

SRI LANKA | SECOND PROFILE 2021

MIGRATION
GOVERNANCE
INDICATORS



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GOVERNANCE
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OBJECTIVE

The MGI aims to support well-managed migration policy by helping countries assess the comprehensiveness of their migration governance structures and identify priorities on the way forward.

MGI follow-up assessments identify the migration policy developments that have occurred since the countries' first MGI assessments, thus helping governments track their progress on national priorities as well as commitments taken at the regional and international levels.

The MGI can be used to spark a discussion with governments and other relevant stakeholders in the country on existing migration policy structures. It can help assess whether these structures, which have often been in place for several years, still address the main challenges and opportunities of today's reality.

INTRODUCTION

This is an era of unprecedented mobility, and the need to facilitate orderly, safe, regular and responsible migration and mobility is becoming increasingly relevant.¹ The need to face the challenges and to maximize the opportunities that this mobility brings has been recognized with the inclusion of migration in the 2030 Agenda for Sustainable Development, which highlights the positive contribution of migrants to inclusive growth and development. Migration is integrated in a number of Sustainable Development Goal (SDG) targets, such as ending modern slavery and addressing the vulnerability of migrant workers. However, the central reference to migration in the SDGs is target 10.7 on facilitating “orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”.²

The incorporation of target 10.7 into the 2030 Agenda created the need to define “planned and well-managed migration policies”. This is why, in 2015, the International Organization for Migration (IOM) developed the Migration Governance Framework (MiGOF). This Framework offers a concise view of an ideal approach that allows a State to determine what it might need to govern migration well and in a way that suits its circumstances.³ The Framework was welcomed by IOM Member States in the same year.

In an effort to operationalize the MiGOF, IOM worked with Economist Impact to develop the Migration Governance Indicators (MGI), a standard set of approximately 90 indicators to assist countries in assessing their migration policies and advance the conversation on what well-governed migration might look like in practice.

The MGI helps countries identify good practices as well as areas with potential for further development and can offer insights on the policy levers that countries can use to develop their migration governance structures. However, the MGI recognizes that all countries have different realities, challenges and opportunities that relate to migration. Therefore, the MGI does not rank countries on the design or implementation of their migration policies. Finally, the MGI does not measure migration policy outcomes or institutional effectiveness. Instead, it takes stock of the migration-related policies in place and operates as a benchmarking framework that provides insights on policy measures that countries might want to consider as they progress towards good migration governance.

MGI follow-up assessments aim at showing the progress that countries have achieved in their migration governance policies since their first MGI assessment. Concretely, this report presents a summary of the main changes and achievements that have taken place in the migration governance structures of the Democratic Socialist Republic of Sri Lanka (hereinafter referred to as Sri Lanka), since the first assessment in 2018,⁴ as well as the areas with potential for further development, as assessed by the MGI.⁵

Government bodies related to the migration sector, led by the State Ministry of Foreign Employment Promotions and Market Diversification, took part in the process of consultation and validation of this MGI Follow-up Assessment in Sri Lanka in 2021.

¹ IOM Standing Committee on Programmes and Finance, Seventeenth Session (S/17/4 of 29 September 2015), Article 2.

² IOM Council, 106th Session, Migration Governance Framework (C/106/40 of 4 November 2015), page 1, footnote 1. Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

³ Ibid.

⁴ The 2018 Migration Governance Snapshot for the Democratic Socialist Republic of Sri Lanka is available at www.migrationdataportal.org/overviews/mgi/sri-lanka#0.

⁵ The MGI initiative is a policy-benchmarking programme led by IOM. Funding is provided by IOM Member States.

CONCEPTUAL FRAMEWORK

MiGOF

The IOM MiGOF sets out the essential elements to support planned and well-managed migration. It seeks to present, in a consolidated, coherent and comprehensive way, a set of three principles and three objectives which, if respected and fulfilled, would ensure that migration is humane, orderly, and benefits migrants and society.

At the basis of

PRINCIPLES

1. **Adherence** to international standards and fulfilment of migrants' rights.
2. **Formulates** policy using evidence and "whole-of-government" approach.
3. **Engages** with partners to address migration and related issues.

OBJECTIVES

1. **Advance** the socioeconomic well-being of migrants and society.
2. **Effectively** address the mobility dimensions of crises.
3. **Ensure** that migration takes place in a safe, orderly and dignified manner.

MGI

WHAT IT IS



A set of indicators that offers insights on policy levers that countries can use to strengthen their migration governance structures



A tool that identifies good practices and areas that could be further developed



A consultative process that advances dialogues on migration governance by clarifying what "well-governed migration" might look like in the context of SDG target 10.7

Which supports the measurement of

WHAT IT IS NOT



Not a ranking of countries



Not assessing impacts of policies



Not prescriptive



TARGET 10.7

"Facilitate orderly, safe, regular and responsible migration and mobility of people, including through implementation of planned and **well-managed migration policies.**"



KEY

FINDINGS

The MGI is composed of around 90 indicators grouped under the 6 different dimensions of migration governance that draw upon the MiGOF categories:



MIGRANTS'
RIGHTS
PAGE 14

Indicators in this domain look at the extent to which migrants have access to certain social services such as health, education and social security. It also looks at family reunification, access to work, and access to residency and citizenship. The international conventions signed and ratified are also included.



WHOLE-OF-GOVERNMENT
APPROACH
PAGE 16

Indicators in this area assess countries' institutional, legal and regulatory frameworks related to migration policies. This area also looks at the existence of national migration strategies that are in line with development objectives and overseas development efforts, as well as institutional transparency and coherence in relation to migration management.



PARTNERSHIPS
PAGE 18

This category focuses on countries' efforts to cooperate on migration-related issues with other States and with relevant non-governmental actors, including civil society organizations and the private sector.



WELL-BEING
OF MIGRANTS
PAGE 19

Indicators in this area assess countries' policies on the recognition of migrants' educational and professional qualifications, provisions regulating student migration and the existence of bilateral labour agreements between countries. Aspects of diaspora engagement in the country of origin and migrant remittances are also under this domain.



MOBILITY DIMENSION
OF CRISES
PAGE 21

This category looks at the type and level of preparedness of countries when they are faced with mobility dimensions of crises. The questions look at the processes in place for nationals and non-nationals both during and after disasters, including if humanitarian assistance is equally available to migrants as it is to citizens.



SAFE, ORDERLY
AND REGULAR
MIGRATION
PAGE 22

This area looks at countries' approach to migration management in terms of border control and enforcement policies, admission criteria for migrants, preparedness and resilience in the case of significant and unexpected migration flows, as well as the fight against trafficking in persons.

SUMMARY OF UPDATES SINCE 2018

Migrants' rights

In 2019, the Ministry of Health, Nutrition and Indigenous Medicine introduced the Health Protection Plan, which allows residence visa holders to access health benefits at Government-funded health institutions.

The Government of Sri Lanka's *Re-imagining Education in Sri Lanka* (2020) – the final document of the Presidential Task Force on Sri Lanka's Educational Affairs – espouses “equal and non-discriminatory access to education for all children” as one of the country's key values. The *National Policy on Technical and Vocational Education* (2018) provides educational access to vulnerable and disadvantaged youth.

Even though there is no permanent-resident visa category in Sri Lanka, social security schemes such as the Employees' Provident Fund and the Employees' Trust Fund continue to be available to long-term residents working in the private sector. In addition, a contributory pension scheme for Sri Lankan migrant workers is in the process of obtaining approval from the Cabinet of Ministers as of December 2021.

Whole-of-government approach

In 2018, the State Ministry of Foreign Employment Promotions and Market Diversification began updating the *National Labour Migration Policy* (2008), developing the National Policy on Migration for Employment for Sri Lanka and National Action Plan (2022–2026), which is pending approval as of December 2021.

The *National Policy Framework: Vistas of Prosperity and Splendour* (2019), adopted in 2020, recognizes the developmental impact of overseas labour migration on national economic development with the theme “knowledge-based economy through human resource development”.

Partnerships

Sri Lanka continues to be an active member of regional consultative processes, such as the Colombo Process, the Bali Process and the Abu Dhabi Dialogue (ADD). Sri Lanka chaired the Colombo Process during the period 2014–2017, was the chair-in-office of the ADD in 2017 and hosted the Senior Officials' Meeting of the ADD in May 2018. Since 2017, Sri Lanka has chaired the Thematic Area Working Group on Skills and Qualification Recognition of the Colombo Process.

Between 2017 and 2019, the Government conducted consultations with stakeholders – including civil society organizations working on labour migration – as part of the process of updating the *National Labour Migration Policy*.

Well-being of migrants

As of December 2021, Sri Lanka has 18 active agreements/memorandums of understanding with other countries relating to labour migration, including the Agreement with the State of Israel for the temporary employment of Sri Lankan workers in specific labour market sectors in Israel, signed in February 2020. In addition, the Government of Sri Lanka signed a memorandum of understanding on the establishment of a migration partnership with Switzerland in August 2018.

Both the *National Policy Framework* and the *Fiscal Management Report 2020–2021* introduced strategies to promote formal remittance transfer mechanisms through tax exemptions and other incentives.

Additionally, the Ministry of Foreign Affairs has a unit dedicated to overseas Sri Lankans (OSLs) that focuses on gathering contributions from them for country development. The draft National Policy on Migration for Employment and National Action Plan also includes a strategy on engaging OSLs as development partners.

Mobility dimension of crises

The National Emergency Operation Plan (2015–2019), adopted in 2015, addresses natural disasters, evacuation and necessary disaster risk reduction elements, including human mobility. In May 2021, a Presidential Task Force was appointed to transform Sri Lanka's economy into a green socioeconomy with sustainable solutions to climate change.

Safe, orderly and regular migration

In January 2021, the Government of Sri Lanka established an integrated traveler risk assessment centre, the Border Risk Assessment Centre, with the support of IOM.

The *National Policy Framework* includes mechanisms to encourage the return and reintegration of nationals who emigrated for foreign employment. These mechanisms complement the existing *Sub Policy and National Action Plan on Return and Reintegration of Migrant Workers* (2015).

Since the first MGI assessment, a new National Strategic Action Plan to Monitor and Combat Human Trafficking (2021–2025) has been adopted, as of 2021.



1

ADHERENCE TO INTERNATIONAL STANDARDS AND FULFILMENT OF MIGRANTS' RIGHTS

1.1. Migration governance: Examples of well-developed areas

The Government of Sri Lanka is party to core human rights treaties (OHCHR, n.d.), as well as three out of the four core anti-trafficking treaties. Sri Lanka has also ratified the eight International Labour Organization core conventions, which are applicable to all workers (ILO, n.d.). Furthermore, Sri Lanka ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 1996.

Residence visa holders are able to receive health care in Sri Lanka. In 2019, the Ministry of Health, Nutrition and Indigenous Medicine introduced the Health Protection Plan, a mandatory social protection plan for all residence visa applicants in Sri Lanka. The residence visa is issued for a one-year period by the Department of Immigration and Emigration for all applicants who have undergone a health assessment.⁶ The Health Protection Plan entitles residence visa holders to a health check-up at the Inbound Health Assessment Centre and access to health benefits at Government-funded health institutions, including emergency care, primary outpatient care and treatment for diseases identified in the health assessment.

A Presidential Task Force on Sri Lanka's Education Affairs was appointed in 2020, in line with the *National Policy Framework: Vistas of Prosperity and Splendour* (2019) adopted the same year. Its final document, entitled *Re-imagining Education in Sri Lanka* (2020), considers "equal and non-discriminatory access to education for all children" as a key objective (across races, religions, classes, castes, abilities and nationalities, including refugees and asylum seekers). The *National Policy on Technical and Vocational Education* (2018) also guarantees educational access for vulnerable and disadvantaged youth, who tend to be marginalized as a result of prevailing socioeconomic norms and economic conditions in the country.

Foreign nationals working in the private sector continue to have equal access as nationals to social security schemes, including the Employees' Provident Fund (Act No. 15 of 1958) and the Employees' Trust Fund (Act No. 46 of 1980). The Sri Lanka Social Security Board administers eight special pension and social security benefit schemes targeted towards self-employed persons, such as migrant workers, artists, craftspeople and entrepreneurs in economic sectors such as indigenous medicine, small tea, small industries, beauty culture and handlooms. In 2020, a committee appointed by the Ministry of Labour proposed a social security scheme that includes a contributory pension scheme for Sri Lankan migrant workers. As of December 2021, this scheme is awaiting approval from the Cabinet of Ministers. Additionally, for all registered Sri Lankan migrant workers, the Sri Lanka Bureau of Foreign Employment provides free welfare insurance coverage for the duration of their employment contract.

Sri Lanka is a party to the International Covenant on Civil and Political Rights (ICCPR) (acceded on 11 June 1980). Much of the Covenant has received legislative recognition in the Constitution of Sri Lanka (2021), as well as in other legislation enacted by Parliament, such as the prohibition of hate speech. Section 3 of the ICCPR, Act No. 56 of 2007, highlights the following: "No person shall propagate war or advocate national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence." The *National Action Plan for the Protection and Promotion of Human Rights* (2017–2021), approved in 2017, contains a separate section on the rights of migrant workers. It also strengthens existing legal and institutional mechanisms, such as updating the national migration policy, amending the Sri Lanka Bureau of Foreign Employment Act (1985), implementing the Code of Ethical Conduct for recruitment agencies, and entering into bilateral agreements/memorandums of understanding with countries of destinations, in order to ensure compliance with international standards and best practices in the protection and promotion of human rights.

⁶ The visa and the Health Protection Plan are renewed simultaneously.

1.2. Areas with potential for further development

A system allowing overseas Sri Lankans, including nearly 1.7 million migrant workers abroad, to vote in national elections is an area with potential for continued development. To this end, in May 2021, a new committee of senior parliamentarians was appointed to further study the possibility of granting voting rights to Sri Lankan migrant workers and expatriates.

As of 2021, the Government has not yet ratified International Labour Organization Conventions 97, 143, 181 and 189, though it respects the principles and guidelines embodied in those conventions.⁷ For example, the *National Labour Migration Policy* (2008) is based on the principles and guidelines of these conventions, and the draft National Policy on Migration for Employment for Sri Lanka and National Action Plan (2022–2026) has also embedded those same principles and guidelines.

There are no clear rules on indefinite residence for immigrants, and relevant laws and acts do not specify whether foreigners can access indefinite long-term residence permits. As such, introducing a work permit system for immigrant workers with clearly defined rules and regulations is an area for further development.

While family reunification is not restricted depending on personal characteristics, only certain categories of migrant workers are entitled to it, such as investors, professionals, personnel employed in private companies or banks, former Sri Lankans and their dependants, and family members of Sri Lankans.

Affordable and accessible social security and social protection for all migrant workers is an area with potential for further development. Social security systems, including comprehensive insurance coverage and pension benefits, as well as portable social security entitlements for Sri Lankans working abroad, could enhance the well-being of Sri Lankan migrant workers. To actualize these social security plans, entering into social security agreements with countries of destination is needed.

⁷ These are ILO Conventions C.97 – Migration for Employment Convention (Revised), 1949 (No. 97); C.143 – Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); C.181 – Private Employment Agencies Convention, 1997 (No. 181); and C.189 – Domestic Workers Convention, 2011 (No. 189).



2

FORMULATES POLICY USING EVIDENCE AND WHOLE-OF-GOVERNMENT APPROACH

2.1. Migration governance: Examples of well-developed areas

The State Ministry of Foreign Employment Promotions and Market Diversification (SMFEPMD),⁸ the Sri Lanka Bureau of Foreign Employment (SLBFE), the Department of Immigration and Emigration (DIE), the Ministry of Foreign Affairs, and the Ministry of Health, Nutrition and Indigenous Medicine are collectively responsible for different aspects of migration governance and policy.

The *National Policy Framework: Vistas of Prosperity and Splendour* (2019), adopted in 2020, recognizes the developmental impact of overseas labour migration on national economic development under the theme “knowledge-based economy through human resource development”.

In 2018, SMFEPMD began updating the existing *National Labour Migration Policy* (2008) as the new draft National Policy on Migration for Employment for Sri Lanka (NPME) and National Action Plan (NAP) (2022–2026). These updates are in line with the 10 new key policy priorities in the *National Policy Framework*, as well as other regional and global initiatives and frameworks. The draft NPME and its NAP are currently pending approval from the Cabinet of Ministers.

Gender responsiveness is one of the key guiding principles of the *National Labour Migration Policy* of 2008. The updated draft NPME and its NAP also recognize gender-based vulnerabilities of migrant workers and the significant contribution of female migrant workers to the economy. Core Policy Area 2 of the NAP – “Secure rights and protection of migrant workers and ensure well-being of their families” – includes strategies with relevant activities directly focused on female migrant workers.

SLBFE Act No. 21 of 1985 (as amended by Act No. 4 of 1994 and Act No. 56 of 2009) includes 19 objectives to promote and develop opportunities for Sri Lankans outside the country and support the development of the foreign employment industry in an ethical manner. The Act establishes the SLBFE, under the purview of SMFEPMD, as the key implementing authority for these objectives. In collaboration with the Foreign Ministry, the SLBFE operates 16 labour sections in 14 Sri Lankan diplomatic missions/posts at key destinations, including the Middle East, South-East Asia and East Asia. The *Operational Manual for Labour Sections of Sri Lankan Diplomatic Missions in Destination Countries* (2013) guides appointed officials in diplomatic missions in destination countries, charged with the welfare and protection of Sri Lankan migrant workers. It was updated in 2019 to include new guidelines on the prevention of human trafficking and sexual and gender-based violence.

The Government has enhanced horizontal policy coherence and institutional coordination for key aspects of migration, such as labour migration, border management and human trafficking. Key mechanisms include the National Border Management Committee, the National Advisory Committee on Labour Migration, the National Anti-Human Trafficking Task Force and the National Coordinating Committee on Readmission. Each includes representatives from several ministries and other relevant stakeholders, such as international organizations, the private sector, trade unions, civil society and academia. Furthermore, the State Ministry of Skills Development, Vocational Education, Research and Innovations and SMFEPMD signed a memorandum of understanding in 2021 on establishing a skillful labour force for the global market.

⁸ Previously known as the Ministry of Telecommunication, Foreign Employment and Sports.

In addition, efforts are in place to enhance vertical policy coherence through the decentralized public administrative structure of district secretariats, divisional secretariats and village-level offices. SMFEMD and the State Ministry of Skills Development appointed development officers at the district and division levels; and the DIE and Foreign Ministry (Consular Affairs Division) opened regional offices at the district level to provide service delivery, ensuring vertical coherence in the migration sector.

The SLBFE collects and analyses data on all registered outbound migrant workers, disaggregated by age, sex, destination country, job category and skill level. The collected data are compiled and published annually. In addition, the DIE records all entries, transits and exits of both Sri Lankans and non-nationals. The *Annual Report* of the Central Bank of Sri Lanka (2020) also contains a chapter that includes foreign employment statistics. Moreover, the Census of Population and Housing (last dated 2012) includes the population living abroad temporarily, disaggregated by country of original residence, age and sex, and the foreign-born population disaggregated by country of birth, age and sex.

2.2. Areas with potential for further development

Establishing a clear and comprehensive policy, institutional and legal framework for managing migration is an area with potential for further development. The DIE is responsible for certain aspects of both inward and outward migration, but there is no specific agency dedicated to coordinating all aspects of migration governance. Considering the need for a policy, institutional and legal framework for inward labour migration, the National Human Resources Development Council formed a Task Force on Labour Immigration (TFLI) in 2018 to formulate policy recommendations for the Government. The TFLI comprises representatives from relevant government agencies and partners, with technical assistance from IOM. The TFLI released its report with recommendations for the Government in February 2019, which highlighted the need for a suitable operational framework for labour immigration.

Streamlining ethical recruitment processes and practices and proper regulation of recruitment intermediaries are also areas with potential for further development. Revising the existing *Operational Manual for Labour Sections of Sri Lankan Diplomatic Missions in Destination Countries* to include more country-specific guidelines is another area for further improvement. These revisions would better prepare labour welfare officials to provide effective service delivery to Sri Lankan workers abroad.

It is important that all strategies and activities proposed in the updated NPME are implemented in coordination with key government stakeholders.

As of December 2021, there is no identifiable comprehensive migration database. The periodic collection and publication of reliable migration data, disaggregated by age, sex and migration status, among other demographic characteristics, remains an area with potential for further development.

Migration mainstreaming occurs only to a certain extent in overall policy planning in Sri Lanka, and the potential of migration to contribute towards development is not explicitly identified. As Sri Lanka is typically a country of origin for migrants, the *National Labour Migration Policy* and the *National Policy Framework* cover only certain types of migration (e.g. outward labour migration and return migration). These frameworks do not adequately cover other types of migration, such as inward labour migration and inward/outward non-labour migration. Therefore, placing the migration sector within broader development is an area for further improvement.

3

ENGAGES WITH PARTNERS TO ADDRESS
MIGRATION AND RELATED ISSUES

3.1. Migration governance: Examples of well-developed areas

The Government of Sri Lanka is an active member of regional consultative processes such as the Colombo Process established in 2003, the Abu Dhabi Dialogue established in 2008, and the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime established in 2002. Sri Lanka chaired the first meeting of the Colombo Process held in 2003, then chaired the Process again between 2014 and 2017. Since 2017, Sri Lanka has chaired the Thematic Area Working Group on Skills and Qualification Recognition of the Colombo Process. Moreover, Sri Lanka is a member of the Global Forum on Migration and Development and the South Asian Association for Regional Cooperation.

Sri Lanka has signed memorandums of understanding (MOUs) related to labour migration with certain countries of destination. A total of 18 MOUs have been actively implemented as of August 2021, including the February 2020 agreement between Sri Lanka and the Government of Israel on the temporary employment of Sri Lankan workers in specific labour market sectors in Israel. Since 2017, the Government of Sri Lanka has signed MOUs with Germany, Israel, Japan, the Republic of Korea, and the United Arab Emirates.

The State Ministry of Foreign Employment Promotions and Market Diversification (SMFEPMD), together with key destination countries with which the Government signed MOUs and agreements, established joint committees to track the implementation of these MOUs and agreements. The joint committees convene annually to assess agreement progress, especially on matters related to the protection and welfare of migrant workers. Notable recent activities include joint committee meetings with Oman and Qatar in 2020 and 2021, respectively, to follow up on the agreed provisions. In addition, SMFEPMD signed an agreement in September 2021 with the Swiss Agency for Development and Cooperation on the Safe Labour Migration Programme, which is already in Phase IV.

The Government collaborates with civil society organizations (CSOs) on agenda-setting and the implementation of migration-related issues and programmes. For example, the Government conducted stakeholder consultations with CSOs working on labour migration between 2017 and 2019 during the recent update of the existing National Migration Policy. The CSOs consulted served as members of the working groups appointed by SMFEPMD in core areas of the policy. Additionally, the National Advisory Committee on Labour Migration chaired by SMFEPMD allows CSOs to present their inputs and support for the formulation and implementation of grass-roots-level programmes for migrant workers.

The Government of Sri Lanka engages with the private sector on migration issues. Private recruitment agents represent the private sector on the board of directors of the Sri Lanka Bureau of Foreign Employment. The National Advisory Committee on Labour Migration and the National Steering Committee on Return and Reintegration for Labour Migration also formally include the private and social sectors as members.

3.2. Areas with potential for further development

Participation in regional agreements that effectively promote labour mobility is an area with potential for further development. Although Sri Lanka is a member of the South Asian Association for Regional Cooperation, which includes labour mobility in its agenda items (Article 21), a programme with specific actions promoting labour mobility among member States could not be identified.

Timely intervention in reviewing the existing MOUs/agreements with destination countries commenced by SMFEPMD should be strengthened through regional consultative processes. Considering the current global context, especially in relation to the COVID-19 pandemic, special focus on health and social security coverage, for example, may be areas for further development.



4

ADVANCES THE SOCIOECONOMIC WELL-BEING OF MIGRANTS AND SOCIETY

4.1. Migration governance: Examples of well-developed areas

The Sri Lanka Qualifications Framework (SLQF) continues to contribute to the evaluation of qualifications from overseas higher education institutions. The SLQF integrates the National Vocational Qualifications Framework developed by the Tertiary and Vocational Education Commission (TVEC) and the pathways of lateral mobility between the vocational education sector and the higher education sector. TVEC established a Committee on Foreign Qualifications in 2021 to evaluate and map foreign educational and professional qualifications, and then it embarked on a mutual recognition of qualifications with selected countries. Currently, foreign professional qualifications are recognized for most professions (approximately 500) under the SLQF.

In July 2020, TVEC, together with the Employers' Federation of Ceylon and the International Labour Organization (ILO), introduced the Skills Passport. The Skills Passport is a common platform that assesses the compatibility between available vacancies and the profiles of migrant workers through a detailed review of each individual's employment history, with a special focus on their core competencies.⁹

The Government allows international students to access university education on a fee-levying basis, under stipulated requirements of the University Grants Commission. In addition, all foreign students are required to obtain a student visa, and visa fees can be waived on the recommendation of the Ministry of Education.

The Government of Sri Lanka is committed to achieving SDG target 10.c¹⁰ and continues to be actively involved in reducing the cost of remittance transfers and promoting formal remittance schemes. The *National Policy Framework: Vistas of Prosperity and Splendour* (2019), adopted in 2020, outlines strategies to promote formal remittance transfer mechanisms through tax exemptions and several other incentives. The Government introduced several policy initiatives to increase formal remittance transfers in its 2021 budget, including paying 2 Sri Lankan rupees (LKR) per USD above the normal exchange rate¹¹ for foreign exchange remittances converted at licensed banks, along with the establishment of a task force to propose recommendations aimed at facilitating remittance flows. Further, in consultation with the Monetary Board of the Central Bank of Sri Lanka, the Government introduced a Special Deposit Account scheme in 2020. These accounts were introduced to attract more inward remittances to the country, and they are exempted from taxes and foreign exchange regulations and receive higher interest rates for foreign currency deposits.

The Ministry of Foreign Affairs has a unit dedicated to overseas Sri Lankans (OSLs), which was brought under its Economic Affairs Division in 2019. One objective of its Economic Diplomacy Programme is to enable OSLs to contribute to the country's economic development and recognize this contribution. Furthermore, the updated draft National Policy on Migration for Employment for Sri Lanka and National Action Plan (2022–2026) also includes a specific strategy on OSLs' engagement as development partners for the country. Moreover, the Department of Immigration and Emigration is in the process of introducing a lifelong-resident visa scheme for OSLs who are unable to obtain dual citizenship.

The Government is committed to protecting Sri Lankans working abroad and has taken measures to promote the ethical recruitment of migrant workers. The Sri Lanka Bureau of Foreign Employment has introduced numerous regulatory measures throughout the migration cycle to do so, including a strict screening and

⁹ More information on the Skills Passport is available at nsp.gov.lk/.

¹⁰ SDG target 10.c aims to reduce to less than 3 per cent the transaction costs of migrant remittances and eliminate remittance corridors with costs higher than 5 per cent, by 2030.

¹¹ The Central Bank of Sri Lanka's exchange rates page is available at www.cbsl.gov.lk/en/rates-and-indicators/exchange-rates.

licensing system for recruitment agencies, regulating recruitment fees, and setting minimum wages for certain job categories. The existing *Operational Manual for Labour Sections of Sri Lankan Diplomatic Missions in Destination Countries* (2013) was updated in 2019 with additional guidelines, especially on human trafficking and sexual and gender-based violence, to effectively protect migrants' rights and welfare and promote ethical recruitment practices.

4.2. Areas with potential for further development

The development of a reliable labour market information system is an area with potential for further development. No assessments on labour market requirements for different sectors, disaggregated by type of skills, were identifiable. The *Labour Market Information Bulletin*, a biannual publication of TVEC, presents general descriptions of labour market patterns, but it does not provide in-depth analysis of the demand for migrant labour. Similarly, there is no formal national assessment for monitoring the domestic labour supply and the effects of migration on the domestic labour market. The Sri Lanka Labour Force Survey, conducted quarterly and published annually by the Department of Census and Statistics, measures unemployment levels and general labour market trends only.

Previous attempts to map qualifications for the construction industry, focused on the Gulf Cooperation Council, have not materialized. Effective regional agreements on skills and qualification recognition to benefit both countries of destination and countries of origin are required. Further developments could establish and strengthen country-specific skill standards of occupations and facilitate recognition of prior learning.

Considering skills and educational qualifications of foreign nationals and immigrants when issuing residence visas for employment purposes is an area for further development. Qualification recognition may be especially relevant in the context of new development projects, such as Port City Colombo,¹² and recent bilateral trade agreements.

Enhanced remittance facilitation is an area with potential for further development. For instance, the Government could seek to improve interaction between banks and money transfer operators, adopt FinTech in remittance service delivery, promote mobile money, integrate a gender perspective in remittance management education, and improve financial literacy and remittance management education (ILO, 2020). In addition, facilitating the outflow of remittances requires attention. A system making families of Sri Lankan migrant workers who have lost their remittances/foreign income sources eligible for existing local social protection mechanisms is another area for further improvement.

¹² Port City Colombo is a new city development built as an extension of the Central Business District of Sri Lanka's commercial capital, Colombo. More information is available at www.portcitycolombo.lk/about/.



5

EFFECTIVELY ADDRESSES THE MOBILITY DIMENSIONS OF CRISES

5.1. Migration governance: Examples of well-developed areas

The Government has a National Emergency Operation Plan, adopted in 2015, which addresses natural disasters, evacuation and necessary disaster risk reduction aspects, including human mobility. As of December 2021, the Disaster Preparedness and Response Division (of the Ministry of Health, Nutrition and Indigenous Medicine) and the Disaster Management Centre have been developing a National Guideline for Safety Centre Management in the context of COVID-19.

The draft National Disaster Risk Management Plan (2018–2030) addresses relief and temporary shelter management and focuses on immediate recovery of essential services, livelihoods of the affected communities, and activities for internally displaced people, to mitigate the result of internal conflicts or terrorist activities. Furthermore, welfare programmes of the Sri Lanka Bureau of Foreign Employment provide disaster relief assistance to the families of Sri Lankan migrant workers affected by crisis situations, especially natural disasters. The *National Policy Framework: Vistas of Prosperity and Splendour* (2019), adopted in 2020, features housing provision schemes for displaced persons.

Following the COVID-19 pandemic, the Ministry of Foreign Affairs launched the online portal Contact Sri Lanka in March 2020, which encourages all overseas Sri Lankans (OSLs) to register voluntarily to facilitate the provision of assistance during emergencies. This platform allows the Ministry to access real-time data and connect OSLs with stakeholders in Sri Lanka and Sri Lankan overseas missions. In March 2020, the Foreign Ministry and its overseas mission network assisted over 17,000 OSLs registered in the portal.

A Presidential Task Force was appointed in May 2021 to transform Sri Lanka's economy into a green socioeconomy with sustainable solutions to climate change. These solutions are expected to consider the nexus of human mobility and climate change.

5.2. Areas with potential for further development

Sri Lanka has yet to acknowledge the nexus between migration, environmental degradation and climate change (MECC). Thus, this MECC relationship is not reflected in national action plans or nationally determined contributions. However, the Ministry of Environment and its Climate Change Secretariat, with assistance from IOM, are in the process of establishing a road map to develop a policy that identifies this nexus. To do so, they are conducting evidence-based research on MECC.

Even though migration issues are not specifically mentioned in crisis recovery strategies, people affected by disaster or crisis situations receive assistance regardless of their migration status. Designing a comprehensive contingency plan to manage large-scale population movements in times of crisis, as well as a mechanism to get real-time data and information, is an area for further development.



6

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

6.1. Migration governance: Examples of well-developed areas

The Department of Immigration and Emigration (DIE) manages border control and security at the five designated airports and seven seaports of Sri Lanka. The immigration border control systems of the DIE record every entry and departure electronically, enabling visa overstay identification. In addition, the DIE maintains a clear and comprehensive website¹³ for legal migration, which outlines available visa options. The DIE further collects data on dual citizens and incoming passengers.

The National Border Management Committee, under the Ministry of Defence, coordinates border control functions and relevant operations of other agencies. With the support of IOM, the National Border Management Committee launched the Sri Lanka Integrated Border Management Strategy in 2018. Subsequently, an integrated Border Risk Assessment Centre was established with IOM's support in 2021. Border control staff are specifically and regularly trained in a variety of disciplines, such as international migration law, domestic legal framework, skills enhancement, forgery detection, document and passenger examination, and investigation techniques and identity management. The Training Unit of DIE is the dedicated entity responsible for such activities.

In addition to the *Sub Policy and National Action Plan on Return and Reintegration of Migrant Workers: Sri Lanka* (2015), the *National Policy Framework: Vistas of Prosperity and Splendour* (2019) outlines several strategies regarding the reintegration of returning migrants. For example, the *National Policy Framework* introduces a special loan scheme that allows returned nationals to start tax-exempt enterprises. It also launched a contributory pension scheme for migrant workers who have been employed abroad for over six years.

The new National Strategic Action Plan to Monitor and Combat Human Trafficking (2021–2025), approved in 2021, was developed through a participatory process of stakeholders from the National Anti-Human Trafficking Task Force and builds on the 2015–2019 Action Plan. The Task Force is comprised of 18 government agencies and is led by the Ministry of Defence. It shares annual progress reports to the Ministry, which feeds into the yearly United States Department of State's Trafficking in Persons Report. In addition, the proposed new Immigration Act by DIE (awaiting approval as of December 2021) includes specific provisions to prevent, combat and eradicate human trafficking.

The Sri Lanka Bureau of Foreign Employment (SLBFE) maintains a database of all departing Sri Lankan migrant workers. Registration with the Bureau is a legal requirement according to SLBFE Act No. 21 of 1985 (Part VII, Section 53) for all workers departing for foreign employment, for the purpose of protection and welfare service provision. A standard employment contract is a mandatory requirement for departing migrant workers when registering with the SLBFE to ensure their protection. During pre-departure orientations by the Bureau, migrant workers are informed about the terms and conditions of a standard contract.

The SLBFE continues to regulate licensed foreign employment agents to protect migrant workers from labour exploitation, abuse and trafficking. Errant recruitment agents are liable to legal action according to the SLBFE Act. The Bureau operates a 24-hour complaint-receiving system for grievances from migrant workers. Furthermore, the online Complaint Management System investigates complaints, links local recruitment agents and Sri Lankan diplomatic missions abroad, and mediates settlements.

¹³ More information is available at www.immigration.gov.lk/web/index.php?option=com_content&view=article&id=151&Itemid=196&lang=en.

Sri Lanka has policies and structures in place to identify migrants in vulnerable situations in a timely manner and provide them with adequate referral and protection services through migration development officers, SLBFE officers at the local level, and Sri Lankan diplomatic overseas missions. Furthermore, the *National Action Plan for the Protection and Promotion of Human Rights (2017–2021)*, adopted in 2017, focuses on the protection of the rights of vulnerable communities, including the rights of migrant workers and internally displaced persons.

The Consular Operational Manual for Overseas Missions (2011) of the Ministry of Foreign Affairs provides guidelines to the consular sections of Sri Lankan diplomatic missions on the procedures for handling cases of persons missing abroad and in Sri Lanka.

6.2. Areas with potential for further development

The lack of a policy or strategy regarding alternatives to detention for migrants in an irregular situation is an area with potential for further development.

Intergovernmental coordination and efforts to increase prosecution and investigations against human trafficking could be expanded to prevent exploitative labour practices during the entire migration cycle.

Enhancing the capacity of government officials to effectively screen, identify and refer victims of trafficking in line with standard operational procedures is another area with potential for further development.

Strengthening initiatives to promote safe and orderly migration and combat migrant labour exploitation through effective bilateral agreements/memorandums of understanding with countries of destination also has potential for further development.



PREPAREDNESS AND RESPONSE PROTOCOLS ON THE RISKS OF THE NOVEL CORONAVIRUS (COVID-19)

This annex summarizes key national COVID-19 policy responses in Sri Lanka from a migration governance perspective. It is based on 12 questions that were added to the standard Migration Governance Indicators (MGI)¹ assessment in the country in order to effectively assess national migration governance in the context of the COVID-19 pandemic.



The Sri Lanka COVID-19 Strategic Preparedness and Response Plan, adopted in April 2020 and revised in April 2021,^{2,3} ensures provision of free Government-funded health services to all (i.e. migrants and nationals), as isolation and treatment is considered an important public health measure for the country. Foreign nationals able to demonstrate proof of residence on a permanent or temporary basis are included in the Government's national vaccination programme implemented in 2021.⁴



Social security is available only to long-term residents in Sri Lanka. However, in February 2021, People's Insurance PLC in Sri Lanka entered into an agreement with Sri Lanka Tourism as the sole insurance provider for all inbound tourists, in order to provide medical coverage for 30 days for international visitors.⁵ The policy covers hospitalization, quarantine hotel charges, and expenses for procedures to prevent the spread of COVID-19 if the individual becomes infected or comes in close contact with an infected patient during their stay in Sri Lanka. In addition, the welfare schemes of the Sri Lanka Bureau of Foreign Employment provide financial and social security assistance for returnees and migrant workers.⁶



During the COVID-19 crisis, in November 2021, the Department of Immigration and Emigration launched an online system allowing foreign nationals to apply for visa extensions. While the Government still charged regular visa fees, it waived penalties for visa overstays.

¹ More information is available at www.migrationdataportal.org/overviews/mgi#0.

² Ministry of Health, Nutrition and Indigenous Medicine, Sri Lanka Preparedness & Response Plan: COVID-19 (2020). Available at www.health.gov.lk/moh_final/english/public/elfinder/files/news/2020/FinalSPRP.pdf.

³ Ministry of Health, Nutrition and Indigenous Medicine, COVID-19 Sri Lanka Strategic Preparedness & Response Plan (2021). Available at www.health.gov.lk/moh_final/english/public/elfinder/files/publications/2021/Edited%20Final%20SPRP%20on%2015th%20May%202021%20.pdf.

⁴ Ministry of Health, Nutrition and Indigenous Medicine, Corona vaccination – Daily progress report of COVID-19 immunization. Available at www.epid.gov.lk/web/index.php?option=com_content&view=article&id=231&lang=en.

⁵ Sri Lanka Tourism Development Authority, Mandatory Inbound Visitor's Insurance Scheme (MIVIS). Available at [https://sltta.gov.lk/storage/common_media/COVID-19%20Insured%20\(1\)2114407123.pdf](https://sltta.gov.lk/storage/common_media/COVID-19%20Insured%20(1)2114407123.pdf).

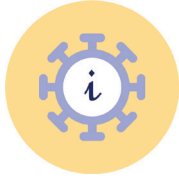
⁶ State Ministry of Foreign Employment Promotions and Market Diversification, *Annual Performance Report 2020*. Available at www.parliament.lk/uploads/documents/paperspresented/1625818618015951.pdf.



PREPAREDNESS AND RESPONSE PROTOCOLS ON THE RISKS OF THE NOVEL CORONAVIRUS (COVID-19)



COVID-19 prevention guidelines are disseminated regularly in three languages (Sinhala, Tamil and English) in the form of circulars on the official web page of the Epidemiology Unit of the Ministry of Health, Nutrition and Indigenous Medicine. There are measures in place for workplace preparedness, quarantine measures for travellers arriving from overseas during the pandemic, as well as specific guidelines for hospital and laboratories providing COVID-19-related services, quarantine homes, and hotels.



The Ministry of Health has made all guidance, information, updates and 24-hour hotlines related to COVID-19 response available in three languages (Sinhala, Tamil and English) for easy access. In addition, mobile phone service providers disseminate voice messages on COVID-19 prevention measures for all users every time they make a telephone call.



The network of Sri Lankan diplomatic overseas missions raised funds to support the COVID-19 Health Care and Social Security Fund. Overseas missions have also coordinated efforts abroad for the donation of personal protective equipment and other medical supplies.



The Disease Surveillance System of the Epidemiology Unit, under the Ministry of Health, publishes a daily situation report on COVID-19, summarizing newly identified cases, total confirmed cases categorized as nationals or foreign nationals, and the number of imported cases from foreigners and returned Sri Lankans. In relation to the socioeconomic impact of COVID-19, migratory status is mostly captured as a separate variable in data collection only when referring to inward/outward remittances to the country and the foreign employment industry.



The Government, in consultation with the Monetary Board of the Central Bank of Sri Lanka, introduced a Special Deposit Account scheme in 2020 (which was still in place as of August 2021), to attract more inward remittances to the country. These accounts are exempted from taxes and foreign exchange regulations and receive higher interest rates for foreign currency deposits.



The National COVID-19 Response Plan for Migrant Workers (2020) was prepared by the State Ministry of Foreign Employment Promotions and Market Diversification and the Sri Lanka Bureau of Foreign Employment to facilitate the return of migrant workers following a series of consultations with key stakeholders. In line with this plan, measures have been put in place to ensure the safety of Sri Lankan migrant workers, including facilitating their departure, return and reintegration. Furthermore, there are key government programmes that support the socioeconomic reintegration of Sri Lankan migrant workers repatriated due to COVID-19 and promote their effective reintegration by recognizing employability skills, facilitating upskilling and reskilling processes, and providing welfare benefits to prepare them for employment and self-employment opportunities.





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ANNEXES

MiGOF: Migration Governance Framework¹⁴

In an attempt to define the concept of “well-managed migration policies”, the International Organization for Migration (IOM) devised a Migration Governance Framework (MiGOF), which was welcomed by the IOM Council in November 2015. For the purposes of the Migration Governance Framework, IOM defines governance as “the traditions and institutions by which authority on migration, mobility and nationality in a country is exercised, including the capacity of the government to effectively formulate and implement sound policies in these areas”.

The Framework sets out the essential elements of “good migration governance” – 3 principles and 3 objectives which, if respected and fulfilled, would ensure that migration is humane, safe and orderly, and that it provides benefits for migrants and societies.¹⁵ IOM’s view is that a migration system promotes migration and human mobility that is humane and orderly and benefits migrants and society:

When it:

- (i) Adheres to international standards and fulfils migrants’ rights;
- (ii) Formulates policy using evidence and a “whole-of-government” approach;
- (iii) Engages with partners to address migration and related issues.

As it seeks to:

- (i) Advance the socioeconomic well-being of migrants and society;
- (ii) Effectively address the mobility dimensions of crises;
- (iii) Ensure that migration takes place in a safe, orderly and dignified manner.

The MiGOF does NOT create new standards or norms. In drafting the Framework, IOM relied on its expertise and analytical work, as well as on existing commitments, non-binding declarations and statements. It does NOT address global migration governance that is the international architecture for dealing with issues related to migration and human mobility. Instead, the focus is on the governance and management of migration from the point of view of the State as the primary actor. It does NOT propose one model for all States. The Framework presents a “high road” or ideal version of migration governance, to which States can aspire.

The MiGOF is based on the understanding that, as the primary actor in migration, mobility and nationality affairs, a State retains the sovereign right to determine who enters and stays in its territory and under what conditions, within the framework of international law. Other actors – citizens, migrants, international organizations, the private sector, unions, non-governmental organizations, community organizations, religious organizations and academia – contribute to migration governance through their interaction with States and each other.

¹⁴ IOM Council, Migration Governance Framework, 106th Session, C/106/40 (4 November 2015). Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

¹⁵ Migration Governance Framework infosheet (2016). Available at <https://publications.iom.int/books/migration-governance-framework>.

The MGI process



1

Launch of the MGI process

The first step of the process is to explain what the MGI entails to key government officials, in order to ensure full understanding of the project and complete buy-in.



2

Data collection

The second step of the process is to start the collection and analysis of data, based on about 90 indicators grounded in the 6 dimensions of the MiGOF. A migration governance profile based on the analysis of the findings is then drafted and shared with the government counterparts.



3

Interministerial consultation

The third step of the process is to convene an interministerial consultation where all relevant ministries and other stakeholders discuss the good practices and main areas that could be developed further as identified in the draft migration governance profile, as well as priorities on the way forward. It is also an opportunity for them to comment and provide suggestions on the draft profile.



4

Publication of the report on the Global Migration Data Portal

After the migration governance profiles are finalized and vetted by government counterparts, they are published on the Global Migration Data Portal¹⁶ and uploaded on the IOM Publications Platform.¹⁷

¹⁶ You can find the profiles at <https://migrationdataportal.org/overviews/mgi#0>.

¹⁷ Please see <https://publications.iom.int/>.





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