

4.10 Mali

4.10.1 Migration trends

4.10.1.1 Immigration

Mali is not an important country of immigration. It is, however, a country of transit for West and Central Africans travelling to Algeria, Libya, Morocco or Tunisia, who eventually seek to enter European states. Having said that, a small amount of foreigners do reside in Mali.

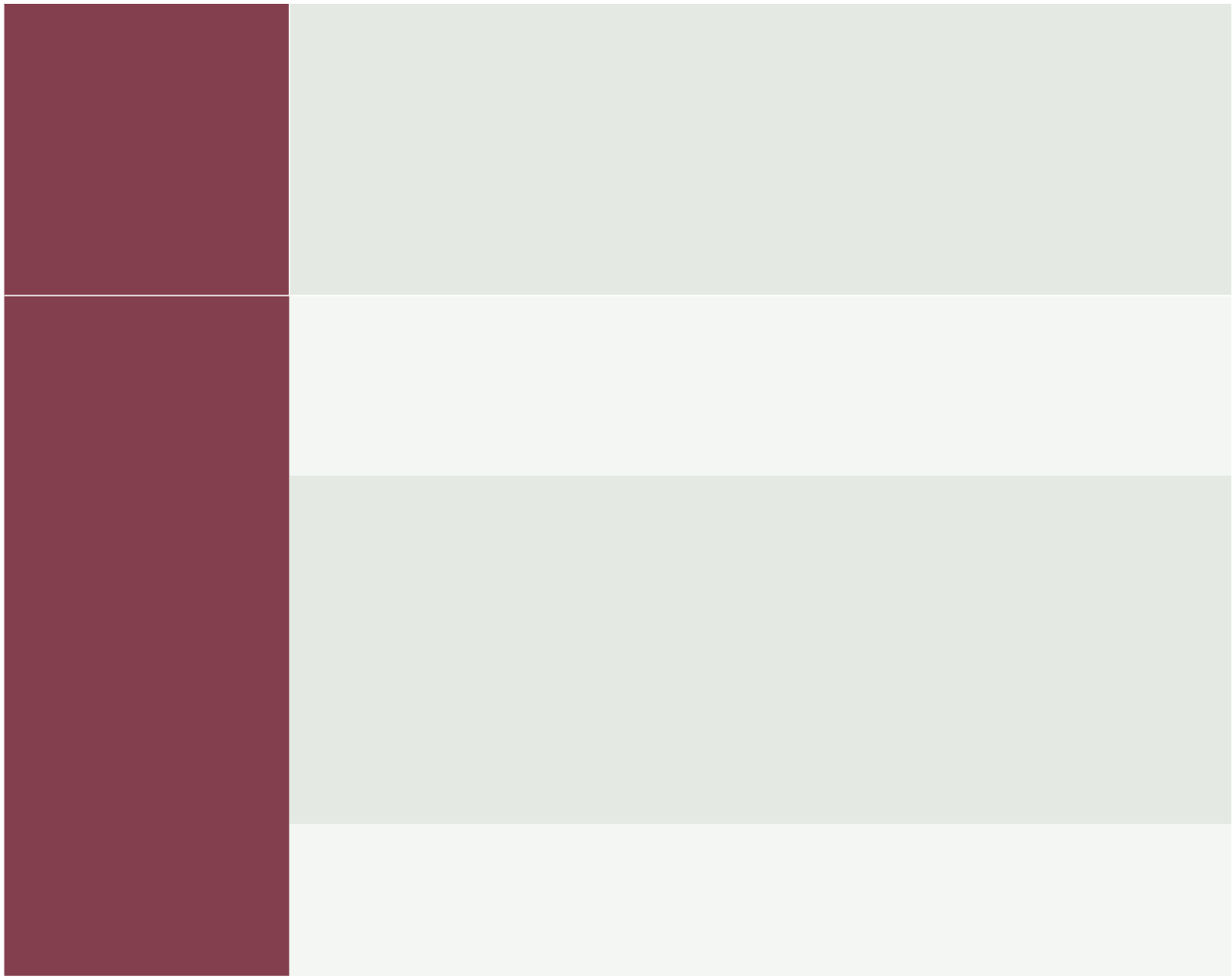
| Data | Year | Absolute numbers | % of the Total Population |
|---|------|-------------------|---------------------------|
| National Population and Housing Census (RGPH) | | IRUHLJQ UHVLGHQWV | |

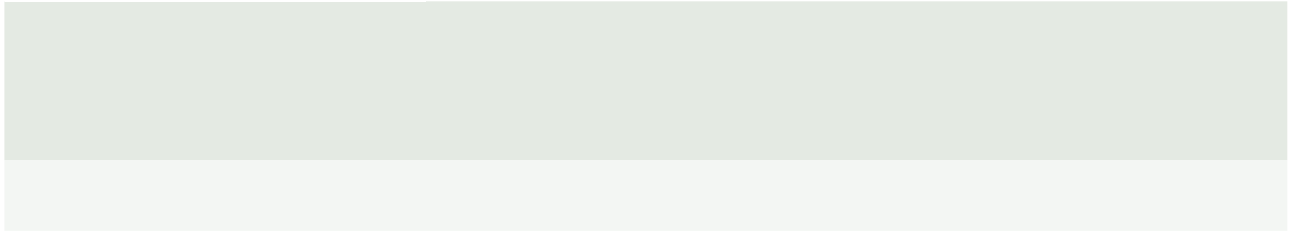
4.10.1.1.1 Characteristics of immigrants/foreigners

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| Countries of origin: | \$FFRUGLQJ WR WKH 1DWLRQDO 3RSXODWLRQ DQG +RX of foreigners are Africans, principally from ECOWAS Member States, including Burkina)DVR & WH GV, YRLUH *XLQHD 6HQ DQG 1LJHU |
| Settlements: | 0RVW IRUHLJQHUV UHVLGH LQ WKH FDSLWDO %DPDNR .D\HV DQG .RXOLNRUR |
| Socio-demographic profile: | RI IRUHLJQ UHVLGHQWV DUH PDOH |
| Socio-economic profile and sectors of employment: | a ,Q RI IRUHLJQHUV GLG QRW KDYH DQ\ IRUPDO WKH WRWDO SRSXODWLRQ a Like nationals, foreigners tend to be employed in the informal labour market. |
| Vulnerable groups: | a 7UD4FNLQJ LQ SHUVRQV DSSHUV WR EH PDLQO\ DQ ,20 UHJLVWHUHG YLFWLPV ZLWKLQ WKH FRXQWU a According to the U.S. Department of State's Trafficking in Persons Reports, victims have included boys from Burkina Faso and Guinea who were exploited for the use |

4.10.1.2.1 Characteristics of emigrants/nationals abroad

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|---|---|
| <p>Countries of destination/ residence:</p> | <p>a While there is a general consensus on Malian emigration trends, there are conflicting estimates regarding the current emigrant stock.</p> <p>a 7KH 0DOLDQ JRYHUQPHQW RIWHQ UHIHUV WR D 1JXU EHWZHHQ DQG RI WKH WRWDO SRSXODWLRQ WR PLOOLRQ LQ &SWH estimates are not based on reliable data, and, in the case of Côte d'Ivoire, seem excessive.</p> <p>a ,Q WKH 0LQLVWU\ RI 0DOLDQV \$EURDG SURYLG JUDQWV LQFOXGLQJ PHDQ, the sources of this data are unclear.</p> <p>a \$QRWKHU QDWLRQDO HVWLPDWH FRQGXFWHG LQ</p> |
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4.10.2.2 Immigration: national policy framework and institutional practices

4.10.2.2.1 General immigration provisions

| Legislation/Policy Framework | Description |
|---|--|
| <p>Law No. 04-058 relating to the Conditions of Entry, Stay and Establishment of Foreigners in the Republic of Mali, 2004⁸⁹¹</p> <p>Decree No. 05-322/P-RM, 2005⁸⁹²</p> | <p>Entry Law, Art. 8; Decree, Art. 2: Entry on the national territory is subject to the delivery of: a an entry visa; a the production of documents regarding the purpose and conditions of stay, a guarantee of return (which may take the form of a return ticket to the country of origin, a deposit, or a guarantee from a bank); and a if applicable, proof of means of existence or a work authorisation (in practice, the latter is no longer requested). Decree, Art. 7: WKH HQWU\ YLVD LV YDOLG IRU D PD[L-PXP S H able once.</p> <p>Stay/residence Law, Art. 5 distinguishes between two types of foreigners: non-immigrants, including tourists, visitors, students and temporary workers, and immigrants, defined as “foreigners entering Mali with the intention to establish their residence in the country or to perform, on a permanent basis, a lucrative activity or a profession”. The distinction between non-immigrants and immigrants corresponds to two distinct immigration statuses, namely stay and residence (or ‘establishment’, as referred to in the law).</p> <p>Stay Law, Art. 12: Stay in Mali requires the granting of a temporary stay authorisation, which leads to the delivery of a stay visa valid for a maximum period of one year, which is renewable. Decree, Art. 23: The request of a temporary stay authorisation is made after entry on the national territory and must be accompanied by the following documentation: passport, extract from the police record, and medical certificate. Decree, Art. 25: “the stay visa is only delivered if the foreigner proves that he/she can live on his/her own financial resources and makes the commitment of not exercising any professional activity”. This provision is most surprising as it implies that temporary work in Mali is prohibited. However, this provision can certainly be considered null as it FRQWUDGLFWV DUW RI WKH /DZ RI 1RYHPEHU Law, Art. 13 foresees an on-right delivery of the temporary stay authorisation to the foreign spouse, children and parents of a Malian national, as well as to the spouse’s FKLOGUHQ XS WR \H DUV RI IRUHLJQ KROGHUV RI D</p> <p>Residence Law, Art. 16: Residence (or establishment) implies the delivery of a resident card, which is valid for five years, and is renewable. Decree, Art. 31: 7KH UHVLGHQW FDUG PXVW EH UHTXHVVHGH Z Decree, Art. 28 to Art. 30: In addition to the conditions applicable to the delivery of the temporary stay authorisation, the applicant must either prove his/her means of existence or obtain a work authorisation (in practice, the work authorisation is no longer requested).</p> |

Loi No. 04-058 du 25 novembre 2004 relative aux conditions d’entrée, de séjour et d’établissement des étrangers en République du Mali.

Décret No. 05-322/ p-RM du 19 juillet 2005 xant les modalités d’application de la loi No. 04-058 du 25 novembre 2004 relative aux conditions d’entrée, de séjour et d’établissement des étrangers en République du Mali.

Autorisation de séjour temporaire.

Visa de séjour.

Carte de résident.

One can note several contradictions between the law and its decrees, as well as the lack of precision regarding the conditions and procedural steps for obtaining stay and resident permits. Furthermore, despite its mention of the family reunification procedure, the legislation includes no details in this regard. The legislation also does not include specific provisions regarding the status of ECOWAS Member States' nationals, with the exception of a very general derogation clause concerning international conventions applicable in Mali. According to D. Dembele, however, "administrative provisions" were made before the persons, right of residence and establishment. Indeed, according to M. Ballo, ECOWAS Member States' nationals can enter and establish themselves in Mali upon the presentation of a valid identity card.

Mali has concluded bilateral agreements which include provisions on entry, stay and residence with the following countries: Burkina Faso, Ghana, Guinea, Mauritania, Niger, Cameroon, and France. These agreements are based on reciprocity and generally apply equally to Malians in the considered countries and

4.10.2.2.2 Labour migration

Access to national labour market

relating to the Conditions of Entry, Stay and Establishment of Foreigners in the Republic of Mali, its im

In addition to the common immigration rules, the employment of foreigners in Mali requires the approval of the work contract by the National Labour Directorate within the Ministry of Labour, Public Service, and State Reform. A work authorisation typically serves two purposes: first, and mainly, it protects the national labour market generally through a labour market test or a quota system; second, it ensures that the labour legislation – the rights of the worker – is respected. In the case of Mali, there is no provision in the legislation that foresees the protection of the national labour market. For instance, there is no obligation for the employer to look for a worker available on the national labour market before employing a foreigner. The only existing provisions concern the protection of the migrant worker, notably through ensuring that the labour legislation is respected and that the worker understands and agrees to the terms of the work contract.

Moreover, according to officials interviewed for the purpose of the present study, the work authorisation is no longer required in practice. In other words, foreigners who comply with common immigration rules can freely access the Malian labour market. In the case of ECOWAS Member States' nationals, they can freely enter, stay and work as long as they hold a valid identity card.

Dembele, D. Le cadre general de la migration au Mali & \$ 5,0 \$ 6 1 R D S

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Visa du contrat de travail.

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crossings, smuggling and security, was concluded with Algeria. Cooperation with Spain has included the providing of equipment and training to border police sta . Moreover, meetings are periodically organised with neighbouring countries with regard to border cooperation and management.

4.10.2.2.4 Migrants at risk

ous anti-tra cking activities were based on the provisions of the Penal Code, which, it appears, was not sufficiently broad or stringent, the introduction of this law constitutes an improvement. However, due to the current internal political instability, e orts to ght against tra cking in persons have decreased during the past two years.

Malian authorities have generally been active in the ght against tra cking. Prosecution of o enders been given training on tra cking-related issues. With regard to protection, national authorities have referred a signi cant number of victims to NGOs and international organisations, and have provided nancial and in-kind support to NGO-run shelters. In addition, regular workshops, public debates, and meetings have been organised to inform the population on the risks of human tra cking.

order to strengthen mutual cooperation in the ght against child tra cking.

4.10.2.3 Emigration

4.10.2.3.1 Labour migration

Mali lacks a comprehensive labour emigration policy. It has, however, made attempts to develop legal channels for employment abroad. The CIGEM has looked for job opportunities corresponding to Malian workers competencies in the following countries: Spain (agriculture, construction, and hospitality services), France (construction and hospitality services), Belgium (agriculture), and Canada (agriculture). has also proposed vocational training in sectors where a labour demand exists both in Mali and abroad.

Loi No. 2012-023/ du 12 juillet 2012 relative à la lutte contre la traite des personnes et les pratiques assimilées.

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Keita, M.La migration circulaire au Mali: diagnostic et perspective& \$ 5 , 0 \$ 6 1 R E SS

Funakawa, N.Le CIGEM – Centre d’information et de gestion des migrations : sa place face aux dé s des politiques migratoires 8QLYHUVLWÜ GH 3RLWLHUV SS

to facilitate the creation of a favourable environment, which encourages the participation of Malians abroad in the economic and social development of the country.

initiated by diaspora associations. A Technical Unit for Co-development was created and placed under the authority of the Ministry of Economy and Finance to implement the envisaged initiatives. The agreement with Spain includes the provision of technical assistance for the improvement of transfer services, the stimulation of remittances' development potential, and, more generally, support for the engagement of the diaspora in the economic and social development of Mali. The Ministry of Economy, Finance and Budget lifted the exclusivity clauses on remittances.

Addressing the challenges of highly-skilled migration

Projects concerning the involvement of skilled migrants in the development of Mali include the UNPD-led TOKTEN (Transfer of Knowledge through Expatriate Nationals) programme, which sees the temporary return of skilled nationals in order to contribute to development projects in their country of origin. The programme also supports the development of medium-sized enterprises. UNESCO has also initiated a project called TALMALI, which follows an approach similar to that of TOKTEN.

4.10.2.3.3 Migrants' protection

Information dissemination and protection in countries of destination

Bilateral agreement with Spain, 2007

The bilateral agreement concluded with Spain includes several provisions regarding protection, such as pre-departure training for migrants and further training upon arrival in Spain, with a view to facilitating their integration in the country of destination. It also pledges assistance to Malian authorities with regard to anti-trafficking policies.

Reception or onward

Assistance to returnees

Assistance in the reintegration of returnees primarily involves a great number of local associations, such as Association pour la formation, l'insertion et le développement rural en Afrique (AFEDRA),

assistance to voluntary return, migration and development, information dissemination and integration of Malian nationals in Spain, and the fight against trafficking and irregular migration.

Mali has not concluded any readmission agreements.

Agreements to strengthen mutual cooperation on the fight against child trafficking have been concluded

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4.10.5 List of interlocutors

| Name of respondent | Position | Institution |
|--------------------|---|---|
| Touré, A. | Head of Department, Cooperation and Migration | National Employment Agency |
| Konaté, A. | Director | CIGEM |
| Bathily, H. | Head of Unit | Technical Unit for Co-development |
| Sylla, I. | Executive Officer | General Delegation for Malians Abroad |
| Keita, S. | Technical Advisor on migration | Ministry for Malians Abroad and African Integration |
| Diakité, M. | National Director | Ministry of Employment and Vocational Training |

Agence nationale pour l'emploi.

Cellule technique du codéveloppement.

Délégation générale des Maliens de l'extérieur.

Ministère des Maliens de l'extérieur et de l'Intégration africaine.

Ministère de l'Emploi et de la Formation professionnelle.