

Country Chapters

4.1 Benin

4.1.1 Migration trends

4.1.1.1 Immigration

Although the presence of foreigners in Benin remains limited, it has risen over the past decades and, as Professor John Igue puts it, “Benin, an old country of emigration, is becoming a land of immigration”.¹⁰ The country's location on the maritime coast, and its location in the prosperity zone of West Africa.

Vulnerable groups:

“It appears that trafficking is primarily an internal phenomenon.
 “There has been evidence with regards to human trafficking to suggest that women and girls from Nigeria, Guinea, Togo, and Niger are forced into prostitution.”

4.1.1.2 Emigration

Benin has long been a country of emigration, with flows which have traditionally been composed of high-skilled nationals and directed towards French-speaking West African countries. Over time, the patterns of migration in West Africa were subject to six waves of mass expulsions. Arguably, no other West African state has experienced such widespread forced return of its nationals. These recurrent mass expulsions, and the evolution of the economic and political context in Benin and countries of destination, have led to a diversification of emigration flows that has taken two forms. First, migration does not concern only high-skilled individuals anymore but also includes low- and medium-skilled workers. Second, the countries of destination of Beninese migrants have widened, within and beyond West and Central Africa.

Beninese authorities have not conducted a comprehensive mapping of the country’s diaspora and estimates of the number of nationals abroad vary greatly from one source to another.

Data	Year	Estimates
General estimates from research reports	2010-2015	1.5 million
Data from diplomatic and consular posts (unpublished)	2015	1.2 million

4.1.1.2.1 Characteristics of emigrants/nationals abroad

<p>Countries of destination/residence:</p>	<p>Stock</p> <p>...[g] [YbYfU`miU[fYYX`h.UhH.Y`j Ugh'a U`cf]micZ a][fUbhg` U`fci bX` - \$i` ` fYg]XY` in African countries, primarily in West Africa, and to a lesser extent in Central Africa.</p> <p>...Nigeria, Côte d'Ivoire, Ghana, Gabon and Togo are important countries of residence for Beninese nationals. %&\$</p> <p>...A][fUhc`b` ck g`hck UfXg`@VmtU`UddYUfg`hc` \Uj Y`VYYb`ga U`.]b`&\$%&ž=CA` fYdcfhYX` %\$-`6Yb]b`fYh`fbYYg``YY]b[`Zfca`h.Y`@VmtUb`Vj]`]`k Uf`%&%%</p> <p>...H.Y`C978`]bhYfbUH]cbU`a`][fUhc`b`XUHUVUgY`]XYbh] Yg` : fUbW`f+ž` &` fY[]ghYfYX` 6Yb]bYgY`bUH]cbU`g`]b`&\$-\$- lz`#U`mf&ž`' (`]b`&\$%\$E`UbX` ; Yfa` Ubmff%ž` +, `]b`&\$%&ž`</p>
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<p>Education level/ sectors of employment:</p>	<ul style="list-style-type: none"> “The sectors of employment engaged in by Beninese migrants are not known. “J. Igue, who has studied the situation of Beninese migrants in Côte d’Ivoire, Gabon and Ghana, identifies five main types of occupations: high-skilled “intellectual” occupations, low- and medium-skilled urban jobs, small trade, fishing, and agriculture.” “Skilled occupations were mainly found in Gabon, in the education sector, but it has decreased over time as Beninese teachers have retired and the work conditions have deteriorated.” “Fishing is the main occupation of Beninese migrants residing in Gabon and Côte d’Ivoire.” “The other aforementioned types of jobs are found in all West and Central African countries of destination.” “Data concerning the skills of Beninese migrants in the OECD is scarce, and therefore, an eventual brain drain phenomenon is difficult to assess. With regard to the health sector, however, OECD data shows a significant risk of brain drain: circa 10% of Beninese migrants in the OECD are health workers.”
<p>Remittances:</p>	<ul style="list-style-type: none"> “The majority of transfers are done through formal channels, although an estimated two households in five use informal transfer mechanisms.” “Of the total amount of remittances were estimated to have been sent from EU Member States.” “Individual and collective initiatives of the diaspora in the social field compensate, to a certain extent, for the limited capacities of the state.”
<p>Vulnerable groups:</p>	<p>International trafficking of Beninese nationals primarily concerns children, who are forced into domestic, commercial and agricultural work in Nigeria, Gabon, Côte d’Ivoire, and, to a lesser extent, in other West and Central African countries such as Ghana and Cameroon.</p>

4.1.2 Migration policy

Although Benin lacks a comprehensive migration strategy, most aspects of migration management are covered by policy documents and the national legislation. However, a number of gaps can be identified. With regard to emigration management, a National Policy for Beninese Nationals Abroad* was adopted in 2010, which emphasizes the relationship between migration and development, but which fails to cover most labour migration related issues. Immigration policies are also incomplete. On the whole, one may argue that policy documents

* Politique nationale pour les Béninois de l’extérieur.

1. J. Igue, *Migration and Development in West Africa*, p. 100.

2. J. Igue, *Migration and Development in West Africa*, p. 100.

3. J. Igue, *Migration and Development in West Africa*, p. 100.

4. OECD, ‘Immigrant Health Workers in OECD Countries in the Broader Context of Highly Skilled Migration’, International Migration Outlook – SOPEMI 2007, p. 100.

5. J. Igue, *Migration and Development in West Africa*, p. 100.

6. BCEAO, Enquête sur les transferts de fonds des migrants, p. 100.

7. J. Igue, *Migration and Development in West Africa*, p. 100.

8. J. Igue, *Migration and Development in West Africa*, p. 100.

9. * Politique nationale pour les Béninois de l’extérieur.

and legislation generally exist, but their implementation remains limited. The national development plan⁹⁰⁺ (G7FD &\$%4 &\$%) L'XcYg' bchia Ybh]cb'a][fUh]cb `]ggi Yg"

4.1.2.1 Institutional framework on migration

Governmental stakeholders involved

Ministry	Agency, Directorate, Unit	Responsibilities
Ministry of Interior of Public Security ^{90.}	Directorate of Emigration and Immigration ⁹⁰⁻	• Immigration management
Ministry of Labour and Public Service ^{90\$}		• Delivery of work permits to foreign workers
Ministry of Micro-Finance, Youth Employment and Women ^{90%}	National Employment Agency ^{90&}	• Matching the labour demand and supply • Assistance to returning migrants • Information dissemination to potential migrants and nationals recruited for employment abroad
Ministry of Foreign Affairs, African Integration, Francophony, and Beninese Abroad ^{90'}	National Agency for Beninese Abroad ⁹⁰⁽	• Relations with nationals abroad • Information dissemination • Assistance to returning migrants
	Directorate of Relations with Beninese Abroad ⁹⁰⁾	• Protection of nationals abroad
Ministry of Family		• Fight against trafficking in persons

Diaspora issues are also dealt with by an independent and private structure, the High Council for Beninese Abroad^{90* k \]W' k Ug'YghUV`jg\YX`j b'&\$\$\$ fgYY'gYW]cb` ('%&" "&L'}

⁹⁰⁺ Stratégie de croissance pour la réduction de la pauvreté.

^{90.} Ministère de l'Intérieur et de la Sécurité publique.

⁹⁰⁻ Direction de l'émigration et de l'immigration.

^{90\$} Ministère du Travail et de la Fonction publique.

^{90%} Ministère de la de la Micro-finance, de l'Emploi des jeunes et des Femmes.

^{90&} Agence de nationale de l'emploi.

^{90'} Ministère des Affaires étrangères, de l'Intégration africaine, de la Francophonie et des Béninois de l'extérieur.

⁹⁰⁽ Agence nationale des Béninois de l'extérieur.

⁹⁰⁾ Direction des relations avec les Béninois de l'extérieur.

^{90*} Haut Conseil des Béninois de l'extérieur.

4.1.2.2 Immigration: national policy framework and institutional practices

4.1.2.2.1 General immigration provisions

Legislation/Policy Framework	Description
<p>Law No. 86-012 of 31 January 1986 on the regime applicable to foreigners in Benin¹⁴⁷</p> <p>Regulation No. 218 of 3 November 1992 on the stay permit and the conditions of its delivery¹⁴⁸</p>	<p>Law, Art. 3 establishes a distinction between the status of non-immigrant foreigners and that of immigrant foreigners.</p> <p>Non-immigrant status Law, Art. 4: Non-immigrant foreigners include individuals staying on the national territory for a period not exceeding three months. Law, Art. 17; Art. 18: Depending on the duration of their stay, non-immigrant foreigners are requested to obtain the delivery of a tourist or a stay visa.</p> <p>Immigrant status Law, Art. 20: Within three months of entry, foreigners have to request the delivery of a stay permit. Law, Art. 6 to Art. 9 distinguish between three types of stay permits: delivery of a stay permit (or the</p>

organisations such as IOM and WHO have issued opinions that firmly condemn such restrictive practic

the State⁹⁰ provides that only Benin nationals can be nominated in state employment. As repeatedly noted by the ILO, such a broad restriction of foreigners' access to public employment is likely to constitute a violation of the principle of non-discrimination, unless the exceptions relate to "limited categories of employment" or functions, and that they are necessary "in the interest of the State".⁹¹

Rights within employment



4.1.2.2.4 Migrants at risk



initial steps have been taken in this regard with the establishment of an Operational Register of Occupations (ROME)⁹⁰. The patterns of emigration to Côte d'Ivoire, Gabon and Ghana.⁹¹ Activities related to the identification and assessment of existing and potential new countries of destination are non-existent and promotion activities in the current countries of destination remain limited, despite the conclusion of some labour migration related bilateral agreements.

Recruitment system

The National Employment Agency is entrusted with the duty of accommodating to accompany jobseekers within both the national and the international labour market. In practice, national employment services are yet to develop capacities to place national workers abroad.

Although the legislation does not include any provisions regulating the activities of private employment agencies, several agencies operate in Benin, such as Afrique Conseil, Gestion d'Entreprise en Culture Africaine, LC Out Placement, etc. These agencies generally focus on the placement of high-skilled workers in African countries. Two agencies, Accès Canada Bénin and Canada sans détour, specialise in facilitating migration of Beninese salaried and self-employed workers to Canada.

Bilateral labour agreements

Benin has concluded several bilateral agreements that include provisions regarding entry and stay of migrant workers. The most notable and comprehensive is the Agreement on Concerted Management cZA [[fUhcfm: `ck g' UbX' 7c! 8Yj Y`cda YbhVcbWl XYX' k]h `: fUbW']b' &\$\$- `fjYY' gYV]cb' ("% " Zcf' a cfY' details).

4.1.2.3.2 Migration and development

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- to promote cultural activities abroad and develop Beninese schools in major countries of destination;
- to facilitate the reinsertion of returning migrants;
- to reduce the brain drain phenomenon and attract competences from the diaspora;
- to mobilise the resources of nationals abroad for the economic development of the country, in particular through the institution of a diaspora bank, a solidarity fund, and fiscal incentives; and
- to increase the participation of nationals abroad in Benin's political life.

⁹⁰ Répertoire opérationnel des emplois et métiers.

⁹¹ John Igue's Les Béninois de la diaspora. Cas du Ghana, de la Côte d'Ivoire et du Gabon. Födi V'jei Y'Xi '6öb]bZl B: D5z&\$\$, "

⁹² Politique nationale pour les Béninois de l'extérieur.

Institutional developments

Creation of the Ministry of Foreign Affairs, African Integration, Francophony, and Beninese Abroad.¹⁰ The main

Diaspora outreach and confidence-building measures

Although a comprehensive database of Beninese abroad is yet to be developed, efforts have been undertaken to better understand the patterns and characteristics of Beninese emigration. A study on the Beninese diaspora, which analyses in detail the characteristics of Beninese migrants in the Côte d'Ivoire, is currently being conducted.

Regarding the maintenance and improvement of relationships between the state and its nationals abroad, dual/multiple citizenship is recognised, as is the right to participate in national elections. The generalisation of dual citizenship to other countries of destination and extension to other countries is planned.

Addressing the challenges of highly-skilled migration

Policies related to the brain drain phenomenon and the circulation/return of highly-skilled migrants are currently being reviewed.

skilled workers also include information sharing as part of their services.

Assistance to returning migrants

Returning migrants benefit from general assistance programmes from the National Employment Agency, including the Assistance Programme for Integration and Employment Development (AIDE)⁶⁶ and the Programme for support of Self-Employment (PAEI)⁶⁷. In addition, specific programmes have been de-

f) Cooperation in the area of border management is addressed.

g) Procedures to facilitate readmission of nationals in an irregular situation are included.

h) The funding of development projects is addressed.

The agreement also addresses the national labour market, but does not set out the establishment of a working group to consider the implementation of cooperation mechanisms, vocational training, and capacity building in the area of employment.

Bilateral agreements concerning trafficking in persons

Nigeria: The bilateral agreement on the prevention, repression and suppression of human trafficking includes provisions for the prosecution of offenders as well as mechanisms to identify and protect victims and ensure their repatriation and reinsertion in the country of origin.

The agreement covers the areas of prosecution, protection and prevention of the crime of trafficking and includes cooperation mechanisms, notably with regard to judicial procedures and repatriation of child victims.

4.1.4 References

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