



UNITED REPUBLIC OF TANZANIA

PRESENTATION ON

IDENTIFYING MIGRANT VULNERABILITIES – STRUCTURAL AND SITUATIONAL FACTORS OF VULNERABILITY

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UNDERSTANDING/DEFINITION OF VULNERABLE MIGRANTS- TANZANIAN CONTEXT



There is no common definition of vulnerable migrants.

- In Tanzania, vulnerable migrants mean any foreign nationals found in Tanzania other than a prohibited immigrant in need of protection or assistance. This could be
 - Victim of Trafficking
 - Asylum seeker
 - Sick migrant
 - Unaccompanied Migrant Child
 - The elderly, lactating, pregnant women migrants

INSTRUMENTS GUIDING MANAGEMENT OF VULNERABLE MIGRANTS IN TANZANIA.



Tanzania Immigration Services Department is guided and mandated by both National and International instruments to manage movement of vulnerable migrants depending on the category of vulnerable migrants.

These include:-

1. The constitution of the United Republic of Tanzania of 1977 as amended from time to time,
2. The Zanzibar Constitution of 1984 as amended
3. The Penal code of Tanzania, CAP RE 2002
4. UN and AU Conventions that Tanzania is signatory

Domestic Instruments



5. Immigration Act CAP 54 Revised Edition 2002 and its Regulations of 1997
6. The Citizenship Act CAP 357 Revised Edition 2002 and its Regulations of 1997
7. The Passport and other Travel Documents Act, 2002 and its Regulations of 2004
8. The Anti trafficking in Persons Act, 2008.
9. The Tanzania Law of the Child Act No. 21 of 2009 which define a child

Domestic Instruments Cont.



10. The Tanzania Refugees Act, 2002

11. Other Sources:

Tanzania Immigration Standard Operating Procedure (SOP) for Vulnerable Migrants and Ethical Border Practices of 2014, which among other things provides for:-

- I. How to identify vulnerable migrants,
- II. The most vulnerable persons,
- III. Categories of vulnerable person,
- IV. Ethical conduct of Immigration functionaries when dealing with vulnerable persons,
- V. A need to identify vulnerable migrants.

IDENTIFYING MIGRANT VULNERABILITY



- ❑ Identification of vulnerable migrants and their treatment is a concern of the global community as a result of:
 - ❑ Liberalization of the economy has resulted into an increase in human interaction as migrants have opportunity to move in the country for various factors such as trade and business, employment , investment, leisure, illegal migration as well as the rate of transnational organized crimes namely trafficking in persons, smuggling, money laundering, cyber crimes, drug abuse and piracy

TISD Response



Security is the priority of the country, TISD is aligned itself at ensuring that it facilitate and control movement of persons including vulnerable migrants, with the aim to enhance national security and economic interests. Controlling is mainly done to undesirable persons whereby, facilitation is provided to desirable persons with an open eye to vulnerable migrants.

IDENTIFYING VULNERABLE MIGRANTS IN TANZANIA



- Identification of vulnerable migrants is conducted professionally by Immigration functionaries at port of entries by using several techniques at both primary and secondary lines. At primary line, immigration officers do the following:-
 - I. Details of the travellers are checked against passenger manifest or other list supplied by the carrier,
 - II. Examines/scrutiny of Passports/Travel documents for the purpose of identifying routes, authenticity and validity.
 - III. Compare travel document photograph or digital image with the person presenting it to ensure that it is the same person and not an impostor.
 - IV. Check arrival declaration cards, and visa application if required have been correctly completed and signed,



- V. Compare signature in the arrival cards with the one in the passports,
- VI. Checks details of the person in travel documents against alert list or in any information such as watch list.
- VII. Look at passengers behavior and relationships and if they all meet their responsibility on arrival. Normally passengers are required by the law to appear in person in front of Immigration officer with a completed and signed arrival declaration cards, produce their Passport or Travel documents.
- VIII. Requiring passengers to meet all the entry requirements including evidence of funds for maintenance and travel tickets or evidence of onward travel arrangement or visa to country of destination. All these may enable immigration functionaries to establish reasonable doubts and take necessary actions.
- IX. Look on general health and condition of travellers.
- X. Establish reasonable doubts and qualify the case for secondary line duties.

DETERMINANT OF MIGRANT VULNERABILITY



- ❑ Individual Factors:
 - ❑ Status in the society based on age, racial or ethnic identities, personal histories, mental and emotional health, and access to resources.
- ❑ Household and family factors
 - ❑ Family circumstances: size, structure, socio-economic status, migration histories, employment, livelihood, parental education level, gender roles and dynamics
- ❑ Community factors
 - ❑ Economic, cultural and social structure: availability of educational opportunities, health care services, financial services and community beliefs/practices
- ❑ Structural Factors
 - ❑ Historical, geographical, political, economic, social and cultural conditions: migration governance, respect for human rights and rule of law

IMPACTS OF VULNERABLE MIGRANTS.



- ❑ If not properly managed, they can be agent of jeopardizing national security whereby especially when used by traffickers, smugglers, violent extremists and other criminal rings
- ❑ identifying and managing vulnerable migrants is vital at serving their lives and provision of their rights at large.

CHALLENGES FOR IDENTIFYING AND MANAGING VULNERABLE MIGRANTS



- ❑ The entire process for identification needs enough time to qualify a person as vulnerable migrants also it deals with people some of them are criminals, who may at whatever point of time look for different ways to deceive authorities.
- ❑ Cultural differences and technology:-
 - i. The TISD doesn't have holding centers to protect vulnerable migrants who are victims of trafficking in Persons and smuggling, thus they are put into lawful custody like criminals.

Challenges cont..



- II. The TISD is facing budget constraints to meet the needs and rights of vulnerable migrants such as food, shelters, health, and education without any discriminatory situation,
- III. The existing ICT Systems and infrastructure for managing migrants are not friendly and useful as they are silo by nature and they are obsolete or outdated.
- IV. The cost of verifying and qualify a person as vulnerable migrants in accordance with the relevant legislations is yet demanding in terms of time and finance,



- V. Generally most of them do not meet entry requirements as provided by the law,
- VI. Some vulnerable migrants when allowed to stay in the country they fail to comply with the conditions of their status,
- VII. Language barrier between immigration functionaries and migrants make it difficult to identify and qualify migrants as vulnerable.
- VIII. Reluctance of some travellers to comply with advice and directives given by Immigration officer.
- IX. Given porosity of border in Tanzania, sometimes TISD may fail to identify and assist and protect vulnerable migrants who pass at undesignated entry points.

RECOMMENDATION



- ❑ Given the essence of managing and identifying vulnerable migrants at national and international levels, there is a need for government and other development partners to collaborate by
 - I. Providing education to travellers about the fact that their images have to be seen by the officer on duty so as to compare with that found in a travel document without obscuring any part of the face, including the ears;
 - II. To establish holding centers to protect vulnerable migrants who are victims of trafficking in Persons and smuggling;



- III. Immigration officers and other officer of security to be exposed to more foreign language.
- IV. The International Organization and other Development Partners to support the needs and rights of vulnerable migrants;
- V. To enhance the existing ICT Systems and infrastructures so that to capture and effectively manage the data for all vulnerable migrants who are entering in the country or voluntary leaving the country



- VI. TISD in collaboration with other Development Partners to continue verifying those who qualify for seeking regularization or confirmation of their status in Tanzania in accordance with the relevant legislations,
- VII. Vulnerable migrants to search for documentation or being registered at the relevant authorities
- VIII. Cross border coordination and collaboration in terms of information gathering and sharing, intelligence analysis, training, joint patrols etc.

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