐ 3 days   ☐ 1 week   ☐ 1 month   ☐ Unpredictable

☐ Others *(Please indicate)*

8. Can you *(Tick appropriate response)*:

- ☐ Apply for a new/another job in Burundi?
- ☐ Hold a retirement benefit scheme in Burundi?
- ☐ Own property for business such as land or office complex?
- ☐ Pay taxes at the local/residence rate?
- ☐ Join trade or workers' unions?
- ☐ Institute a suit in the local courts on employment-related issues?

9. Do you receive equal treatment or have the same opportunities for work that are available to nationals? If yes, please list examples.

10. If no, please list examples of unequal treatment.

11. Are there favourable treatment for female migrants in Burundi? *(Please explain)*

12. With your skills level, do you receive preferred treatment at your place of work? *(Please provide examples.)*

13. What are the main challenges you have faced with:

☐ Acquiring a work permit?

☐ Joining a labour/workers' union?

☐ Saving with a retirement scheme?

☐ Having your family and dependants visit or join you?

☐ Getting work permits for your dependants?

14. Have you experienced any of the following challenges? *(Please tick appropriate responses.)*

☐ Physical or sexual harassment/violence

☐ Restriction of movement

☐ Debt bondage

☐ Forced labour

☐ Withholding, underpayment or delayed payment of wages and benefits

☐ Retention of passports or identity or travel documents

☐ Threat of denunciation to authorities, particularly in those sectors that are outside the usual avenues of regulation and protection, such as domestic work

☐ Others *(Please list below.)*

15. If yes, have you been able to seek remedies through: *(Please tick appropriate responses)*

☐ A suite before a labour tribunal?

☐ Hearings before a special committee for migrants?

☐ Report to the police?

☐ Report to the company Human Resource or Disciplinary Committee at work?

☐ Others *(please list below)*

16. Do you need to satisfy any requirements before exiting Burundi or terminating your contract?

☐ Yes   ☐ No

17. What other country would you prefer to work in and why? *(Please tick and explain.)*

☐   Kenya _____

☐   Uganda _____

☐   United of Republic of Tanzania _____

☐   South Sudan _____

☐   Rwanda _____

18. Do you have any recommendations that would make your migration and settlement in Burundi better?