



# GUYANA NEEDS ASSESSMENT ON MIGRATION GOVERNANCE

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IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

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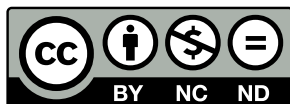
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# GUYANA

## NEEDS ASSESSMENT ON MIGRATION GOVERNANCE



## FOREWORD

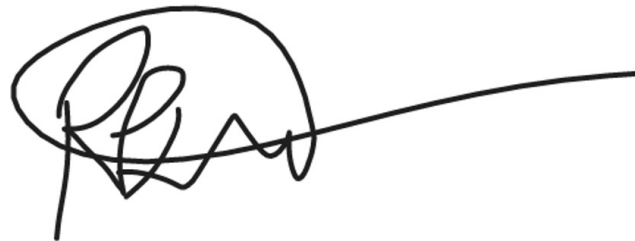
Migration trends and flows in the Caribbean region have shifted significantly in the last decade, demonstrating the need to create migration governance systems that can adapt and respond effectively for the management of these evolving flows. Guyana faces unique migration flows and challenges while making positive advancements towards improving migration governance and recognizing the benefits migration can provide to its national development. Its current and future economic situation calls for a robust and government-wide response to modernize its immigration system.

As the leading organization addressing migration around the world, and recognizing the impact of migration on development, IOM works with government and partners in the international community to tackle old and new challenges posed by migration management; promote understanding about the nature of migratory flows; encourage social and economic development through the benefits of migration; and ensure respect for the human dignity and well-being of migrants.

The Migration Governance Needs Assessments series, now implemented in Guyana, addresses the challenges and opportunities that exist to ensure that migration to, from and within the region occurs through well-managed migration policies and mechanisms. This report for Guyana has been contextualized to the country's particular situation and provides key information to support the Government in understanding the current migration governance systems. The report also highlights specific identified needs to support informed decision-making to strengthen migration governance that will benefit both the State and migrants.

The Migration Governance Needs Assessments series represents a far-reaching effort across Central America, North America and the Caribbean, seeking to expand our understanding of the institutions and policies regulating migration in the regions in order to support intraregional sharing of good practices and the identification of efficient solutions to challenges in migration governance.

We believe that producing accurate and reliable information and analysis is a crucial step towards empowering governments and identifying ways in which IOM and other international partners can assist in strengthening effective migration management.

A handwritten signature in black ink, consisting of a large, stylized initial 'R' followed by a series of loops and a long horizontal stroke extending to the right.

**Robert Natiello**

*Regional Coordination Officer for the Caribbean and Chief of Mission, IOM Guyana*

# TABLE OF CONTENTS

ACRONYMS AND ABBREVIATIONS .....	IV
INTRODUCTION .....	01
METHODOLOGY .....	02
COUNTRY OVERVIEW: GUYANA .....	03
MIGRATION POLICIES AND ADHERENCE TO INTERNATIONAL STANDARDS .....	06
MIGRATION AND BORDER MANAGEMENT .....	10
MIGRATION MANAGEMENT IN SITUATIONS OF EMERGENCIES AND DISASTERS .....	14
MIGRANT PROTECTION AND ASSISTANCE .....	18
MIGRATION AND HEALTH .....	22
LABOUR MIGRATION AND HUMAN DEVELOPMENT .....	26
LABOUR MIGRATION .....	26
HUMAN DEVELOPMENT .....	30
REFERENCES .....	34

# ACRONYMS AND ABBREVIATIONS

<b>CARICOM</b>	Caribbean Community
<b>CDC</b>	Civil Defence Commission
<b>CDEMA</b>	Caribbean Disaster Emergency Management Agency
<b>CSME</b>	CARICOM Single Market and Economy
<b>C-TIPU</b>	Counter-Trafficking in Persons Unit
<b>GDF</b>	Guyana Defence Force
<b>GYD</b>	Guyana Dollar
<b>ISS</b>	Immigration Support Services
<b>MFA</b>	Ministry of Foreign Affairs
<b>MoHA</b>	Ministry of Home Affairs
<b>MoHSSS</b>	Ministry of Human Services and Social Security
<b>MoL</b>	Ministry of Labour
<b>MotP</b>	Ministry of the Presidency
<b>NDC</b>	Nationally Determined Contribution

# INTRODUCTION

Migration trends in the Caribbean have changed along with regional and global dynamics. In recent decades, the region has seen important transformations in the factors that push people to migrate, in the profiles of migrants and in the risks to which migrants are exposed.

In this context, promoting organized, safe, and regular migration is key. With the support of the international community, governments in the region have recognized the need to develop migration governance systems that allow them to respond to emerging challenges and to maximize the opportunities presented by migration.

The International Organization for Migration (IOM) has developed different guidelines and tools to support governments in this process and to facilitate aligning domestic policy with international standards for the protection of migrants, including the 2030 Agenda for Sustainable Development and specifically goal 10.7 to “facilitate orderly, safe, and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies.”<sup>1</sup>

As part of these efforts, IOM has created the Migration Governance Framework (MiGOF), which defines the principles and objectives of effective migration governance. Additionally, IOM has developed the Migration Governance Indicators (MGI) as an instrument that, without addressing implementation, assesses the institutional, legal and public policy framework on migration in the countries that request it. Guyana has not yet implemented the MGI; however, IOM Guyana is coordinating with the Ministry of Foreign Affairs (MFA) to create a Migration Profile.

This report is part of a study that seeks to complement the available information, offering a panoramic view of migration governance in Guyana, including information about the successes and challenges in the implementation of migration policy and incorporating the perspective of the private sector and civil society.

The Migration Governance Needs Assessment in Guyana was developed in an accessible format that provides data on the structures and policies regulating migration governance and that identifies priorities for strengthening government capacity to manage migration effectively. In this sense, this report complements and builds upon the IOM Migration Profile.

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1. United Nations, 2015.



# METHODOLOGY

In 2018, the International Organization for Migration (IOM) carried out a comprehensive assessment of migration governance needs in ten Caribbean countries. In 2019, the study was replicated in Haiti, and in 2020 the methodology was expanded to Belize, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Guyana, Honduras, Mexico, Panama and Suriname.

The methodology involved:

- A review of secondary sources of information, including national legislation, regulations and protocols, government reports and studies conducted by IOM, other United Nations agencies and international organizations.
- A baseline questionnaire made up of a set of 35 indicators and 89 sub-indicators, based on the principles and objectives of the IOM Migration Governance Framework (MiGOF). The questionnaire made it possible to identify the specific information gaps and inform the development of protocols for conducting semi-structured interviews.
- A series of in-person and remote semi-structured interviews conducted with government officials, members of civil society and representatives of United Nations agencies.
- Triangulation of primary data, compared with information provided by different information sources, in order to guarantee the reliability of the results.

In Guyana, 13 interviews were conducted in February and March 2020 with 18 representatives of government ministries, civil society and the private sector. Interviews with government officials included representatives of the Department of Citizenship, Department of Immigration and Office of Climate Change within the Ministry of the Presidency and its Department of Citizenship, the Civil Defence Commission, the Ministry of Foreign Affairs, the Department of Labour and Counter-Trafficking in Persons Unit within the Ministry of Social Protection and the Central Bank of Guyana.<sup>2</sup>

The final result is a document that offers an updated panoramic view of migration governance in Guyana, structured in six thematic chapters:

1. Migration Policies and Adherence to International Standards
2. Migration and Border Management
3. Migration in Situations of Emergencies and Disasters
4. Migrant Protection and Assistance
5. Migration and Health
6. Labour Migration and Human Development

Each chapter is divided into three subsections that include:

- a) a factual description of government management of migration;
- b) a section of bullet points that highlight the most important aspects discussed in the description; and
- c) a table that details the principal needs related to migration governance, organized by sector.

The identified needs included in each chapter were prepared based on the information provided by government representatives, IOM specialists and representatives of civil society. These offer recommendations and opportunities for improvement, but they are not exhaustive and do not represent the official position of the Government of Guyana or the organizations consulted.

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2. The names of ministries here may differ from those used throughout the report, as the names of some ministries changed between the time at which interviews were conducted and the time of the publication of this report. While the report includes the most updated names, the information here is intended to represent the names of the ministries at the time the fieldwork was conducted.



## COUNTRY OVERVIEW: GUYANA

The Co-operative Republic of Guyana, located on the northern mainland of South America, is bordered by the Atlantic Ocean to the north, the Bolivarian Republic of Venezuela to the west, the Federative Republic of Brazil to the south and the Republic of Suriname to the east. Covering 214,969 km<sup>2</sup> and divided into ten administrative regions, the country is the third-smallest independent country on the continent.<sup>3</sup>

The country was colonized largely by the Netherlands and the United Kingdom throughout the 16th and 18th centuries, and the influence of the United Kingdom became increasingly evident in the 19th century as it gained full control of the territory in 1831. Guyana gained independence as a dominion on 26 May 1966 and became a republic on 23 February 1970. Remaining part of the Independent Mainland Nations of the Commonwealth Caribbean, Guyana is the only English-speaking country in South America.<sup>4</sup>

Guyana has a very heterogeneous population of approximately 745,000 people,<sup>5</sup> consisting mainly of the following ethnicities: Amerindians (Indigenous Peoples), Africans, Portuguese, Chinese, Europeans and East Indians. The country's Indigenous Peoples comprise nine nations (Arawaks, Waraos, Caribs, Akawaios, Patamonas, Arekunas, Macushis, Wapishanas and Waiwais). The majority of the country's population is concentrated in urban areas in the low coastal plain that stretches from Region 1 to Region 6, which includes the capital, Georgetown. This narrow coastal belt on the Atlantic Ocean occupies just ten per cent of Guyana's mainland. Scattered Indigenous communities inhabit 76.7 per cent of the country's dense forest landscape.<sup>6</sup>

Guyana is part of several regional institutions and processes. The country is one of the founding members of the Caribbean Community (CARICOM) and engages in its various organs, including: the CARICOM Single Market and Economy (CSME); the Implementing Agency for Crime and Security (IMPACS); the Caribbean Disaster Emergency Management Agency (CDEMA); the Caribbean Public Health Agency (CARPHA); and the Caribbean Court of Justice (CCJ). The capital, Georgetown, hosts the permanent headquarters for CARICOM. Moreover, Guyana is a Member State of the Community for Latin American and Caribbean States (CELAC), the Association of Caribbean States (ACS), the Global Forum on Migration and Development (GFMD), the Global Compact on Migration, and a regional consultative process under development in the Caribbean, the Caribbean Migration Consultations (CMC).

Guyana is considered a middle-income country, with a GDP of USD 4.28 billion<sup>7</sup> and a GDP per capita of USD 5,468.40.<sup>8</sup> Traditionally, the country's main economic assets have been its natural and agricultural resources. Today, the agricultural sector remains a key contributor to the economy, along with the industrial and service sectors.<sup>9</sup> The 2015 discovery and subsequent extraction and export of petroleum, which began in early 2020, is also expected to increase the country's GDP by up to 53 per cent by 2020.<sup>10</sup> According to a 2017 ILO report on informal economies in the Caribbean, Guyana's informal employment was between 48.3 and 52.6 per cent of the total employment with around 50,000 to 83,000 informal economic units concentrated in the agricultural sector.<sup>11</sup>

3. Government of the United States of America, 2020.

4. Ibid.

5. Government of the Co-operative Republic of Guyana, 2020b.

6. UNDP, 2010.

7. World Bank, 2020b.

8. World Bank, 2020c.

9. Government of the Co-operative Republic of Guyana, 2010.

10. Wilburg, 2020.

11. ILO, 2017b.

12. Migration Data Portal, 2020.

Guyana has a net migration rate of -7.7<sup>12</sup> and is predominantly a country of emigration, with most of its diaspora residing in the United Kingdom, the United States of America, Canada and the Anglophone Caribbean countries.<sup>13</sup> The emigration rate of the country is among the top 20 in the world, as 40 per cent of Guyana's citizens reside abroad.<sup>14</sup> In 2015, Guyana received the third greatest amount of remittances in relation to its GDP (8.6%) in the Caribbean. Only Haiti and Jamaica had higher percentages of their GDP coming from remittances (21% and 15%, respectively).<sup>15</sup> While remittances and the diaspora communities are vital for the economy, high levels of emigration also pose challenges for the country, including the emigration of skilled workers such as doctors, lawyers, nurses and technicians.<sup>16</sup> According to the World Bank, approximately 93 per cent of highly skilled Guyanese lived in another country in 2015.<sup>17</sup>

In 2019, the total registered immigrant population in Guyana was 15,700<sup>18</sup> (approximately 2 per cent of Guyana's total population),<sup>19</sup> with Surinamese as the largest population (30%), followed by Brazilians (15%), Venezuelans (14%), citizens of

the United States of America (8.3%) and Chinese citizens (7%).<sup>20</sup> At the beginning of 2020, appealing partners (IOM and UNHCR) under the Response for Venezuelans (R4V) Platform<sup>21</sup> reported nearly 22,000 Venezuelan migrants, of which 11,881 were in regular migration status,<sup>22</sup> who have migrated to Guyana due to socioeconomic and political turbulence in their country.

In 2018, Guyana scored 0.670 in the Human Development Index (HDI), ranking 123 out of 189 countries.<sup>23</sup> The Gender Inequality Index (GII), which calculates the loss to achievements in reproductive health, empowerment, and labour market participation due to inequality between men and women, ranked Guyana 118 with a score of 0.492.<sup>24</sup>

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13. IOM, 2017.

14. IOM, 2019c.

15. IOM, 2017.

16. Roopnarine, 2013.

17. World Bank, 2016.

18. UN DESA, 2019.

19. Calculated from: World Bank, 2020f. These numbers represent an estimate from the United Nations Department of Economic and Social Affairs (UN DESA) Population Division and do not include the irregular migrant population in Guyana. Please see for more information: [www.un.org/en/development/desa/population/migration/data/estimates2/countryprofiles.asp](http://www.un.org/en/development/desa/population/migration/data/estimates2/countryprofiles.asp).

20. Ibid.

21. The Coordination Platform for Refugees and Migrants from Venezuela, called Response for Venezuelans (R4V), was established by UNHCR and IOM in 2018 to lead and coordinate the response to refugees and migrants from Venezuela. For more information see: [www.r4v.info/en/situations/platform](http://www.r4v.info/en/situations/platform).

22. R4V, 2020c.

23. UNDP, 2019.

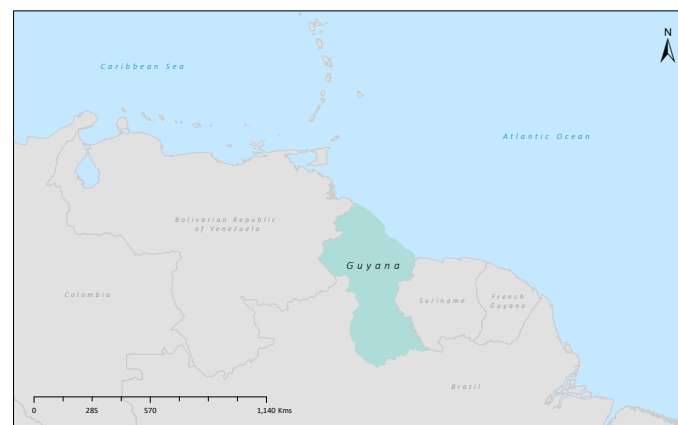
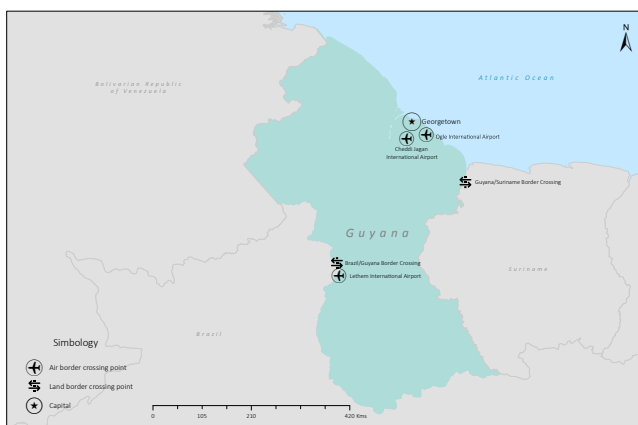
24. UNDP, 2018.

# GENERAL INFORMATION

CAPITAL	CURRENCY	POPULATION <sup>25</sup>	AREA (km <sup>2</sup> ) <sup>26</sup>	GDP PER CAPITA (USD) <sup>27</sup>	MAIN ECONOMIC ACTIVITIES <sup>28</sup>
Georgetown	Guyana Dollar (GYD)	779,004	214,969	5,468.40	Agriculture and industrial production

# MIGRATION DATA

IMMIGRATION POPULATION <sup>29</sup>	IMMIGRATION POPULATION (% of total population) <sup>30</sup>	WOMEN (% of immigrant population) <sup>31</sup>	EMIGRANT POPULATION <sup>32</sup>	INTERNALLY DISPLACED PERSONS <sup>33</sup>	REMITTANCES RECEIVED (million USD) <sup>34</sup>	REMITTANCES RECEIVED (% of GDP) <sup>35</sup>	NET MIGRATION RATE <sup>36</sup>
15,700	2	46.5	520,200	170	333	8.6	-7.7



Note: These maps are for illustration purposes only. The boundaries and names shown and the designations used on these maps do not imply official endorsement or acceptance by the International Organization for Migration.

- 25. World Bank, 2020f.
- 26. Government of the United States of America, 2020.
- 27. World Bank, 2020c.
- 28. Government of the Co-operative Republic of Guyana, 2010.
- 29. UN DESA, 2019.
- 30. Ibid.
- 31. Ibid.
- 32. Migration Data Portal, 2020.
- 33. HDX, 2018.
- 34. World Bank, 2020e.
- 35. World Bank, 2020d.
- 36. Migration Data Portal, 2020.

# MIGRATION POLICIES AND ADHERENCE TO INTERNATIONAL STANDARDS

This section describes the different national policies that have been developed in Guyana for the management of migration. It also includes information about the status of ratification of international treaties that support the respect for the rights of migrants.

Guyana has ratified eight of the nine main international instruments in the field of human rights. The Government has not yet ratified the *1951 Convention Relating to the Status of Refugees*, its *1967 Protocol Relating to the Status of Refugees*, or the *International Convention for the Protection of All Persons from Enforced Disappearance (CED)*.

The main legislation regulating immigration in Guyana is the *Immigration Act, Chapter 14:02* (1947, last amended in 2007). Other laws related to migration include the *Constitution of the Co-operative Republic of Guyana, Chapter 1:01* (1980, last amended in 2009), the *Guyana Citizenship Act (1967), Chapter 14:01*, the *Aliens (Immigration and Registration) Act, Chapter 14:03* (1947), the *Expulsion of Undesirables Act, Chapter 14:05* (1930), the *Combating of Trafficking in Persons Act 2005, Chapter 10:06*, the *Caribbean Community (Free Entry of Skilled Nationals), Chapter 18:08* (1996), the *Equal Rights Act 1990, Chapter 38:03*, the *Registration of Births and Deaths Act, Chapter 44:01*, and the *Prevention of Discrimination Act, Chapter 99:08* (1997).

The national law addressing extradition is the *Expulsion of Undesirables, Chapter 14:05*.<sup>37</sup> Guyana has signed extradition agreements with the United States of America and the United Kingdom.

Guyana has no law that prohibits discrimination or harassment on grounds of migration status. However, the *Prevention of Discrimination Act, Chapter 99:08* prohibits discrimination in equality of opportunity or treatment in any employment or occupation according to “race, sex, religion, colour, ethnic origin, indigenous population, national extraction, economic status, political opinion, disability, family responsibilities, pregnancy, marital status or age except for purposes of retirement and restrictions on work and employment of minors.”<sup>38</sup> Although no mention is explicitly made of migration status, this provision does apply to ethnic origin and national extraction, and thus provides some protection to migrants.

Immigration Support Services (which recently absorbed the majority of the responsibilities of the Department of Citizenship (DoC)), located within the Ministry of Home Affairs (MoHA), oversees the enforcement of laws on immigration and emigration, regulates the framework and conditions of foreigners staying in Guyana, issues residence permits to foreigners, processes immigration and naturalization applications and leads all efforts towards the creation of a migration policy. As the primary government entity mandated with managing migration, it functions as the coordinating hub equipped to guide policy, action and distribution of resources related to migration.

The Bureau of Statistics gathers data on the population of Guyana and on the labour, health and education sectors. However, the data are not disaggregated by nationality and do not provide information on the migrant population in the country. Information-sharing between ministries happens upon request. The Ministry of Foreign Affairs (MFA), with support from IOM, is currently in the early stages of drafting a Migration Profile for Guyana that offers an inclusive perspective on: national and international data sources on various migrant categories; current statistics on migration stocks and flows; and data on the impact of migration on development. All of these may be utilized to enhance policy coherence, develop evidence-based policy and mainstream migration into development plans.<sup>39</sup>

All foreigners staying in Guyana longer than 90 days, or beyond a date stamped by an immigration officer not exceeding 90 days, must obtain an extension of stay on a work, business, or student permit. These permits allow migrant workers and students to reside in the country for three years and businesspersons for five years, with the possibility of renewal.<sup>40</sup> The country does not issue specific temporary or permanent residency permits. Citizenship is obtained through birth, descent, registration or naturalization. Citizenship by descent may be acquired for individuals born overseas with at least one Guyanese parent, who may apply for citizenship by presenting their birth certificate and the birth certificate of the Guyanese parent to the closest embassy or consulate. The *Guyana Citizenship Act* defines the requirements for registration and naturalization. According to the Act, applicants must have resided in Guyana for a period of 12 months continuously prior to making

37. Government of the Co-operative Republic of Guyana, 1930, Chapter 14:05.

38. Government of the Co-operative Republic of Guyana, 1997b, Chapter 99:08.

39. IOM, 2011.

40. Government of the Co-operative Republic of Guyana, n.d.

an application. Commonwealth nationals are required to reside for a minimum of five years in the country, and non-Commonwealth nationals must have lawfully resided in the territory for at least seven years. Section 46 of the *Constitution of the Co-operative Republic of Guyana* stipulates that citizens who acquire or exercise the rights of another citizenship may be deprived of their Guyanese citizenship.<sup>41</sup> As reported by the DoC, an average of 160 migrants' applications for citizenship have been processed each year over the past five years, including applications for registration (Commonwealth nationals) and naturalization (non-Commonwealth nationals).

The Constitution (Art. 159) also states that every person who is 18 years or older and either a citizen of Guyana or a Commonwealth citizen domiciled and resident in Guyana for one year may vote. Migrants who are neither naturalized Guyanese citizens nor resident Commonwealth citizens cannot vote.<sup>42</sup> Furthermore, migrants have access to legal recourse, can present cases in court regardless of their migration status and may secure legal representation (not provided by the Government).

## ORGANIZATIONAL AND LEGISLATIVE FRAMEWORK

Legislation governing migration	✓	<i>Immigration Act, Chapter 14:02</i>
National migration policy in a programmatic document	✗	
Inter-ministerial coordination mechanism	✗	
National laws dealing with extradition and agreements for extradition facilitation	✓	<i>Expulsion of Undesirables, Chapter 14:05</i>

## RELEVANT INTERNATIONAL TREATIES

Convention or treaty		Year of ratification
<i>International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families</i>	✓	2010
<i>International Covenant on Civil and Political Rights and Its Two Protocols</i>	✓	1977. Optional Protocol ratified in 1999. Second Optional Protocol not ratified.
<i>International Covenant on Economic, Social and Cultural Rights</i>	✓	1977
<i>International Convention on the Rights of the Child</i>	✓	1991
<i>Convention on the Elimination of All Forms of Discrimination against Women</i>	✓	1980
<i>Convention on the Rights of Persons with Disabilities</i>	✓	2014
<i>Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment</i>	✓	1988
<i>International Convention for the Protection of All Persons from Enforced Disappearances</i>	✗	
<i>International Convention on the Elimination of All Forms of Racial Discrimination</i>	✓	1977

41. Government of the Co-operative Republic of Guyana, 1980, Chapter 1:01.

42. Ibid.

# MIGRATION POLICIES AND ADHERENCE TO INTERNATIONAL STANDARDS



## Migration strategy and regulatory framework

- The main legislation regulating immigration in Guyana is the *Immigration Act, Chapter 14:02* (1947, last amended in 2007).
- There is no overarching migration policy or strategy.
- Guyana's national law addressing extradition is the *Expulsion of Undesirables, Chapter 14:05*.



## Records and data collection

- The Ministry of Foreign Affairs leads all efforts in the creation of a comprehensive Migration Profile for Guyana, which can be subsequently used for policy development.
- Information-sharing between ministries and agencies occurs upon request.



## Residence and citizenship

- Guyana does not issue specific residence permits; however, foreigners may obtain a work, business or student permit allowing them to stay in the country for three to five years, with the possibility of renewal.
- Citizenship can be obtained by birth, descent, registration and naturalization.



## Anti-discrimination

- Guyana has no law that prohibits discrimination or harassment on grounds of migration status.
- The *Prevention of Discrimination Act, Chapter 99:08* prohibits discrimination in equality of opportunity or treatment in any employment or occupation, based on race, sex, colour, ethnic origin, indigenous population or national extraction, among others.



## Access to political rights

- Migrants who are neither naturalized Guyanese citizens nor Commonwealth citizens resident in Guyana cannot vote.
- Migrants have access to legal recourse, can present cases in court regardless of their migration status and may secure legal representation (not provided by the Government).

## MAIN NEEDS IDENTIFIED BY THE GOVERNMENT

- Create, implement and coordinate a comprehensive migration policy and strategy.
- Create a coherent, centralized and easily accessible information system outlining visa, passport and naturalization procedures, accessible to foreigners.
- Exchange experiences and learn about migration issues and good practices in the region through international engagement.

## MAIN NEEDS IDENTIFIED BY IOM

- Consider the ratification of the *International Convention for the Protection of All Persons from Enforced Disappearance (CED)*.
- Develop a centralized data collection system for migration data, disaggregated by nationality and migration status.



# MIGRATION AND BORDER MANAGEMENT

This chapter presents a brief description of the main structures and systems available in Guyana to manage migration flows and exercise border control.

Guyana has two international airports and two official seaports which accept the international arrivals of persons. Additionally, there are two official land border crossings along the Takutu River with Brazil and at the border with the Bolivarian Republic of Venezuela and one ferry service between Guyana and Suriname. There are also many unofficial border crossing points found along the borders with the Bolivarian Republic of Venezuela, Brazil and Suriname.

According to government officials, on a national level, the army, border police, immigration officers and customs coordinate the country's border control and security. Guyana's law enforcement officials are authorized under the *Immigration Act, Chapter 14:02* to place restrictions on the right to enter or leave the country. The Act classifies persons who shall be denied entry into Guyana as "prohibited immigrants". These are persons who: (a) are considered an "idiot," or are epileptic, or of "unsound mind," or "mentally deficient," or deaf and "dumb," or deaf and blind or "dumb" and blind; (b) are suffering from a communicable disease; (c) are, or have been sex workers; (d) are not in possession of financial means to support themselves; or e) are dependents of a prohibited immigrant.<sup>43</sup> Additionally, the *Aliens (Immigration and Registration) Act, Chapter 14:03* provides provisions for the regulation of entry and registration of foreigners in the country. In order to attain a certificate of registration, foreigners must present themselves to the registration officers with a passport containing a photograph, provide information about accompanied family members and residency, and if required by a registration officer, provide a recent photograph along with fingerprints for the purpose of identification. Section 9 stipulates that any person who is a prohibited migrant who has attained the age of 16 years and has failed to comply with any provisions of the Act is guilty of an offence and is liable on summary conviction to a fine of GYD 32,500/USD 155 and to imprisonment of six months.<sup>44</sup>

Another important law for the management of migration to and from Guyana is the *Expulsion of Undesirables Act, Chapter 14:05*, which prevails over the *Immigration Act* and the *Aliens (Immigration and Registration) Act*. The Act includes provisions for expulsion and forced return procedures to persons other than a Guyanese national who are deemed hazardous to the public good. According to Section 4 of the Act, the President "may at any time

make an order against an undesirable person requiring him to leave Guyana within a time fixed by the order and thereafter to remain out of Guyana, or directing that such person be apprehended by any member of the police force and be deported from Guyana."<sup>45</sup> Persons who do not comply with the Act are found guilty of an offence, prosecuted under the *Summary Jurisdiction Act* and are liable to a fine of GYD 48,750/USD 233 and to imprisonment for six months. The legislation for the expulsion and deportation of migrants is put in practice by immigration authorities. Guyana does not operate separate detention centres for migrants; any migrants to be detained are currently held at police stations with no separation or distinction from the general population. As stated in Section 4 of the *Juvenile Justice Act, 2018*, the age of criminal liability is 14 years. However, the child will not be sentenced to imprisonment, but will be placed in an open residential facility for a specified period not exceeding three years.<sup>46</sup>

The remote and unpatrolled borders of Guyana make it easier for organized criminal networks, including networks of human smugglers, to operate in the region, crossing between North America, South America and the Caribbean.<sup>47</sup> Although Guyana ratified the *Protocol against Smuggling of Migrants by Land, Sea and Air* in 2008, supplementing the United Nations *Convention against Transnational Organized Crime*, it has not been included into the country's legislation; though draft legislation is in development. Nevertheless, immigration officers are specifically trained on differentiating smuggling of migrants and human trafficking and in foreign languages such as Spanish and Portuguese that allow them to communicate with migrants and detect these crimes. Trainings are conducted by the Trafficking in Persons Unit, located in the Ministry of Human Services and Social Security (MoHSSS), based on an annual review of what types of training are required most by frontline officials and service providers. According to the Unit, additional and continuous training is required in order to better respond to recent changes in migration trends.

The border management system, placed at all official border crossing points, is provided by the Canadian Bank Note Company, Limited (CBN). The border management system allows for the verification of travel documents and electronic record information about entries, (over)stays and exits of travellers through MRZ (Machine-Readable Zone) machine-readers and scanners that capture MRZ codes and photographs the data page of travelling documents. It also allows data to be shared between immigration officers and relevant

43. Government of the Co-operative Republic of Guyana, 2007, Ch. 14:02.

44. Government of the Co-operative Republic of Guyana, 1997a.

45. Government of the Co-operative Republic of Guyana, 1930, Ch. 14:05.

46. Government of the Co-operative Republic of Guyana, 2018b.

47. INTERPOL, 2020.

ministries, but the border management system is not automatically integrated with any other national database. The challenges of information-sharing between security, law enforcement and other migration entities was identified by immigration authorities as one of the needs in terms of border security, as information is currently shared with other entities only upon request. As a full participating Member State to CARICOM's Implementing Agency for Crime and Security (IMPACS) and its sub-agency, the Joint Regional Communications Centre (JRCC), Guyana's immigration authorities have access to information generated by the CARICOM Advance Passenger Information System (APIS). This electronic data interchange passenger system operates 24/7 and collaborates with the Regional Intelligence Fusion Centre (RIFC) to enhance border security and ensure safety in the Caribbean region. Additionally, the machine-readers use advanced passenger information that allow authorities to check passports linked to the border protection and security of the International Criminal Police Organization (INTERPOL) along with its international watch list.

Data on fatalities and disappearances of migrants are collected through information from the Immigration Support Services (ISS), located within the Ministry of Home Affairs, and reported to the Criminal Investigation Department (CID) and Missing Persons Unit of the Guyana Police Force. According to the Immigration Support Services, monthly reports are prepared on the deportation of migrants. Moreover, Guyana has become the first Caribbean country to implement Government-led registration through the the United Nations High Commissioner for Refugees (UNHCR) Population Registration and Identity Management Ecosystem (PRIMES) to collect data such as biometric information of Venezuelans, and other populations in the future, in need of basic services including vaccinations and the results of health screenings.<sup>48</sup> Upon registry, an entry permit is issued with a validity of three months and following the expiration of the permit, Venezuelan migrants are entitled to apply for an extension of stay. Due to data protection policies in place between UNHCR and the Government of Guyana, these records are only accessible to the former Department of Citizenship, now under Immigration Support Services. There is no information system that captures Guyana's migrant population with irregular status; reports are made on migrants with irregular status as they are encountered by government officials.

Immigration Support Services issues visas on arrival through a new electronic system to: (a) visa nationals visiting Guyana for tourism purposes for a period less than three months; and (b) family members accompanying visa nationals working in Guyana. The length of these visas range between three months to a multiple-entry visa for a year.<sup>49</sup> Visa nationals visiting for business, employment or student purposes may apply to the nearest embassy or consulate. When they are not able to, a visa on arrival may be offered through the Ministry of Foreign Affairs (MFA).<sup>50</sup> Passports should have at least six months' validity in order to

## INFRASTRUCTURE AND EQUIPMENT

Border Management System	✓	Provided by CBN
Records of entries and exits	✓	Digital records
Electronic/biometric passports	✗	In development
Readers or scanners	✓	Machine-readers and scanners capture Machine-Readable Zone codes and photographs
Identification of fraudulent documents	✓	Relies on training of frontline officers

## RELEVANT INTERNATIONAL TREATIES

Convention or treaty		Year of ratification
<i>1954 Convention on the Status of Stateless Persons</i>	✗	
<i>Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment</i>	✓	1988
<i>United Nations Convention against Transnational Organized Crime and its protocols</i>	✓	2004
<i>Protocol against the Smuggling of Migrants by Land, Air and Sea</i>	✓	2008
<i>International Convention for the Protection of All Persons from Enforced Disappearance</i>	✗	

48. de Rozario, 2020.

49. Government of the Co-operative Republic of Guyana, 2018a.

50. Government of the Co-operative Republic of Guyana, n.d.

travel to Guyana. Information outlining visa options is accessible to the public through the official information channels, such as websites and official communications, of the ISS, MFA, and Guyanese embassies and consulates. The ISS identified the need for standardizing this information, as current visa information is not fully aligned across these sources. Application forms for student, employment and business visas still require applicants to provide their address and telephone number of their intended place of stay in Guyana to the Ministry of Home Affairs, though they are currently managed by the ISS. Guyana is a Member State of the CARICOM Single Market and Economy (CSME). Visas are not required for entry of nationals of other CSME Member States moving within the facilitation of travel or travelling with a Skills Certificate.

According to the Global Passport Power Rank, which measures the mobility opportunities of a country's citizens, Guyana ranks 41 out of 189 countries. The passport index shows that Guyana nationals can travel to 26 countries visa free, to 32 countries with a visa on arrival, and to 140 countries with a required visa.<sup>51</sup> The Government of Guyana issues CARICOM passports which are machine-readable and contain the biometric feature of a photograph. Depending on the embassy or consulate, it can take between one<sup>52</sup> and three months<sup>53</sup> to receive a passport for Guyanese living abroad. The Government of Guyana plans to replace the machine-readable passports with electronic passports in order to improve the current border management system and improve the identification of fraudulent documents, which currently relies on training of frontline officers. The implementation of electronic passports will allow the Government of Guyana to develop a biometric database or a fingerprint database for travellers.

## MIGRATION AND BORDER MANAGEMENT



### Border management

- Guyana has two international airports and two official seaports.
- There are two official land border crossings along the Takutu River with Brazil and at the at the border with the Bolivarian Republic of Venezuela, and one ferry service between Guyana and Suriname.
- Unofficial border crossing points are found along the borders with the Bolivarian Republic of Venezuela, Brazil and Suriname.



### Migrant detention

- Although irregular migration is punishable by the criminal penal code, the Government has not designated a specific migration detention centre.
- Migrants with irregular status are detained in civil prisons and receive equal treatment as the general prison population.
- The age of criminal liability is 14 years; however, juvenile migrants with irregular status will be placed in an open residential facility for a specified period not exceeding three years.<sup>54</sup>
- Reports are made on migrants with irregular status as they are encountered by government officials; there is no systematized database for collecting information on the migrant population with irregular status.



### Smuggling of migrants

- There are no data available on the number of prosecutions and convictions.
- The Government of Guyana ratified the *Protocol against Smuggling of Migrants by Land, Sea and Air* in 2008, but it has not been included into the country's legislation.
- A draft legislation on smuggling of migrants is being developed.

51. Passport Index, 2020.

52. Government of the Co-operative Republic of Guyana, 2016b

53. Government of the Co-operative Republic of Guyana, 2019a.

54. Government of the Co-operative Republic of Guyana, 2018b.



## Border management system

- The border management system is provided by the Canadian Bank Note Company, Limited.
- The border management system allows for data-sharing with international security and law enforcement entities, such as INTERPOL and the Joint Regional Communications Centre.
- Some border crossing points have machine-readers, and other have scanners that capture machine-readable zones codes and take photographs of travelling documents.
- There is no capacity to collect biometric features of travellers.



## Visas

- All foreigners staying in Guyana longer than 90 days must obtain an extension of stay either as a visitor or on a work, business, or student permit.<sup>55</sup>
- Information on visa application processes and immigration processes is disseminated across several websites.
- Visas are not required for nationals of other CSME Member States via the facilitation of travel or movement of nationals with Skills Certificates.



## Travel documents

- Guyana issues machine-readable passports, and applications for passports are collected at consulates abroad to be processed in-country.
- Depending on the embassy or consulate, passports are issued within one to three months and are valid for five years.

## MAIN NEEDS IDENTIFIED BY THE GOVERNMENT

- Implement electronic passports in order to improve the collection of migration data and ensure the identification of fraudulent documents.
- Facilitate automatic information-sharing between security, law enforcement, Bureau of Statistics and other migration-related entities.
- Collect data on migration across borders, particularly for cyclical migration and the Venezuelan migration flows.
- Facilitate regular training for government entities related to border management and security on how to respond to changing migration trends.
- Adopt legislation on migrant smuggling to enact the *Protocol against Smuggling of Migrants by Land, Sea and Air*, supplementing the *United Nations Convention against Transnational Organized Crime*.

## MAIN NEEDS IDENTIFIED BY IOM

- Develop an inter-institutional coordination mechanism for border management and strategy.
- Revise the *Aliens (Immigration and Registration) Act*, which penalizes migrants with irregular status, and identify and implement alternatives to the detention of migrants.
- Revise the *Expulsion of Undesirables Act* regarding expulsion and deportation of persons with disabilities, sex workers, and persons with communicable diseases, among others, to eliminate discriminatory provisions.
- Strengthen the capacities or resources to adequately identify and refer those entering the territory irregularly to regularization processes.

55. Government of the Co-operative Republic of Guyana, n.d.

# MIGRATION MANAGEMENT IN SITUATIONS OF EMERGENCIES AND DISASTERS

This section offers an overview of the different institutions, laws, regulations and national plans that exist in Guyana for the management of emergencies and disasters, emphasizing to what extent migration issues are incorporated.

By virtue of Guyana's geographical location and topographic characteristics, the country is highly susceptible to natural disasters caused by climatological and meteorological hazards. According to the *World Risk Report 2019*, Guyana ranks 5th out of 180 countries considered most at risk, due to vulnerability and exposure to natural events.<sup>56</sup> The primary hazards are river floods, coastal floods, wildfires, urban floods, and extreme heat.<sup>57</sup>

Guyana's national policies related to emergencies do not explicitly include migrants. The Civil Defence Commission (CDC), established in 1982, was reconstituted after severe flooding in 2005 to serve as the main focal point for responding to natural hazards, operating under the authority of the Ministry of the Presidency (MotP) and under the administration of the Guyana Defence Force (GDF); however, during interviews with representatives from the CDC, they expressed the need to clarify its institutional location. The CDC also mentioned that migrants have been treated equally when response operations have been conducted, but there is a need to incorporate migration issues into policy documents, as the CDC has a mandate to ensure that rights of migrants are protected and that humanitarian concerns are addressed.

In 2013, the CDC, with support from the Inter-American Development Bank (IADB) and the United Nations Development Programme (UNDP), developed the *National Integrated Disaster Risk Management Plan and Implementation Strategy* and the *National Multi-Hazard Preparedness and Response Plan* to improve the country's capacity to manage disasters using a comprehensive disaster management approach. A draft *Disaster Risk Management Bill* was also developed, aligned with the work of the Caribbean Disaster Emergency Management Agency (CDEMA), to formally establish the guiding principles and structure

for disaster risk management (DRM) in Guyana.<sup>58</sup> In 2019, a more comprehensive draft bill was developed to include all aspects of DRM as the 2013 bill mainly focused on disaster preparedness. Similarly, the *2019 Disaster Risk Management Bill* does not explicitly outline any responsibilities related to migrants. According to the CDC, the new and improved bill has been sent to a parliamentary committee and is awaiting legal review. Other relevant policy documents include: the *Shelter Management Policy and Standards* (SMPS),<sup>59</sup> which establishes a national shelter management body, and the *Search and Rescue Plan* (SAR),<sup>60</sup> which coordinates land-based and maritime search and rescue. The CDC also developed a mass casualty management protocol regarding the management of large-scale events. However, the protocol is not enforced through legislation, and government and non-government entities are not mandated to follow it.

IOM seeks to support States in responding to migrants' needs before, during and after crises. The IOM Migration Crisis Operational Framework (MCOF), adopted in 2012, is an operational and institution-wide tool to improve and systematize the way in which IOM supports its Member States to better prepare for and respond to migration crises.<sup>61</sup> The IOM Migrants in Countries in Crisis (MICIC) initiative, launched in 2014, provides guidelines and support for ensuring that migrants are included in crisis preparedness, emergency response and post-crisis action.<sup>62</sup> Both of these frameworks are voluntary for States, and they are intended to complement national policy regarding emergency management. Guyana has not explicitly integrated these frameworks into national policies and strategies.

Although the MICIC perspective has not yet been integrated into national policies in Guyana, the government provided assistance to migrants in response to the global emergency surrounding the COVID-19 pandemic. According to the Response for Venezuela (R4V) coordination platform, the Government provided medical, educational, and shelter assistance to vulnerable Venezuelan migrants,<sup>63</sup> whose vulnerability has considerably increased due to

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56. Bündnis Entwicklung Hilft, 2019.

57. GFDRR, 2020.

58. Civil Defence Commission, 2014b.

59. Civil Defence Commission, 2014a.

60. Civil Defence Commission, 2009.

61. International Organization for Migration, 2012.

62. MICIC, 2016.

63. R4V, 2020b.

the effects of the pandemic. As of July 2020, the then Ministry of Social Protection had assisted 1,484 households, of which 90 per cent were Venezuelans and ten per cent were Guyanese returnees, with access to food, rent and education, among other services.<sup>64</sup>

With regard to the early warning system, the National Emergency Monitoring System (NEMS) is a 24-hour system for documenting and alerting appropriate response agencies during emergencies in Guyana.<sup>65</sup> Through the NEMS, the CDC receives telephone calls, telephone messages, radio messages and emails from the public; these messages are then directed to the appropriate response agency or various departments of the CDC. The CDC also utilizes the NEMS to communicate information to the public. Although measures are tailored according to the region or community that the CDC aims to reach, the NEMS is an English-based system which allows for communication with only English-speaking migrants. Nevertheless, migrants who do not speak English may send messages that are routed to staff or volunteers who speak the appropriate language; referrals have also been made to partner agencies or other government departments in such circumstances. In order to meet the communication needs of Guyana’s multi-lingual population, the CDC is looking to incorporate basic messages in English, Spanish, Portuguese and the country’s indigenous languages that can be used in different scenarios. IOM has also supported the government providing translation services for the Ministry of Health and the CDC for public announcements on COVID-19 in Spanish. Providing messages in Haitian Creole would also support access for the migrant population from Haiti.

The country has also made important efforts to adapt to environmental changes. Guyana submitted a *Nationally Determined Contribution (NDC)* per the *United Nations Framework Convention on Climate Change (UNFCCC)*, which mentions that improving technologies and practices in the mining industry would enhance recovery rates and help prevent migrants returning to previously mined areas and undermining reforestation efforts.<sup>66</sup> Guyana’s *Second National Communication to the UNFCCC* showcases the Government’s efforts to address human mobility in the context of environmental changes. It clearly identifies “migration of human settlements from the hinterland, increasing the pressure on the coastal zone” as one of the impacts of more intense and frequent *El Niño* and the Southern Oscillation events. It also defines the adoption of enhanced agropastoral techniques as a potential adaptation measure to manage reduced rainfall to prevent productivity declines and rural to urban migration.<sup>67</sup>





64. R4V, 2020a.

65. Government of the Co-operative Republic of Guyana Government Information Agency, 2015.





66. Government of the Co-operative Republic of Guyana, 2016a.

67. Government of the Co-operative Republic of Guyana, 2012a.

## INCLUSION OF MIGRATION PERSPECTIVE IN PLANS AND PROTOCOLS

Mechanism to include the migration perspective		
National risk and disaster management		Assistance is provided to migrants on an ad hoc basis
Early warning system		National Emergency Monitoring System (NEMS)
Environmental changes		<i>Climate Resilience Strategy and Action Plan for Guyana (2016–2020) and National Climate Change Policy and Action Plan 2020–2030</i>

## RELEVANT INTERNATIONAL TREATIES

Convention or treaty		Year of ratification
<i>United Nations Framework Convention on Climate Change</i>		1994
<i>Paris Agreement on Climate Change</i>		2016
<i>Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Disaster Relief Operations</i>		
<i>Kyoto Protocol to the United Nations Framework Convention on Climate Change</i>		2003

The *Climate Resilience Strategy and Action Plan for Guyana (2016–2020)*, which sets out the national framework and commitment to address environmental changes,<sup>68</sup> and the 2019 *National Climate Change Policy and Action Plan 2020–2030* both mention migratory movements in relation to changes in the environment. The NCCPAP specifically incorporates several policy objectives with regard to mass displacement and internal migration of populations with a notable focus on gender, vulnerable communities and Indigenous Peoples across the country.<sup>69</sup>

## MIGRATION MANAGEMENT IN SITUATIONS OF EMERGENCIES AND DISASTERS



### Emergency and risk management

- The Civil Defence Commission is the primary agency responsible for all phases of disaster risk management in Guyana.
- The specific needs of migrants are not taken into account in policy documents.
- Data cannot be disaggregated by migration status.



### COVID-19 emergency response

- The Government of Guyana provides medical, educational, and shelter to vulnerable Venezuelan refugees and migrants.
- The then Ministry of Social Protection assisted 1,484 household with access to food, rent and education, among other services; 90 per cent were Venezuelan migrants and ten per cent were Guyanese returnees.

68. Government of the Co-operative Republic of Guyana, 2015b.

69. Government of the Co-operative Republic of Guyana, 2019d.





## Early warning systems

- The National Emergency Monitoring System is a 24-hour communication system to monitor various platforms and communicate disaster related issue tailored to the specific needs of different regions and communities.
- The System is English-based; however, non-English speaking migrants may send messages that are routed to staff or volunteers who speak the appropriate language.



## Strategies for mitigation and adaptation related to environmental change

- The *Guyana Second National Communication* provides a multidimensional approach to migration regarding multiple hazards of environmental changes (flooding, sea level rise, droughts).
- The *Climate Resilience Strategy and Action Plan for Guyana* establishes a plan to enhance Guyana's capacity for national adaptation planning to foster resilience.
- The draft *National Climate Change Policy and Action Plan for 2020–2030* addresses mass displacement and internal migration.

## MAIN NEEDS IDENTIFIED BY THE GOVERNMENT

- Implement the *Disaster Risk Management Bill, 2019* to enforce and regulate the implementation of policy provisions related to migrants.
- Clarify the institutional location of the Civil Defence Commission.
- Incorporate migration issues into policy documents to ensure that rights of migrants are protected and that humanitarian concerns are addressed.
- Expand the National Emergency Monitoring System to include messages in Spanish, Portuguese and the country's Indigenous languages.

## MAIN NEEDS IDENTIFIED BY IOM

- Include specific provisions in policy documents for long-term displacement and adopt measures to effectively address the needs of migrants in conditions of vulnerability and in times of natural hazards.
- Develop a disaggregated monitoring system for displaced persons.
- Expand the National Emergency Monitoring System to include messages in Haitian Creole.
- Follow up on the migration consideration under the Second National Communication to define and monitor interventions aimed at addressing the negative impacts of environmental changes as drivers of forced migration.

## MIGRANT PROTECTION AND ASSISTANCE

The following section will discuss the main government institutions, legislation, and initiatives that exist in Guyana to provide protection and assistance to the migrant population, particularly to vulnerable groups, refugees and asylum seekers, victims of trafficking and returnees.

The protection and assistance of various vulnerable groups in Guyana is within the mandate of the Ministry of Human Services and Social Security (MoHSSS). The Ministry provides a wide range of services dedicated to gender affairs, counter-trafficking in persons, child welfare and protection, foster care, and family and support services.<sup>70</sup> These services do not specifically target migrant populations, apart from migrants who are victims of trafficking.

Guyana has no law that prohibits discrimination or harassment on grounds of migration status. However, the *Prevention of Discrimination Act, Chapter 99:08* prohibits discrimination in equality of opportunity or treatment in any employment or occupation according to “race, sex, religion, colour, ethnic origin, indigenous population, national extraction, economic status, political opinion, disability, family responsibilities, pregnancy, marital status or age except for purposes of retirement and restrictions on work and employment of minors.”<sup>71</sup> Although no mention is explicitly made of migration status, it does apply to ethnic origin and national extraction, and thus provides some protection to migrants. Moreover, as stipulated in sections 351 through 353 of the *Criminal Law (Offences), Chapter 8:11*, homosexuality is criminalized in Guyana. Persons who contravene the provisions of these sections are liable to a minimum imprisonment of two years to a maximum imprisonment of life.<sup>72</sup> Special provisions for the protection of LGBTIQ+ people are therefore not included in the *Prevention of Discrimination Act, Chapter 99:08*, which leaves LGBTIQ+ migrants in Guyana in a vulnerable position.

Guyana has seen a significant increase in Venezuelan migrants, counting 22,000 at the beginning of 2020.<sup>73</sup> According to United Nations Children’s Fund (UNICEF), of the 13,246 official migrant entries<sup>74</sup> of Venezuelans from April 2018 to December 2019, 30 per

cent were children. Women and girls are especially vulnerable to gender-based violence and sexual exploitation and abuse, due to the language barrier and the remoteness of the locations they settle in.<sup>75</sup> To ensure that gender-based violence referral pathways are established and vulnerable Venezuelan migrants are protected, frontline service providers and government officials involved with gender-based violence referrals participated in three workshops, organized by the then Ministry of Social Protection and coordinating partners of the Response for Venezuela (R4V) platform, in Georgetown and in remote border areas.<sup>76</sup> Moreover, to foster integration and social cohesion of Venezuelan migrants, UNICEF works closely with several ministries. The Child Advocacy Centres (CACs) operated by the non-governmental organization Blossom, Inc. provides counselling and support for migrant families through the Migrant and Host Community Services (MHCS) initiative, supported by UNICEF.<sup>77</sup> However, the Government of Guyana has no standard procedures to conduct age assessments on migrant children.

Guyana is not a signatory to the 1951 *Convention Relating to the Status of Refugees* and its related protocols, and there is no national asylum legislation, which limits the mechanisms available to guarantee international protection and access to asylum in the country.<sup>78</sup> However, the accelerated growth of migration flows of Venezuelans in Guyana has raised new issues for humanitarian assistance. As an effort to address the flows of vulnerable migrants from the Bolivarian Republic of Venezuela, a Multiagency Coordinating Committee for Venezuelan Migrant Response, initially headed by the Department of Citizenship and now by the Ministry of Foreign Affairs and International Cooperation and the Ministry of Parliamentary Affairs and Governance, composed of several ministries and UN agencies, was established to coordinate humanitarian assistance and better manage the registration of Venezuelan migrants in Guyana. The Government provides medical care free of charge at public health facilities, and local schools are accessible to the Venezuelan youth.<sup>79</sup> Despite not being a signatory to the 1951 UN Convention, according to United Nations High Commissioner for Refugees (UNHCR), Guyana hosted 15 refugees, seven from the Democratic Republic of

70. Government of the Co-operative Republic of Guyana, 2017b.

71. Government of the Co-operative Republic of Guyana, 1997b, Ch. 99:08.

72. Government of the Co-operative Republic of Guyana, 1998a.

73. R4V, 2020c.

74. This figure is officially recognized as being less than actual numbers.

75. UNICEF, 2019a.

76. R4V, 2019.

77. UNICEF, 2019b.

78. R4V, 2019.

79. UNHCR, 2019.

80. UNHCR, 2018.

Congo and eight from Cuba, as well as 12 asylum seekers from Cuba, in 2018.<sup>80</sup>

Regarding counter-trafficking in persons, the *Combating of Trafficking in Persons Act 2005* provides the legislative framework for the implementation of the United Nations *Protocol to Prevent Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime*. According to Sections 18 and 19, victims of trafficking have the right to psychosocial counselling, medical assistance, and legal assistance provided in a language that they understand. Recognized victims of trafficking may be provided with an appropriate visa or authorization to stay in Guyana if they are willing to assist in the investigation or prosecution of traffickers. The Counter Trafficking in Persons Unit (C-TIPU), housed within the MoHSSS, is mandated to develop and implement country-wide public awareness programmes and to train personnel and relevant stakeholders, such as interpreters, health-care providers, law enforcement officials and members of local communities, in the various regions of Guyana.<sup>81</sup> Training programmes are provided three to four times per month and are tailored in accordance with the specific needs of the training group. For example, Indigenous communities are trained in identification and referral procedures, whereas the training on victim identification for health-care providers specifically includes the adaptation of a trauma-informed approach to care.

In 2019, the Government of Guyana identified 102 victims of trafficking from Guyana, the Dominican Republic, the Republic of Haiti, and the Bolivarian Republic of Venezuela.<sup>82</sup> During a virtual discussion on the impact of trafficking in persons on the migrant population in Guyana, which included representatives from IOM, the former Department of Citizenship and the C-TIPU, it was highlighted that in the first half of 2020, 43 victims of trafficking were identified of whom all were foreign nationals and 90 per cent represented females below the age of 27.<sup>83</sup> According to the C-TIPU, the victims of trafficking's profile has changed from being predominantly Guyanese to foreign nationals, particularly from the Bolivarian Republic of Venezuela.<sup>84</sup> Guyana has five specialized shelters dedicated to victims of trafficking; three are managed by the C-TIPU, and two are managed by civil society organizations with support from the Ministry of Home Affairs (MoHA). However, the infrastructure and management capacity of these shelters are in need of improvement, according to IOM Guyana. Subsequently, the Ministry of Social Protection (now MoHSSS) identified the need for infrastructural resources for the modernization of shelters. Moreover, although Guyana has sustained its efforts towards the protection tenet of the 4Ps approach,<sup>85</sup> the country does not provide adequate protection and shelter to child and male victims, especially in

81. Government of the Co-operative Republic of Guyana, 2017a.

82. Ibid.

83. Government of the Co-operative Republic of Guyana, 2020a.

84. Ibid.

85. Makes reference to the comprehensive framework to combat human trafficking, the 4 Ps approach: Prevention, Protection, Prosecution and Partnership.

86. United States Department of State, 2020.

## MIGRANT PROTECTION AND ASSISTANCE INFRASTRUCTURE

Institutions for the protection and assistance of migrants	✓	Ministry of Human Services and Social Security
Anti-discrimination legislation that includes migrants	—	<i>Prevention of Discrimination Act, Chapter 99:08</i>
Formal provisions for protecting and assisting migrant women	✗	
Formal provisions for protecting and assisting unaccompanied children	✗	
Formal provisions for protecting and assisting asylum seekers and refugees	✗	
Specific legislation for the combat of trafficking in persons	✓	<i>Combating of Trafficking in Persons Act 2005</i>
Formal provisions for protecting and assisting returnees	—	

## RELEVANT INTERNATIONAL TREATIES

Convention or treaty		Year of ratification
<i>International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families</i>	✓	2010
<i>Domestic Workers Convention (No. 189)</i>	✓	2013
<i>Convention on the Rights of Persons with Disabilities</i>	✓	2014
<i>International Convention on the Rights of the Child</i>	✓	1991
<i>Convention on the Elimination of All Forms of Discrimination against Women</i>	✓	1980
<i>1951 Convention Relating to the Status of Refugees</i>	✗	
<i>1967 Protocol Relating to the Status of Refugees</i>	✗	
<i>Additional Protocol to the United Nations Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children</i>	✓	2004

areas outside the capital and for Venezuelan child and male victims of trafficking.<sup>86</sup> Some children are placed into foster care or are reintegrated into their families, while adult male victims are placed at non-specialized night shelters on an ad hoc basis.<sup>87</sup> Nevertheless, the Unit is currently working to finalize a handbook on victims' rights and the standard operating procedures to identify and refer trafficking victims for protection and assistance.<sup>88</sup>

Moreover, the C-TIPU is committed to assistance programmes for the voluntary return and reintegration of foreign national victims of trafficking into their country of origin.<sup>89</sup> Foreign victims have the option to stay in Guyana or return to their home country. When a victim opts for the latter option, the Unit engages with relevant consulates to guarantee a victim's safe return. During this process, the Unit conducts detailed background checks before purchasing a return ticket for the victim, provides meals and shelter, facilitates job placement to ensure economic stability and conducts several follow-ups with the victim to ensure long-term safety. Since the closure of airports in May to July of 2020 in response to the COVID-19 pandemic, the Government of Guyana has also repatriated 2,006 Guyanese who were stranded overseas.<sup>90</sup>

For the fiscal years of 2018 and 2019, a total of 267 Guyanese nationals were subject to forced return from the United States of America alone.<sup>91</sup> The MoHSSS and the MoHA are the government agencies involved in receiving and assisting forced returnees. Although there are not formal programmes dedicated to specifically assisting and reintegrating forced returnees, according to key officials from the Ministry of Foreign Affairs (MFA), programmes and services are accessible to forced returnees. The Ministry of Health (MoH), for example, has the capacity to offer psychological counselling and substance abuse treatment.

## MIGRANT PROTECTION AND ASSISTANCE



### Provisions to protect all migrants

- The 1997 *Prevention of Discrimination Act* prohibits discrimination for a wide range of characteristics, including ethnic origin and national extraction; however, it does not include migration status.
- LGBTIQ+ migrants in Guyana remain in a vulnerable state as they are criminalized by the *Criminal Law (Offences) Chapter 8:11* and are not protected by the *Prevention of Discrimination Act*.



### Vulnerable groups

- At the end of 2019, there were 22,000 Venezuelan migrants and refugees in Guyana.
- Migrant women and girls are particularly vulnerable to gender-based violence and sexual exploitation and abuse.
- Front-line service providers and government officials involved with gender-based violence referrals participated in three training workshops organized by the then Ministry of Social Protection and several UN agencies.
- Through the UNICEF-supported Migrant and Host Community Services, the Child Advocacy Centres of the NGO Blossom, Inc. in Guyana provide counselling and support to Venezuelan women and children.
- Guyana has no standard procedures to conduct age assessments on migrant children.

87. Ibid.

88. Ibid

89. Ibid.

90. Stabroek News, 2020.

91. United States Immigration and Customs Enforcement, 2019.



## Refugees and asylum seekers

- In 2018, Guyana hosted 27 vulnerable migrants from the Democratic Republic of the Congo and Cuba.
- The Government of Guyana is not a signatory to the 1951 *Convention Relating to the Status of Refugees* and its related protocols, and there is no specific national asylum legislation.
- The Multiagency Coordinating Committee for Venezuelan Migrant Response registers Venezuelan migrants and refugees and provides of humanitarian assistance.



## Victims of trafficking in persons

- The primary legislation on trafficking is the *Combating of Trafficking in Persons Act 2005*.
- Victims of trafficking have the right to psychological counselling, medical assistance, and legal assistance provided in a language that they understand.
- In 2019, the Government of Guyana identified 102 victims of trafficking.
- The most common profile of victims of trafficking changed from being predominantly Guyanese to foreign nationals, particularly from the Bolivarian Republic of Venezuela.



## Returnees

- The Ministry of Human Services and Social Security and the Ministry of Public Security facilitate the reception and reintegration of forced returnees; however, no standardized procedures exist.
- The Ministry of Health has the capacity to offer psychological counselling and treatment in substance abuse matters of forced returnees.

## MAIN NEEDS IDENTIFIED BY THE GOVERNMENT

- Allocate infrastructural resources for the modernization of shelters.
- Place Counter-Trafficking in Persons Unit staff in every region of Guyana to identify and support victims and to track and apprehend traffickers.

## MAIN NEEDS IDENTIFIED BY IOM

- Consider ratifying the 1951 *Convention Relating to the Status of Refugees* and its related protocols.
- Update anti-discrimination legislation to include migration status.
- Create specific provisions to protect particular vulnerable groups and adapt *Criminal Law (Offences), Chapter 8:11* to decriminalize homosexuality.
- Develop standard procedures to conduct age assessments on migrant children.
- Develop laws, policies and procedures in order to ensure the protection of asylum seekers.
- Ensure all victims have access, assistance and support, including regular migration status, in Guyana even if they choose not to participate in investigations and judicial proceedings.
- Improve shelter infrastructure and management capacity with an emphasis on victim-centred assistance and expand specialized shelter options for children and men.
- Finalize and implement protocols and agreements for the voluntary return and reintegration of victims of trafficking.
- Develop measures to strengthen reception and reintegration support to forced returnees.

## MIGRATION AND HEALTH

The following section describes the health-care system in relation to the integration of the migrant population in Guyana and analyses the level of inclusion of the migrant perspective in the different policies, guidelines, practices and programmes related to health.

The Ministry of Health (MoH) is mandated through the *Ministry of Health Act of 2005* to guarantee the physical, social and mental health status of the public—without distinction based on migration status— by providing the appropriate means to access, accept, and afford health services given the available resources of the country.<sup>92</sup> The Central Board of Health is the leading policymaking body and is tasked with creating regulations and, if necessary, carrying the relevant provisions into effect.

Guyana's health governance is established as a centralized authority over technical aspects of health, with administrative authority delegated to the Regional Democratic Councils and the Regional Health Officers as decentralized service providers across the ten Administrative Regions of the country.<sup>93</sup> The regions include a total of 360 health facilities, which are accessible to both migrants with regular as irregular status, distributed in five institutional health-care levels: 1 and 2—which include health posts and centres—deliver primary care services; 3 and 4—which include district, community and regional hospitals— deliver secondary care; and 5—which includes national hospitals, including the Georgetown Public Hospital Corporation (GPHC) and the National Psychiatric Hospital (NPH)— delivers tertiary care.<sup>94</sup> There are 30 government hospitals, made up of six regional hospitals and 24 district hospitals, working through a system of referral. However, district hospitals have limited services for non-emergency care, requiring a referral to the capital or regional hospitals, which limits access to health-care for those outside the most densely populated urban areas,<sup>95</sup> including migrants.

In 2016, Guyana spent 4.2 per cent of its GDP on the health sector.<sup>96</sup> The MoH, along with the Regional Democratic Councils and Regional Health Officers, provides health services through the *Package of Essential Health Services*, which outlines the health services provided to all people in Guyana, free of cost, at each level of the system.<sup>97</sup> Proof of identification or migration status is not required to receive medical care. Guyana also has a robust private health-care sector that operates under the *Health Facilities Licensing Regulations Act, Chapter 33:03*, determining comprehensive standards of care and practices. According to the South America Institute of Government in Health (ISAGS),<sup>98</sup> the private sector provides about half of the total health services in Guyana against health fees. Guyana's national health agenda is guided by the *Health Vision 2020*—a strategic plan aiming for all people of Guyana to become the healthiest in the region by 2020.<sup>99</sup> The Plan follows the national development priorities of the Government programmes and includes the *Caribbean Regional Strategic Framework on Health (CRSF)*. *Health Vision 2020* is designed to: (a) improve the well-being of all peoples in Guyana, (b) increase equal access to health care, and (c) advance the management and provision of evidence-based, people-responsive, quality health services. However, it does not mention any specific measures to address the needs of migrants.

Regarding the implementation of the International Health Regulations (IHR), the Government developed a *National International Health Regulations Action Plan* in 2019 and has conducted several activities, such as training health workers at ports of entry and surrounding isolation areas,<sup>100</sup> including training on data collection, mental health and psychosocial support, infection prevention and control, and water, sanitation and hygiene. Guyana is in full compliance with IHR in areas of legislation, policy, financing and human resources. However, integrating a permanent health management presence at points of entry, among other things, has not been achieved.<sup>101</sup>

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92. Government of the Co-operative Republic of Guyana, 2020c.

93. PAHO, 2017.

94. Health Systems 20/20 and the Guyana Ministry of Health, 2011.

95. Vansell et al, 2015.

96. World Bank, 2020a.

97. PAHO and WHO, 2016.

98. ISAGS, 2013.

99. Government of the Co-operative Republic of Guyana, 2013.

100. PAHO and WHO, 2016.

101. WHO, 2018a.

Guyana has historically been a country of emigration, and thus migration-related health issues have not been prominent. According to a 2020 study of the Organisation for Economic Co-operation and Development (OECD), Guyana had the highest emigration rate of home-trained nurses among OECD countries,<sup>102</sup> which may have an impact on the provision of health care in Guyana. Nevertheless, the growing demand for health-care services, including the need to assist migrants from the Bolivarian Republic of Venezuela, has prompted the MoH to increase the number of health care professionals available. The Ministry, with support from the Pan American Health Organization/World Health Organization (PAHO/WHO), established a plan to assist Venezuelans at points of entry. As part of this plan, the Ministry rehired retired health-care workers, developed a surveillance plan—including a point of entry screening tool administered by PAHO/WHO—provided guidance to organization distributing food assistance and nutritional supplements to migrants and implemented an Early Warning, Alert and Response System for heightened surveillance and data collection. Currently, upon entry into Guyana, migrants are asked to identify themselves and to provide proof of vaccines or health-care coverage. If migrants are not able to present any documents, they will be provided with the required vaccines free of charge. Thereafter, migrants are referred to health-care services when necessary and to Immigration Support Services (ISS), which is responsible for processing their registration and documentation in Guyana. The MoH and the ISS communicate extensively to guarantee necessary provisions and appropriate waivers for migrants to access health care. Furthermore, the Guyana Civil Aviation Authority issued the *Healthy-Safety Measures and Practices at Airports and on Aircraft during a Public Health Pandemic* in response to the COVID-19 pandemic. The document stipulates the requirement of all passengers, including migrants, to wear a mask at the airport and throughout their flights, except for identification by immigration officers.<sup>103</sup>

The Mental Health Unit, located in the MoH, is responsible for mental health care in Guyana. The *National Mental Health Action Plan 2015–2020* seeks to decentralize mental health care delivery in the country by reducing the role of the National Psychiatric Hospital. However, no specific protocol regarding mental health services for migrants are established.

Many Guyanese health-care professionals have studied medicine in Cuba. In 2017 alone, 790 Guyanese in the field of medicine graduated on the island.<sup>104</sup> In the same year, 202 medical professionals from Cuba were counted in Guyana, deployed in seven of the ten regions of the country.<sup>105</sup> This health-care exchange makes it relatively easy for these health professionals to communicate with the Spanish-speaking population seeking health care. Even so, measures

## MIGRANTS' ACCESS TO HEALTH CARE

Access to primary care services	✓	Same access as nationals
Access to secondary care services	✓	Same access as nationals
Access to psychosocial care	✓	Same access as nationals
Access to post-exposure prophylaxis treatment	✓	Same access as nationals
Access to the national plan to combat HIV/AIDS	✓	Same access as nationals
Access to interpretation and translation services	—	Available to English and Spanish-speaking migrants

## RELEVANT INTERNATIONAL TREATIES

Convention or treaty		Year of ratification
<i>Constitution of the World Health Organization</i>	✓	1966
<i>International Health Regulations (IHR)</i>	✓	2007
<i>Resolution on the health of migrants (WHA 61.17)</i>	✓	2008
<i>International Convention on the Rights of the Child</i>	✓	1991
<i>Convention on the Elimination of All Forms of Discrimination against Women</i>	✓	1980
<i>International Covenant on Economic Social and Cultural Rights</i>	✓	1977

102. OECD, 2020.

103. Caribbean National Weekly, 2020.

104. Rooplall, 2017.

105. Ibid.



were implemented to ensure that translators are available where needed, –particularly for Venezuelan migrants – such as community translators in Region 1.<sup>106</sup> However, as stated by PAHO/WHO, there is no availability of qualified interpretation services at health-care centres, which leaves migrants who do not understand English or Spanish in a vulnerable position.

The MoH collaborates with IOM, the Global Fund and PAHO/WHO in the implementation of a health awareness campaign to fight AIDS, tuberculosis and malaria among key populations in Guyana’s logging and mining sectors, including migrants and communities hosting migrants.<sup>107</sup> Other interventions among migrants include distribution of condoms and voluntary counselling and testing.

## MIGRATION AND HEALTH



### Health-care system

- Proof of identification or migration status is not required to receive medical care.
- The Government developed a *National International Health Regulations Action Plan* in 2019 and has conducted training for health workers at ports of entry.
- Upon entry into Guyana, Venezuelan migrants are asked to identify themselves and to provide proof of vaccines or health-care coverage. If migrants are not able to present any documents, they will be provided with the required vaccines free of charge and are referred to Immigration Support Services.



### Protocols and guidelines

- There is no specific protocol regarding health screening and referrals for migrants.
- There is no action plan or protocol specific to general migrant care.
- PAHO/WHO refers Venezuelan migrants to health services when necessary.
- The Guyana Civil Aviation Authority established the *Healthy-Safety Measures and Practices at Airports and on Aircraft during a Public Health Pandemic* in response to the COVID-19 pandemic.

106. UNICEF, 2020.

107. WHO, 2018b.



## Training

- Health care professionals are trained on IHR, which includes data collection, mental health and psychosocial support, infection prevention and control, and water, sanitation and hygiene.
- Gender-based violence workshops are provided by IOM, the Global Fund and PAHO/WHO to fight AIDS, tuberculosis and malaria to migrant workers and communities hosting migrants.



## Mental health services

- No specific protocol regarding mental health services for migrants are established.
- PAHO/WHO and other UN agencies who assist Venezuelans refer these migrants to health services when necessary.



## Data collection

- The Early Warning, Alert and Response System has been implemented for heightened surveillance and data collection.
- No data collection is conducted to determine migrants' access to the public health system.

## MAIN NEEDS IDENTIFIED BY IOM AND OTHER UN AGENCIES<sup>108</sup>

- Adapt the upcoming *Strategic Health Plan* to include migrant-related issues such as access to health and interpretation services.
- Implement provisions in legislation or protocols that specifically clarify and address the health needs of migrant populations.
- Coordinate mechanisms for all health-care workers at the borders, including PAHO/WHO and government staff, to identify and assist vulnerable migrants, particularly Venezuelans.
- Disseminate health information in different languages and expand health campaigns to target migrant populations.
- Place interpreters or multi-lingual workers at health-care centres most visited by non-English speaking patients and/or promote the use of technology for translation and interpretation.
- Increase training for health-care providers to identify and respond to the needs of migrants.
- Train non-health-related officials on health vulnerabilities of migrants and their particular needs in terms of access and main risks.
- Develop and implement a mental health and psychosocial support plan for migrants, including subsequent protocols and referral mechanisms.
- Establish mechanisms for systematic data collection on migrants' health status and needs and access to health services.

108. Due to the global emergency surrounding COVID-19 during the primary data collection, access to government health officials was limited, and, as a consequence, the information included in this chapter comes mainly from other government officials and health stakeholders.

# LABOUR MIGRATION AND HUMAN DEVELOPMENT

This chapter is divided into two subsections: (a) labour migration, which briefly presents a panoramic view of labour migration in the country, as well as the relevant systems to manage labour migration governance; and (b) human development, which describes the extent to which the migration perspective is mainstreamed in national development policies, strategies incorporating the diaspora into the socioeconomic development of the country and how remittances contribute to local development and to migrant families.

## LABOUR MIGRATION

Guyana is a Member State of the CARICOM Single Market and Economy (CSME), which allows limited free mobility of CARICOM nationals. Within the CSME, CARICOM nationals are entitled to stay up to six months upon entry in a CARICOM Member State. Free movement for economic purposes is managed by the mobility arrangements for the Movement of Skilled Nationals, Right of Establishment, and Provision of Services. According to the 2019 *Free Movement of Persons in the Caribbean* report published by IOM,<sup>109</sup> travel was facilitated within the CSME for up to a six-month stay for 72,913 Guyanese nationals in 2017, ranking as the second-greatest sending country of the CSME Member States. Guyana is also a party to the CARICOM-European Union Economic Partnership Agreement (CARICOM-EU EPA) and the Agreement between the Caribbean Community (CARICOM) and the Government of the Republic of Costa Rica. Labour officials have identified a need for more international engagement to exchange experiences and learn about migration issues and good practices in both the Caribbean and Latin American region.

The Ministry of Labour (MoL) is the central authority responsible for workforce management, the establishment of a national labour policy and general coordination of the following labour administration services in Guyana: the Central Recruitment and Manpower Agency (CRMA), the Board of Industrial Training, the Cooperatives Development Unit, Occupational Safety and Health (OSH) Unit, and the Statistical Unit. However, the MoL is not currently organized within the framework of an official strategic plan, which impacts the enforcement of labour policies, such as the establishment and implementation of workplace compliance policies, programmes and legal frameworks,<sup>110</sup> including regarding labour migration. Key officials from the MoL have identified the need for multi-agency coordination, specifically with the National Insurance Scheme (NIS), Ministry of Education, Ministry of

Natural Resources and the Guyana National Bureau of Standard, to collaborate on and mainstream labour policies.

In order to work in Guyana, foreign nationals must apply for a work permit through an employment visa on arrival, which shall be issued by Immigration Support Services (ISS). As part of the requirements, a prospective employer must submit the application on behalf of the foreigner including: (a) the company's registration and establishment, in line with the government's requirements; (b) the employee's personal and contractual information; and (c) the employer's personal and business information; and (d) the employee's police and medical clearance. According to the *Immigration Act, Chapter 14:02* (Section 12), the Chief Immigration Officer may extend the period specified on the permit up to a maximum of three years from the date of entry. However, according to the Act, some persons may be exempted from these requirements, such as persons in the service of the government of any Commonwealth territory, persons in possession of a valid re-entry permit, and persons in public service. Similarly, businesspersons who wish to establish a business in Guyana or visit the country for business purposes may apply for a business visa on arrival which is valid for a period of five years. According to the MoL, migrants have equal access to public employment as nationals with the appropriate work permit.

In practice, many workers, including migrants, find employment in the informal economy. Over the last two decades activities in the informal sector have increased, with implications for the sustainable economic development of the country.<sup>111</sup> According to a 2017 International Labour Organization (ILO) report on informal economies in the Caribbean, Guyana's informal employment was 48.3 to 52.6 per cent of the total employment with around 50,000 to 83,000 informal economic units concentrated in the agricultural sector.<sup>112</sup> Nevertheless, there are no specific provisions or mechanisms to promote extensive integration of migrants into the labour market.

The CRMA plays a fundamental role as the active national employment agency mandated with labour skills assessment, dissemination of information about job opportunities, and the recruitment of workers, regardless of migration status. In 2019, it placed 500 out of 2,122 registered jobseekers in employment. However, this information is not disaggregated by migration status or nationality.<sup>113</sup> CRMA has sub-offices across several regions of the country and is expected to expand its presence in more regions in order to meet the development

109. IOM, 2019a.

110. ILO, 2017a.

111. Peters, 2017.

112. ILO, 2017b.

of the labour market and serve more communities. National and international recruitment agencies predominantly target potential employees to work in sectors such as the oil and gas industry.<sup>114</sup>

In Guyana, labour agencies and recruitment agencies may influence the employment experience of migrant workers. The *Recruiting of Workers Act, Chapter 98:06*, stipulates the provisions for the recruitment and employment of more than 50 workers in Guyana.<sup>115</sup> It states that licensing officers may only grant recruiters a recruitment licence for a maximum of one year, with possibilities for renewal, if they have adequate measures to safeguard the health and well-being of all prospective workers,<sup>116</sup> including recruited migrants, among other requirements.

The 2018 *Labour Force Survey*, conducted by the Government of Guyana, showed that in the fourth quarter of 2017, the labour force participation rate was 54.5 per cent of the total working-age population. For salaried workers, the average labour income was GYD 84,306/USD 404 per month.<sup>117</sup> This data, as well as other data collected on the labour force, are not disaggregated by nationality and do not provide information on migrant labour participation. Nevertheless, the labour market in Guyana is expected to grow as the oil and gas sector and peripheral industries grow. While quantitative analysis was not yet available at the time of this publication, many sectors adjacent to the oil and gas sector, including the construction and hospitality sectors, are also expected to expand rapidly, influencing the national and international migratory labour flows in Guyana. Therefore, IOM Guyana developed a research study to analyse the local dynamics of labour migration and labour migration governance in Guyana in the context of the development of the oil and gas industry and other increased migration flows. The report had not been published by the closure of this study in 2021. In addition, according to a 2019 IOM *Displacement Tracking Matrix* profile, 98 per cent of the Venezuelans interviewed in Guyana indicated that income generation and employment were important needs for this growing population.<sup>118</sup>

The *Constitution of the Cooperative Republic of Guyana, Chapter 3* (Section 40) guarantees fundamental human rights to all persons in the country. The protection of all workers is further expanded in Sections 140 and 149A, which specify the provision of the right to work and sanctions against forced labour.

## MIGRANTS' ACCESS TO LABOUR

Access to work in the private sector	✓	Same access as nationals, with the proper work permit
Access to work in the public sector	✓	Same access as nationals, with the proper work permit
Possibility of self-employment	✓	Same access as nationals, with the proper work permit
Shortage occupation list	✓	Central Recruitment and Manpower Agency
Data collection on migrants accessing the labour market	✗	
Access to social security scheme	✓	Same as nationals

## RELEVANT INTERNATIONAL TREATIES

Convention or treaty		Year of ratification
<i>International Convention on the Rights of the Child</i>	✓	1991
<i>ILO Convention on Migration for Employment (Revised, No. 97)</i>	✓	1966
<i>Complementary provisions of the ILO Convention on Migrant Workers (No. 143)</i>	✗	
<i>Domestic Workers Convention (No. 189)</i>	✓	2013
<i>International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families</i>	✓	2010

113. Ayana, 2020.

114. For more information, see for example: [www.airswift.com/guyana/](http://www.airswift.com/guyana/).

115. Government of the Co-operative Republic of Guyana, 2012b, Ch. 98:06.

116. Ibid.

117. Government of the Co-operative Republic of Guyana, 2019c.

118. IOM, 2019b.

The NIS is governed by the *National Insurance and Social Security Act, Chapter 36:01*. It describes Guyana's social security scheme, for old age, invalidity, survivors, sickness, maternity, and child-care, among other benefits, to all persons between the age of 16 and 59 occupied in insurable employment. Additionally, Section 12 provides provisions for the Minister of Finance to make regulations for categories of persons, such as self-employed persons, and persons under the age of 16 and above 60.<sup>119</sup> While the Act does not specifically mention migrants, migrants are eligible if they have obtained a valid work permit. Moreover, Guyana is a signatory to the *CARICOM Agreement on Social Security*, which established the portability of social security benefits within the region for CARICOM nationals. This provision is included in the *National Insurance and Social Security Act* and facilitates the goal of increased integration of the Caribbean through removing barriers to labour mobility and freedom of movement in the region enabled by the CSME free movement regime.

## LABOUR MIGRATION



### Labour migration

- The Ministry of Labour is the central authority responsible for the management of the workforce in Guyana.
- In order to work in Guyana, foreign nationals must apply for a work permit through an employment visa on arrival, which shall be issued by Immigration Support Services.



### Access to labour markets

- Migrants have access to the labour market with a valid work permit; however, work permits are exclusively linked to employers.
- Businesspersons who wish to establish a business in Guyana or visit Guyana for business purposes, may apply for a business visa on arrival which is valid for a period of five years.
- There are no specific provisions or mechanisms to promote extensive integration of migrants into the labour market.
- The *Recruiting of Workers Act, Chapter 98:06*, provides provisions for the promotion of ethical recruitment.



### Labour agreements

- The CARICOM Single Market and Economy enables the free movement of individuals through the movement of Skilled Nationals.
- The CARICOM Single Market and Economy enables the free movement of individuals moving under the regimes for service providers and establishment of businesses among CARICOM Member States.

119 .Government of the Co-operative Republic of Guyana, 1998b, Ch. 36:01.



## Data collection

- Data are available on labour participation, but only disaggregated by sex and not by nationality.
- No information is currently collected by government on migrants with irregular status accessing labour market.



## Forced labour

- Sections 140 and 149A of the *Constitution of the Cooperative Republic of Guyana* specify the provision of the right to work and sanctions against forced labour.



## Access to social security

- Migrants have access to the National Insurance Scheme with a valid work permit.
- The *CARICOM Agreement on Social Security* establishes the portability of social security benefits within the region for CSME nationals.

## MAIN NEEDS IDENTIFIED BY THE GOVERNMENT

- Develop a multi-agency coordination mechanism composed of the Ministry of Labour, National Insurance Scheme, Ministry of Education, Ministry of Natural Resources and the Guyana National Bureau of Standards.
- Place sub-offices of the Central Recruitment and Manpower Agency in more regions in the country to serve more communities and meet the demands of the labour market.
- Consolidate collaboration between the Ministry of Labour and leaders in specific sectors, such as laboratories and mining.

## MAIN NEEDS IDENTIFIED BY IOM

- Consider ratifying *Complementary provisions of the ILO Convention on Migrant Workers (No. 143)*.
- Update the *National Insurance and Social Security Act No. 15 of 1969* to formally establish the access of migrants with a valid work permit to the labour market.
- Develop and implement a labour policy and strategy with provisions on the integration of migrants into the formal labour force, including the integration of Venezuelan migrants of irregular status.
- Improve the communication and support mechanisms to help those applying for work permits and to facilitate migrants' access to the formal employment sector.
- Increase systematic collection of data on migrants, specifically with regards to regular and migrants with irregular status.
- Develop monitoring mechanisms targeting labour migration to fill the gaps of the expected employment growth.
- Strengthen the national employment agency to lead the supply and demand of skilled and unskilled foreign labour in the country, ensuring the ethical recruitment of migrant workers.
- Support the Ministry of Labour to broaden and strengthen the regulations for private employment agencies in the country who are likely to start businesses soon to serve the growing economy.

# HUMAN DEVELOPMENT

Guyana scores 0.670 in the Human Development Index (HDI), which is comprised of life expectancy, education, and per capita income indicators, putting the country in the medium human development classification and positioning it at 123 out of 189 countries and territories.<sup>120</sup>

Although Guyana is located on the mainland of South America, it is still considered a Small Island Developing State (SIDS) due to its economic dependency on a few sources of income, and its low-level of resilience against natural hazards.<sup>121</sup> To meet the Sustainable Development Goals (SDGs), Guyana is a signatory to the SIDS Accelerated Modalities of Action (SAMOA Pathway) – a global framework establishing intergovernmental partnerships to identify SIDS priorities in the formulation of international development goals.<sup>122</sup>

The *Green State Development Strategy: Vision 2040* is aligned with the SDGs and dedicates target 3.8 to migrants' access to health care, particularly in hinterland and border areas where health issues are most acute and related to immigration matters. The document also makes reference to target 1.3 stating that “the social protection system must be strengthened to enable effective and support for men, women, youths and migrants who experience loss of income, family support, violence, or have become disadvantaged in any way.”<sup>123</sup> Nonetheless, the document not include any provisions to address target 10.7.<sup>124</sup>

Access to nursery, primary, and secondary education in Guyana is universal.<sup>125</sup> The country has ratified the *International Convention on the Rights of the Child* and has committed itself towards the creation of a *National Plan of Action for Children* (NPAC) that has yet to be implemented by the Government. An April 2019 United States Agency for International Development (USAID) survey showed that approximately 17 per cent of Venezuelan migrant children were attending school in Guyana.<sup>126</sup> The Government of Guyana, supported by international partners such as the United Nations High Commissioner for Refugees (UNHCR), provide language training for migrant students to facilitate their inclusion and achievement in school. Additionally, civil society organizations

and local religious organizations provide services and events to support cross-cultural communication and language-learning. Social inclusion of migrants, particularly those from the Bolivarian Republic of Venezuela, is a key issue for Guyana. IOM, through the Response for Venezuela (R4V) Platform, identified that Venezuelans experience limited access to formal employment and livelihoods and that language barriers hinder access to services and integration.<sup>127</sup> Moreover, the Government of Guyana, through the Central Housing and Planning Authority, manages housing programmes to support different vulnerable populations to access safe housing, including the launch in 2011 of the Remigrant Scheme in Providence, East Bank Demerara, a housing programme specifically targeted for Guyanese returnees.<sup>128</sup>

In 2011, the Ministry of Foreign Affairs (MFA) established the Diaspora Unit, now called the Diaspora and Remigration Unit, to incorporate the diaspora in development efforts in the country. The diaspora is mentioned in the Development Plan as a potential factor for the development of the tourism sector and the oil and gas industry, as it states that “a segment of the local labour force should be up-skilled and diaspora labour attracted back to Guyana to work in both the industry itself and associated supply services.”<sup>129</sup> In 2012, the *Guyana's Diaspora Project* (GUYD) was established, with support from IOM, to strengthen the diaspora engagement by “documenting skills, resources and the return interest and plans of those willing to support the development.”<sup>130</sup> In 2017, IOM subsequently presented the *Guyana Diaspora Engagement Strategy and Action Plan*, which is currently under the consideration by the Guyanese Government. Among other recommendations, the Plan encourages the government to: (a) increase its institutional capacities regarding the Diaspora Unit and to “establish a formal department, recommended as the ‘Department of Diaspora Engagement’ (DoDE) to include the responsibility and power to adequately manage the task of ongoing diaspora engagement”; (b), incorporate data collection and research; and (c) develop a dialogue with the diaspora.

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120. UNDP, 2019.

121. United Nations, 2019.

122. United Nations Caribbean, n.d.

123. Government of the Co-operative Republic of Guyana, 2019b.

124. SDG target 10.7 calls on countries to facilitate orderly, safe, regular and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies. This goal includes indicator 10.7.2: *Number of countries that have implemented well-managed migration policies.*

125. UNICEF, 2017.

126. USAID, 2020.

127. R4V, 2020d.

128. Donovan and McHardy, 2016.

129. Government of the Co-operative Republic of Guyana, 2019b.

130. Guyana Diaspora Project, n.d.



According to the Central Bank of Guyana, between 2014 and 2018, the average inflow of remittances was over USD 600 million and the remittances outflow approximately USD 250 million. In 2018, Guyana sent USD 142,391,134 in remittances.<sup>131</sup> In 2019, it received USD 333,692,748 in remittances,<sup>132</sup> constituting 7.8 per cent of the country's GDP.<sup>133</sup> Although current data are hard to find, a 2009 study on remittances in Guyana showed that the United States of America was the leading sending country of remittances, followed by the United Kingdom and Canada. Women were the leading recipients of remittances, representing 70 per cent of the total remittances received.<sup>134</sup> The average transaction cost of sending remittances to Guyana is currently up to 8.5 per cent,<sup>135</sup> which is higher than the goal identified in SDG target 10.c to reduce the transaction costs of migrant remittances to less than 3 per cent and to eliminate remittances corridors with costs higher than 5 per cent. However, it hopes to modernize the payment system with appropriate regulations in regard to lower financial remittances costs, among other things. According to key officials from the Central Bank of Guyana, the Government is currently not actively involved in promoting the creation of formal remittance schemes; although, according to a 2015 baseline assessment on transfer cost and reduction options, the creation of formal schemes have been identified "as an element that might negatively affect the amount and frequency of remittances sent and thus, the inflow of financial resources into the country."<sup>136</sup>

## INCLUSION OF THE MIGRATION PERSPECTIVE IN PLANS AND PROTOCOLS

Human Development Index	✓	0.670, rank 123 of 189 countries and territories
Development strategy	✓	Includes migrants in health and social protection provisions
Development strategy in alignment with SDG target 10.7	✗	
Programmes to engage the diaspora in development strategies	—	<i>Guyana Diaspora Engagement Strategy</i> , not yet in implementation
Remittances in alignment with SDG target 10.c	✗	

131. World Bank, 2018.

132. World Bank, 2020e.

133. World Bank, 2020d.

134. Roberts, 2009.

135. Migration Data Portal, 2020.

136. Government of the Co-operative Republic of Guyana, 2015a.

# HUMAN DEVELOPMENT



## Mainstreaming migration into development strategies

- The *Green State Development Strategy: Vision 2040* makes reference to migrants' access to health care and social protection.
- The document is in alignment several SDGs targets but does not include provisions for target 10.7.



## Diaspora engagement

- Approximately 40 per cent of Guyanese nationals reside abroad.<sup>137</sup>
- The *Guyana's Diaspora Project* (GUYD) was established to strengthen the diaspora engagement of Guyana.



## Migrant inclusion in social development programmes

- Guyana does not have a formal programme to facilitate access to housing for migrants.
- Access to nursery, primary and secondary education is universal.
- Enrolment rates are high for both boys and girl in primary and secondary education.
- On a national level, the adult literacy rate is approximately 86 per cent.

137. IOM, 2019c.

138. World Bank, 2018.

139. World Bank, 2020e.

140. World Bank, 2020d.



## Remittances

- In 2018, Guyana sent USD 142,391,134 in remittances.<sup>138</sup>
- In 2019, Guyana received USD 333,692,748 in remittances,<sup>139</sup> constituting 7.8 per cent of the country's GDP.<sup>140</sup>
- The United States United States of America is the leading sending country of remittances.
- The average transaction cost for sending remittances to Guyana is not in alignment with the SDG target 10.

## MAIN NEEDS IDENTIFIED BY THE GOVERNMENT

- Implement the *National Plan of Action for Children* and mainstream the inclusion of migrant children.
- Recruit diaspora to work in the oil and gas industry and adjacent supply services.
- Modernize the payment system for remittances to lower the remittance transfer costs.

## MAIN NEEDS IDENTIFIED BY IOM

- Ensure the access of migrant populations to governmental social programmes.
- Support migrant children's access to language lessons and education.
- Support new and existing activities that provide support for migrants to facilitate social inclusion.
- Implement the *Guyana Diaspora Engagement Strategy and Action Plan* to strengthen the country's diaspora engagement.
- Lower the costs of sending remittances to align with SDG target 10.c during the modernization of the payment system and promote the creation of formal remittances schemes.

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