Migration Governance Snapshot: the Republic of Ghana

May 2018

In 2015, IOM developed a Migration Governance Framework (MiGOF) to help countries define what “well-managed migration policy” might look like at the national level. The MiGOF was welcomed by IOM’s Member States in the same year. The Migration Governance Indicators (MGI)1 were developed to assist countries operationalize the MiGOF by using a standard set of approximately 90 indicators which could be applied across six key policy domains.

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

This country snapshot describes the well-governed areas of the Republic of Ghana’s (hereafter referred to as Ghana) migration governance structures and areas with potential for further development, as evaluated by the six domains of the MGI.

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

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

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

International conventions ratified

<table>
<thead>
<tr>
<th>Convention name</th>
<th>Ratified</th>
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<tr>
<td>ILO Migration for Employment Convention (Revised), 1949 (No. 97)</td>
<td>No</td>
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<tr>
<td>Convention Relating to the Status of Refugees, 1951</td>
<td>Yes (1963)</td>
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<tr>
<td>Convention relating to the Status of Stateless Persons, 1954</td>
<td>No</td>
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<td>Convention on the Reduction of Statelessness, 1961</td>
<td>No</td>
</tr>
<tr>
<td>ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)</td>
<td>No</td>
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Migration Governance: examples of well-developed areas

Ghana provides access to health, education and social security to all immigrants legally residing in the country; this includes refugees who are registered by the Ghana Refugee Board. The National Health Insurance Scheme allows for coverage of health-care services to legal residents of Ghana. In the case of education, children in Ghana have access to public primary and secondary schools, and admission does not require a residence permit. Permanent residents can also access university education. Social security is accessible to immigrants and their families in Ghana. Furthermore, nationals of the “Strategies for extending social security to migrant workers and their families from and within Africa” Project (MIGSEC Project) countries can transfer social security benefits to their home country.

Ghana offers immigrants a path to permanent residency. To change the status of a residence permit from temporary to permanent, applicants must meet certain criteria, including living in the country for at least one year prior to submitting the application; living in the country for at least five of the seven years preceding the application; and attestation by two Ghanaian notaries. Furthermore, in accordance with the provisions within Part II (Sections 9–15) of the Ghanaian Citizenship Act of 2000, foreigners are entitled to apply for and acquire Ghanaian citizenship. In order to obtain “citizenship by registration”, an applicant must have spent at least five years in Ghana prior to the date of the application. However, if the foreign resident applies for a “citizenship by naturalization”, they need to have resided in Ghana for at least one year immediately preceding the date of application, and for an aggregate period of not less than five years during the seven years immediately preceding the date of application.

Areas with potential for further development

With regard to access to education, while children of immigrants are given equal access to primary and secondary education in Ghana, this parity does not exist for tertiary education.

Permanent residents can accept private-sector employment, albeit with some restrictions. Ghanaian labour law makes no mention of immigrants’ rights in accessing public-sector employment. To this end, the Ministry of Employment Labour Relations has stated that a Labour Migration Policy is being developed with the support of the International Organization for Migration (IOM).
2. Formulates policy using evidence and whole of government approach

Migration Governance: examples of well-developed areas

Ghana has a well-defined national migration policy that addresses legal and regulatory aspects of migration. The Immigration Act (573) of 2000, the Immigration Amendment Act (848) of 2012, and the Immigration Regulations (L.I 1691) of 2001 serve as Ghana’s primary legislation regulating immigration. Furthermore, a sound legislative framework regulates and monitors labour emigration from the country. For instance, specific provisions of the Labour Act 2003 and Labour Regulation 2007 prohibit the recruitment of employees outside of Ghana without proper documentation and authorization from the Chief of Labour Officer, who is the Head of the Labour Department.

The National Migration Policy (2016) for Ghana serves as the country’s official migration strategy document. It includes goals, objectives and strategies for the country, such as diaspora engagement as a vehicle for economic growth. Ghana’s Migration Unit, an inter-ministerial body under the auspices of the Ghanaian Ministry of the Interior, is responsible for coordinating national activities in the area of migration and helping with the development of a coherent migration policy framework for the country. Furthermore, there are other official structures that also facilitate the mainstreaming of migration and support government ministries, departments and agencies with migration data and policy direction. These include the Diaspora Relations Office (under the Office of the President), the Diaspora Affairs Bureau (under the Ministry of Foreign Affairs and Regional Integration), and the National Development Planning Commission.

Ghana exhibits a high level of transparency in terms of migration regulation and policy coherence. Its Immigration Service website is easy to understand and clearly lists the requirements for different visa categories. Web pages of agencies such as the Ministry of the Interior and the Ghana Refugee Board are also easily accessible and the information provided is user-friendly. The National Migration Policy illustrates the country’s efforts to enhance migration policy coherence. To promote efficiency and reduce duplication of remit, the document explicitly highlights roles and responsibilities of over 20 government agencies concerned with policy implementation.

Areas with potential for further development

Although the Ghana Immigration Service (GIS) regularly collects data on migration, there are no publicly available data sets beyond 2008; data collected from 2003 to 2017 are available only by formal request. Moreover, the data in these reports do not cover a comprehensive list of migration themes and touch on only a few indicators related to inflows and diaspora members.

While the Ghana Statistical Service, through chapter 10 of its Population and Housing Census – National Analytical Report, and chapter 6 of its Ghana Living Standards Survey Report, publishes data on international migration patterns, flows, and distribution of immigrants in the country, there is still scope for overall improvement to ensure that data are updated and easily available to the public. Data-sharing among the various departments managing migration in Ghana is recommended in order to avoid overlapping of work and to collect data on migrants more effectively.

3. Engages with partners to address migration and related issues

Migration Governance: examples of well-developed areas

Ghana has agreements in place with many countries concerning cooperation on labour migration. Bilateral agreements include the US–Ghana Trade and Investment Framework Agreement and two agreements
between Ghana and Kenya centred on the development of partnerships in Air Services and Trade. In 2011, Ghana also signed bilateral agreements with Turkey on Bilateral Air Services, Health and Medical Sciences, Military Training and Science, and Mutual Abolition of Visas for Holders of Diplomatic Passports.

With the intention of ensuring that migration takes place in accordance with internationally agreed principles and procedures, Ghana is a participant of the Global Forum on Migration and Development (GFMD).

Ghana is also involved in the promotion of dialogue and cooperation on international migration at the regional level. A member of the Migration Dialogue in West Africa (MIDWA) and the Mediterranean Transit Migration Dialogue (MTM), Ghana is also part of the Economic Community of West African States (ECOWAS), which seeks to promote freedom of movement for nationals of member countries. The ECOWAS Protocol on Free Movement of Persons and the Right of Residence and Establishment “testifies to member countries’ determination to place the free intra-regional movement of persons at the heart of the regional integration process.”

**Areas with potential for further development**

Ghana still has scope for greater cooperation and integration into global migration governance structures. It has not yet signed or ratified the ILO Migration for Employment Convention, 1949, nor the ILO Migrant Workers (Supplementary Provisions) Convention, 1975. It is also yet to ratify the Convention on Statelessness, although processes have been restarted by the Ministry of the Interior and the Ministry of Foreign Affairs and Regional Integration to this end. Furthermore, Ghana’s legal framework could be strengthened with bilateral agreements, especially with the Gulf States, with a focus on migrant workers.

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

**Migration Governance: examples of well-developed areas**

The University of Ghana accepts international students wishing to study for a degree, and the Ghanaian Immigration Service grants permits to university students to study in Ghana. The National Accreditation Board is tasked with determining equivalences of diplomas and other credentials awarded within and outside of Ghana. However, the criteria used in this process are not publicly available.

The 2016 National Migration Policy for Ghana cites “remittances and development” as a priority area and lists several strategies for harnessing the development potential of remittances. The document does not acknowledge the substantial work already conducted in this area, suggesting that Ghana only recently began to adopt a comprehensive and dedicated approach to leveraging remittances for national development.

**Areas with potential for further development**

Ghana’s migration policy is not oriented towards local labour market demand, and none of its primary migration agencies report on local demand for foreign labour (GIS, the Migration Unit in the Ministry of the Interior, and the Ghana Refugee Board). Existing visas do not distinguish by skill and/or industry. Furthermore, the government does not collect information on the impact that Ghanaian emigrants have on the local labour market.

Measures have been taken to promote ethical recruitment of foreign workers, but they have not yet been operationalized.
5. Effectively addresses the mobility dimensions of crises

**Migration Governance: examples of well-developed areas**

Ghana has a national strategy with specific provisions for addressing displacement in the case of disasters (National Disaster Management Plan). It explicitly addresses the displacement of individuals in the event of disease epidemics, fires, geological and hydro/meteorological disasters. The country also has strategies in place to effectively manage migratory movements caused by the adverse effects of environmental and climate change. For instance, the National Migration Policy has a chapter devoted to “migration, the environment and climate change”. There is also a contingency plan to manage large-scale population movements in times of crisis.

There are well-defined systems and processes in Ghana to disseminate information to the whole population, including immigrants, in times of crisis. All immigrants in Ghana have access to humanitarian aid regardless of their legal status.

The country makes exceptions to standard immigration procedures for immigrants coming from countries facing crisis. For instance, the Ghana Refugee Law of 1992 specifically prohibits the expulsion of refugees to countries where a situation is deemed to be disruptive.

**Areas with potential for further development**

While Ghana’s national development policy framework has a dedicated section on management of population and migration for development, the National Migration Policy does not include specific provisions accommodating the return (or protecting the assets) of migrants who flee the country during crises.

Ghana’s National Disaster Management Plan (2010) does not include any specific provisions for assistance to immigrants living in the country. Nor does the Ghana Shared Growth and Development Agenda II – 2014–2017, the medium-term national development policy framework, include measures addressing displacement, such as provisions for refugees or internally displaced persons, or reintegration of returning migrants. Moreover, the mandate of the Disaster Framework is limited to nationals living in the country; there are no measures in place to assist nationals living abroad in times of crisis.

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

**Migration Governance: examples of well-developed areas**

Ghana has sound mechanisms in place to gather information on migration. The Border Patrol Unit of GIS records entries and exits at specific border points, while GIS overall is responsible for controlling, regulating, conditioning and monitoring the status and activities of foreigners in Ghana (such as visa overstays and residence status). Immigration officers in Ghana receive training from the GIS Academy and Training School.

Ghana’s clear admission and eligibility criteria are easily accessible to potential immigrants. GIS highlights procedures for immigration to the country based on the characteristics of the applicant (for example, students or refugees). Forms for visa applications are accessible online, although completed forms must be delivered in hard copy to one of the country’s consular services sites.

The labour laws (outlined in dimension 2) clearly provide the framework under which Ghanaian migrant workers can be recruited for employment outside of Ghana in order to prevent human trafficking and to ensure workers’ safety abroad. The Labour Department issues recruitment licences to private employment
agencies, authorizing them to engage in recruitment of emigrant workers after meeting legal requirements. The Chief Labour Officer issues exit permits to the Comptroller General of GIS or their representative at the point of embarkation as part of the process for the recruitment of emigrants to work under a foreign contract. The Labour Migration Unit of the Department collects data on migrant workers who have been recruited for employment outside of Ghana and takes them through a pre-departure process. The Department continues to monitor the migrant workers once they have reached the destination country.

Ghana is encouraging Ghanaian diaspora members to return to the country. The most recent project related to Migration for Development in Africa (MIDA) aims to encourage Ghanaian health professionals in the diaspora to return – permanently or temporarily. Those who do return are required to perform voluntary services in their area of specialty and facilitate knowledge transfers. Participants from the Ghanaian diaspora who return are incentivized by an opportunity to complete short-term training in the Netherlands. Furthermore, the Diaspora Affairs Bureau (under the Ministry of Foreign Affairs and Regional Integration) was created in 2014 and was tasked with managing diaspora engagement. It is distinct from general consular services, but is housed within the Ghanaian Ministry of Foreign Affairs and Regional Integration.

The Diaspora Affairs Bureau will be moved from the Ministry of Foreign Affairs and Regional Integration in 2018 to the Office of the President in order to provide direct access to Government at the highest level and also to strengthen diaspora engagement.

The Ghana Integrated Migration Management Approach (GIMMA), a European Union-funded project, aims to strengthen the Government’s migration management efforts through enhanced border management and strengthened data collection mechanisms. The three-year project has three main objectives: capacity-building, information outreach and migration data management.

Moreover, strategies are put in place with the aim to combat trafficking in human beings. The Anti-Human Smuggling and Trafficking in Persons Unit of GIS coordinates efforts to tackle migrant smuggling and trafficking in Ghana. The GIS is mandated by law in this regard (Immigration Amendment Act of 2012 (Act 848) and Immigration Act of 2000 (Act 573)). The Ministry of Gender, Children and Social Protection, advised by the Human Trafficking Management Board, collaborates in the prevention, facilitation, and reintegration efforts to assist victims of trafficking in Ghana, as well as in the implementation of the Human Trafficking Act 2005 (Act 694). Moreover, an anti-human trafficking unit (Criminal Investigation Division) has been set up under the Ghana Police Service. Moreover, the Labour Act 2003 and Labour Regulation 2007 provide a clear framework under which Ghanaian migrant workers can be recruited for employment outside Ghana in order to prevent human trafficking and to ensure their safety abroad.

**Areas with potential for further development**

The Labour Act of 2003 enables a private employment agency to recruit workers for employment outside Ghana if the agency has been authorized to do so and if there is a bilateral agreement between Ghana and the other country. However, there are several illegal operators in the labour export industry. The Labour Department needs logistical assistance to be able to monitor the operations of private employment agencies, as well as to collaborate with other stakeholders to tackle illegally operating recruitment agencies in the country.
Key sources

Ghana Immigration Service

Ghana Ministry of the Interior

Ghana National Disaster Management Organization

United Nations High Commissioner for Refugees