Migration Governance Snapshot: the Democratic Socialist Republic of Sri Lanka

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) 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 presents a summary of findings in relation to well-governed areas of the Democratic Socialist Republic of Sri Lanka’s (hereafter referred to as Sri Lanka) migration governance structures and areas with potential for further development, as evaluated by the six domains of the MGI.

A more detailed report of the MGI findings and recommendations for Sri Lanka is forthcoming, with another report to be produced and disseminated by IOM Sri Lanka’s Office in coordination with the Ministry of Foreign Employment.

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

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

International conventions ratified

<table>
<thead>
<tr>
<th>Convention name</th>
<th>Ratified</th>
</tr>
</thead>
<tbody>
<tr>
<td>ILO Migration for Employment Convention (Revised), 1949 (No. 97)</td>
<td>No</td>
</tr>
<tr>
<td>Convention relating to the Status of Refugees, 1951</td>
<td>No</td>
</tr>
<tr>
<td>Convention relating to the Status of Stateless Persons, 1954</td>
<td>No</td>
</tr>
<tr>
<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>
</tr>
<tr>
<td>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990</td>
<td>Yes (1996)</td>
</tr>
</tbody>
</table>

Migration Governance: examples of well-developed areas

Sri Lanka’s National Migration Health Policy stipulates the importance of access to essential preventive and public health services for all immigrants, irrespective of their status or country of origin. Immigrant children and youth, including refugees and asylum-seekers, also have the right to attend primary and secondary education regardless of their legal status in the country. There are no restrictions on immigrants for working in the private sector provided they hold valid work visas. Furthermore, immigrants have equal access to social security schemes such as the Employee Provident Fund and the Employee Trust Fund, and Sri Lanka has social security portability agreements with some OECD countries and the Republic of Korea.

Immigrants with certain categories of visas are eligible to apply for citizenship within five years under specific circumstances.


Areas with potential for further development

Voting rights in Sri Lanka are reserved solely for Sri Lankan citizens. The election commission of Sri Lanka explicitly states that citizenship is one of the basic qualifications required to vote in both national and municipal elections. At the same time, Sri Lankan nationals are not able to exercise their voting rights overseas.

There are no visas offered by Sri Lanka specifically for family reunification, but dependent visas are available for family members of residence visa holders.

There is no pathway for immigrants to obtain permanent residency. Immigrants can extend their residence permits for a limited period, and renew these permits multiple times depending on the visa category.

The Public Service Commission states that non-citizens of Sri Lanka are not eligible for public service employment, although this does not apply if non-citizens serve in an advisory capacity as consultants. Refugees and asylum-seekers are not permitted to work in Sri Lanka, as the country is not party to the Convention Relating to the Status of Refugees.
2. Formulates policy using evidence and whole-of-government approach

Migration Governance: examples of well-developed areas

The responsibility for implementing migration policies is shared among several government ministries. The Department of Immigration and Emigration under the Ministry of Internal Affairs is responsible for managing the movement of people to and from the country, including the issuance of visas and travel documents.

The Ministry of Foreign Employment implements labour emigration policies and coordinates its work with, among others, the Sri Lankan Overseas Missions under the Ministry of Foreign Affairs, for the provision of consular protection and assistance services to Sri Lankan migrant workers.

Sri Lanka has several interministerial coordination bodies that deal with different migration issues, and in doing so, enhance horizontal policy coherence and reduce overlapping efforts. These coordination bodies include the National Border Management Committee, the National Advisory Committee on Labour Migration, the National Steering Committee on Return and Re-integration for Labour Migrants, the National Anti-Human Trafficking Task Force, the National Coordination Committee on Readmission and the Programme Advisory Committee on Safe Labour Migration. To enhance vertical policy coherence, the Ministry of Public Administration and relevant ministries operate with decentralized administrative structures on various migration issues.

The National Labour Migration Policy is the official policy framework that guides emigration for Sri Lankans’ employment in other countries and associated processes. The Policy includes strategies to harness the benefits of labour migration with a view to accelerating development in the country while protecting migrant workers’ rights and well-being. A legislative framework is in place to regulate the foreign employment of Sri Lankans under the authority of a dedicated statutory body, the Sri Lanka Bureau of Foreign Employment, and the overall direction of the Foreign Employment Minister.

The Sri Lanka Bureau of Foreign Employment publishes annual statistics on nationals who are employed abroad. Migration data are also produced by the Department of Census and Statistics through the Census of Population and Housing, which includes questions on the population living abroad temporarily by country of origin, age and sex, as well as the non-national population in Sri Lanka by country of birth, age and sex. The Department of Immigration and Emigration keeps a record of entries, transits and exits of Sri Lankan nationals and non-nationals.

Areas with potential for further development

Sri Lanka’s overarching national development strategy (“Vision 2025”) addresses limited aspects of migration, and thus does not fully recognize the developmental impact that migration may have on the country’s economy and society.

There is no one Government entity in Sri Lanka responsible for designing and enacting emigration and immigration policies. The country has not yet adopted dedicated legislation to comprehensively regulate the employment of emigrants, which could help the Government meet the reported growing labour shortfalls in certain occupations.

Regularly published migration data are limited to the results of the Census of Population and Housing.
3. Engages with partners to address migration and related issues

Migration Governance: examples of well-developed areas

Sri Lanka participates in Regional Consultative Processes such as the Abu Dhabi Dialogue, of which it is currently Chair-in-Office, and the Colombo Process, of which it was Chair until early 2017. The broad purpose of the former is to enhance bilateral and regional cooperation on temporary contract employment. Within the Abu Dhabi Dialogue, among other initiatives, the United Arab Emirates (UAE) and Sri Lanka are currently negotiating a pilot project which would systematize the certification of acquired skills and up-grade training for Sri Lankan workers’ in the construction industry.

One of the key objectives of the Colombo Process is to optimize development benefits from organized overseas employment and to enhance dialogue with countries of destination. Within this Process, Sri Lanka currently chairs the Thematic Working Group on Skills Qualification and Recognition.

Sri Lanka is also an active member of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime.

Sri Lanka has entered into multiple formal and semi-formal agreements with countries of destination for the benefit of its migrant workers. For example, formal bilateral agreements with Italy and Qatar, and memorandums of understanding (MOUs) signed with the Republic of Korea, Malaysia, the United Arab Emirates, Libya, Jordan and Bahrain all aim to better regulate the recruitment processes and procedures for migrant workers in these countries of destination. Another MOU between Sri Lanka and Australia aims to prevent and combat the smuggling of migrants.

Sri Lanka collaborates with civil society in agenda-setting and the implementation of migration-related issues. For example, its national multi-stakeholder consultations on a Global Compact on Migration included migration partners from non-governmental organizations, civil society, trade unions, academia and media.

The country engages with the private sector on migration issues. The Association of Private Recruitment Agents represents the private sector on the board of directors of Sri Lanka’s Bureau of Foreign Employment. The National Advisory Committee on Labour Migration and the National Steering Committee on Return and Re-integration for Labour Migration also formally include the private and social sectors.

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

Migration Governance: examples of well-developed areas

Sri Lanka’s Bureau of Foreign Employment has developed measures to promote the ethical recruitment of its nationals at the pre-departure stage. These measures include publishing the Code of Ethical Conduct for Licensed Foreign Employment Recruitment Agencies and the Operational Manual for Labour Sections of Sri Lankan Diplomatic Missions in Destination Countries, which covers handling migrant workers’ grievances and repatriation procedures.

The Government of Sri Lanka is actively involved in the promotion of formal remittance schemes. Incentives to use formal remittance transfer channels have been introduced including through foreign currency-denominated special savings accounts and exemptions on custom duties on goods brought into the country.

International students have access to post-secondary education in Sri Lanka, although there are quotas. Foreign education qualifications are recognized for some degrees by the Sri Lanka Ministry of Higher Education. Foreign professional qualifications are recognized for some professions by relevant industry bodies.
**Areas with potential for further development**

There are no systematic attempts to measure the effects of emigration on the domestic labour market. There is no clearly defined programme for managing labour migration into or out of Sri Lanka based on domestic labour market needs. A reported shortage of labour in some sectors, such as construction, is now prompting the Government to consider recruiting migrant workers in these sectors. However, there is no process in place to verify and validate foreign migrant workers’ job-specific skills and competencies at the time of issuing employment visas.

International students in Sri Lanka are not permitted to work during their studies and there are no formal schemes or incentive mechanisms to absorb international students into the national workforce on completion of studies.

The average cost of transferring remittances to Sri Lanka from major migration destination countries is around five per cent, which is relatively high.

**5. Effectively addresses the mobility dimensions of crises**

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

Sri Lanka has a National Disaster Management Plan in place with specific provisions to address the displacement impacts of disasters. The Government is currently developing a strategy for the relocation of people from high-risk, disaster-prone areas.

Sri Lanka’s Department of Meteorology and the Disaster Management Centre have information dissemination systems that provide information on the risk of floods, landslides and tsunamis. Humanitarian assistance is provided to all, irrespective of the status of migrants.

Sri Lanka’s National Policy on Durable Solutions for Conflict-Affected Displacement recognizes the right to protection from displacement and sets clear principles and parameters to assess whether durable solutions for Internally Displaced People are achieved.

The National Labour Migration Policy includes a provision for the return and reintegration of Sri Lankan migrants in the aftermath of crises in other countries. Furthermore, the Bureau of Foreign Employment Act ensures the protection of assets of Sri Lankan migrants abroad through diplomatic missions.

**Areas with potential for further development**

The Government does not have a strategy with specific measures to provide assistance to immigrants in the event of an emergency. For example, Sri Lanka’s current crisis communication system operates mainly in the national languages, Sinhala and Tamil.

Sri Lanka does not maintain a database of all its nationals living abroad, which would help facilitate emergency assistance, including evacuations and repatriations in the event of crises.

To date, there has been no empirical research into the extent to which internal migration or emigration is the result of natural disasters, reoccurring adverse weather conditions or climate change.
Ensures that migration takes place in a safe, orderly and dignified manner

Migration Governance: examples of well-developed areas

Sri Lanka has developed mechanisms to encourage the return of nationals who have emigrated for foreign employment. For example, emigrants who return to Sri Lanka are eligible for low-cost bank loans. The Ministry of Foreign Employment’s Sub Policy and National Action Plan on Return and Reintegration of Migrant Workers includes strategies for the social and economic reintegration of returnees.

The country’s Department of Immigration and Emigration allows foreign nationals to apply for tourist, business or transit visas online, while applications for other types of visas are paper-based.

The Department of Immigration and Emigration manages the entry and exit of people at ports of entry. The Immigration Border Control System records every entry and departure electronically, enabling the identification of visa overstays. Moreover, border control staff are regularly trained in a variety of disciplines, such as international migration law, forgery detection, anti-human trafficking and smuggling, and identity management. These activities are undertaken by the Department of Immigration and Emigration in collaboration with other stakeholders.

The newly established National Border Management Committee, under the Ministry of Defence, coordinates border control functions and relevant operations of other agencies, and has recently drafted and approved Sri Lanka’s Integrated Border Management Strategy.

Sri Lanka has criminalized trafficking in persons and is implementing a five-year national action plan to prevent and combat human trafficking through its National Anti-Human Trafficking Task Force.

Areas with potential for further development

Intergovernmental coordination in the work against human trafficking could be enhanced to prevent exploitative labour practices during the entire migration cycle, and particularly during the foreign employment recruitment process.

There is a general need to increase publicly available and up-to-date information on legal migration processes and government-funded services available to immigrants and emigrants to promote the safe and orderly migration.
Key sources

Climate Change Secretariat Sri Lanka

International Labour Organization

Sri Lanka, Department of Census and Statistics

Sri Lanka, Department of Immigration and Emigration

Sri Lanka, Immigration Services Centre

Sri Lanka, Ministry of Disaster Management

Sri Lanka, Ministry of Finance

Sri Lanka, Ministry for Foreign Employment Promotion and Welfare


2017  
*Skills Recognition for Migrant Workers: A Regional and National Perspective.* Available from  

Sri Lanka, Ministry of Health  
2012  
*Sri Lanka National Migration Health Policy.* Available from  

Sri Lanka Ministry of Higher Education  
2013  
*Sri Lanka Qualifications Framework.* Available from  