



The Kingdom of Tonga

National Voluntary GCM Review

Implementing the Global Compact for Safe, Orderly and Regular Migration

Methodology

The Kingdom of Tonga (Tonga) has welcomed the Global Compact for Safe, Orderly and Regular Migration's (GCM) comprehensive approach to the governance of migration. The report presents His Majesty's Government's (Government) progress to date in the implementation of the GCM and builds on the deliberations during the GCM regional review conducted in March 2021. The review is timely and necessary as it allows His Majesty's Government to take stock of its implementation efforts towards the GCM and further serves as an input to the International Migration Review Forum (IMRF). It has been drafted using the guiding template shared by the UN Network on Migration Secretariat.

The review process is based on renewed interest by the Government, particularly the Ministry of Foreign Affairs and the Immigration Division who were the primary agencies responsible for the implementation of the National Voluntary review. The report was prepared with the support of the International Organization for Migration (IOM) who appointed a consultant to review the status of GCM implementation in Tonga. The review was conducted between 22 April and 12 May 2022. It has been prepared through a desk-based research and online consultations, followed by a workshop with the Government on May 13th to validate and finalise the findings. Research included the review of the relevant policy, practices, and projects of the GoT as they relate to the 23 objectives outlines in the GCM.

National Context

A Polynesian archipelago comprising 172 islands, of which 36 are inhabited, the Kingdom of Tonga (Tonga) has a population of 107,542 people of whom 70% presently reside on the main island of Tongatapu.¹ Despite its relatively small population, Tonga was among the top four countries of emigration in relation to its population.² Tongans began moving after the Second World War as the mushrooming population of the country began facing a shortage of agricultural land. The first moves were internal, from outer to main islands, and from smaller to larger towns. Beginning as a trickle in the 1950s, international migration from Tonga stepped up in the last half of the 20th century to the primary destinations of New Zealand, Australia, and the United States owing to an increasing pull of education and work opportunities. Throughout the last half of the 20th century, internal and overseas migration have been part of a steady transformation of the country.

His Majesty's Government (Government) does not currently have reliable demographic data regarding the diaspora, its size, or its profile however, it is estimated that the Tongan diaspora is as large in number, if not bigger, than the population of Tongans residing in country³. The size of the Tongan diaspora is estimated to be 126,540, based on recent census data in Australia, New Zealand, and the United States, where most overseas Tongans reside.⁴ Within the country, most Tongans reside on the main island of Tongatapu particularly in the capital, Nuku'alofa. Increasing outer island exodus results in depopulated islands and has pushed government to adopt new government policies aimed at stemming the tide of internal population movement.

Tonga has a small but open economy reliant on remittances (equivalent to 39% of GDP in 2020)⁵, tourism, agriculture, and foreign aid. Migration and migrants have become central to the economic and social fabric of the contemporary Tongan society. Remittances makes a significant contribution to the economy with Tonga receiving the highest remittances (35.2%)⁶ in the world when viewed as a percentage of the Gross Domestic Product.

However, the relationship is much broader than a financial one and has important social and cultural dimensions. Members of the diaspora can also contribute to Tongan development through the transfer of skills, through return migration and through investment and trade activity. Labour mobility schemes (predominantly to New Zealand and Australia) are also a feature of the migration and employment landscape. The government continues to engage in dialogue with destination countries and with the Tongan community to ensure the effective continuation of the various labor mobility schemes and to protect the interests of Tongans.

Net remittances have largely remained stable over 2020 and 2021, despite the global impacts of COVID-19. Tonga like other countries around the world has faced immediate impacts of COVID-19. Lockdowns, travel bans and physical distancing measures in response to the crisis

¹ [Tonga Population 2022 \(Demographics, Maps, Graphs\) \(worldpopulationreview.com\)](https://worldpopulationreview.com/country-rankings/tonga-population-2022)

² [wmr_2020.pdf \(iom.int\)](https://www.iom.int/publications/wmr-2020.pdf)

³ Government of Tonga, Ministry of Finance and National Planning. 2015. "Tonga Strategic Development FrameworkII 2015-2025". pp 37. <http://extwprlegs1.fao.org/docs/pdf/ton168846.pdf>

⁴ IOM. March 2019." Migration and sustainable development in Tonga: An overview of the current landscape." International Organization for Migration

⁵ [Tonga's January 2022 volcanic eruption: a quick guide – Parliament of Australia \(aph.gov.au\)](https://aph.gov.au/press-releases/2022/01/tonga-january-2022-volcanic-eruption-a-quick-guide)

⁶ [wmr_2020.pdf \(iom.int\)](https://www.iom.int/publications/wmr-2020.pdf)

have disproportionately affected migrant workers, who have found themselves stranded unable to return to their place of work or their communities of origin. The volcano eruption and the ensuing tsunami waves on January 15, 2022, came as Tonga struggled to overcome the devastation caused by a series of severe cyclones in recent years⁷ and the economic impact of COVID-19. The international community mobilized immediate emergency relief and longer term support towards the recovery plan. The recovery efforts from the HTHH eruption was further complicated with the country's first COVID-19 outbreak. The outbreak prompted a series of lockdowns, and the country remains in a state of emergency.

Like other Pacific Small Island Developing States, several structural factors constrain development and growth prospects of Tonga. These include the challenges posed by smallness, geographical dispersion within Tonga, its distance from major world markets, and vulnerability to climate change and natural disasters. Given the economies of scale, private sector opportunities and job creation remain a challenge, resulting in a significant public sector role in the economy and for service delivery. In specific terms, remoteness contributes to higher transaction costs of delivering goods and services, including essential items like food, medicines, and fuel. More so, the geographic dispersion of Tonga's population in remote and outer islands means the cost and effectiveness of service delivery (for example in areas of health, utilities, and education) remains a challenge.

Policy and Enabling Environment

In recent years, the Government has identified the need for policy frameworks to address migration and incorporate it into the country's national development planning. In 2021, the Ministry of Foreign Affairs, the National Planning Division of the Prime Minister's Office, together with members of the Technical Working Group (TWG), collaborated in close partnership with the International Organisation for Migration (IOM) to develop Tonga's Migration and Sustainable Development Policy (MSDP). The MSDP aims to improve the capacity of the Government and the Tongan community to harness the positive elements and impacts of migration flows and mitigate any negative aspects such as human trafficking and irregular migration. At the apex level, the MSDP will improve sustainable development outcomes. The MSDP will effectively identify the ways in which decisions and developments which relate directly to migration have important impacts on sustainable development.

The national development plan, Tonga Strategic Development Framework (TSDF) II 2015-2025, is results focused, and is embedded within the foundations of the national motto and cultural values. The Framework underscores an approach to sustainable and inclusive growth and is aligned to the 2030 Development Agenda, the SAMOA Pathway, Addis Ababa Agreement, Sendai Framework, amongst others. As appropriate, these global initiatives have been integrated in the sector policies, strategies, and national budget measures, supported by a tailored monitoring and evaluation framework at all levels of the national planning process. The 2030 Development Agenda reinforces Tonga's commitment to ensure the sustainability of

⁷ Tropical Cyclone Harold in April 2020 and Tropical Cyclone Gita in 2018 both caused extensive damage to Tonga's housing, infrastructure, and agricultural production. Cyclone Gita was the country's largest natural disaster since 1982, causing losses equivalent to 38% of GDP and affecting over 80% of the population.

the economy, strengthening resilience against the impacts of climate change and natural disasters, and improving social services and development.

Climate Change continues to pose serious threats to the environment and livelihood of the people of Tonga. A National Climate Change Policy and Joint National Action Plan 2018-2028 provide strategies for climate actions. A Climate Change Trust Fund has been established to strengthen coping capacities of all vulnerable communities. In this regard, His Majesty's Government is also committed to reducing the risk of displacement due to climate change and natural disasters and it continues to participate in all relevant regional and international fora and negotiations. Moreover, it collaborates with regional and international agencies to promote the policy objectives for 'a Resilient Tonga' by 2035.

The Kingdom of Tonga has ratified the following related international conventions:

- CERD: International Convention on the Elimination of All Forms of Racial Discrimination - 16 Feb 1972
- CRC: Convention on the Rights of the Child – 6 November 1995

Progress on GCM objectives

Objective 1: Collect and utilize accurate and disaggregated data as a basis for evidence-based policies

His Majesty's Government identified the need for a policy framework to address migration and incorporate it into the country's national development planning in a strategic and comprehensive manner however, a lack of migration data has contributed to the limited integration of migration in Tonga's development planning. Thus, in 2017, the Government requested IOM to support it in the development of a migration and sustainable development policy (MSDP) to ensure that nexus between migration and sustainable development is integrated into Tonga's public policy planning and development as framed at the highest level by the TDSF II. The rationale for the MSDP is to fill policy gaps by providing a framework for the Government to effectively incorporate and mainstream migration into national sustainable development planning in a way that maximizes the potential gains of migration and minimizes the associated costs.

The MSDP has been drafted in accordance with the principles of the GCM to promote safe, orderly, regular, and responsible migration in terms of policy and in practice. The humanitarian principles, which underlie the GCM and the MSDP, protect migrant rights and migrant safety throughout the migration process and to strengthen the capacity for states to create planned and well-managed migration policies in the future. Government Ministries endeavor to mainstream and implement this policy, by promoting national interests, security, prosperity, and higher living quality for Tonga, by fostering foreign relations at national, bilateral, regional, and multilateral levels. Moreover, Tonga has also taken steps to integrate the SDGs into its national planning systems by adapting relevant targets and indicators to track the implementation of the TDSF II and other sectoral priorities. With UN support, Tonga has established a fit for purpose monitoring system which maps key policy, planning and budget documents, including the

TSDF II 2015-2025 outcomes and outputs, related KPIs and the 2030 Agenda goals, targets, and indicators.

His Majesty's Government has developed the National Strategy for the Development of Statistics (NSDS) 2019-2023 also known as the Tonga Strategy for the Development of Statistics (TSDS) 2019-2023, as the country's national framework to mainstream statistics into national policy and planning process, to produce information responding to the needs of the various users, to mainstream sectors and other players into the National Statistics System (NSS) and to coordinate the entire NSS. The TSDS responds to the identified data challenges of Tonga and aims to deliver a country-led data revolution that builds statistical capacity for all members of the NSS. The strategy places Tonga's production, collection, and use of statistics in line with international best practice principles in that it requires statistical data production, collection and storage, methods, and procedures to be grounded in scientific principles and professional ethics.

Recently, Tonga has also developed a robust multidimensional poverty measure which is scientifically valid, reliable, additive and contextually appropriate. It has been adopted as the national poverty measure and is the first of its kind in the Pacific. This is important because recent research has suggested that income poverty measures can underestimate the true extent of poverty. Therefore, effective poverty reduction policies require measures that go beyond income and appropriately reflect the hardship and life experiences of the poor and disadvantaged groups.

In terms of data and information on climate change, the National Emergency Management Office NEMO conducts risk mapping for specific hazards. These risk maps are used by the Government and CSOs for community selection for disaster risk reduction programmes.

Objective 2: Minimize the adverse drivers and structural factors that compel people to leave their country of origin

The increasing pull of education and work opportunities, as well as climate change impacts have been the primary drivers of both internal and international migration in Tonga. Subsequently, the Government is taking steps to address these adverse and structural factors. These themes are strongly embedded in TSDF II and the MSDP. The Government is committed to reducing the risk of displacement due to climate change and natural disasters and it continues to participate in all relevant regional and international fora and negotiations. The Government has articulated its strategy in the second version of the Joint National Action Plan on Climate Change and Disaster Risk Management (JNAP2). It sets out six policy objectives and targets and an implementation strategy for the country to achieve its vision of a Resilient Tonga by 2035. Moreover, Tonga collaborates with regional and international agencies to promote the policy objectives laid down in Resilient Tonga. The Government supports several education and awareness-raising programs around climate change mitigation, adaptation, impact reduction, and early warning. Many of these programs target vulnerable communities along the coastline and in lowland settlements, as well as farmers. It is also notable that Tonga's education system, though the support of targeted donor programs, is slowly moving towards integrating climate change into the national education curriculum.

The Government currently uses several frameworks, which integrate climate change measures into national policies and planning. Tonga established the Emergency Management Office under the Ministry of Meteorology, Energy, Information, Disaster Management, Environment, Climate Change, and Communication (MEIDEC) which focuses on coastline protection and raising the level of knowledge within different local communities on what climate change is and its effects on Tonga. The National Emergency Management Organization (NEMO) has the primary initial response role and coordinates the national response to disasters. IOM in partnership with the Internal Displacement Monitoring Centre (IDMC) and the Platform for Disaster Displacement (PDD) is implementing a project to strengthen the disaster displacement response of His Majesty's Government to reduce the risk of disaster displacement risk for vulnerable communities in Tonga. The project will enhance the technical capability and operational response capability of the Government.

Additionally, NEMO and other national emergency stakeholders have also launched the Tonga Strategic Roadmap for Emergency and Disaster Risk Management to enhance emergency and disaster risk management and build safer communities. The Roadmap builds on existing strengths and addresses challenges of emergency management coordination in Tonga.

Small-scale agricultural production in Tonga has been negatively impacted because of the migration of agricultural workers, as migrants abandon their lands and farms to work overseas and often do not work the lands upon their return in the off-season. In turn, the decline of small-scale agricultural production has created further impetus for cyclical migration through the labour mobility scheme. Moreover, changes in relative wages due to the influx of remittances affect agricultural production and the relative competitiveness of Tonga's agricultural market. These fluctuations in the income and productivity of farmers and small-scale food producers are potential drivers of migration⁸. Other areas of the Tongan labour force have also been impacted by the labour mobility schemes – for example, interlocutors noted that the supply of semi-skilled workers for the whale watching industry has been depleted because of the attraction of higher wages offshore.

In response, to minimize the effects of these factors, the Government has adopted a policy strategy in the MSDP to “Promote initiatives to boost productivity and livelihoods across various sectors including agriculture, fisheries, tourism and micro business activity. Education campaigns were designed to increase awareness about practices and resilience strategies that reduce negative environmental impacts, which contribute to forced displacement and migration”. Together with the affected communities, the Government has developed Community based strategies to mitigate negative impacts of labour mobility schemes in terms of threats to family cohesion and local labour supply pressures.” \

⁸ Taufatofua, Pita. April 2011. “TCP/TON/3302: Migration, Remittances, and Development in Tonga”. Food and Agriculture Organization of the United Nations: Sub-Regional Office for the Pacific Islands: <http://www.fao.org/3/a-an477e.pdf>.

Objective 3: Provide accurate and timely information at all stages of migration

The Attorney General's Office is the key entity collating legislation and regulations on all laws in Tonga, including immigration laws and regulation. Information regarding all stages of migration to and from Tonga is available on the official website of the Attorney General.

Objective 4: Ensure that all migrants have proof of legal identity and adequate documentation

The Immigration Service of the Government facilitates overseas travel with issuance of passports. The process of issuing passports for labour migrants begins with the Internal Affairs issuing a letter to the Ministry of Foreign Affairs who then issue passports to citizens free of cost. Foreign Affairs also keeps a record of all the issued passports. The Ministry of Justice provides birth certificates to all children born in the country regardless of the status of their parents and maintains a separate register for non-Tongan citizens. Other government departments provide other necessary documents such as Health Clearance and Police Records needed for permanent migration and seasonal workers.

Objective 5: Enhance availability and flexibility of pathways for regular migration

Tonga has bilateral agreements with the Government of Australia and the Government of New Zealand to facilitate labour migration: The labour mobility agreement between Tonga and New Zealand is known as the Recognized Seasonal Employer (RSE) scheme. Tonga is one of the first two countries in the region that signed an agreement with New Zealand for seasonal work program. The RSE scheme is the first formal labour market arrangement the Tongan Government has managed. It is implemented by the Ministry of Labour, Commerce, and Industries (MLCI). The agreement between Tonga and Australia is known as the Seasonal Worker Programme (SWP), and in September 2018 was amended and renamed the Pacific Labour Scheme (PLS). Thousands of Tongans are employed in labour mobility schemes with Australia and New Zealand in horticulture, meat processing, construction, tourism, and hospitality. The Government will further negotiate and enter into bilateral agreements with destination and transit countries with a view to maximize migration benefits for Tonga's sustainable development planning. The Ministry of Trade and Economic Development together with the Ministry of Internal Affairs, hosted the National Labour Mobility High Level Meeting to develop Tonga's National Labour Mobility Policy which was launched in February 2021. The policy aims to maximize the development impact of circular labour mobility in Tonga.

Government policy relating to the entry of Tongan dual nationals who are travelling on non-Tongan passports is currently under review (in the context of the review of the visa system) with the prospect of making entry formalities clearer and simpler. The Government has a high level of capacity to influence the inward migration of non-citizens as it sets the rules and conditions which govern the entry of non-citizens through the visa system. It does this primarily by means of legislation – the key pieces of legislation are the Immigration Act and associated Regulations. The Foreign Investment Act 2002 relating to the labour market and foreign investment is amongst other pieces of legislation that manage the long term stays of non-citizens that enter Tonga for employment, investment, family reunion or other reasons.

Objective 6: Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work

The establishment of Labour Mobility Agreements (LMA), like the Recognised Seasonal Employer Scheme (RSE) and the Pacific Labour Scheme (PLS) between the Government of Tonga and the Governments of New Zealand and Australia has been crucial for increasing access to decent and productive work for Tongan men and women. These labour mobility schemes are important programs for addressing the pressing problems of unemployment due to a lack of formal job opportunities in Tonga and a youth demographic bulge.

Currently there is an Employment Relations Bill 2020 which has yet to be passed by the Legislative Assembly. The bill aims to establish a legal framework governing employment in Tonga and protect employees' fundamental rights and principles at work including forced labour, freedom from discrimination, equal remuneration for work of equal value and freedom of association. Section 23 focuses on the establishment of processes for the consideration of employment of foreign employees in Tonga which shall be prescribed in subsequent regulations made under the Act. However, there is no legislation which provides express provisions on the prohibition of forced and child labour.

Tongan women have not had equal employment opportunities and their participation in labour mobility schemes has remained low due to: (i) local selection processes; (ii) employee gendered biases; and (iii) gendered perceptions on the role of women and their participation in economic opportunities⁹ Some measures are now being considered to address this disparity including a widening of the labour market sectors available under the labour mobility programs. Protecting the "labour rights of Tongan migrants and promote safe and secure working environments for all workers, in particular female migrants and those in precarious employment" is a policy objective of the MSDP.

Labour Mobility is a demand driven initiative however marketing of opportunities and Tonga's work ready pool (which includes women) are part of the Pillars of Tonga Labour Mobility Policy. Tongan women having equal employment opportunities are largely based on employment demand and specification from overseas market/employer. The hard intense labour of low-skilled work requires mostly males however the demand for women lies in the packing shed. To this end, the Government also has Liaison Officers in both Australia and New Zealand to market women in the horticultural sectors. Semi-skilled is at the completion stage with leveraging the qualification to meet the industry standards hence the demand for women will be popular in the hospitality industry. Women have become resourceful in other semi-skill jobs such as earning license for machinery use like forklift and heavy/loading truck to earn better opportunities when applying to semi-skill jobs. The Ministry of Internal Affairs (MIA) closely monitors every labour migrant with women given opportunities to travel with their spouse as both employees to Australia.

The packing industry is also growing compared to fruit picking schemes however, only a limited number is needed at most times. The local selection as per requirement differs across overseas employer but Tonga always step up to fulfill these by providing necessary ID

⁹ Chatter, Priya; Utz, Anuja; Sharma, Manohar; Doyle, Jesse Jon Gerome. 2018. "The Social Impact of Seasonal Migration: Lessons from Australia's Seasonal Worker Programme for Pacific Islanders". Washington DC: World Bank Group: <http://documents.worldbank.org/curated/en/206071526448586179/The-socialimpacts-of-seasonal-migration-lessons-from-Australia-s-seasonal-worker-program-for-Pacific-Islanders>

documents (birth certificate/passport), family make-up, medical check, police record, reference letters, covid-19 vaccination certificate and RAT tests as required documents per person.

Objective 7: Address and Reduce Vulnerabilities in Migration

The GoT has also launched the Strategic Roadmap for Emergency and Disaster Risk Management (2021 – 2023) to strengthen emergency management performance through sector coordination and cooperation. The strategy will contribute to reducing vulnerabilities in internal migration caused due to emergencies and has been jointly developed by the National Emergency Management Office (NEMO) and National Emergency stakeholders.

Tonga's Cluster system includes both a Shelter Cluster and Safety and Protection Cluster who must work with NEMO and NGO partners on improving evacuation centre standards and practices. NEMO is working together with IOM to establish a new cluster dedicated to managing disaster displacement and evacuation centres, called the Displacement and Evacuation Management Centre Cluster (DEMCC). The cluster will enhance Tonga's response mechanisms and contribute towards reducing displacement risks. In addition, since March 2020, NEMO and IOM are also working together to conduct Displacement Tracking Matrix (DTM) humanitarian assessments in Tonga.

The Government of Tonga has articulated its strategy on climate change in the second version of the Joint National Action Plan on Climate Change and Disaster Risk Management (JNAP2). It sets out six policy objectives and targets and an implementation strategy for the country to achieve its vision of a Resilient Tonga by 2035. JNAP2 is aligned with the Tonga Climate Change Policy and covers both climate change adaptation and disaster risk management. The MSDP also emphasises on reducing “the exposure, vulnerability, and risk of displacement as a result of climate change and natural disasters which may contribute to direct economic losses and cause harm to vulnerable populations.”

Through the Pacific Response on Disaster Displacement Project (PRDD), IDMC has built upon the risk analysis developed by the United Nations Office for Disaster Risk Reduction to look at future displacement risk associated with sudden-onset hazards such as earthquakes, tsunamis, cyclonic winds and storm surges and published “Tonga: Disaster Risk Profile” in 2020. The technical paper presents the initial results of our efforts to assess the risk of displacement associated with disasters and climate change in Tonga. In addition of risk information, the paper looks more broadly at the social and demographic context, events from the past that triggered internal displacement and government initiatives linked to displacement and more generally to disaster risk reduction.

Objective 8: Save lives and establish coordinated international efforts on missing migrants

Although there are no formal mechanisms or legislations in Tonga to track missing migrants, the Government engages in traditional coordination channels with countries on a case by case basis. Families of missing migrants can contact the high commission in their countries or the

UN, who then contact Foreign Affairs in Tonga with information on missing migrants. Subsequently, Foreign Affairs liaises with the Ministry of Justice and the Immigration Division to locate missing migrants. The GoT also liaises with foreign governments in strengthening coordination efforts and documentation of migrants, for example, Indian nationals living in Tonga register themselves with their consular service in Fiji.

Objective 9: Strengthen the transnational response to smuggling of migrants

The Transnational Crime Unit (TCU) under the Ministry of Police has been designated to focus mainly on transnational issues, including aiding border agencies with specific focus on drug trafficking and smuggling, trafficking in human beings and smuggling of migrants, mutual assistance requests, money laundering and proceeds of crime, terrorism financing, cybercrime of any kind, illegal smuggling of flora/fauna and any other transnational issues of intelligence. The TCU works in partnership with other national agencies such as Customs, Immigration Department of the Ministry of Foreign Affairs, Biosecurity, Tonga Airport Limited, Telecommunication and Radio Regulator, Financial Intelligent Unit and Prosecutions. Tonga's Counter Terrorism and Transnational Organized Crime Act 2013 also includes provisions which prohibit the trafficking of persons, and children (Part 8) and people smuggling (Part 9).

Tonga continues to develop its internal legislation, policies and procedures to combat human trafficking and smuggling. The IOM has been providing technical support and financial resources to support Tonga's efforts to prevent trafficking and smuggling. The United Nations Office on Drugs and Crime (UNODC) also provided assistance to strengthen the technical capacity of relevant key agencies such as the Tonga Police Force and the Immigration and Labour Divisions to identify and report on trafficking. Tonga is not a major destination for traffickers and smugglers, but the government needs to monitor this because of the rising number of foreign workers employed in vulnerable sectors.

Objective 10: Prevent, combat, and eradicate trafficking in persons in the context of international migration

The Ministry of Customs and Revenue, as well as the Ministry of Police, prioritize security, both along Tonga's maritime borders and within its social fabric, in their understanding of migration's link to sustainable development. For both ministries, tackling crime, especially organized crime linked to smuggling, trafficking, and the flow of forged identity and travel documents, is a key consideration. To date, there has only been one case law involving trafficking, *R v Lirong Liu* (Unreported, Supreme court of Tonga, CR 117/10, Shuster J). The defendant was charged and convicted on four counts of trafficking a person under Section 24 of the Transnational Crimes Act 2005. The defendant would then be sentenced to 10 years imprisonment on each of the four counts. This is in addition to the other counts for trading in prostitution and keeping a brothel.

The Public Prosecutions Division is under the Attorney General's Office. The Public Prosecutions Division is responsible for conducting all public prosecutions including human trafficking and smuggling in accordance with the prosecution code

In partnership with the Ministry of Foreign Affairs, Ministry of Police, Department of Immigration, IOM has also implemented a project to strengthen Tonga's capacity to protect migrants and prevent human trafficking and smuggling. Tonga has already put in place some mechanisms to detect and deal with Trafficking in Persons (TIP). Proposed visa reforms

currently under consideration would enhance the capacity of Tonga to deal with trafficking situations. The 2019 TIP Report acknowledged significant strides the Government of Tonga is making to combat human trafficking, including that the government has increased funding to an NGO that assists victims and has made efforts to train new police on victim identification. However, the 2021 TIP Report downgraded Tonga's ranking from Tier 2 in 2020 to Tier 2 Watchlist in 2021. The report found that the Tongan Government does not fully meet the minimum standards for the elimination of trafficking. Tonga is trying to meet the standards by providing training for Police recruits on how to identify migrant victims as well as funding the WCCC organisation to support trafficking victims. While Tonga acceded to the United Nations Convention against Transnational Organized Crime **UNCTOC** in 2016, it is not a signatory to either of the two critical protocols concerning TIP or Smuggling – 1) Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and 2) Protocol against the Smuggling of Migrants by Land, Sea and Air.

Objective 11: Manage borders in an integrated, secure, and coordinated manner

Primary line functions at the border are shared among Customs officer and Immigration officer at the secondary line. Both Customs and Immigration officials shared and used Tonga Immigration Management Systems (TIMS) at the border, for processing of passengers coming in and going out of Tonga. This shared responsibilities among the two agencies encourage collaboration and coordinated efforts in protecting the border of Tonga.

To support the Government of Tonga to manage the movement of goods and travellers effectively and efficiently across borders, IOM is also proposing to implement an integrated border management project in Tonga to install IOM's institutional border management information system (BMIS), known as the Migration Information and Data Analysis System (MIDAS). The project aims to equip the GoT with the basis of an interoperable border and customs management system by installing a tailored BMIS at one pilot Point of Entry (PoE) in the country, which can be scaled when appropriate.

Objective 12: Strengthen certainty and predictability in migration procedures for appropriate screening, assessment, and referral

Tonga's national visa system regulates the conditions under which non-citizens enter and remain in Tonga for various purposes. The visa system is based on the Immigration Act passed by Parliament in 1969. Although there have been several legislative amendments since its enactment, the last one being in 2007, the visa framework and arrangements created under this legislation are still largely unchanged and are not entirely fit for purpose in terms of managing the demands of modern people movement and delivering on Government policies.

Recently, the Pacific Immigration Development Committee (PIDC) and the African, Caribbean and Pacific and European Union (ACP EU) Migration Action have implemented projects in Tonga that focused on working with the Government of Tonga to modernize Tonga's immigration legislation and improve the functionality and accessibility of the Tongan visa system. The proposed arrangements include a set of interim measures designed to improve functionality within the existing legislative framework as well as so called "future state" measures which anticipate significant amendments to immigration legislation.

Objective 13: Use migration detention only as a measure of last resort and work towards alternatives

There are no migration detention centres in Tonga and post identification, visa absconders are given the opportunity to leave the country without any criminal action or penalty fees and of course alert their names on the system for future. The Immigration Division keeps a record of all visa absconders or overstayers.

Objective 14: Enhance consular protection, assistance and cooperation throughout the migration cycle

The Government of Tonga has eight missions overseas providing consular services including passport services to Tongans living overseas. The consular offices in Australia and New Zealand also provide support to labour migrants travelling through labour mobility programmes.

Objective 15: Provide access to basic services for migrants

In line with national development priorities, Tonga is working towards equitable development across the country to ensure better access and social development. All immigrants, regardless of their legal status, can access government-funded national health services, including both emergency and non-emergency services. All (non-visitor) types of visas allow family members to be granted the same class and length of visa as the original applicant. The 2016 Revised Version of the Immigration Act defines a family member as a spouse, dependent child, or any other person who, in the opinion of the Principal Immigration Officer, can be treated as family. Extended family members can visit for short period with a visitor visa.

Objective 16: Empower migrants and societies to realize full inclusion and social cohesion

The Constitution of Tonga emphasis on the importance of fair treatment and mentions that the law shall be the same for all people in Tonga. Clause 4 of Act 2010 states the Tongan laws apply to both Tongans and non-Tongans and that no laws shall be enacted to differentiate one class from another.

Nonetheless, there are restrictions for immigrants accessing the labour market compared with nationals. To take up employment in Tonga, a work permit is necessary for foreign residents holding a residency permit, or foreign investors who hold a certificate under the Tonga Foreign Investment Act¹⁰. Access to education is not restricted and student visas are issued to international students. However, some institutions may charge higher fees to international students as it is not regulated according to Tonga's Education Act¹¹. There are currently no schemes that specifically facilitate international students working after their graduation. International students may work during their studies but only if this activity is a compulsory element of their course.

¹⁰ [Foreign Investment Act \(ago.gov.to\)](http://ago.gov.to)

¹¹ [Education Act \(tradeportal.org\)](http://tradeportal.org)

Objective 18: Invest in skills development and facilitate mutual recognition of skills, qualifications, and competences

Improving local and national employment opportunities for the youth is a critical concern for the Government of Tonga, as un- and under-employment is a major driver of migration for young people and has direct implications for Tonga's sustainable development. Tongan adolescents and youth benefit from ongoing programs arranged through bi-lateral agreements with other countries. These initiatives facilitate access to further study and employment, such as academic scholarships and sports exchanges programs, for youth. These youth programs demonstrate a continued commitment to student mobility and are important targets towards integrating youths' needs and priorities into migration policies for sustainable development. Civil society organizations (CSOs), such as the Tonga Youth National Congress, engage youth in an array of activities including sports programs, vocational training, and small-scale entrepreneurial activities.

Tonga also participates in international schemes with common qualification frameworks. The Pacific Register of Qualifications and Standards (PRQS) was developed with the expectation that if a course is included in the Register, it will be recognized across the region. To further contribute towards skill development in the country, the MSDP aims to "Promote youth employment, support youth vocational training, and increase the number of youth and young adults who have relevant skills, including technical and vocational skills, for employment, decent jobs, and entrepreneurship"

The Skills & Employment Training project (SET) funds by World Bank includes a pre-departure session in preparing labour migrants for overseas working targeting young adult in the RSE labour scheme pool. The growing numbers of young people at age 19 – 22 (NZ) and 21 – 25 (AUST) is becoming a popular employment opportunity for young people finishing off from high school or vocational institutions that have earned semi-skill certificates.

Objective 19: Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries

There is no specific legislation regulating the migration of Tongan citizens overseas. The Passports Act governs the issuance of overseas travel documents. In addition, in 2007, the Nationality (Amendment) Act was passed revoking the ban on dual citizenship. This has important implications for enhancing the level of formal engagement with the diaspora. Tongans wishing to become citizens overseas may retain their Tongan citizenship. The TSDF-II, the Government of Tonga recognizes the increasingly vital role which the diaspora plays in contributing to Tonga's development and it considers their engagement to be integrally aligned with the country's sustainable development objectives. Thus, the TSDF-II aims to proactively engage overseas Tongans, both new and longstanding migrants, for the strategic development of the country. More specifically, under Pillar 2—Outcomes 2.8, the TSDF-II explicitly states: Improved collaboration between Tongans in the Kingdom, and the Tongan diaspora to help develop the social and economic quality of life of both groups. Moreover, the diaspora is also implicitly referenced in Pillar 1—Outcome 1.5: Better access to overseas trade, employment and foreign investment, where it is noted that Tonga is "fortunate to already have a large Tongan diaspora providing important connections which facilitates wider engagement".

The MSDP focuses on engaging diaspora to reinvest in Tonga by encouraging the mobilization of diaspora resources, including skills and investments, to implement programs and policies in support of national development planning, enhancing the transfer of skills, technology, and

research by diaspora as well as fostering links between the diaspora, civil society, and the private sector in Tonga

The GoT will aim to formalise and maximise efforts to integrate diaspora into Tonga's development planning in a strategic and participatory manner.

Diaspora investment and financial contributions, such as collective remittances, represent a great source of development assistance to Tonga. The diaspora currently contributes towards development agendas and make financial contributions through informal mechanisms, such as alumni groups, churches, and community efforts. The GoT, however, has yet to tap into diaspora's potential for development or investment, either formally or informally. To this end, IOM is implementing a project in Tonga to enhance the government's capacity to support migrants and communities benefit from labour migration as a sustainable development strategy. Subsequently, the GoT has an increased understanding of remittance flows and practises and capacity to cascade financial training to migrants and communities.

Objective 20: Promote faster, safer, and cheaper transfer of remittances and foster financial inclusion of migrants

The Government of Tonga through efforts introduced by the Tonga Development Bank, as well as through partnerships with the UN-supported Pacific Financial Inclusion Programme, is working towards promoting the use of formal financial institutions for the transfer of remittances. Some commercial banks, such as ANZ through its Money Minded Program, have also taken on an active role in this space. These efforts all place importance on increased financial literacy around remittances and they target seasonal agricultural workers to Australia and New Zealand for trainings on various topics, such as the importance of opening bank accounts to facilitate remittance transfers and of saving remittances for future investment. In addition, employers in Australia and New Zealand who participate in the labour mobility schemes are encouraged to render payments via direct bank deposits, instead of cash.

The MSDP emphasises on the objective to “Reduce barriers and costs associated with remittance transaction transfers; and Promote remittances as an entry point into greater financial inclusions and vehicles for improved financial literacy”. This policy benefits from existing services such as Tonga Development Bank's (TDB) Ave Paánga Pau that provides low transfer costs and KickEx Remittance, a public-led initiative that promotes migrant families' financial literacy and financial inclusion. Moreover, IOM's labour migration project has also supported lowering of remittance transfer costs and expanding access to financial services by delivering a remittance research report and improving remittance and financial literacy in Tonga. Through a project, IOM and the Ministry of Internal Affairs (MIA), with MIA conducting the workshops, held a financial and literacy workshop for labour migrants and their family as a part of their capacity training with heavy priority on women (special Focus Group Discussions) to expand their knowledge on sustainable managing of sending and receiving remittances especially on market exchange rates, online website and money transfer apps, bank transfer, IT and cybercrimes as part of MIA pre-departure trainings programmes for labour migrants.

Objective 21: Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration

Currently, the GoT, particularly the Ministry of Internal Affairs has a partnership with churches that act as a service provider to facilitate the process of return and reintegration. Once in Tonga, the returnees are directed to the churches for reintegration assistance. The Government recognises the need for a formal government procedure to facilitate reintegration. Addressing the inclusion and reintegration needs of returned migrants—classified as (i) criminal deportees, (ii) family reunifications, or (iii) visa overstayers/ absconders—is a policy priority for Tonga’s sustainable development and is well reflected in the MSDP. Amongst returned migrants, the reintegration of criminal deportees presents the most pressing policy priority given the risk they pose for perpetuating criminal activities. Through the MSDP, the GoT aims to facilitate the return, readmission, and reintegration all returned migrants into Tongan social, economic, and political institutions, strengthen the Government of Tonga’s capacity to manage return migration, as well as create awareness among Tongans about the positive contribution of returned migrants.

Objective 22: Establish mechanisms for the portability of social security entitlements and earned benefits

There is no provision in the Immigration Act for the issuance of permanent residency, and the Act states that residency permits may only be issued for a period of one to ten years. Permanent resident visas (up to 10 years) may be granted to those with Tongan descent, those who have resided in the country for the last 12 months, or those willing to invest large amounts in the country. Although all immigrants have access to public health services, a fee may apply to non-Tongans. The law does not provide for the granting of asylum or refugee status, and the government only provides protection to refugees and grants temporary refugee status and asylum on an ad hoc basis. Tonga is also not a part of The Convention Relating to the Status of Refugees.

Objective 23: Strengthen international cooperation and global partnerships for safe, orderly, and regular migration

The effective management of the continuous and growing movement of people across international borders necessitates international cooperation through bilateral and multilateral dialogue and agreements. To this end, the Government of Tonga promotes international and regional cooperation and seeks to monitor and effectively implement relevant agreements. Tonga’s close engagement with regional fora and organizations which relate to immigration issues including PIF, PIDC, Bali process, IOM, UNODC, UNHCR, ACP EU help to strengthen its effectiveness in managing inward migration issues and processes. Benefits include access to training, access to intelligence, best practice exchanges and capacity building opportunities.

Tonga promotes programs, initiatives, and interventions that align with Tonga’s sustainable development interests and priorities and that attract and facilitate investment and advancements towards economic, social, and human development targets. The MSDP proposes increasing the transfer of skills and technology through mutually agreed terms and conditions. The MSDP also promotes effective collaboration between Tonga and countries of destination and transit to manage migration efficiently and to reduce irregular or exploitative migration. Tonga will work with other countries, especially its Pacific neighbours and the destination countries of Tongan migrants, to promote adherence to international standards and interventions governing

migration and contribute to efforts to combat transnational crime and irregular migration. The dialogue on migration issues also involves various regional and international organizations which aim to support migration governance, improve migration data, suppress crime, and protect victims and vulnerable groups.

Potential for further development

- Limited capacity and funding remain a central challenge in Tonga's efforts to effectively manage migration, especially impacting the collection, use and management of data.
- Continued work towards policy goals would benefit from greater consistency in the enforcement of plans across ministries and committees and from improved monitoring and evaluation. In addition, more resources are needed to improve climate resilience particularly in the outer islands. Additional funding is also required to expand and improve community outreach and information campaigns on climate-related human mobility and displacement.
- Despite efforts towards improving employment, youth unemployment is a major challenge for Tonga's sustainable development, especially for youth in the outer islands.
- Although Tonga has developed a policy to guide migration governance there is still a lack of proper legal framework which is specific to migration and protecting the rights of migrants.
- The Government does not currently assess the labour market to determine demand for migrant labour. Moreover, there is no data on the number of workers in the various provinces which has led to labour shortages at peak season in outlying provinces. Similarly, there are no assessments on the effects of emigration on the domestic labour market. There are no programmes to manage labour immigration, such as adjusting visa awards according to labour market demands or considering migrants' skills when assessing visa applications.
- The Tonga Climate Change and Disaster Risk Reduction Policy does not cover specific situations that migrants may face during crises because of their specific status in the country. There is no official process for making exceptions to the immigration procedures for immigrants whose country of origin is experiencing a crisis. The TSDF II captures climate change and disaster risk reductions but does not make specific provisions regarding internal displacement.
- Communities, particularly those in remote areas away from the reach of transport and infrastructure, are at greatest risk of disaster displacement. These "last mile" communities have limited education and/or access to media, especially in local languages, which limits early warnings of disasters and affects preparedness. There are no appropriate micro and meso level climate risk insurance or disaster risk financing instruments that individuals, businesses, organizations, cooperatives, subnational governments, or others can access. There is a need for enhanced provision of social services, such as education and health, in communities affected by disasters, and the areas of relocation.
- There are no specific anti-TIP trainings provided by the Government of Tonga for police, and other law enforcement officials.

- To improve border security, improved coordination is needed between the Ministry of Customs and Revenue and the Ministry of Police, especially in terms of information sharing. Shared intelligence with international partners would also be beneficial. Moreover, improved technology and additional resources are needed, such as boats to travel to the outer islands where there is currently no Customs office.
- The high cost of remittance transfers lessens their development impact and places the financial burden in the hands of migrants. Lowering remittance transfer costs, making money transfer markets more transparent, and informing migrants of their transfer choices are all important development considerations. The GoT could benefit from developing a diaspora strategy, which formalizes its engagement with the diaspora to better channel diaspora efforts and financing into national development planning.

GCM Guiding Principles

Inclusion, equality as well as sustainability have for a long time been matters of importance to Tonga and addressed to varying degrees in the country's national plans and strategies. In line with the principle of being **people-centred**, the MSDP recognizes the importance of giving priority to the most vulnerable, particularly women, children and youth especially unaccompanied minors, and persons with disabilities. In particular, the MSDP supports the advancement and protection of these vulnerable groups, in circumstances of forced, exploitative, or irregular migration. The principles underlying the MSDP are in accordance with the Constitution of Tonga, upholding **national sovereignty**. Specifically, the following three clauses of the Constitution are relevant for the MSDP: Prohibition of slavery, Conditions under which foreign labourers may be introduced, and Equality before the law for all classes. Both the TSDF II and the MSDP have adopted **sustainable development and the principle to Leave No One Behind** to ensure equal opportunities for all, vulnerable and marginalized groups including access to employment, political leadership, and social services. In line with the principle of **human rights**, the MSDP reaffirms the humanitarian imperative and that its priority is the humanitarian duty to save lives and alleviate suffering.

The efficient administration of migration for sustainable development assumes the effective and full participation and collaboration of all stakeholders — governmental and non-governmental organizations, private sector, special agencies, migrants, and the diaspora community — from countries of origin, transit, and destination. Adopting the **whole-of-government** and **whole-of-society** approach, the GoT will work together with all stakeholders, including civil society, to provide pertinent legislative and institutional frameworks and structures for the implementation of the MSDP and in support of its policies, to protect the human and social rights of Tongan citizens at home and abroad.

Mean of Implementation

Tonga's implementation of the objectives of the Global Compact takes place at numerous levels and through multiple agencies including through the ongoing participation of and engagement with private sector and not-for-profit organisations. The GoT values its partnerships with international organizations and non-governmental organizations in the implementation of its migration-related policies, and this support will continue to be important

in the future. At present, the projects are being implemented with state funds, and through international organizations (such as IOM, OSCE, ILO and others) and foreign partners.

What more is needed?

There is a pertinent need for human and financial resources to fund the MSDP unit in Tonga as it is the central unit in implementing migration related projects in Tonga. Implementing on the objectives of the MSDP will in turn strengthen the implementation of the GCM in the country and enhance the safe, orderly and regular migration.

Continued international engagement at a bilateral and multilateral level is vital to national-level implementation. Tonga sees value in the development of migration-related partnerships that are aligned with and tailored to the needs of their stakeholders. Additional resources are required to ensure the sustainability of existing projects, programmes, and initiatives, as well as to implement new policies and projects.

The newly implemented skilled labour migration, pushing the duration of absence of a skilled labour force from Tonga for 3-4 years on end will need to be carefully assessed both from an economic perspective, as well as from a social perspective. Such Impact Assessment reports should be made before any extension to the current labour mobility schemes are offered.

Next Steps

The GCM encompasses a very broad range of proposals and objectives, with multiple thematic interlinkages between them. This review attempts to highlight some of the work that has been undertaken by the Government of Tonga and its partners in recent years to improve the governance of migration.

Based on the demonstrated commitment to the effective implementation of the GCM so far, the GoT emphasises on the need of assistance from development partners especially the IOM in future actions as it proactively takes action to strengthen migration governance in the country.

Tonga will also continue to actively participate in relevant activities as they relate to the implementation of the GCM. The Government will send a delegation to the International Migration Review Forum in May 2022 and stands ready to participate in any other further national review exercises. Tonga looks forward to engaging in the Forum and to using the opportunity afforded by the IMRF to illustrate its experience, expertise, and insights, as well as receive recommendations to strengthen its GCM implementation.

