

**UNIVERSITY OF GHANA, COLLEGE OF HUMANITIES  
CENTRE FOR MIGRATION STUDIES**



**THE DYNAMICS OF IMMIGRATION POLICYMAKING IN GHANA**

**BY  
AYISI FRANK  
(10189618)**

**THIS THESIS IS SUBMITTED TO THE UNIVERSITY OF GHANA,  
LEGON IN PARTIAL FULFILMENT OF THE REQUIREMENTS  
FOR THE AWARD OF PH.D. MIGRATION STUDIES DEGREE.**

**DECEMBER 2021**

**DECLARATION**

I, Frank Ayisi, declare that except for the references to works which have been duly cited, this thesis is the result of my original research conducted under the supervision of Professor Mariama Awumbila, Dr. Leander Kandilige and Professor Alex Asiedu and that it has neither in whole nor in part been presented for another degree elsewhere.



04/12/2022

.....  
FRANK AYISI  
Student

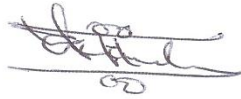
.....  
Date



5<sup>th</sup> December 2022

.....  
PROFESSOR MARIAMA AWUMBILA  
Principal Supervisor

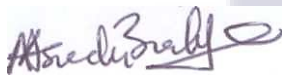
.....  
Date



05/12/2022

.....  
DR. LEANDER KANDILIGE  
Supervisor

.....  
Date



05/12/2022

.....  
PROFESSOR ALEX ASIEDU  
Supervisor

.....  
Date



## ABSTRACT

The number of international migrants has been increasing in real terms, reaching 281 million by mid-2020, even amid the COVID-19 pandemic but is still estimated to be 3.5% of the world's population. Out of this figure, Africa is estimated to host about 14%, the third largest after Europe and North America. Ghana, a traditional migration country in West Africa, s019, has been designated as a net-emigration and transit country. As an intermistic phenomenon, international migration has increased the interest in global and regional migration governance, which was a preserve of the nation-state. Although the twenty-first century has been described as 'the age of migration', only 3.5% of the world's population is moving, with 96.5% remaining in their countries of birth. Studying immigration policy, a dual-purpose strategy has, as a result, gained currency recently but is skewed toward the Global North. Coming from policy diffusion, domestic political economy and institutional theories, this qualitative study examined the dynamics of immigration policymaking in Ghana. The findings indicate that immigration policymaking in Ghana though progressive has been bureaucratic, involving state and international actors. Secondly, immigration policies during the colonial era were less restrictive, became restrictive during the early independence era and more complex in this contemporary era. Thirdly, immigration policy in Ghana is driven mainly by security and economic considerations with diverse effects. The study, therefore, recommends the de-securitisation of migration, improvement of the linkage of immigration to skills, investment and a composite national immigration policy.

Keywords:

Immigration policymaking, intermistic phenomenon, dual purpose strategy, bureaucratic

## DEDICATION

I dedicated this work to my wife Mrs. Peace Ayisi, and children; - McLord Ayisi, Arnold Larbi, Eunice Owusuaa Ayisi and Margaret Odi Ayisi. This scholarship is also dedicated to my late parents: Kwabena Duku and Margaret Yaa Odi, as well as my late brother, Stephen Larbi.



## ACKNOWLEDGEMENT

Success does not come on a silver platter but through hard work, contributions, and support from others. Indeed I have stood on the shoulders of giants to reach this far. I am very much grateful for your comments, encouragement, and critiques, which have shaped this work. First, I would like to thank my supervisors: Professor Mariama Awumbila, Dr. Leander Kandilige, and Professor Alex Asiedu. I also want to thank Professor Joseph Kofi Teye, the Director of the Centre for Migration Studies, Professor Delali Badasu, the immediate past Director of the Centre and Dr. Mary Setrana for their advice. To my PhD colleagues and the entire staff of the Centre, thank you for being there for me at all times. I also acknowledge the support from the Ghana Education Trust Fund for partly financing the cost of this PhD project. I cannot conclude without acknowledging the support from my bosses; Theoplous Nii Tettey Laryee, Thomas Kwame Adjei and William Sabi. To God be the glory.



**TABLE OF CONTENTS**

|   |      |
|---|------|
| DECLARATION.....  | i    |
| ABSTRACT .....  | ii   |
| DEDICATION.....   | iii  |
| ACKNOWLEDGEMENT .....   | iv   |
| TABLE OF CONTENTS .....   | v    |
| LIST OF TABLES.....   | xi   |
| LIST OF DIAGRAMS .....  | xiii |
| LIST OF APPENDICES.....   | xiv  |
| LIST OF ABBREVIATIONS.....  | xv   |
| CHAPTER ONE.....  | 1    |
| INTRODUCTION .....  | 1    |
| 1.1 Background to the Study .....   | 1    |
| 1.2 Problem Statement .....   | 4    |
| 1.3 Objectives of the Study .....   | 7    |
| 1.4 Research Questions .....  | 7    |
| 1.5 Rationale for the Study .....   | 7    |
| 1.6 Organisation of the Thesis .....  | 9    |
| CHAPTER TWO .....   | 10   |
| LITERATURE REVIEW, THEORETICAL PERSPECTIVES AND CONCEPTUAL<br>FRAMEWORK ..... | 10   |
| 2.1 Introduction.....   | 10   |
| 2.2 Changes in migration patterns and regulations .....                       | 10   |
| 2.2.1 The changing patterns .....   | 11   |
| 2.2.2 Changing actors and regulations .....                                   | 12   |
| 2.3 Overview of immigration policy studies.....                               | 14   |
| 2.4 Conceptualisation of immigration policy.....                              | 16   |
| 2.5 The evolution of immigration policy .....                                 | 21   |
| 2.6 The effectiveness and effects of immigration policy .....                 | 23   |
| 2.7 The politics and the processes of immigration policymaking.....           | 26   |
| 2.8 The theories of immigration policy.....                                   | 31   |
| 2.9 The determinants or drivers of immigration policy .....                   | 33   |
| 2.10 Decision-Making.....   | 34   |
| 2.11 Power .....  | 35   |

|   |           |
|---|-----------|
| 2.12 Theoretical Framework .....  | 38        |
| 2.13 The “Domestic” Level Approaches .....                                      | 38        |
| 2.13.1 Political Economy Theory .....   | 38        |
| 2.13.2 Institutional Theory .....   | 39        |
| 2.14 Policy diffusion theory .....  | 41        |
| 2.15 Conceptual Framework .....   | 50        |
| 2.15.1 Definition.....  | 50        |
| 2.15.2 Core Assumptions .....   | 51        |
| 2.15.3 Justification for Use.....   | 53        |
| 2.16 The policymaking processes .....   | 55        |
| <b>CHAPTER THREE .....</b>  | <b>58</b> |
| <b>METHODOLOGY .....</b>  | <b>58</b> |
| 3.1 Introduction.....   | 58        |
| 3.2 Selection of appropriate qualitative research paradigm .....                | 58        |
| 3.3 Methodological Tradition or Strategy .....                                  | 61        |
| 3.4 Research Method.....  | 62        |
| 3.5 Data Sources and Data Collection .....                                      | 62        |
| 3.6 Reflexivity.....  | 64        |
| 3.6.1 Methodological reflexivity .....  | 64        |
| 3.6.2 Personal reflexivity.....   | 64        |
| 3.6.3 Representation and Truth .....  | 67        |
| 3.7 Choice and Justification of Study Area.....                                 | 67        |
| 3.8 The Study Population and Access to the Participants.....                    | 69        |
| 3.9 Ethical Consideration.....  | 70        |
| 3.10 Data Coding and Analysis.....  | 70        |
| 3.11 Challenges and Limitations of the Study .....                              | 72        |
| 3.12 Quality Assurance .....  | 72        |
| <b>CHAPTER FOUR .....</b>   | <b>74</b> |
| <b>AN ANALYSIS OF THE EVOLUTION OF IMMIGRATION POLICIES IN GHANA. 74</b>        |           |
| 4.1 Introduction.....   | 74        |
| 4.2 Contextualising the Evolution of Immigration Policies into Three Eras ..... | 74        |
| 4.3 The Colonial Era .....  | 75        |
| 4.3.1 Colonial Immigration Policies.....  | 75        |
| 4.3.2 Area of Coverage of the Colonial Immigration Policies .....               | 75        |

|   |     |
|---|-----|
| 4.3.3 Institutional Arrangements .....  | 80  |
| 4.3.4 The Policy Tools or Mechanisms .....  | 81  |
| 4.3.5 Target Population, Exclusions and Exemptions .....                          | 82  |
| 4.4 Early Independence Era .....  | 82  |
| 4.4.1 Immigration policies of the Early Independence Era .....                    | 83  |
| 4.4.2 Area of Coverage of the Immigration Policies .....                          | 84  |
| 4.4.3 Institutional Arrangement .....   | 91  |
| 4.4.4 Policy Tools or Mechanism .....   | 92  |
| 4.4.5 The Target Population, Exclusions and Exemptions .....                      | 92  |
| 4.5 The Contemporary Era .....  | 93  |
| 4.5.1 Immigration Policies of the Contemporary Era .....                          | 93  |
| 4.5.2 Area of Coverage of the Immigration Policies of this Contemporary Era ..... | 94  |
| 4.5.3 Institutional Arrangements .....  | 96  |
| 4.5.4 Policy Tools or Mechanism .....   | 96  |
| 4.5.5 The Target Population, Exclusions and Exemptions .....                      | 97  |
| 4.6 Divergence and Continuities of the Three Eras .....                           | 97  |
| 4.6.1 The Origin and Trends of Immigration Policies in Ghana .....                | 98  |
| 4.6.2 Dependent Nature of Immigration Policies of the Three Eras .....            | 98  |
| 4.6.3 Policy Focus or Direction of Immigration Policies of the Three Eras .....   | 98  |
| 4.6.4 Similar Mechanisms Employed to Regulate Immigration .....                   | 99  |
| 4.6.5 The changing identities of immigrants .....                                 | 99  |
| 4.6.6 Changing Institutional Arrangements .....                                   | 100 |
| 4.7 The Extent of Restrictiveness of Immigration Policies of the three Eras ..... | 101 |
| 4.7.1 Admission Policies .....  | 102 |
| 4.7.2 Exit Policies .....   | 105 |
| 4.7.3 Residence and Employment Authorisation .....                                | 106 |
| 4.7.4 Removal policies .....  | 109 |
| 4.7.5 Selection policies .....  | 112 |
| 4.7.6 The Extent of General Restrictiveness of Immigration Policy .....           | 113 |
| 4.8 Summary .....   | 114 |
| CHAPTER FIVE .....  | 116 |
| THE DRIVERS OF IMMIGRATION POLICIES IN GHANA .....                                | 116 |
| 5.1 Introduction .....  | 116 |
| 5.2. Securitisation of Migration .....  | 116 |

|  |     |
|--|-----|
| 5.3 Economic Considerations .....  | 120 |
| 5.4 Change of Governments.....   | 125 |
| 5.4.1 The Colonial Administration.....   | 126 |
| 5.4.2 Early independence Era.....  | 126 |
| 5.4.3 Attainment of Republic .....   | 127 |
| 5.4.4 Period of Frequent Minor Amendments.....                                 | 127 |
| 5.5 Institutional Dynamics .....   | 128 |
| 5.5.1 Bureaucratic Politics.....   | 129 |
| 5.5.2 Path-Dependency Approach.....  | 130 |
| 5.6 Interest of Key Stakeholders .....   | 131 |
| 5.7 Global Factors .....   | 133 |
| 5.7.1 Global and Regional Agreements and Protocols.....                        | 133 |
| 5.7.2 Major World Events .....   | 134 |
| 5.8 Summary .....  | 135 |
| CHAPTER SIX.....   | 137 |
| THE POLITICS AND PROCESSES OF IMMIGRATION POLICYMAKING IN<br>GHANA.....        | 137 |
| 6.1 Introduction.....  | 137 |
| 6.2 The Immigration Policymaking Context.....                                  | 137 |
| 6.2.1 Political Context.....   | 138 |
| 6.2.2 Economic Context .....   | 140 |
| 6.2.3 The International Context.....   | 142 |
| 6.3 Types of the Policymaking Process .....                                    | 144 |
| 6.4 The Immigration Policymaking Process .....                                 | 147 |
| 6.4.1 The Colonial Era .....   | 147 |
| 6.4.1.1 <i>The Administrative Set-Up</i> .....                                 | 148 |
| 6.4.1.2 <i>Colonial Policy Sources</i> .....                                   | 149 |
| 6.4.2 Early Independence Era: Period of Minimal Consultations (1957-1992)..... | 150 |
| 6.4.3 Contemporary Era: Emergence of public engagements from 1992 onwards...   | 151 |
| 6.5 Divergence and Continuities of the Eras.....                               | 153 |
| 6.6 Practical Processes at the various institutions.....                       | 155 |
| 6.6.1 Process at the Ghana Immigration Service.....                            | 155 |
| 6.6.2 Processes at the Interior Ministry .....                                 | 155 |
| 6.6.3 Processes at Parliament .....  | 156 |

|   |     |
|---|-----|
| 6.7 The Politics of Immigration Policymaking.....                                 | 158 |
| 6.7.1 Actors in Immigration Policymaking.....                                     | 158 |
| 6.7.2 Power Dynamics in Immigration Policymaking in Ghana.....                    | 162 |
| 6.7.3 Management of power struggles .....   | 163 |
| 6.8 Challenges in Immigration Policymaking.....                                   | 164 |
| 6.8.1 Lack of Accurate and Adequate Data.....                                     | 164 |
| 6.8.2 Constant Changing Features of International Migration.....                  | 165 |
| 6.8.2.1 <i>Changes in the economic sector</i> .....                               | 166 |
| 6.8.2.2 <i>Changing security situation</i> .....                                  | 166 |
| 6.8.2.3 <i>Shift of the work done by ECOWAS nationals</i> .....                   | 167 |
| 6.8.2.4 <i>Increasing diasporan community</i> .....                               | 168 |
| 6.8.3 Funding of the Process .....  | 168 |
| 6.8.4 Power Dynamics.....   | 168 |
| 6.9 Summary .....   | 169 |
| CHAPTER SEVEN .....   | 171 |
| ASSESSMENT OF THE EFFECTIVENESS OF IMMIGRATION POLICY IN .....                    | 171 |
| GHANA.....  | 171 |
| 7.1 Introduction.....   | 171 |
| 7.2 The Effects of Immigration Policy in Ghana.....                               | 171 |
| 7.2.1 Effects of immigration policies of the colonial era .....                   | 173 |
| 7.2.1.1 <i>Migration-related effects</i> .....                                    | 173 |
| 7.2.1.2 <i>Economic Effects</i> .....   | 175 |
| 7.2.1.3 <i>Demographic effects</i> .....  | 177 |
| 7.2.2 Effects of immigration policies of the Early Independence Era (1957-1992).. | 179 |
| 7.2.2.1 <i>Migration effects</i> .....  | 179 |
| 7.2.2.2 <i>Diplomatic Effect</i> .....  | 181 |
| 7.2.2.3 <i>Economic effects</i> .....   | 181 |
| 7.2.2.4 <i>Demographic Effects</i> .....  | 183 |
| 7.2.3 Effects of immigration policies of the Contemporary Era (1992 to Date)..... | 183 |
| 7.2.3.1 <i>Migration Effects</i> .....  | 183 |
| 7.2.3.2 <i>Economic effects</i> .....   | 185 |
| 7.3 Opinion of Stakeholders on immigration policies .....                         | 187 |
| 7.4 Unintended Consequences of Implemented Immigration Policy .....               | 188 |
| 7.4.1 Increasing irregular migration and its forms .....                          | 189 |

|   |     |
|---|-----|
| 7.4.2 Agitations from organised traders .....   | 190 |
| 7.4.3 Less Restrictive Nature of the Colonial Policies led to the Emergence of<br>Undocumented West African Nationals ..... | 191 |
| 7.5 Challenges to Effective Implementation of Immigration Policies .....  | 191 |
| 7.5.1 Intra-Institutional Conflict .....  | 191 |
| 7.5.2 Inter-Institutional Conflict .....  | 192 |
| 7.5.3 Inadequate Collaboration among Key Stakeholders .....   | 192 |
| 7.5.4 Interference Based on Political, Social and Cultural Ties .....   | 193 |
| 7.5.5 The ECOWAS Challenge and the Interpretation of the ECOWAS Protocol ..   | 194 |
| 7.5.6 The Manual System of Operations .....   | 195 |
| 7.5.7 Inadequate Logistics and Resources .....  | 196 |
| 7.5.8 The Porous Nature of the Land Borders .....   | 196 |
| 7.5.9 Officers' Attitude .....  | 197 |
| 7.6 Summary .....   | 198 |
| CHAPTER EIGHT .....   | 199 |
| SUMMARY, CONCLUSIONS AND RECOMMENDATIONS .....  | 199 |
| 8.1 Introduction .....  | 199 |
| 8.2 Summary .....   | 200 |
| 8.2.1 Analysis of the Evolution of Immigration Policy in Ghana .....  | 200 |
| 8.2.2 Analysis of the Drivers of Immigration Policies .....   | 203 |
| 8.2.3 Analysis of the Politics and Processes of Immigration Policymaking in Ghana<br>.....                                  | 204 |
| 8.2.4 Assessment of the Effectiveness of Immigration Policy in Ghana .....  | 205 |
| 8.3 Conclusion .....  | 206 |
| 8.4 Recommendation .....  | 208 |
| 8.5 Emerging Issues for Further Studies .....   | 210 |
| REFERENCES .....  | 211 |
| APPENDICES .....  | 234 |



**LIST OF TABLES**

Table 4.1a: The Extent of Restrictiveness of Admission Policies..... 104

Table 4.1b: The Extent of Restrictiveness of Departure Policies ..... 105

Table 4.2: The Extent of Restrictiveness of Residence/Employment Authorisation Policies  
..... 108

Table 4.3: The Extent of Restrictiveness of removal policies ..... 111

Table 4.4: The Extent of Restrictiveness of selection policies ..... 113

Table 4.5: The Extent of General Restrictiveness of Immigration Policy..... 114

Table 6.1: The context of immigration policymaking in Ghana ..... 138

Table 6.2: The systematic process that the Immigration Act 2000, Act 573..... 157

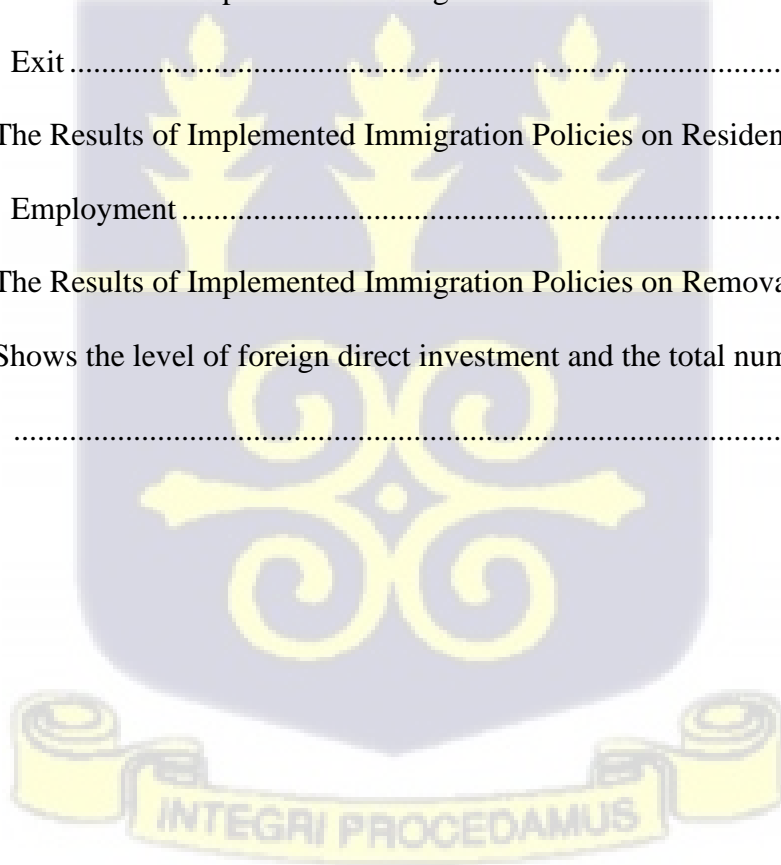
Table 7.1: Immigration policies and Demographic Dynamics ..... 178

Table 7.2: The Results of Implemented Immigration Policies on Selection, Admission and  
Exit ..... 184

Table 7.3: The Results of Implemented Immigration Policies on Residence and  
Employment ..... 185

Table 7.4: The Results of Implemented Immigration Policies on Removals ..... 185

Table 7.5: Shows the level of foreign direct investment and the total number of projects  
..... 186



**LIST OF FIGURE(S)**

Figure 3.1: Map of Ghana within the Continent of Africa ..... 69



**LIST OF DIAGRAMS**

Diagram 2.1: The linkage among the theories employed in the study ..... 49

Diagram 2.2: Actors involved in immigration policymaking at the country-level..... 55

Diagram 2.3: The immigration policymaking processes at the country level ..... 56



**LIST OF APPENDICES**

Appendix 1: Interview Guides..... 234

Appendix 2: An Analysis of the Evolution of Immigration Policies of Ghana..... 241

Appendix 3: An Analysis of the Five Fundamental or Major Operational Immigration  
Policies in Ghana ..... 248

Appendix 4: An Analysis of the Administrative Immigration Policies..... 253

Appendix 5: ECOWAS Protocol on Free Movement..... 255

Appendix 6: AU Protocol on Free Movement Traced to the Establishment of the OAU in  
1963 ..... 257

Appendix 7: Parliamentary Debates, Official Report..... 260



## LIST OF ABBREVIATIONS

|               |  |
|---------------|--|
| AfCFTA        | African Continental Free Trade Area  |
| AEC           | African Economic Community   |
| AU            | African Union  |
| CAP           | Chapter  |
| CEPS          | Customs Excise and Preventive Service  |
| COVID-19      | Coronavirus  |
| CPP           | Convention People's Party  |
| CSOs          | Civil Society Organisations  |
| DEMIG Project | Determinants of International Migration: A Theoretical and Empirical Assessment of Policy, Origin and Destination Effects” |
| ECOWAS        | Economic Community of West African States  |
| EHC           | Ethics Committee for the Humanities  |
| EI            | Executive Instrument   |
| ERP           | Economic Recovery Programme  |
| EU            | European Union   |
| FDI           | Foreign Direct Investment  |
| FIMS          | Foreigner Identification Management System   |
| FYO           | Federated Youth Organisation   |
| GATS          | General Agreement on Trade in Services   |
| GIS           | Ghana Immigration Service  |
| GIPC          | Ghana Investment Promotion Centre  |
| GIZ           | German Agency for International Cooperation  |
| GSS           | Ghana Statistical Service  |
| ICAO          | International Civil Aviation Organisation  |
| ICMPD         | International Centre for Migration Policy Development  |
| IGP           | Inspector General of Police  |
| IMPALA        | Immigration Policy and Law Analysis Project  |
| ImPol         | Immigration Policy Database  |
| IMPIC         | Immigration Policies in Comparison Project   |
| IGOs          | Inter-Governmental Organisations   |
| ILO           | International Labour Organisation  |
| IMF           | International Monetary Fund  |
| INGOs         | International Non-Governmental Organisations   |

|        |  |
|--------|--|
| IOM    | International Organisation for Migration                 |
| IRFM   | Inter-Regional Forums on Migration                       |
| ISCM   | Inter-State Consultation Mechanisms on Migration         |
| LI     | Legislative Instrument                                   |
| MDAs   | Ministries, Departments and Agency                       |
| MPFA   | Migration Policy Framework for Africa                    |
| MLG    | Multilevel Governance                                    |
| NDC    | National Democratic Congress                             |
| NLC    | National Liberation Council                              |
| NRC    | National Redemption Council                              |
| NLM    | National Liberation Movement                             |
| NGOs   | Non-Governmental Organisations                           |
| OAU    | Organisation of African Unity                            |
| PNDC   | Provisional National Defence Council                     |
| PRAAD  | Public Records and Archival Administration Department    |
| RCPs   | Regional Consultative Processes                          |
| RECs   | Regional Economic Community                              |
| SAP    | Structural Adjustment Programme                          |
| SDGs   | Sustainable Development Goals                            |
| UN     | United Nations   |
| UNDESA | United Nations Department of Economic and Social Affairs |
| UNWTO  | United Nations World Tourism Organisation                |
| USA    | United States of America                                 |



## CHAPTER ONE

### INTRODUCTION

#### 1.1 Background to the Study

Migration, an age-old phenomenon, is now being facilitated by globalisation (Betts, 2011) because of improved communication, transportation technology and cheaper travelling costs (Faist, 2013). Although the number of international migrants is still hovering around 3.5% of the world's population, in real terms it has been increasing consistently (IOM, 2020a). Available statistics indicate that the number of international migrants increased from 220 million in 2010 to 244 million in 2015, then 258 million in 2017, to 272 million in 2019. Even with the COVID-19 pandemic, it has been estimated to be 281 million in the year 2020 (McAuliffe & Khadria, 2020). Furthermore, the number of international travels has also been growing. According to the World Tourism Organisation, the number of international travels in 2017 was 1,326 million, an increase of 86 million over 2016, which was 1,240 million (World Tourism Organisation (UNWTO), 2018). Apart from the consistent increase in the number of international migration and international travels, the features of international migration have also been changing regularly. Contributing to the persistent changes associated with international migration, de Haas (2010b) pointed out the theoretical swing from optimism to pessimism and then back to the optimistic perspective. This paradigm shift has led to increased migration research since 2000. There is also a shift from the classical conceptualisation of the 3Rs of international migration: recruitment, remittances, and return or retirement or repatriation (Papademetriou & Martin, 1991; Piper, 2008) to another set of 3Rs, which is more related to the migrants' rights perspective. The new set of 3Rs stands for regulations, redistribution and rights in the destination country (Deacon, 2000; Sorensen et al., 2003). Again, there are changes in the geography of international migration, residence status, and a focus on diasporan engagements and transnationalism. Actors and regulations of international migration have also been changing

(McAuliffe & Ruhs, 2018; World Tourism Organisation (UNWTO), 2018; Zincone et al., 2011a).

Interest in international migration has gained much currency globally. The concern, however, is the effective and efficient migration management that will benefit receiving and sending countries as well as migrants and their families (Borkert & Caponio, 2010; Zincone et al., 2011a). There is, therefore, a demand for good governance through the formulation of dynamic migration policies and efficient implementation of the same in a manner that will lead to sustainable development. This optimistic view of migration has led to a search for better governance of migration at all levels; global, regional, national and even at the devolved level (Adepoju et al., 2010; Bisong, 2019; Lavenex, 2018; Zincone et al., 2011a). In this regard, the International Organisation for Migration (IOM) was admitted into the UN as a related agency in September 2016. A Global Compact for Safe, Orderly and Regular Migration (the Global Compact on Migration) and that of refugees (Global Compact on Refugees) were adopted in Morocco in December 2018 to improve global migration governance and its architecture. These global compacts take their root from the Sustainable Development Goals (SDGs), also known as "Agenda 2030", which promised to 'leave no one behind'. specifically Goal 10 Target 7, emphasised the need to facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.

Africa continues to experience intense migratory movements. The continent hosted 14% of the world's international migrants in 2020. Africa's population, which currently stands at 1.2 billion, is therefore, projected to reach 1.6 billion by 2030 and 2.5 billion by 2050 (UNDESA, 2020). This projection means more migratory movements within the continent because, according to the first ever African migration report themed 'Challenging the Narrative', published in 2020, many people born within the continent move within the

continent (Achieng, Maureen, Rigba & Edwin, 2020). As such, the African Union (AU) has been championing the need for member states to mainstream migration into their national development agenda. In addition, the continental body has also ensured that migration issues are part of 'Agenda 2063'. Part of the 'Agenda 2063' is the engagement of the African diaspora, seen as the sixth region, to contribute to the development of the continent.

In an attempt to review its Migration Governance Framework, the AU is encouraging member states to dovetail their migration policies into national development plans. The IOM has spearheaded the African Union Revised Migration Policy Framework for Africa and Plan of Action 2018–2020. In addition, the AU launched the Free Movement of Persons, Right of Residence and Establishment in 2016 and urged all member states to implement it. The AU Free Movement Protocol emulated the that of the Economic Community of West African States (ECOWAS). Though ECOWAS has been particular about migration and integration, it has not been able to achieve much due to implementation challenges. The primary framework at this level is the ECOWAS Protocol on Free Movement of Persons and the ECOWAS Common Approach to Migration (Bisong, 2019).

At the country level, Ghana has a long history of migratory movements. There is the period of the trans-Saharan caravan trade between West and North Africa, the slave trade and eventually colonisation. Because of these earlier movements and the Ghanaian emigration from the mid-1960s reaching its peak in the 1980s, Ghana has one of the largest diaspora groups around the globe (Anarfi et al., 2003). Diasporan engagement has therefore become a significant feature in the country. Engaging the diaspora is in line with the call for more excellent migration governance and managing migration in a country. As a result of painstaking preparatory work, including migration situational analysis and national migration profile, Ghana launched its first National Migration Policy in 2016. It addresses all aspects of migration in the country-within, from and into the country as well as its

impacts and related areas. Related to migration governance and migration policy is immigration policy, which is about regulating immigrants by receiving countries.

International norms and international migration frameworks demand that countries formulate and implement sound immigration policies that will promote development and respect the human rights of immigrants. These international frameworks include the Global Compact on Migration and Development, the refugee conventions, international human rights laws, and regional and sub-regional protocols (Deacon, 2013; Hammar, 1985; Rother, 2019). Though the regulations of immigrants have been the prerogative of countries since time immemorial (Borkert & Caponio, 2010), this is changing. Generally, country-level immigration policies have been restrictive, securitised and politicised, especially in the Global North (Czaika & De Haas, 2013; Hammar, 1985). There is, therefore, a substantial political game as enormous pressure is exerted from destination countries on sending states to formulate and implement not only good immigration policies but also other policies that would reduce the influx of migrants to these countries. At the same time, developing countries are faced with the dilemma of enticing foreign direct investment and encouraging remittances to boost their economy (Rother, 2013). Immigration policy formulation and implementation have therefore become critical in recent times, particularly in Africa and Ghana, for that matter.

## **1.2 Problem Statement**

Statistics on migration have shown that globally, the estimated number of international migrants has been increasing steadily. Despite the unexpected COVID-19 pandemic, which has wreaked havoc on countries and reduced the intensity of human mobility, the estimated number of international migrants increased from 272 million in mid-2019 to 281 million as of the middle of the year 2020, which is still about 3.5% of the world's population. Out of this figure, Africa is hosting about 14%, the third largest aside from Europe and the USA

(UNDESA, 2020). The West African sub-region has led migratory movements in Arica (McAuliffe et al., 2020). This intense movement is due to the region's concept of community citizenship enshrined in the Free Movement Protocol, including the right of residence and establishment.

This particular policy has, since 2016, been emulated by the African Union, which means that even more migratory movements and international travel may be expected within the continent. Ghana is among the top traditional migration countries within the West Africa sub-region and Africa as a whole. The country has gone through all the migration phases and is now designated as a net-emigration country and a transit country (IOM, 2020b). Again, Ghana is among the African countries that permit visa-free entry or issue visas on arrival to Africans (Wachira, 2018). This action by Ghana, coupled with establishing the African Continental Free Trade Area (AfCFTA), may lead to more immigration to Ghana.

These intense migratory movements can be said to have been engineered by the paradigm shift of theorising migration from a pessimistic to an optimistic viewpoint with an increase in migration research (de Haas, 2010b). Embedded in this shift is the focus on migration and development. The shift has also led to increasing global interest in migration by the political elite. The interest in migration is also a result of changes in the geographies of migration, the focus on diasporan engagements, remittances and the right of migrants and their families (Rother, 2019).

However, although the twenty-first century has been described as 'the age of migration' (Castles, de Haas & Miller, 2014), only 3.5% of the world's population is moving, with a whopping 96.5% remaining or staying in their countries of birth. Among others, one of the critical reasons migration is still the way it is, is the immigration controls and regulations adopted by receiving countries (Bodvarsson & Van den Berg, 2013; Filindra & Goodman, 2019). These controls were adopted to deal with the consequences of immigration, including

demographic changes, economic challenges, political culture and international interest (Cornelius & Rosenblum, 2005; Rosenblum & Cornelius, 2012).

Though immigration controls were the preserve of the nation-states, the age of migration has led to an age of global and regional migration governance. As such, a permanent feature of immigration policymaking in many countries has been the tension between the nation-state and the international actors (Cornelius & Rosenblum, 2005). Because immigration is an ‘intermestic phenomenon’ (Manning, 1977) involving both international and domestic concerns, the main factors that lead to increased immigration also generate public outcry and demand for restrictive immigration policy (Cornelius & Rosenblum, 2005).

The global, regional, and sub-regional interest against the interest of the nation-states has led to immigration policymaking being complex and paradoxical (Borkert & Caponio, 2010; Natter, 2018; Zincone et al., 2011a). These complexities have generated interest in the study of immigration policy seen as a dual-purpose strategy (Filindra & Goodman, 2019). On the one hand, immigration policy is one of the critical factors that explain why a majority of the world's population - about 96.5% - do not migrate internationally, becoming an intervening obstacle (Akoutou et al., 2015; de Haas, 2010b). On the other hand, it controls migration flows and immigrant integration of the 3.5% of the world's population that migrate internationally (Bodvarsson & Van den Berg, 2013; Filindra & Goodman, 2019; Natter, 2018). The literature is often skewed towards emigration particularly to the global north, and more recently south-south emigration. There is, however, little focus on immigration in the global south. As Ghana becomes an attractive destination point particularly in African context, we need to also focus on our immigration policies.

However, most of the studies on immigration policy have concentrated on the Global North. Few studies on immigration policy have been conducted in Africa, with the majority focusing on the Maghreb (Natter, 2018). Though immigration policy studies are not entirely

new in Ghana, not much literature is available on them (Segadlo, 2021). Furthermore, the scanty literature is primarily found in grey literature, which focuses mainly on the early years of independence and the Aliens Compliance Order of 18th November 1969 (Adjepong, 2009, 2013; Peil, 1971a, 1974). Others have concentrated on content and economic analysis of the Immigration Act of 2000, Act 573 (Essuman-Johnson, 2006) and the Diaspora policy (Awumbila et al., 2014) as well as the National Migration Policy which was launched in 2016 (Segadlo, 2021). Against this background, this study will explore the dynamics of immigration policymaking in Ghana.

### **1.3 Objectives of the Study**

The study's main objective is to examine the dynamics of immigration policymaking in Ghana. Specifically, the study seeks to accomplish the following objectives; -

- i. Describe the evolution of immigration policy in Ghana;
- ii. Find out the drivers of immigration policymaking in Ghana;
- iii. Examine the immigration policymaking processes in Ghana;
- iv. Examine the effectiveness of implemented immigration policies in Ghana

### **1.4 Research Questions**

The following are the research questions for this study:

- i. How has immigration policy changed over time in Ghana?
- ii. What has triggered the changes in immigration policies?
- iii. What accounts for the nature and structure of immigration policies in Ghana?
- iv. What are the consequences of immigration policies adopted in Ghana?

### **1.5 Rationale for the Study**

Although migration is an age-old phenomenon, it has recently taken centre stage in world politics and development (Adepoju et al., 2010; Bisong, 2019; Borkert & Caponio, 2010;

Lavenex, 2018). The rise of migration studies results from the continuous increase in the number of international migrants and a swing from a pessimism to an optimistic perspective of the relationship between migration and development (de Haas, 2010b). There is, therefore, a growing demand for global and regional migration governance and migrant rights (Piper, 2017). Because of this, more binding and non-binding governance frameworks, protocols and conventions have been introduced. The introduction of international frameworks and globalisation has led to increasing international migration. In Africa, for example, the AU has established a regional migration framework to ensure free movement, right of residence and establishment for African nationals.

What has generated interest in migration governance at the supra level has also elicited a demand for tighter immigration restrictions at the country level (Cornelius & Rosenblum, 2005). Because immigration is an 'intermistic' phenomenon (Maning, 1977), successive governments of nation-states find themselves in a web of demands from the global level and the domestic interest groups who elected them (Cornelius & Rosenblum, 2005; Rosenblum & Cornelius, 2012). Amid these tensions, the relevance of immigration policies has been questioned (Sassen, 1996; Cornelius & Tsuda, 2004). Furthermore, Andreas (2012) has concluded that immigration policies are symbolic. Though there may be some convergence of immigration policies, there is divergence because of the country-specific policies. Immigration policy controls migratory movements and determines immigrant status.

Studying immigration policies is essential, particularly in developing countries like Ghana, which is a traditional migrant-receiving country in the sub-region but also has at the same time become a net-emigration country and country of transiting (IOM, 2020a). This study, which explores the dynamics of immigration policymaking in Ghana, will not only help to fill the literature gap but will also inform immigration policymakers and state actors on better ways of selecting and admitting prospective immigrants. The study will also inform

policymakers on ways of regulating the residence and employment statuses of migrants as well as better and more humane ways of removing immigrants if the need arises. It will also serve as a basis for comparative studies among other countries.

### **1.6 Organisation of the Thesis**

The thesis has eight (8) chapters. Chapter one is the introductory Chapter, which provides the study background, literature gaps, problem statement, and research objectives. Other sub-topics are the research questions, definition of terms and the justification of the study.

Chapter Two consists of the literature review, under which the impact of immigration policy, its types and numbers, are discussed. The other aspects of the literature reviewed are migration governance, decision making and power. The background to immigration policy studies, factors and immigration policy theories are all reviewed. Besides, the theoretical perspectives and conceptual framework employed in this thesis have been discussed.

The third Chapter focuses on the research methodology and methods, which include data sources and data collection, the study area, how the study population was accessed, and inclusion and exclusion criteria. This Chapter includes data coding and analysis, limitations, expected outcomes and quality assurance. This Chapter includes ethical considerations and the researcher's positionality as an Immigration Officer.

Chapter four examines the evolution, changes and restrictiveness of immigration policy in Ghana. Discussed in Chapter five are the drivers of immigration policy in Ghana. Chapter Six assessed immigration policymaking processes in Ghana. Chapter seven looks at the consequences of immigration policy in Ghana. Chapter eight, the concluding Chapter, summarises the work and offers some recommendations and directions for further studies.

## CHAPTER TWO

### LITERATURE REVIEW, THEORETICAL PERSPECTIVES AND CONCEPTUAL FRAMEWORK

#### 2.1 Introduction

This chapter provides the literature reviewed and the study's theoretical and conceptual frameworks. The literature reviewed was changed in migration patterns, actors, and regulations, as well as an overview of immigration policy studies. Among the themes in immigration policy studies were the conceptualisation of immigration policy, evolution, effectiveness and effects, the politics, and the processes involved. Others include the theories and the drivers or determinants of immigration policy. Also discussed are decision-making and power.

Furthermore, three theories employed in the study, including two "domestic" level theories: political economy and institutionalism, complemented with policy diffusion theory, were also discussed. Another area presented is the study's conceptual framework, the multi-level governance (MLG) approach. Two diagrams created out of the MLG framework were the actors in the MLG framework and the immigration policymaking process. These diagrams have as well been presented.

#### 2.2 Changes in migration patterns and regulations

Migration is seen as a natural human strategy to improve life Borkert et al., (2006) or a survival strategy (Manuh, 2001). However, due to its effects on nation-building, globalisation and economic conditions, this age-old human endeavour has become more complex and problematic, leading to academic interest in investigating this phenomenon (Borkert et al., 2006). The field of immigration policy continues to be more complex because of the changing forms and shades of migration leading to changes in responses (Zincone et al., 2011b). There have been many scholarships on migration through research

from diverse disciplines and using varying methodologies to examine and gather evidence from different geographies on patterns, processes, and responses to the phenomenon.

### **2.2.1 The changing patterns**

Though an overwhelming majority of people remain in their country of birth, the number of international migrants has been increasing. The United Nations Department of Economic and Social Affairs (UNDESA) estimated the current number of international migrants to be 281 million (IOM, 2020b). Migration statistics have estimated the number of international migrants to be 3.5% of the world's population in 2020—an increase from 220 million in 2010 to 244 million in 2015 and 258 million in 2017. As the number of international migrants increases, so is the number of international travellers. According to the United Nations World Tourism Authority (UNWTO), the number of international travellers increased from 1 240 million in 2016 to 1 326 million in 2017 (World Tourism Organisation (UNWTO), 2018). The number of irregular and undocumented migrants has also been increasing and attributed mainly to restrictive regulations of immigration (Czaika & De Haas, 2013).

The geography of international migration has also seen some changes. In the current dispensation, Ghanaians, for example, move not only to Europe and North America but also Asia, particularly China and the Gulf States. In terms of immigrants in Ghana, aside from the historical presence of migrants from the West African sub-region, notably Togolese, Nigerians, and Burkinabes, and those from the Mid-Far East, including Lebanese and Indians that is increasing, the Chinese presence is also significant. With the discovery of oil in commercial quantities and the relative peace prevailing in the country, other migrants come as employees of international firms (Awumbila et al., 2008). It is important to stress that about 80% of the movements of Africans remain in Africa and within the same sub-

Region. Ghana, which used to be a net immigration country, is now net emigration country as well as a transit country (IOM, 2020a).

Migration approaches have as well been changing. According to Sorensen et al. (2003), the migration cycle is premised on the 3Rs, meaning recruitment, remittances, and return, now being emphasised by the European Union (EU). This EU approach indicates the migratory process involving the preparations the potential migrant goes through to get to his or her destination, reside, get employment and then remit home. Then eventually return home to continue life. This process through the right-based approach has changed. Currently, the meaning of the 3Rs has changed to regulation, redistribution, and rights (Piper, 2008). The rights-based approach focuses on the rights and welfare of migrants and their families and the development of both the origin and destination countries (Deacon, 2013; Rother, 2013). The changes in the migratory processes have also brought about changes in the residential patterns from one-off residence to transnational practices and 'diasporisation' (Zincone et al., 2011b). The migrant is seen as belonging to two or more countries simultaneously and a development partner who contributes to the development of the host country and the origin country through remittances, lobbying, diaspora engagements, and transnational practices. Politicisation and securitisation of migration are also increasing and s mainly due to terrorism and perceived terrorism activities with 9/11 as a reference point (Choi, 2021).

### **2.2.2 Changing actors and regulations**

Other significant changes aside from the migratory patterns are changes related to actors and regulations of migration. Before the birth of the nation-state, chiefs and local authorities were the regulators of migration (Penninx & Borkert, 2011; Schildkrout, 1970). For example, it is well documented in Ghana that pre-colonial movements were controlled by chiefs (Schildkrout, 1970; Skinner, 1979). However, during the colonial period, this changed and even created some disquiet as the Colonial Administration took charge of alien

control, with the leaders of the alien communities serving as conflict mediators (Peil, 1974; Schildkrout, 1970). National immigration policies were developed to regulate this boundary-crossing phenomenon after the birth of the nation-states. These policies were to control admission and access to the labour market, including investment and integration. Aside from the nation-states' responses and the fact that international migration affects more than one country, supranational institutions such as the UN, AU, and ECOWAS have also put in place mechanisms in the form of conventions and protocols, though with challenges to regulating states responses to international migration (Betts, 2011). At the global level, binding and non-binding mechanisms guide nation-states' responses to migration. For the first time in history, migration issues were accepted into the global agenda for development in 2015. With the preamble indicating a commitment to 'leave no one behind', the Sustainable Development Goals (SDGs) promised to cater to all persons, including migrants, mainly Goal 10 Target 7 aimed to facilitate orderly, safe, and regular migration and mobility of people. The Global Compact on Migration and Refugees has come out of this and was adopted in Morocco in December 2018. Though non-binding, these compacts encourage all countries that are party to it to see to the welfare of migrants no matter their status. Other conventions that are key in the governance of international migration include the 1951 Refugee Convention and its 1967 protocols, ILO Conventions and International Travel Regime. There are as well regulations embedded in other issue areas such as International Human Rights law, General Agreement on Trade in Services (GATS) mode four (4) with the World Trade Organisation (WTO). With the International Organisation for Migration (IOM) admitted into the UN as a related agency in September 2016, the global architecture of migration governance is taking shape. In the African context, with Agenda 2063 focusing on the 'Africa we want' and the Migration Policy Framework for Africa (MPFA), the continental body, the African Union (AU), aims at standardising migration governance in the region and as well creating a free movement of persons.

Aside from the Migration Policy Framework, there are the Regional Consultative Processes (RCPs) and the Inter-State Consultation Mechanisms (ISCM) aimed at dialoguing and sharing information with constituent members to combat irregular migration (IOM, 2020b). The Regional Economic Communities (RECs) route has binding effects. Then the non-binding Inter-State Consultation Mechanisms on Migration (ISCM) route, under which the Global Process on Migration, Inter-Regional Forums on Migration (IRF), and the Regional Consultative Processes (RCPs) operate, all aimed at managing migration to the benefit of all; migrants, origin and destination countries. At the same time, ECOWAS, as a sub-regional body, also had its Protocols for migration. The Protocol on Free Movement of Persons, Right of Residence and Establishment was adopted in 1979. Since then, there have been a series of amendments and the promulgation of the ECOWAS Common Approach on migration (2008) to achieve total integration. Bilateral agreements at the country level also facilitate migration and migratory movements like skilled labour. There are also partnerships with Inter-Governmental Organisations (IGOs) and Non-governmental Organisations (NGOs) in a bid to demand accountability and promote good governance (Kunz et al., 2011). Invariably, migration governance at the country level is becoming more complex and dynamic due to the changing migration patterns, increasing levels of governance and the number of stakeholders or actors involved.

### **2.3 Overview of immigration policy studies**

According to Zincone & Caponio (2006), immigration policy research is fourth-generation research in migration studies. Migration flow and demographic characteristics, economic integration and political participation are seen as the first three generations of research in migration studies, respectively (Zincone & Caponio, 2006). In the United States, however, immigration policy and political studies can be traced to the works of John Higham in 1955 and Maldwyn Allen Jones in 1960 (Zogata-kusz, 2012). They empirically studied the rise against immigrants and the consequences thereof in America. Generally, at the EU level,

the introduction of the 1997 Amsterdam Treaty moved immigration to the first pillar that generated interest in studying immigration policy (Hooghe & Marks, 2001).

It is also a recent concern in Africa. This newness of migration policy studies is also acknowledged in the Ghanaian context (Awumbila et al., 2008). (Zogata-Kusz, 2012) attributed the birth of the study of immigration policy and politics to, among other things, the persistent increase in the number of migrants arriving, the politicisation of immigration issues, and its securitisation. Zincone & Caponio (2006) argued that it is not only the timing of the immigration phenomenon that brought the study of immigration policy studies to the limelight. The rise of the study of policy analysis within political science and the involvement of academicians and experts in immigration policy formulation seems to be the case in Ghana. Thus, based on the experience gained, they initiate research into the policymaking processes.

Within the immigration policy studies are two main approaches: country-level case studies, including the local turn, which are more qualitative, and comparative immigration policy studies, most of which employ quantitative methods (Czaika & De Haas, 2013). Because of the quantitative nature of comparative immigration policy studies, there are always issues of conceptualisation rigour. These conceptual challenges concern the definition of immigration policy, its policy areas or composition and target groups and the building of an index to measure changes to immigration policy. Others are the pattern of restrictiveness or liberalisation and the effectiveness of immigration policy (Beine et al., 2016; Bjerre et al., 2015; Czaika & De Haas, 2011, 2013; De Haas et al., 2014; de Haas et al., 2018; Gest et al., 2014; Helbling & Michalowski, 2017).

Under the comparative immigration policy studies literature, some scholars focused on a small sample size or a particular immigration policy area within a specific time (Beine et al., 2016; Shin, 2017). Others have concentrated on large sample size and the use of a

database (Bjerre et al., 2015; de Haas et al., 2018; Gest et al., 2014; Haas et al., 2019; Helbling et al., 2020; Helbling & Leblang, 2019). Because of the methodological rigour, conceptualisation and index building involved, comparative immigration policy studies scholars mostly have three peculiar challenges to consider. First, is whether their findings, mainly concentrated on the Global North, can be generalised? Second, how to build an index with immigration policies that are typically a 'mixed bag' of policies with different objectives targeted at different groups? Last, is the challenge of assigning weights to each indicator identified? (Czaika & De Haas, 2011).

Another challenge affecting both country-level and comparative studies is the conceptualisation of immigration policy. Despite these challenges, both country-level and comparative immigration policy studies have been researched into the following themes or topics; the theories of immigration policy, the evolution of immigration policy, the politics of immigration policymaking, and the effectiveness and effects of immigration policy. Other themes were the factors or determinants or drivers of immigration policy and the rights perspective of immigration policy. The following section will review the literature on these emerging themes.

#### **2.4 Conceptualisation of immigration policy**

One of the contested concepts in the field of migration studies is immigration policy. Different scholars from different fields and sub-fields have defined the concept differently. Tomas Hammar led the first group of scholars who defined and conceptualised immigration policy. In the introduction to his book entitled "European Immigration Policy: A Comparative Study" in 1985, Hammar opined that immigration policy consists of two parts: immigration regulation and control policy and immigrant policy. He defined immigration regulation as;-

"the rules and procedures governing the selection and admission of foreign citizens include such regulations which control foreign citizens (aliens) once they visit or

take residence in the receiving country, including control of their employment and deportation" (Hammar, 1985), p 7-8).

He, therefore, concluded, "Immigration regulation or aliens control consists of (a) 'strict' or 'liberal' control of the admission and residence of foreign citizens and (b) guarantees of permanent status which include legal security and vulnerability to arbitrary expulsion. Hammar further explained that immigration regulations include the free movement of people within an economic community such as ECOWAS and further indicated how the application of existing aliens law or its changes affect the regulation of immigrants. He went on to define immigrant policy as;-

“conditions provided to resident immigrants” and comprise of “work and housing conditions, social benefits and social services, educational opportunities and language instruction, cultural amenities, leisure activities, voluntary associations, and opportunities to participate in trade union and political affairs”.... and maybe direct or indirect. The direct immigrant policy is the special measures on behalf of immigrants; "affirmative action" and the removal of legal discrimination” and indirect immigrant policy looks at immigrants' inclusion in the general allocation of benefits; ‘equal’ versus ‘discriminatory’ distribution ( Hammar, 1985, p. 9 & 10).

Thus, the two are combined to constitute immigration policy. Other scholars who aligned with this assertion include Jeanette Money, who indicates that;-

“Immigration control can be distinguished from the broader concept of immigration policy by its emphasis on state policies that define the permissible level of resident alien admissions” ( Money, 1997, p. 685).

The second person is Brochmann, who defined immigration control as;-

“attempts by states to regulate the size and composition of immigration and to control aliens already in the country” (Brochmann, 1999, p. 9).

In addition, Eytan Meyers, writing on the theories of immigration policy in the year 2000, focused on the definition provided by Hammar. Others are Graeme Boushey and Adam Luedtke. They affirm the composition of immigration policy, indicating that;-

"Immigration control policies deal with keeping out unwanted immigrants, as in the examples of border patrols, law enforcement, and visa restrictions. On the other hand, immigrant integration policy dictates the transition and settlement of resident immigrants, such as work and housing conditions, welfare provisions, and educational opportunities" (Boushey & Luedtke, 2011, p. 394).

In their comparative analysis study in 2014, Justin Gest and nine others concluded that;-

"Immigration policy generally refers to policies of admission and integration" (Gest et al., 2014, p. 3). They, however, focused on admission policies.

Here, Gest and her cohorts equate admission to immigration control policy. Tom k. Wong went for the broader view and defined immigration control as;-

"Policies and practices used to deter unwanted immigration, meaning immigration that is occurring despite and against the intentions of states" (Wong, 2015, p. 9).

Alexandra Filindra and Sara Wallace Goodman also related to Tomas Hammar's perspective when analysing immigration policy in the USA. They indicated that scholars in disciplines such as American studies, law, comparative politics and international relations have all followed this orientation. To them;-

"Immigration policy refers to laws and rules governing the admission, removal, and status change of non-citizens. Status changes include rules governing naturalisation but also laws relating to how and under what conditions one moves from different types of non-citizen status, for example, how one can advance to a permanent resident from guest worker status. Alienage or immigrant policy refers to laws that regulate the political, economic, and social rights of non-citizens" (Filindra & Goodman, 2019, p. 501).

However, scholars from the migrants' rights orientation rather see immigration and integration issues as part of a broader concept of the rights of migrants and hence analyse immigration and integration policies as embedded in the rights of migrants. Among scholars in this perspective is Margaret E. Peters, who defines immigration policy related to low-skill immigrants as;-

"The laws that policymakers pass to regulate the number of low-skill immigrants entering (and potentially leaving) the country in a given year" (Peters, 2017, p. 243).

Martin Ruhs is another person related to the migrant rights orientation and focused on labour immigration policy. He defined immigration policy which he equates to admission policy, as;-

"The policies for regulating the number, skills, and rights of migrants who are admitted for work" (Ruhs, 2013, p. 10).

Gary Freeman is one of the third group of scholars that use immigration and migration policy interchangeably. Contributing to the conceptual debate, Freeman posited that migration policy means;-

“State efforts to regulate and control entry into the national territory and to stipulate conditions of residence of persons seeking a permanent settlement, temporary work or political asylum” (Freeman, 1992, p. 1145).

Another group that uses immigration policy and migration policy interchangeably is Hein De Haas and his cohorts. They have defined migration policy as;-

"Rules (i.e., laws, regulations and measures) that national states define and [enact] to affect the volume, origin, direction, and internal composition of migration flows" (Czaika & De Haas, 2013, p. 489).

This definition is employed by all the “Determinants of International Migration: A Theoretical and Empirical Assessment of Policy, Origin and Destination Effects” (DEMIG Project) writings (de Haas et al., 2016).

Maren Borkert and Rinus Penninx indicated that migration policy consists of both immigration and immigrant policy. In this regard, immigration policy is only a part of the broader term migration policy and hence may not be appropriate to use interchangeably.

Below are the definitions they gave to the three concepts;-

"Migration policy is seen as common shorthand for indicating both policies that relate to the mobility of a certain duration across state borders and policies that relate to the settlement process of such migrants in the new place".

“Immigration policy is any policies that relate to admission, entrance and expulsion of people who used to live outside the national territory concerned, irrespective of their legal status (e.g. foreign citizens, recognised refugees, illegal immigrants) and the title given to them (e.g. aliens, returnees, Aussiedler, racial minorities)”.

“Immigrant policy is all policies related to immigrants and their position in the new society of settlement, irrespective of the individuals’ legal status and notwithstanding the names for such policies (e.g. ethnic minorities’ policies, race relations policies, integration policies, multicultural policies)” (Penninx & Borkert, 2011, p. 14-15).

Taking cognisance of the use of immigration policy and migration policy interchangeably,

Bjerre, Helbling, Romer and Zobel concluded that Immigration policy is;-

“a government’s statements of what it intends to do or not do (including laws, regulations, decisions or orders) in regards to the selection, admission, settlement and deportation of foreign citizens residing in the country” (Bjerre et al., 2015, p. 559).

This definition is related to migration policy. The similarities here can be attributed to the recent turn from the pessimist view of migration to optimism, where migration and development have gained much currency (de Haas, 2010a, 2010b). This has led to the quest for global, regional and national migration governance. At the global level, migration issues, for the first time, have been incorporated into a global development agenda for 2030, the SDGs. Rooted in Goal 10, Target 7 is the creation of the Global Compact on Migration and that of Refugees and the subsequent acceptance of the IOM as a related agency of the United Nations, now spearheading global migration governance. The African Union also has a Revised Migration Policy Framework for Africa and Plan of Action from 2018–2030, which feeds into Africa's 2063 agenda. West Africa as a sub-region has already taken the lead with its Free Movement Protocols and the ECOWAS Common Approach on Migration.

In Ghana, even though a National Migration Policy in line with that of the African Union was launched in 2016. However, the attached framework, which calls for a Migration Commission, is yet to be implemented. What is dominant now is the immigration policies of the country and hence the focus of this study because immigration policies have been the preserve of nation-states since time immemorial. Migration policy is, therefore, a new phenomenon; hence, at some point, immigration policy and migration policy are referred to as how a country regulates migration. Nevertheless, in the current dispensation, migration policy has become a broader concept of which immigration policy is a subset. Douglas S. Massey also defined immigration policy as:-

"The outcome of a political process through which competing interest interact within the bureaucratic, legislature, judicial and public arenas to construct and implement policies that encourage, discourage or otherwise regulate the flow of immigrants" (Massey, 1999, p. 307).

This definition looked at the immigration policymaking processes, the formulated policy and its implementation. However, it did not separate the immigration control and immigrant policies.

From the above review, there is an indication that immigration policies differ in focus and scope. It is also essential to indicate here that in some jurisdictions, such as the USA, where they operate the federal system, the federal government is exclusively responsible for immigration policy and the various states take care of immigrant policies. This is not universal to all federal systems. However, for unitary states, the government of the day is responsible for both policies (Filindra & Goodman, 2019). It is, therefore, clear that defining a complex concept as immigration policy is complicated and very much contested. However, most of the definitions resonate in the works of Tomas Hammar in 1985. It is even more challenging to distinguish immigration policy from other related fields, including citizenship studies.

Based on the literature reviewed and the particular context of Ghana, immigration policy will be referred to the ordinances, acts, legislative instruments, orders and executive instruments, administrative and operational directives that regulate and control the selection, admission and exit, residence and employment authorisation, and removals of non-citizens, their status changes and the rights attached. The aim is to affect migration's volume, origin, direction, and internal composition. Status change starts with visitors, temporal residents, and permanent residence. Immigration policy in this context excludes integration or immigrant and citizenship policies.

## **2.5 The evolution of immigration policy**

As indicated within the overview of immigration policy in section 2.3, the evolution of immigration policy is one of the core themes in immigration policy studies. The main objective of studying the evolution of immigration policies is to ascertain immigration

policy trends, levels of change, and restrictiveness of immigration policies either at the individual country level or in a comparative study of immigration policies involving small or large sample sizes (Helbling et al., 2020). Studying the evolution of immigration policies also helps to assess the effect or effectiveness of immigration policies on target groups and to know and understand the immigration policy data available (de Haas et al., 2018; Haas et al., 2019).

Three main strategies or techniques have been employed to measure immigration policies (Czaika & De Haas, 2011, 2013). The first strategy is policy dummy: “migration policy dummy variable measures the effect of the implementation of a particular type of policy and country-year dummy which shows the year in which any migration policy change has occurred” (Czaika & De Haas, 2011, p. 10). Hatton, in 2005 employed time dummies to measure immigration and emigration in the UK between 1976 and 2000. The second strategy is the tracking of significant immigration policy changes in a particular country at a time. In this regard, the policy change becomes the unit of analysis (de Haas et al., 2015). The DEMIG policy project (de Haas et al., 2015), the Immigration Policy Database (ImPol) (González, Ferrer & Mezger, 2013) and (Ortega & Peri, 2012) are examples of the immigration policy literature that applied this strategy. The last strategy is building comprehensive policy indices to compare absolute levels of the nature or trends of immigration policies. Immigration Policies in Comparison Project (IMPIC) (Bjerre et al., 2015), Immigration Policy and Law Analysis Project (IMPALA) (Gest et al., 2014) and the study of labour immigration policy (Ruhs, 2018) all employed this strategy.

Focusing on the restrictiveness or otherwise of immigration policies, most of these evolution studies available point to one direction. Immigration policies are becoming more complex and selection-centred (Beine et al., 2016; de Haas et al., 2018; Haas et al., 2019; Helbling et al., 2020). More specifically, writing on the findings of the DEMIG policy project, de

Haas and his colleagues argued that liberal policies rapidly increased after WWII but slowed down after 1989. They conclude that immigration policies after 1945 have been generally less restrictive and employed to select migrants rather than used as a restrictive tool. Nevertheless, policy components follow different trends (de Haas et al., 2016; de Haas et al., 2018; Helbling & Leblang, 2019). In sum, they stated;-

“Our analysis revealed that migration regimes have not become more restrictive, but rather increasingly complex through a differentiation of policy instruments and a growing emphasis on criteria such as skills as a tool for migrant selection” (de Haas et al., 2016, p. 30).

Emphasising this assertion, Ryo Kuboyama opined that part of the significant changes that the welfare in Europe is going through is the 'commodification of migration' to attract the best and the brightest rather than targeting nationalities (Kuboyama, 2008). These findings, therefore, support the assertion that immigration policies among host countries are converging rather than diverging (Rosenblum & Cornelius, 2012). It is also important to note that much of the literature that concluded that immigration policies are restrictive often focused on the Global North.

## **2.6 The effectiveness and effects of immigration policy**

One of the dominant arguments within immigration policy studies is whether the nation-state has failed in regulating and controlling immigration or not. On the one hand, some scholars believe that immigration and, for that matter, borders are beyond control (Bhagwati, 2003). This school of thought attributes the failure of the nation-state, first, to the fact that socio-political processes drive immigration with source, host and transit countries, which goes beyond immigration controls. The second argument is that immigration policies may produce unintended and counter-productive effects such as irregular migration. The third is that because migrant networks and systems dynamics work to reduce the cost and risk of migration, more people may be able to migrate despite the presence of restrictive immigration policy (Bhagwati, 2003; Castles, 2004; Castles & Miller,

2009; Czaika & De Haas, 2011). On the other hand, others have disputed the claim that the nation-state has failed to regulate immigration. They argued that empirical studies have shown that states have the capacity and have been able to control their borders and immigration. Border control in Europe has been described as fortress Europe. There is the erection of fences and other surveillance equipment to improve controls (Czaika & De Haas, 2013; Ortega & Peri, 2013). In her chapter entitled "Borders and Migrations: The Fundamental Contradictions" in the book "Borders and Migrations: The Fundamental Contradictions", Wenden identifies how some scholars hail border restrictions and see them as a form of identity and diversity. In contrast, others complained about its restrictive effects (Wenden, 2020). However, Czaika & de Haas (2013) introduced the third dimension of whether the nation-state has failed to control immigration. They argued that there is over-concentration on irregular migration even though many migrants go through the regular channel. Many acquire visas and obtain residence permits. According to them, three issues must be considered in this debate. First is the lack of reliable data on migration and immigration policy, which makes empirical stance difficult. Again, the conceptualisation of immigration policy is a challenge. As discussed in the conceptualisation of immigration policy section, there is hardly a universal definition of what constitutes immigration policy. The definition challenge makes immigration policy conceptualisation complex and its effectiveness difficult to measure. The third issue is the conceptual confusion of policy effectiveness and effects. According to Czaika & de Haas (2013), there is a measurement confusion between policy effectiveness and policy effects; hence, evaluating them has become messy and fuzzy, which needs clarity to know what is being examined. Hein de Haas and his cohorts, therefore, defined effectiveness as "the extent to which the policy objectives have been met" and effect as "the actual impact of a particular (implemented) law, measure, or regulation" (de Haas, 2019, p. 25). So policy effectiveness is about the desired effects or the objectives of the policy, and then policy effect is about the actual effect

of the implemented policy (Czaika & de Haas, 2013; Haas et al., 2019). In examining either immigration policy effectiveness or effect, there should be something concrete to show and assess. However, most of the assessment of immigration policy that leads to the conclusion that states have failed in regulating and controlling immigration is based on political rhetoric rather than on policies on paper which can be better assessed, thus, creating a conceptual gap (Czaika & de Haas, 2011, 2013; Haas et al., 2019). De Haas and his colleagues have therefore identified three different gaps concerning the effectiveness and effects of immigration policy. First, the discursive gap is the difference between political rhetoric and policy on paper. This gap is because policies go through many processes, and there are tradeoffs among stakeholders. "Enacted policies are often watered-down versions of originally-stated policy intentions" (Natter, 2018, p. 22). Second is the implementation gap which is the difference between policy on paper and actual policy implemented. Implementation often results from policy interpretations, and logistical constraints lead to this gap. The last is the efficacy gap, the discursive and implementation gaps and the actual effects produced. Thus, the extent to which the implemented policies impact migration. That is the "effect on the volume, timing, direction, and composition of migration" (Haas et al., 2019, p. 25) and is related to the policy's effects or impact on migration. So, the dilemma relates to which of the policy processes is best for measuring the effectiveness or effects of immigration policy. Apart from the conceptual challenges just discussed, there is also the need to measure the immigration policy effectiveness or effects in a context. Thus, in assessing the effects, the focus should not be only on immediate effects but also on long-term ones. Knock-on effects on flow and stock are key to a complete understanding of the impact of immigration policies (Czaika & de Haas, 2014). In this regard, while (Bjerre, 2017) identified five immigration policy effects: admission, deterrence, deflected or substitution, magnet and definition effects, (de Haas, 2011) concentrated on four substitution effects, including spatial, categorical, inter-temporal and reverse substitution

effects. Bjerre (2017) suggested that the deterrence effect has been overemphasised to the detriment of the other four effects, though each has consequences for the others. Furthermore, the initial four effects are more flow-focused, and the definition effects directly link migrant stock as they may change the target groups.

## **2.7 The politics and the processes of immigration policymaking**

One of the themes that have emerged under immigration policy studies is the politics and the processes involved in immigration policymaking. Before the birth of the nation-state, Penninx & Borkert (2011) pointed out that immigration was regulated and controlled by either the traditional, local or city authorities. With the birth of the nation-state, based on the 1648 Westphalia principles of territoriality, sovereignty, legal equality and balance of power, each country became autonomous and independent, creating an international context (Hampshire, 2013). Individual countries have the sovereign right to determine who enters their territory and the duration of stay, which also led to the creation of international migration (Hampshire, 2013). However, their regime types are divided into authoritarian and democratic regimes though there may be some variances, which also describe nation-states.

Further to this division, political practices have shown that the dichotomy is not a given; in each regime, the two can be found, so focusing on an autocratic-democratic continuum is a better option (Glasius, 2018; Natter, 2018). Thus, the politics and the processes of immigration policymaking may depend on the regime in a given country at a particular time. Contributing to the discussions on the politics of immigration policymaking, James Hampshire theorised the four distinct features of constitutional rule, representative democracy, nation-state or nationhood and capitalism, characterise liberal regimes where states participate in global and regional economic integration. These principles are, however, absent in autocratic regimes. The authoritarian leader mainly formulated policies

based on his or her interest rather than through democratic ideals (Hampshire, 2013). While Hampshire (2013) focused on all four liberal state features to analyse immigration policymaking, others concentrated on one only. He further indicated that each of the four features has contestations among actors, institutions and ideas. Hence, it is essential to consider all to elicit a complete understanding of the politics involved. For example, whereas domestic politics and public opinions, including sensational media reportage, mostly put pressure on elected officials into restrictive political discourse, human rights issues backed by constitutional constraints and employer demands call for liberal immigration policies (Hampshire, 2013). Hollifield (1992) also argued that the dictates of the liberal ideas of free markets put pressure on the Western democratic states to enact liberal immigration policies whilst domestic interest groups also fight for restrictive immigration policies. Hollifield (1992) termed it the liberal paradox or embedded liberalism.

Gary Freeman employed the political economy approach to study immigration policymaking in liberal democracies and concluded that there is client politics. The reason is that businesses that benefit from migrant labour lobby for liberal immigration policies, the cost of which is borne by the larger society. This process was termed client politics (Freeman, 1995). From the institutional perspective, Joppke contended that client politics is only part of the larger picture and that states are self-limited due to the institutions created by the constitution to promote human rights and democratic principles, such as the courts. Again, the constitution defines the powers and limits of such powers; hence, states cannot take such unilateral decisions in regulating immigration (Joppke, 1998). Others have focused on party politics (Schain, 2006). Most of these studies concentrated on the politics and processes that go on within the country without taking into consideration external factors. Thus, they focused on state-level factors only, what is also known as the consequentialist nationalism approach (Ruhs, 2005) or “nation state-centeredness”

(Scholten & Penninx, 2016, p. 92) and also “methodological nationalism” (Wimmer & Glick Schiller, 2002, p. 301). Katharina Natter also concentrated on the domestic policy processes of Morocco and Tunisia (Natter, 2019). Other scholars thought of the global or the rights perspective and employed the idealist approach stressing the interest and the rights of migrants. This approach advocates for migration governance at the global and regional level as the other issue areas such as trade, health and security. In the current dispensation, there are both binding and non-binding conventions and protocols that regulate international migration. It is the Global Compact on Migration and Refugees at the global level. At the regional level, the African Union has the 'Agenda 2063', the AU migration framework and the protocol on Free Movement of Persons, Right of Residence and Establishment, which is modelled along what ECOWAS has (Adepoju et al., 2020; Bisong, 2019; Lavenex, 2018). ECOWAS, since 1979 has adopted the Free Movement protocol and, in 2008, the Common Approach policy. Then there is the balanced approach, which seeks to strike a balance between the nation centred and the idealist approaches (Ruhs, 2005). The contention is that among the dimensions of the immigration problem is an international dimension. Rosenblum and Cornelius argued that there are three main dimensions of immigration policy; the economic, political, cultural and international dimensions. They further argued that immigration "is both a domestic and an international issue" (Rosenblum & Cornelius, 2012, p. 3), what Manning called an 'intermestic issue' (Maning, 1977). However, the economic and the political-cultural dimensions mainly relate to what pertains internally. However, the international dimension looks at immigration and national security, including terrorism, and diplomatic issues, mainly on economic diplomacy and international humanitarianism (Rosenblum & Cornelius, 2012). In this regard, immigration policy, politics and processes may be better analysed when the international dimension is factored into the equation.

Many scholars have studied immigration policymaking in liberal democracies. Their primary purpose is to understand the politics and the immigration policymaking processes in different settings (Freeman, 1995; Hollifield, 1992; Joppke, 1998; Schain, 2006). They conclude that there is a regime effect in immigration policymaking. Therefore, Katharina Natter focused on immigration policymaking across political regimes and compared Morocco, an autocratic regime country and Tunisia to an emerging democratic country. She concluded that 'there is no direct link between political regime type and immigration policy outcomes per se'. The researcher contended that democratic processes might instead lead to more restrictive immigration policies other than liberal immigration policies.

In contrast, autocratic immigration policymaking may lead to what she termed the illiberal paradox (Natter, 2019). Thus, the opposite of the liberal paradox suggested by James F Hollifield in 1992 in his study of immigration policymaking in Western liberal democracies. Natter (2019) explained that autocratic immigration policymaking might provide opportunities that will lead to liberal immigration policies, mainly when it is in the interest of the regime in power. Shin studied 13 relatively wealthy autocracies after World War II to understand why some autocracies have more restrictive immigration policies than others. The conclusion was that the authoritarian immigration policy is a consequence of the redistributive policy of that country. According to him, autocrats without resource rents lack the capacity for redistribution, hence using policies that give people wages in return for their labour and still restrict immigration (Shin, 2017).

The politics and the processes of immigration policymaking, according to Ruhs (2005), are often conducted within a particular ethical framework. Writing on immigrant and immigration policymaking in Italy, Zincone & Caponio (2005) indicated that there are two main processes at the national level. First is an analysis focusing on top-down decision-making processes with critical actors or institutions: the government, civil servants and

parliament. The second is the governance approach, which considers the relationships among the vertical levels of government, public institutions, and civil society organisations. Then at the local level, the focus is more on implementation through policy networks. In the current dispensation, the European Union acting as the supranational body formulated immigration policies. While Zincone and Caponio (2005) identified two main processes, Natter (2019) identified three policymaking processes. First is the generic policymaking process. According to her, the process goes on regardless of the regime or policy area. This is the good governance tenet of modern states. The second is the issue-specific policymaking processes which are the processes that take place because of the issue at stake. In this case, immigration and its consequences the state sovereignty, the interest of others and the effects on other policy areas such as integration and citizenship. The last is the regime-specific policymaking processes based on the political system in place. Thus, the de facto public policy processes occur in a specific country. Thus, the assertion that "studying immigration policy is simultaneously and inherently a study of statehood" (Natter, 2019, p. 363). This position is also shared by (Hampshire, 2013).

In Ghana, the public policymaking process has gone through some transformation but with minimal difference. Public policy scholars in the country have concluded that public policymaking has shifted from a bureaucratic or exclusionary approach to a more participatory and consultative one. More organised groups, Think Tanks, and Civil Society Organisations are engaged (Kpessa, 2011; Mohammed, 2015). The inclusion of civil society organisations has made the policymaking process more complex, multifaceted and, at times, chaotic. Many other marginalised and unorganised groups are still excluded. This exclusion has led to a situation where even though the engagement processes had been broadened, government officials and others in advantageous positions gain access to the needed information to better participate in the process. Therefore, policymaking in the country is still an elitist activity dominated by executives (Gatune et al., 2021; Kpessa, 2011;

Mohammed, 2015). Aside from the processes involved, actors are also a significant part of the immigration policymaking and decision-making processes. Actors may be differentiated into state and non-state actors, which include external actors (Penninx & Borkert, 2011). In the current dispensation, there are supranational such as the European Union. In Ghana, the UN, AU and ECOWAS may be termed as such. Then there is a call for the local turn, where the local government authority will be involved in the immigration policymaking and implementation (Ahouga, 2018; Borkert & Caponio, 2010; Zapata-Barrero et al., 2017).

## **2.8 The theories of immigration policy**

Because of the multidisciplinary nature of immigration policy, scholars from different backgrounds have employed different theoretical traditions to study it. Based on the available literature, some theories focused on domestic explanation, and others concentrated on the international dimension of immigration policymaking. "Domestic" level theories that explain immigration policymaking are discussed as follows; first is the political economy or socio-economic approach. The main contention of this approach is that there is primarily economic competition among different groups within the country, which have implications for immigration policy. The client politics theorisation by Freeman (1995) is an example of this form of domestic interest group politics. Others have also focused on party politics, and the Marxist tradition at this level use class politics to explain immigration policymaking (Meyers, 2000, 2004; Natter, 2018). Second is the institutionalist perspective. This approach posited that the fragmented nature of state institutions with different interest and objectives shapes immigration policymaking. Bureaucratic politics, which points to institutional turf wars, disputes, and path dependency, are the main variants of this approach. Sassen (1996) explains how the democratic systems and the court work to constrain the state from enacting restrictive immigration policies.

Third, is cultural ideologies or theories. Under this tradition are many variants such as marginality, contact, in-group and out-group, and national identity theories, but the main argument is that natives primarily respond negatively to strange traditions or customs of migrants. Host communities, therefore, try to enact restrictive immigration policies to protect their values. Others have concluded that the size and the rate of immigration may also lead to the formulation of restrictive immigration policies (Zapata-Barrero et al., 2017). The last is the realist or neo-realist theories. Though other variants accept socio-economic issues as equally important, the realist tradition mainly concentrates on high politics of security and hence places more emphasis on national security. Accordingly, the state is perceived as a rational and unitary actor that always acts to protect its territory (Viotti & Kauppi, 2019). As such perceived or actual threats are the main drivers that define immigration policies. In this regard, passports and visas were introduced during WWI, and after WWII, many countries from the West introduced liberal policies to entice more migrants to build their countries. Then during the cold war, refugees from the communist block were accepted and celebrated as heroes (Meyers, 2000).

There are also international-level theories that explain immigration policymaking. The global political economy is one theory that explains the state-centred approach. Under this approach is the Marxist tradition, which employs world systems and dependency theories to explain international migration but does not address immigration policies (Meyers, 2000). Thus, these theories explain the international migration phenomenon of how migrants move from developing countries to wealthy countries due to the world systems in place. Natter (2018), however, posited that these theories reflect the world market systems or structures. Another variant, such as the hegemonic stability approach, argued from the geopolitical dominance perspective (Meyers, 2000, 2004). The other is institutionalism, mainly located in the liberalist and neoliberal traditions. The central argument is that international and regional institutions and regimes have created an atmosphere of international and regional

cooperation leading to the enactment of liberal immigration policies. Related to this is diffusion theory which works through such institutions (Natter, 2018).

Finally, yet important, is globalisation. Even as cultural values and national identity shape immigration policy, globalisation emphasises international ideology, including human rights and democratic ideals, constraining states from enacting restrictive immigration policies. These principles have transformed the sovereignty of the state to respect individual rights and freedoms even if they are undocumented (Meyers, 2000; Natter, 2018).

### **2.9 The determinants or drivers of immigration policy**

One of the themes under immigration policy studies is how and what leads to making immigration policies and the subsequent changes or reforms that occur. Thus, the focus is on the drivers or the determinants of immigration policy. From the literature, this can be approached from two dimensions. The factors of analysis and the levels of analysis. The factors of analysis concentrated on three variables, including ideas, interest and institutions and the levels of analysis concentrated on the politics of it. Thus, the source of the policy or actors comprised of the society, state and the international level (Natter, 2018; Zogata-Kusz, 2012). Some scholars from public policy have maintained that some individuals may be able to influence policy. Others have opined that power is a critical factor, particularly in Africa, so far as policymaking is concerned (Gatune et al., 2021; Natter, 2018, 2021). However, it is equally important to point out that scholars approach their studies from a particular point of view. Hence, their theoretical orientation determines the drivers or the determinants of immigration policymaking. Thus, these three dimensions may be combined to explain the drivers of immigration policymaking, changes, or reforms that may occur. According to Katharina Natter, there were four main drivers of immigration policy. These were "the role of socio-economic interest at the domestic level; the importance of foreign policy and diplomatic interest; the role of state institutions' potentially conflicting interest; and the

impact of international norms on national policymaking" (Natter, 2018, p. 3). Writing on immigration policy and terrorism, Choi concluded that there was no evidence to show that terrorist attacks led to restrictive immigration policy. Nevertheless, when the attack leads to an economic crisis, the two conditions lead to the formulation of a restrictive immigration policy (Choi, 2021). Other scholars have also concluded that global crises such as WWI and II, the great depression, and the oil crisis in the 1970s also led to restrictive immigration policies (de Haas et al., 2016; Massey, 1999; Timmer & Williams, 1998).

### **2.10 Decision-Making**

Decision-making is a significant feature at every stage of policy formulation processes (Anderson & Slotkin, 1975). The main contestation is the power distribution throughout the process. There are five (5) perspectives on how power is distributed in decision-making. They include elitism/neo-elitism, pluralism/neo-pluralism, Marxism/neo-Marxism, corporatism/neo-corporatism, professionalism and technocracy (Bachrach & Baratz, 1962, 1994; Cairney, 2012; Lukes, 2005; Parsons, 2001). According to the elitists, "power is concentrated in the hands of a small number of people or organisation that control policy processes" (Cairney, 2012, p. 46), and the neo-elitist instead focus on organisational elites. However, elitism is more perverse in developing countries where a few political elites instead champion decision-making. Pluralism, on the other hand, is "the process in which groups compete with each other to influence government" (Cairney, 2012, p. 72). Championed by Robert A. Dahl to challenge elitism, pluralism considers the interest of organised groups and informal relations to play an important role.

Lindblom (1959) affirms that consensus-building makes a good policy. However, if power is concentrated in the hands of a few leaders of the groups, the voices of other members may not be heard. Regarding policymaking, Marxism focused on class relations between owners of production or business people and the working class and concluded that business owners

would always gain an advantage over the working class. Because the owners of production always control decision-making due to their position (Cairney, 2012; Lukes, 2005; Parsons, 2001).

The fourth perspective on power distribution in decision-making is corporatism, where interest groups form cooperations to fight for their interest. The underlying tenet is that the government must incorporate these groups in decision-making (Kennett, 2008, 2013). Paul Cairney, therefore, defined corporatism as "a close relationship between government and groups representing labour and business, in which umbrella or peak organisations are integrated within government policymaking structures" (Cairney, 2012, p. 72). Thus, more formal collaborations and participation by these fragmented groups in decision-making. Other forms of corporatism include state corporatism, where the state initiates the corporation. Then also, there is neo-corporatism, in which institutions come together (Kennett, 2008).

The last perspective here is professionalism and technocracy, which have as well developed into an epistemic community, thus a network of professionals or technocrats. The tenet here is that these professionals have the requisite skills in policymaking, and hence they control the process (Cairney, 2012; Lukes, 2005; Parsons, 2001).

### **2.11 Power**

One of the critical concepts in policy political science literature is power. Though mostly contested, it is one of the core forces in political and policy science fields (Foucault, 1980; Lukes, 2005; Sharp et al., 2005). Conventional narratives of power end up with a binary approach by equating power to domination and subordination. An example is an elitist approach, where power is in the hands of a few persons in authority (Dye, 1969). However, there is enough evidence in the literature indicating power in resistance. Michel Foucault extensively dealt with the issue of power in his works. Notably, in the *Discipline and Punish*,

published in 1975, and *La Volante de Savoir* (1976), which was translated as *The History of Sexuality, Volume I: An Introduction*, he analysed power at two levels (empirical and theoretical). According to Foucault (1980), 'power is omnipresent' indicating, "Power is always already there, that one is never outside it" (P. 141). Though Foucault's works are not regime specific, they describe the general characteristics of power and its operations across time and space. Power, therefore, arises in all kinds of relationships. It can develop from the bottom of any structure.

Affirming the position of Foucault on power, Sharp et al. (2005) posited that power is said to be everywhere and does not rest in the hands of a few people or only generate domination and resistance. Power entangles all social life fabric (Sharp et al., 2005).

Furthermore, Lukes (2005) posited that power could be viewed and studied from three dimensions. The first dimension focused on the actor's behaviour in decision-making. It is known as the one-dimensional view and attributed to Robert A. Dahl. In this regard, the concentration is on the observable or overt conflict that arises in decision-making. The revelation of such conflicts is through the subjective interest of policy preferences in the participating process (Lukes, 2005).

Second is the two-dimensional view (Bachrach & Baratz, 1962, 1994). They critiqued the one-dimensional view as being narrow. Instead, they focused on decision-making and non-decision-making, indicating that some issues in the decision-making processes are hidden from the public. According to Bachrach and Baratz, these hidden agendas are potential issues that need attention and must be explored. They further posited that there are conflicts in decision-making processes which can be overt or covert. These are seen as subjective interest arising from policy preferences or grievances. To them, power is not only reflected in concrete decisions but also in hidden facts as well. These first two views are known as the pluralist approach.

According to Lukes (2005), the last view of power is the three or multiple-dimensional view first propounded in 1974. He criticised the pluralist approach for concentrating more on the behavioural approach in decision-making. Lukes (2005) then focused on decision-making and control over political agenda, which might not be part of the decisions taken. Lukes (2005) opined that judgment could be distorted by or through latent manipulations. As a result of the existence of subjective and actual interest, Lukes indicated that both overt and covert observables and latent conflicts should be investigated. To Sharp et al. (2005), these three dimensions of power focused on the distribution of power whilst (Clegg, 2013) concentrated on the practices of power.

The practice of power includes the mechanisms by which organisations and individuals working in these organisations can achieve domination. Domination can be achieved through rules, formulation of such rules and the opportunity to interpret and reinterpret the same rules, which may lead to the marginalisation of resistance. The marginalised can overcome domination through advocacy planning and advocacy geographies. They can also act through oppositional agencies within the organisation and even dominate the source of power and its rules. In such situations, power is said to be located within the organisation.

However, an entanglement of power points to a much more complex nature than the traditional narratives of power. This Foucauldian perspective of power indicates that the relationships in the power web breed numerous material spaces, places and networks sustained through imaginative, symbolic and practical knotting that need attention (Sharp et al., 2005). They vividly posited that “dominance and resistance couplets are always played out in, across and through the many spaces of the world” (Sharp et al., 2005, p. 1). They concluded that power has many entanglements. To them, entanglements mean “to conjure up the threadings, knottings and weavings of power” (Sharp et al., 2005, p. 24). It is used metaphorically to portray the complexities and paradoxical connections of power,

dominance and resistance. Similarly, power may be seen as the effect of entanglements that arise from spatial assemblages. Thus, the geographies of power indicate that power and resistance appear in all spheres of life and geographical areas (Sharp et al., 2005).

## **2.12 Theoretical Framework**

Based on the study's objectives, the research questions and the literature review, two (2) “state-level” theories; political economy and institutional theory and “international” diffusion theory, were employed to explain the dynamics of immigration policymaking in Ghana. Though other studies have used either the “domestic” approach (Freeman, 1995) or the global perspective (Jokkpe, 1998), the researcher employed the balanced approach (Ruhs, 2005). Therefore, the researcher went beyond the state-centred theorisation and complemented it with the "international" diffusion theory. The theorisation beyond the “domestic” level is because of the increasing interdependence of countries (Simmons et al., 2008). States, therefore, "exist in a web of networks and are connected in various ways that influence their choice and behaviour" (Duncan, 2012, p. 63).

## **2.13 The “Domestic” Level Approaches**

### **2.13.1 Political Economy Theory**

Under the political economy approach at the domestic level, the assumption is that “immigration is a highly divisive issue” (Duncan, 2012, p. 64). In this regard, various interest groups will always lobby or push their agenda and the interest of their members. Approaches to this tradition include the Marxist perspective, which focuses on class differentiation. The capitalist/employer class is mostly against employees (Meyers, 2000). In his article entitled "Modes of Immigration Politics in the Liberal States, " Freeman indicated that businesses to gain advantage from immigration policies lobby governments at the blind side of the electorate who primarily bear the cost of liberal immigration policies. This practice, he termed client politics (Freeman, 1995). Political parties also rely on their

ideologies to either plan for restrictive or liberal immigration policies (Duncan, 2012; Meyers, 2000). For example, the early part of Ghana's independence saw the country open its doors to Africans. This action has been attributed to the Pan-African ideology of the then President, Dr Kwame Nkrumah (Adjepong, 2013; Awumbila et al., 2008; Peil, 1971b, 1974).

Economically, when more immigrants are allowed into a country, generally and based on the principles of demand and supply, the labour cost will go down, which means hiring labour will be cheap for businesses and hence beneficial to employers. However, to employees, it will mean less income as wages will be smaller, thereby increasing poverty. This effect may lead to labour agitations, mainly when immigrants' skills are not complementary but substitutional (Duncan, 2012).

The challenge is that the domestic political economy did not consider the role of institutions. Thus, this tradition does not consider how institutions impact all interest groups (Skocpol, 1995).

### **2.13.2 Institutional Theory**

According to Tichenor (2002), institutional structures have the capacity and ability to shape immigration policies. He concluded that institutional actors and structures cause immigration policy changes in the United States. The primary tenant of institutionalism is that it projects how the state and its structures influence immigration policies (Meyers, 2000). It also assumes that state institutions enjoy some degree of autonomy; hence, societal influence on such institutions is minimal. However, due to the fragmented nature of state institutions, there are intra and inter-institutional dynamics, which is the focus of the institutional perspective (Natter, 2018).

Studying Western liberal democratic institutions, James F. Hollifield coined the term liberal paradox, also known as embedded liberalism. This term was employed to explain how the

political rhetoric of restrictive immigration policies is constrained by the economic liberalisation concept, which argues for free trade leading to discourse gaps in a country's stated policies (Hollifield, 1992; Natter, 2018).

In her study of immigration policymaking of Morocco, an autocratic state, Katharina Natter counters Hollifield's idea of liberal paradox with illiberal paradox (Natter, 2018). According to her, an autocratic state like Morocco is in the position to shape immigration policies in its favour as they have the leeway compared to democratic states to enact and implement the policies, they deem suitable. Within such an autocratic state, there are civil society groups and other institutions that act to constrain some of their actions. Such countries will act in consonance with civil societies to gain legitimacy (Natter, 2018). However, political practices have shown that a dichotomous approach of liberal verse autocracy hardly exist but rather in every society the two practices can be found. In this regard, a continuum of liberal and autocratic regime theorisation is better placed (Glasius, 2018).

Other variants of the institutional approach include bureaucracy and path dependency theories. They also shape immigration policy and the processes involved in formulating the policies (Duncan, 2012; Meyers, 2000; Tichenor, 2002). The bureaucratic politics model helps to explain intra and inter-institutional conflicts. In this regard, it focuses on turf wars within and between governmental institutions and their influence on immigration policies making processes (Natter, 2018). In "Why Liberal States Accept Unwanted Immigration", Joppke concluded that human rights and liberal institutions such as the law courts and lawyers constrain the state and other institutions within the state, thereby restricting the state from implementing punitive immigration policies (Joppke, 1998).

Path dependency theory, on the other hand, posits that earlier policies influence decisions to formulate new policies. As the name implies, decisions on new immigration policies are influenced by previous policies. This approach is to the effect that once a policy has been

implemented, it is perpetuated and hence tricky to change entirely (Hansen, 2002; Hollifield, 1992). Fitzgerald (1996) also indicated that former policies impact future policies, expectations, and perceptions of new immigration policies. The path-dependency approach resonates in Ghana's evolution and changes in immigration policymaking processes.

The two theories were combined to explain the state and other stakeholders' interest, ideas, power and institutions concerning immigration policymaking and its changes. The central argument put forward in this study is that the domestic approach alone cannot fully explain the dynamics of immigration policymaking in Ghana. Because this perspective fundamentally neglects the influence of external factors that shape immigration policy and the processes of its formulation and implementation. In such a situation, the conclusion is that the "domestic approach" is one-sided (Duncan, 2012; Meyers, 2000). The researcher, therefore, employed "international" policy diffusion theory to complement the domestic approach. Thus, not just going beyond methodological nationalism, the two were employed in a complementary manner. This balanced-approach theorisation helped to focus on the larger picture and analyse the phenomenon from a holistic point of view.

#### **2.14 Policy diffusion theory**

Policy diffusion is not a new concept, but since it was first introduced in American studies, most of the research related to it has focused more on how policies are transferred from developed countries to the developing world (Gilardi & Wasserfallen, 2019; Graham et al., 2013). However, in "Transnational Policy Transfer: The Circulation of Ideas, Power and Development Models", Stone et al. (2020) have shown how policies from the developing world can circulate among themselves and to the developed world. Policy diffusion among international organisations has also been studied (Sommerer & Tallberg, 2019).

It is also essential to establish that policies spread from one jurisdiction to another have been described in different disciplines or fields of study. In the legal field, it is called legal

transplant, and in public policy literature, the term policy transfer is used. It is also known as policy convergence in comparative studies, while in sociology, it is termed institutional isomorphism. Both political science and international relations employ the term policy diffusion (Ghezelbash, 2015). Though variegated, these concepts, in principle, deal with the movement of policies, ideas and other innovations from one context to the other, most of which are boundary-crossing phenomena due to our increasingly globalised world (Duncan, 2012). In this study, however, the concentration will be on policy diffusion.

The term diffusion is "a social process by which an innovation is communicated over time among the members of a communication network or within a social sector" (Dearing & Meyer, 2006, p. 33), in this case, members within immigration policy. By innovation, they mean "an idea, knowledge, a belief or social norm, a product or service, technology or process, even a culture as long as it is perceived to be new" (Dearing & Meyer, 2006, p. 34). Going further, policy diffusion, according to Dolowitz and Marsh, is "the process by which knowledge about policies, administrative arrangements, institutions and ideas in one political system (past or present) is used in the development of policies, administrative arrangements, institutions and ideas in another political system" (Dolowitz & Marsh, 2000, p. 1).

There is a need to understand that policy diffusion theory is well related to policymaking processes rather than the outcome (Elkins & Simmons, 2005). Policy diffusion heavily relies on interdependency as in an intensely globalised world of ours, each state needs the other in their decision-making processes. In this regard, both vertical and horizontal interactions for effective and continuous communication to persuade each other cannot be overemphasised (Duncan, 2012; Holzinger & Knill, 2005). A distinct feature of policy diffusion is networking and the ever-increasing interdependency among countries or units around the globe (Elkins et al., 2006). The underlying tone is the saying that we do not re-event the

wheel. Scanning through the literature, scholars, on the one hand, have worked to contribute to developing and understanding the processes of policy diffusion. On the other hand, some scholars have instead employed the concept of policy diffusion to study or explain policymaking processes and their results in many areas (Gilardi & Wasserfallen, 2019). An example is the diffusion of free markets (Simmons & Elkins, 2004), protest and the Arab spring (Weyland, 2012), Immigration Policymaking in the Global Era: In Pursuit of Global Talent (Duncan, 2012) and Same-Sex marriage (Mitchell & Petray, 2016).

How, then, does policy diffusion work? The diffusion literature has identified four (4) main mechanisms through which policy diffusion occurs. They are coercion, competition, learning and emulation. These are also known as 'the how' of policy diffusion (Braun & Gilardi, 2006; Duncan, 2012; Elkins et al., 2006; Gilardi, 2012; Graham et al., 2013; Shipan & Volden, 2008; Simmons et al., 2008). Furthermore, Graham et al. (2013) saw socialisation as the fourth mechanism instead of emulation. Checkel has defined socialisation as "a process of inducting actors into the norms and rules of a community" (Checkel, 2005, p. 804). Graham et al. (2013) have indicated that adequate socialisation will be able to bring policy changes in the long run, and hence actors will be seen as wealthy of emulation. In any case, there will still be emulation, which is a dominant force in the literature. On this score, this study will use emulation and not socialisation.

The first mechanism of diffusion to be discussed is coercion which can be subtle or overt (Elkins et al., 2006). The primary assumption underlying coercion as a mechanism of policy diffusion is the power asymmetries, which leads to the imposition of preferences by influential organisations and countries on less powerful ones. This influence is through coercive pressures such as economic cost and benefit manipulations and conditionalities, as well as manipulations of information and technical support. Bilateral agreements and aid are also employed. Coercion may be carried out by the use of physical force as well. Actors

involved in the use of coercion include influential international organisations like the United Nations (UN) and its bodies, Regional and Sub-Regional Economic Communities (RECs), Inter-Governmental Organisations (IGOs), International Non-Governmental Organisations (INGOs), local Civil Society Organisations (CSOs) and powerful nations. Thus, these actors, who may be described as external, in-between and internal, play roles that pressure governments to act against their will, distinguishing coercion from other mechanisms (Elkins et al., 2006; Graham et al., 2013; Simmons et al., 2008). In Ghana, immigration policymaking and implementation follow the same processes.

A typical example is the return migration programme being championed by IOM. The significant disadvantages of the coercion mechanism are as follows; first and foremost, it is seen as anti-liberal, as powerful countries and organisations pressurise weaker ones like Ghana to accept some multilateral as well as bilateral agreements against their will. Secondly, domestic consequences and solutions are entirely ignored, which goes a long way to impact negatively rather than the positive solutions the country expects. There are, however, some positives to coercion. First, there are at times when adopters of a coercive policy may need it to complement as well as deal with a domestic challenge which they find difficult to handle. Again, it may serve as a tool to check on corrupt officials.

Another diffusion mechanism is competition. Governments compete to acquire critical investments and lure the best and the brightest of skilled labour for development (Duncan, 2012; Simmons et al., 2008). Under the competition mechanism, the adopters, like the government of Ghana knows who its competitors are, will always consider their policies before making any policy decisions. The underlying logic is that the government adopts or changes its policies because its competitor has adopted a new policy to gain an undue advantage. These forms of competition occur when a particular policy option results from policies adopted by other jurisdictions that are seen as competitors (Duncan, 2012; Elkins

et al., 2006). In response, the government provides the enabling environment to attract the needed capital, investor and technology (Duncan, 2012). In this regard, governments will choose immigration policies that attract the right investors. In Ghana, one of the main factors of immigration policy is economy consideration and how to win investors over our competitors, such as Nigeria and other West African countries. Particular institutions such as the Ghana Investment Promotion Centre (GIPC), the Free Zones Board, and the Petroleum and Minerals Commissions have been tasked to champion competition in Ghana. The competition also permeates all levels – international, regional, national and local. Here, governments take their own decisions by themselves depending on what other competitors have done rather than being coerced to accept a policy innovation (Gilardi & Wasserfallen, 2019; Weyland, 2012). The limitation of this mechanism includes the fact that competition may lead to unfair practices, and hence weaker nations will suffer. There are, however, some advantages. States will always be on alert and hence will at all times conduct an environmental scan to understand what trigger changes in order to react to them (Elkins et al., 2006).

The third mechanism of policy diffusion is learning. Simmons, Dobbin, and Garrett have described learning in diffusion as “a change in beliefs or a change in the strength of one’s confidence in existing beliefs resulting either from observation and interpretation or from the acquisition of new theories or behavioural repertoires” (Simmons et al., 2008, p. 25). There are two types of learning; simple learning, where the mode of doing things is changed but not the result. Then there is a more complex form of learning that will lead to changes in how things are done and the results. In learning, the core assumption is that countries and institutions evaluate policies adopted in a different jurisdiction and then draw lessons from the experiences of the early adopters before a decision to either adopt the same policy or not is taken. In this regard, there is no coercion or competition, but rather the country's choice is based on a careful analysis of what others have done (Duncan, 2012).

Learning can occur through three different but related approaches. First is the Bayesian approach in economics, which focuses on the individual. The assumption is that the individual adopts a new belief based on additional information received. The abandonment of an earlier idea is due to additional data or information made available to the person. Thus, individual policymakers may alter their position due to the provision of some other information, and this will eventually affect and shape policy.

The second is social knowledge production in political science based on Ernest Haas's work in 1980. He defined social knowledge as "the sum of technical information and theories about that information which commands sufficient consensus at a given time among interested actors to serve as a guide to achieve some social goal" (Haas, 1980, p. 367-8). In this study, the social goal is the formulation of immigration policy in Ghana. Epistemic community (Elkins et al., 2006) and instrument constituencies (Foli et al., 2018) play a significant role in the development of social knowledge and hence wield critical influence in the policymaking processes. The epistemic community, also referred to as policy entrepreneurs, are experts who provide theories and prescribe policy directions and can as well influence a particular policy.

The last approach is channelled learning from sociology. With this approach, learning is acquired by focusing on the outcomes of the leader's choice in that innovation rather than going through the rudiment of assessments. The core assumption among these three approaches is that the adoption of particular policy innovation is contingent on the evidence of the policy's success elsewhere (Elkins et al., 2006). The major limitation of learning as a mechanism of policy diffusion is that powerful states or organisations may hide some vital information that may be needed to make an informed decision. There are some advantages as well. Firstly, a mistake can easily be avoided. Secondly, it creates and strengthens best

practices in the era of globalisation as well as the compact on migration and refugees, where shared responsibility is a mandate.

The final mechanism through which policy diffusion work is emulation, defined as "the process in which there is an alteration of ideas through information acquired from the actions of governments elsewhere" (Duncan, 2012, p. 72). It means that there is no evaluation or assessment but the acceptance of a policy innovation rooted in the rhetoric of what works (Simmons et al., 2008).

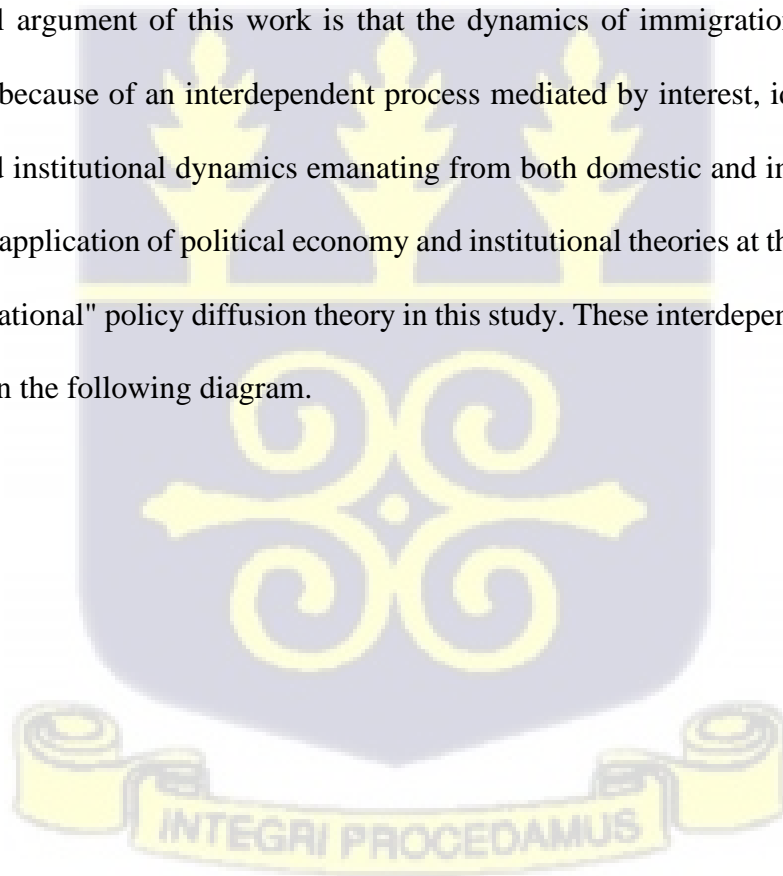
Many actors carry out the transfer of ideas and norms. First, are nations described as powerful. Though it is most challenging to separate coercion from just emulating such countries, in practice, less powerful countries may mimic powerful ones without their coercive force. Epistemic communities or policy entrepreneurs are the second batch of actors that may influence emulation. Epistemic communities as advocates do not only influence the adoption of a new policy. They also identify new challenges and prefer solutions. In this regard, they directly or indirectly shape policies. To this end, Duncan has concluded that such communities "penetrate domestic and international arenas by embedding themselves in the decision-making processes" (Duncan, 2012, p. 73).

Strang and Chang (1993) also found that some countries adopt norms, ideas and institutions for symbolic purposes. Thus, many countries sign treaties and other international instruments to gain acceptance rather than necessarily implement them. Many international, regional and sub-regional conventions and protocols are signed for symbolic reasons. A particular mention is human rights treaties. Countries emulate their peers for psychological acceptance and because they are part of a reference group. This is in line with the 'family of nations' concept, which resonates with the work of Francis G. Castles in 1998, where nations were grouped based on their socio-cultural characteristics, including language, history, proximity, and other similarities. This has led to countries being described as Anglophone,

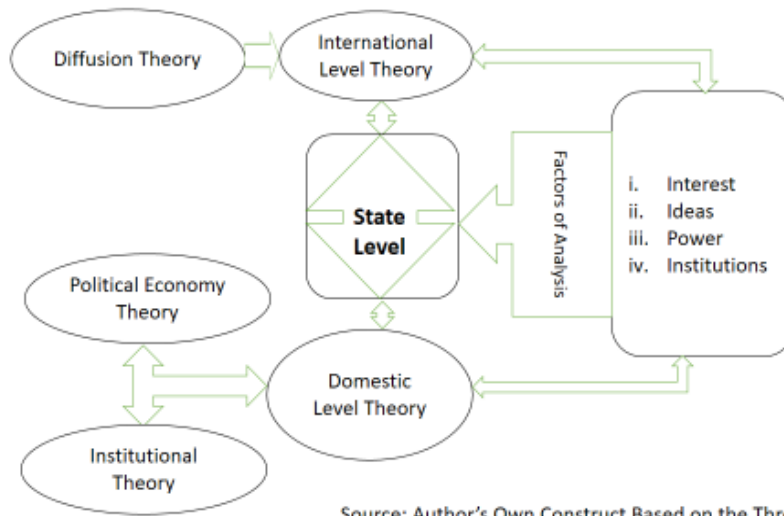
Francophone and Commonwealth, among others. Africa also has West Africa, North Africa, and Sub-Saharan Africa, to mention a few.

Furthermore, due to technological advancement leading to improvement in telecommunication and the existence of information, out-groups may also be emulated. These are also referred to as "extra-familial institutions" (Duncan, 2012, p. 75). The main limitation is that the adopted policy may only work in the domestic setting if contextualisation is considered. The benefit is that costs may be reduced. The four mechanisms discussed above work through international institutions and multilateral agreements/aid. Others are regional and sub-regional bodies, bilateral agreements and international and domestic civil society organisations to influence policy diffusion at the national level.

The central argument of this work is that the dynamics of immigration policymaking in Ghana are because of an interdependent process mediated by interest, ideas or ideologies, powers and institutional dynamics emanating from both domestic and international actors. Hence, the application of political economy and institutional theories at the "domestic" level and "international" policy diffusion theory in this study. These interdependencies have been presented in the following diagram.



**Diagram 2.1: The linkage among the theories employed in the study**



Source: Author's Own Construct Based on the Three Theories Applied in this Study

Diagram 2.1 shows how two domestic theories (political economy and institutional) are complemented with the "international" diffusion theory to explain the dynamics of immigration policymaking in Ghana. These theories are premised on four factors of analysis (interest, ideas or ideology, power and institutions) to explain how the immigration policies of Ghana are shaped. Domestic interest groups, the state and international development partners compete for their interest and ideas or ideologies to shape the immigration policies of Ghana. In so doing, a power relation may determine where immigration policies will tilt. These processes go on through state institutions with diverse and varying interest. There are, therefore, intra, inter and international power relations with the immigration policy community at the state level. As such, other institutional theory strands, including bureaucracy and path-dependency theories, zoom large. The international development partners working through diffusion mechanisms such as either subtle or overt coercion push their interest, ideas or ideologies to shape immigration policies of the state.

This is the state-level analysis of the theories employed in this study. This analysis goes beyond the state-centric theorisation because of the interdependent nature of countries that

influence choice/behaviour (Simmons et al., 2008). For example, the interest of the state, that of the international development partners and the domestic interest groups, is dependent on the ideas each has about migration and the link between migration and other issue areas such as development, security, trade and health. This explains the immigration policymaking processes as presented in section 2.16.

## **2.15 Conceptual Framework**

This section will employ Multi-level Governance (MLG) to conceptualise the politics and the processes of immigration policymaking in Ghana. Though not a new concept, governance was neglected for some time (Peters & Pierre, 2001). However, it gained much currency among the various disciplines from the early 1980s, mainly in political science and its subfield of public policy and development literature (Offe, 2009), with the World Bank being particular about good governance. The public sector reforms that started in the 1980s because of the centralised system of decision-making led to a shift of power and actors in decision-making from the centralised government to include either the supranational level or the devolved level (Caponio & Jones-Correa, 2018). This led to many governance concepts, among which is multi-level governance (MLG), which was first employed to study immigration policy in the 1990s. Gary Marks used it to analyse the then-emerging European Union (EU) integration process with much attention on the decision-making process (Stephenson, 2013). Beyond the EU, MLG now broadly applies to diverse federal and unitary state systems settings (Alcantara & Nelles, 2014).

### **2.15.1 Definition**

Different scholars have defined MLG diversely at different times, but all point to one thing, the processes and actors of collective decision-making and implementation. It is defined as “a complete set of structures and processes, both public and private” (Weiss, 2000, p.795).

Robert O. Keohane also has indicated that MLG is “the making and implementation of rules

and the exercise of power within a given domain of activity” (Keohane, 2003, p. 132). Enderlein, Wälti and Zürn 2010 also stated that it is "a set of general-purpose or functional jurisdictions that enjoy some degree of autonomy within a common governance arrangement and whose actors claimed to engage in an enduring interaction in pursuit of a common good " (Enderlein et al., 2010, p.4). The two types of MLG are embedded in this definition as propounded by (Marks & Hooghe, 2003), namely MLG type I and Type II.

The general-purpose jurisdiction indicated the multi-level polity or structures and resonated in Type I MLG, which has a limited number of non-overlapping jurisdictional boundaries and a limited number of levels. An example is a stable constitutional system with a limited level or hierarchy. The functional jurisdiction cited in the definition indicates an overlapping multi-level regime and finds expression in the Type II MLG. It has no limited number of jurisdictions and is mainly employed for specific tasks or issues such as international migration. In the Type II MLG, there is no limit to the number of levels and actors (Marks & Hooghe, 2003). It is important to emphasise that actors employ networks within the MLG concept. However, it is not the same as network governance which is a concept on its own and also not the same as private corporate governance. It is a decision-making process by public actors in which private actors may get involved at diverse levels and hence not monopolised by one central actor in pursuit of a common good (Schmitter, 2004). Interconnection and collaborations are always part of MLG.

### **2.15.2 Core Assumptions**

The underlying core assumption of MLG is that states have shifted some of their responsibilities and decision-making powers first upward to the supranational institutions, downward to the sub-national level and outward to civil society organisations (Guiraudon & Lahav, 2000; Van der Leun, 2006).

MLG is an actor-centred concept, and according to Caponio & Jones-Correa (2018), certain conditions must be met before one may employ the concept. First, there should be a situation that challenges vertical state-centred formal hierarchies of power distribution and responsibility. Immigration policymaking, which is a cross-border phenomenon, qualifies under this condition. Second, all actors have to interact in policy formulation and implementation interdependently, and hence it requires that all must be involved. This is the current dispensation in immigration policy in Ghana, where key stakeholders are consulted. Third, the interactions should include some degree of bargaining and negotiation among all institutions and actors involved.

Other scholars have further indicated that the MLG model is vague and hence preferred certain conditions should be available to strengthen its usage. These conditions primarily include the point that for the multi-level aspect of governance to be fulfilled, different levels of governance must be involved. In this study, the levels involved include the state, sub-regional level of ECOWAS, Regional level (AU) and international institutions, including the UN. Secondly, non-government actors should be present and part of all the different levels of government. In our case, organisations such as ICMPD, IOM, and GIZ are involved at all the levels mentioned. Lastly, complex, heterogeneous and non-hierarchical networks must also emerge among autonomies and yet interdependent actors. This is also present among actors involved in immigration policy formulation and implementation (Alcantara & Nelles, 2014; Bache & Flinders, 2004; Peters & Pierre, 2004; Piattoni, 2010). Making a solid case for the continuous involvement of NGOs in MLG, Alcantara & Nelles (2014) advocate for a permanent position in the policymaking processes for civil society organisations. This means MLG assumes a normative tone and a negotiated order (Caponio & Jones-Correa, 2018, p. 1998).

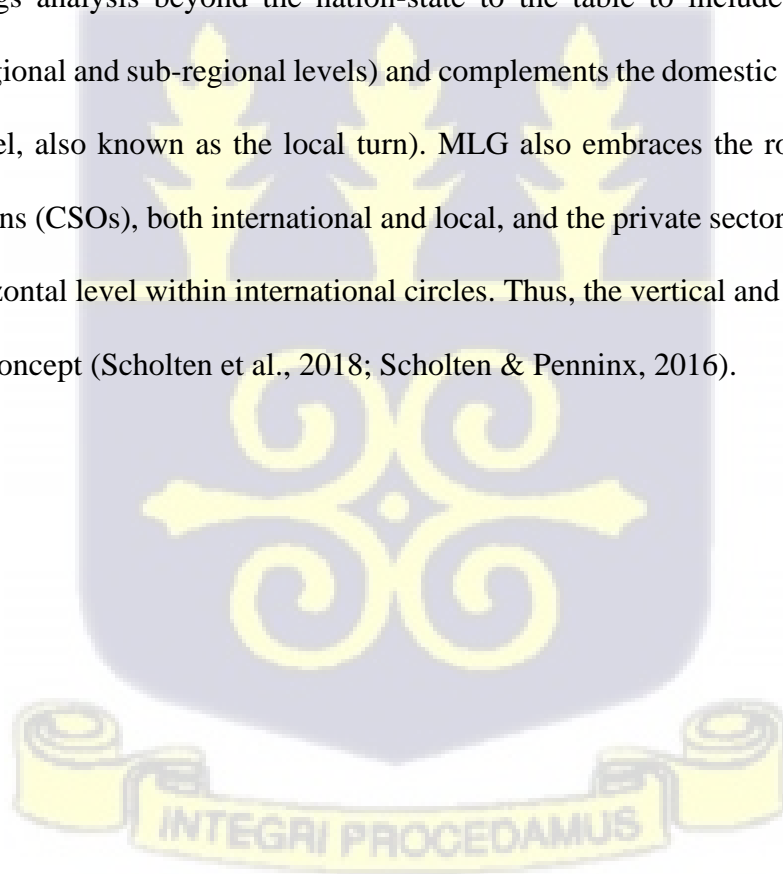
MLG is without some significant flaws. It is mainly criticised for being theoretically vague and fuzzy; hence, it is becoming more complex (Peters & Pierre, 2004; Piattoni, 2010). Tortola (2017) have also indicated that the MLG framework is being stretched too much because of its simplistic nature. These criticisms notwithstanding, MLG is beneficial in so many ways. Firstly, it helps to grasp the functioning of systems or emerging issues or areas. In this case, immigration policymaking processes in Ghana. Secondly, the model assists in shedding light on the interdependencies of vertical and horizontal dimensions of the system or issue area. Thirdly, it also can create interconnectivity across levels that separate it from other concepts such as federalism, decentralisation, inter-governmental and network governance. Lastly, MLG is simple and flexible and easy to apply to many situations or issues areas (Scholten et al., 2018; Scholten & Penninx, 2016; Stephenson, 2013).

### **2.15.3 Justification for Use**

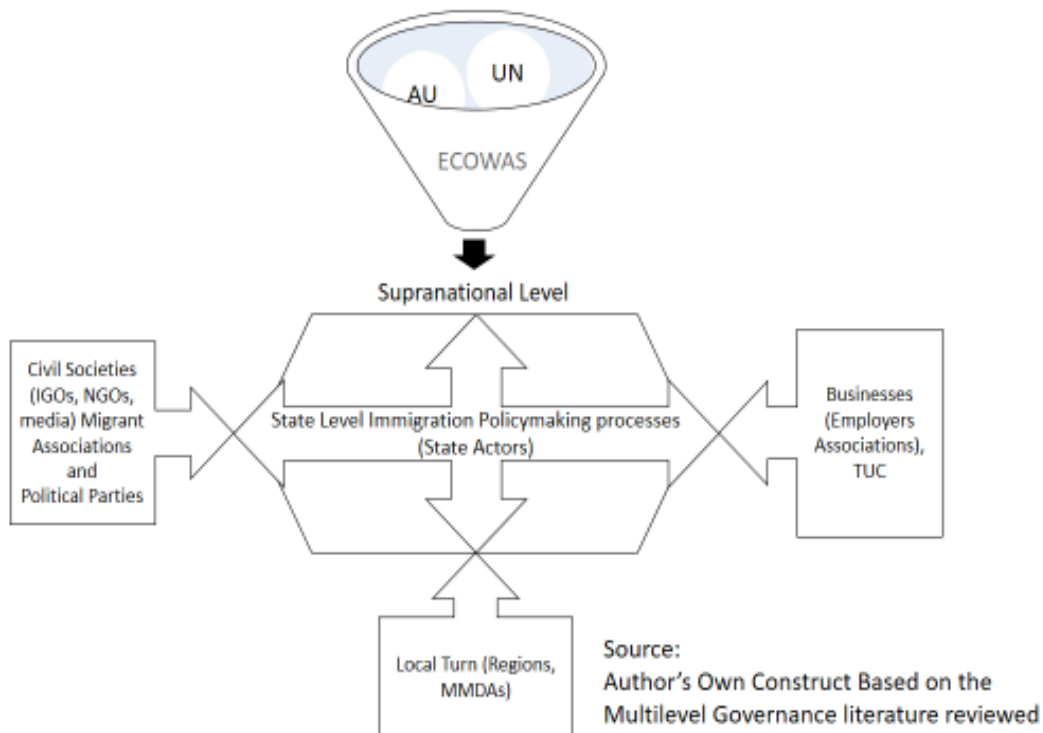
Policymaking at the state level has evolved from a purely centralised system with its hegemon process to a more liberalised form (Campomori & Caponio, 2017). Though nation-states still hold onto its Westphalia concept of sovereignty, some of their powers and responsibilities have been relaxed or shifted upwards, downward and outward in their policymaking processes, including immigration policymaking in Ghana. In light of the above, immigration policymaking at the state level of Ghana has become more complex as one now has to deal with different levels and diverse actors. Therefore, there is a need to complement state interest and power with the dynamism of institutionalisation of international norms and standards that seek to constrain states. Complementing each other means interdependence which is critical in the current dispensation (Geddes & Korneev, 2015). This concept resonates with the theoretical perspective as well as the conceptual framework that has been employed in this study.

Before MLG, other concepts such as inter-governmentality and federalism were the argument, and the nation-state has been the sole regulator of migration governance at the country level (Betts, 2011; Stephenson, 2013). According to Scholten and Penninx (2016), this is because international migration and its consequences, including integration of migrants, and transnationalism/diaspora relations, affect cultural and national identity, both real and perceived. This nationalistic analysis, also called "nation-state-centeredness" (Scholten & Penninx, 2016, p. 92) or "methodological nationalism" (Wimmer & Glick Schiller, 2002, p. 301) have not helped the course of research as it is always about decisions of the nation-state (Scholten & Penninx, 2016). Scholten (2011) indicates the full backing of the nationalism orientation by some scholars and institutions within the academia and policymaking cycles and hence does not help the development of migration research.

MLG brings analysis beyond the nation-state to the table to include the supranational (global, regional and sub-regional levels) and complements the domestic level (sub-national or city level, also known as the local turn). MLG also embraces the role of civil society organisations (CSOs), both international and local, and the private sector mostly referred to as the horizontal level within international circles. Thus, the vertical and horizontal form of the MLG concept (Scholten et al., 2018; Scholten & Penninx, 2016).



**Diagram 2.2: Actors involved in immigration policymaking at the country-level**



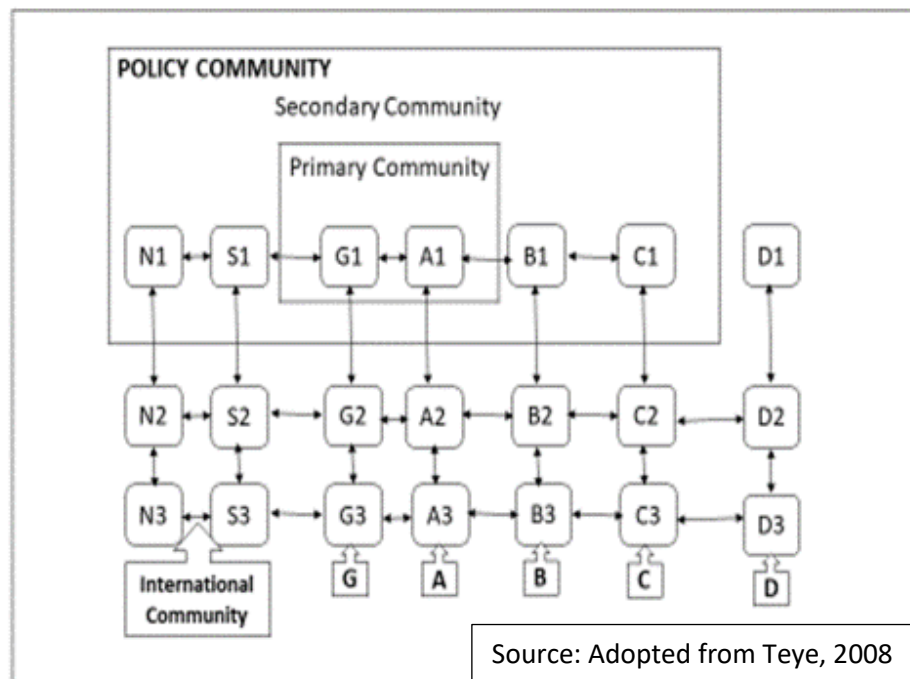
The underlying assumptions are that there are different levels of government, which is the multi-level aspect. The issue is that states have shifted some of their responsibilities upward to the international institutions and toward the local turn (Guiraudon & Lahav, 2000; Van der Leun, 2006). This is the vertical level involving supranational, national and local. The second issue is the involvement of non-governmental organisations at different levels indicating the horizontal aspect. Though a contested point, Scholten (2011), opined that civil society organisations have mobilised on their own to gain influence over policy debates. The last point that has also generated some contestations in MLG is the emergence of complex, heterogeneous, autonomous, yet interdependent actors. This does not mean the powers of the state have been reduced, but the focus is on the policymaking relationships.

### 2.16 The policymaking processes

In Ghana, policymaking has been an elite activity and is mainly controlled by the executive arm of government (Kpessa, 2011; Mohammed, 2015; Teye, 2008). Depending on the sector or area of the policy to be formulated, the Ministries, Department and Agency (MDAs)

concerned have created a network of policymakers who are always available to support the policymaking process. Nevertheless, because immigration is a divisive phenomenon (Duncan, 2012), many chains of diverse interest groups abound, but not all are included in the policymaking process. This is so because some groups are consciously or unconsciously neglected as the networks are created to categorise some actors as insiders and others as outsiders. These insider networks generate a community of policymakers (Teye, 2008). Based on the theoretical and conceptual frameworks adopted for this study, the assumption is that domestic and international actors are part of the policy community. Hence, they interact in an interdependent and complementary manner to formulate immigration policies in Ghana. This same process happens in the implementation of the immigration policies formulated. That is, both the vertical and horizontal dimensions are involved in an interdependent manner. Diagram 2.3 illustrate a pictorial presentation of the immigration policymaking processes, including the supranational, national and devolved levels, as well as civil society organisations from both domestic and international.

**Diagram 2.3: The immigration policymaking processes at the country level**



**Key**

The development partners represent the international community

G- Chain for state politicians, with G1 as government leaders and the legislation

A- MDAs, with A1 being leaders of that department

B, C, D- other interest groups

From the diagram above, G to D, constitute the various interest groups at the domestic level mostly the elites in each group. The Ministry of the Interior, the Attorney-General's Department, and Parliament represents the state and other political networks of officials represented as G. Then there are state institutions within which the state bureaucrats and experts work. In this case, mostly officials from the Ghana Immigration Service also represented as A. Other interest groups including migrant associations, employers' associations, trade unions and domestic CSOs are represented by B, C, and D some of which are consciously or unconsciously excluded from the community of policymakers such as D. The international development partners are designated as the international community. The international community play a major role in the immigration policymaking processes and hence are part of the policy community. They may even initiate or set the agenda for a particular policy to be formulated and support the formulation processes with both funding and technical expertise. The diagram therefore clearly shows the interdependency nature and the networks between the international community and the domestic level who are mostly top officials of government and state institutions.



## CHAPTER THREE

### METHODOLOGY

#### 3.1 Introduction

This chapter discusses the methodology employed for the study and its justification. The chapter focuses on the selection of the appropriate qualitative research paradigm and the methodological tradition or strategy. The research method applied, the data sources and choice and justification of the study area were also discussed. Other areas include ethical consideration, data analysis, the limitations of the study, expected outcome and quality assurance.

#### 3.2 Selection of appropriate qualitative research paradigm

As espoused in section 2.14, the theoretical framework enabled the researcher to go beyond the domestic theorisation of immigration policymaking (Freeman, 1995) to include the international dimension in one study. This approach was employed because of the interdependent nature of the world and the involvement of some of the international development partners of Ghana in immigration policymaking. Countries depend on each other in this globalised world and hence are influenced by the choices and behaviour of other countries and global actors (Simmons et al., 2008). Thus, this state-level analysis of immigration policymaking considers how domestic interest groups, international development partners and the state compete to push their interest and ideas or ideologies to shape the immigration policies of Ghana. The power dynamics that emanate from these processes also need to be understood, as international and domestic (state and non-state) actors are involved (Sections 2.15 & 2.16). In order to understand these complex and messy processes of immigration policymaking in Ghana, the actors involved, and their interest, as well as the power dynamics at play, the interpretivist paradigm was employed for this qualitative case study.

A paradigm is the first step in research design as it gives the researcher a certain kind of lens through which to observe the world and a perspective to behold (Creswell, 2007). Before settling on interpretivism as the paradigm for this study, it is vital to present an overview of the various paradigms employed mainly in the social sciences. Different researchers in different settings and fields of study have employed different paradigms. Nevertheless, the underlying assumption is that a paradigm is "a set of beliefs that guide action" (Guba, 1990, p. 17). It is the "net that contains the researcher's epistemological, ontological and methodological premises" (Denzin & Lincoln, 2005, p. 22; Guba, 1990, p. 17). Lincoln, Lynham & Guba (2018) have argued that the initial contentions among the various paradigms have now given way to a concentration on the development within the paradigms and the divergence and convergence among them. This shift is due to an increasing interest in the paradigms and the use of different types to study various phenomena in the human sciences. The development has also led to the blurring of the paradigms, as predicted by Clifford Geertz in 1980. In the current dispensation, researchers are well-positioned when they understand and can employ different paradigms based on their merits (Tracy, 2020). Among the growing number of paradigms are the positivist/post-positivist, constructivist or interpretivist, and critical theorist and their variants (Creswell, 2014; Lincoln & Guba, 2005; Tracy, 2020).

As indicated earlier, the interpretivist paradigm or approach was employed for this study. It must be noted that the ontological position taken leads to a particular epistemological stance and the subsequent methodological choice, but related paradigms may be combined to complement each other (Lincoln & Guba, 2013; Tracy, 2020). Since the paradigms are rooted in the ontological, epistemological and methodological stance and axiological orientation (Denzin & Lincoln, 2005), their demands are briefly discussed.

Concerning reality, positivists believe there is one reality that exists outside of the researcher. Ontology is the nature of reality, and Lincoln (2005) indicated that it is the theory of reality. Nevertheless, the constructionists opine that there are multiples of reality that exist in the minds of people, and it is the interactions between the researcher and the researched that will lead to the eliciting of the various realities of participants. Epistemology deals with the issue of the nature of knowledge, the source and its validity. The choice here depends on a person's ontological position. To the positivist, knowledge can only be acquired through a systematic measurement using mathematical models or instruments. Knowledge creation must be objective and employ statistical tools for testing variables. Anything less than this is not scientific enough. This is based on the ontological position that there is a single reality out there that must be discovered.

Nevertheless, to the interpretivist, the focus is to understand the meanings and actions and complex processes that come from their interactions with participants. The interactions that come through words and text can then be interpreted to make meaning. Therefore, there is a co-creation of knowledge, and in doing so, the voice of the participants is projected. It is based on the ontological position that there are multiples of reality; hence, for a particular issue, various standpoints must be heard.

Based on the ontological and epistemological stance chosen, a particular methodology will have to be employed. Methodology, also known as strategy, includes the assumptions, principles and procedures employed to approach the research (Schwandt, 2001). Methodology, therefore, serves as the framework of the research. Examples are case study, grounded theory, experiment, survey, histories and archival analysis (Yin, 2018; Creswell, 2014; Lincoln & Guba, 2013).

Axiology deals with the issue of values. As positivist glamour value free and objectivity, interpretivist accept the value-laden nature of research and advocate for the trustworthiness

of the process. The researcher, the researched, the context of the study and other stakeholders must all be considered (Carpenter, 2002; Lincoln & Guba, 2013). Creswell (2007) has opined that the rhetoric of the paradigm should be included. Thus, the language and the voice of the respondents must all be considered. The post-positivist also supports that science is not only based on observable facts that can be measured. The post-positivists believe there is some logical reasoning that should go with the empirical observations. Thus, value-neutrality is a mirage (Bhattacharjee, 2012).

### **3.3 Methodological Tradition or Strategy**

As an interpretivist qualitative research, this study adopted the case study approach. Even though Yin (2003) suggested five (5) strategies for conducting qualitative research, the field has grown beyond this categorisation. Some strategies available are case study, experiment, survey, histories and archival analysis, each having its categories. Others include hermeneutics, grounded theory, and discourse analysis, among others. The case study research methodology involves an in-depth investigation, often with data collected over a period of time, and in this case, immigration policymaking in the Ghanaian context. An embedded single case study design was employed (Bryman, 2012; Yin, 2003). Among other countries, Ghana was used as an example or representative in studying the dynamics of immigration policymaking at the nation-state level. An embedded single case is a case with sub-units. In this context, each unit will bring a diversity of opinions and representation. A single case study has some limitations. Chief among them is the difficulty in choosing either a single or multiple case study and the fact that the findings from a case study cannot be generalised. However, the purpose of this study is to acquire an in-depth and detailed knowledge of immigration policymaking in Ghana, which is the strength of case study (Creswell, 2013; Yin, 2018). The study does not seek to make generalisations that can be applied to other countries. Migration is a complex phenomenon, and adopting a policy on any aspect involves contextual issues. Accordingly, generalisation based on any research on

migration may not be acceptable though some general opinions may be stated based on the findings. For these reasons, the case study research methodology is appropriate for the present study.

### **3.4 Research Method**

Because this study is both an exploratory and explanatory venture, the qualitative research method was employed to help elicit the experiences and perceptions of the participants. The qualitative research method also assisted in the understanding of the interest of various actors, their mutual dependencies, power relations and networks (Creswell, 2009). Prolonged engagement and interactions in the form of in-depth interviews, focus group discussions, and observation were used. Bias was reduced by using data triangulation and member checks. The process includes validating field notes with recordings targeted at gaining a better insight and understanding of the phenomenon (Denzin & Lincoln, 2005). Qualitative research also assisted in the explanations of the complexities and messiness of interactions of actors in order to describe the processes and the context of the phenomenon as well as get nuanced views (Stake, 1995).

### **3.5 Data Sources and Data Collection**

Both primary and secondary data were collected for this study. The primary data were acquired through in-depth interviews, focus group discussions and participant observation. Two (2) groups of actors were targeted and interviewed. The first group of actors comprised high-level civil servants directly involved in immigration policymaking or critical in implementing aspects of immigration policy in Ghana. This category of actors were the key informants as they represented the government or the state in the immigration policymaking processes and decision-making. Ministries, Departments and Agencies (MDAs) whose officials were interviewed included the Ministry of the Interior and the Ministry of Foreign Affairs and Regional Integration. The other agencies were the Ghana Immigration Service

(GIS) and the Ghana Investment Promotion Centre (GIPC). The second group of actors involved were employees of International Organisations working in the field of migration who have an interest in or play roles in immigration policymaking and implementation. Here the International Organisation for Migration (IOM), International Centre for Migration Policy Development (ICMPD) and German Agency for International Cooperation (GIZ) officials were interviewed. Officials from the regional body, the African Union, were also included. These actors were designated as the international community. Two (2) interview guides were prepared, one for the key informants (state actors and non-actors seen as interest groups). Then the other interview guide was for experts. Thirty-three (33) in-depth interviews were conducted using the purposive sampling technique. Apart from the individual interviews, three (3) focus group discussions were held with Senior and Junior Officers of the Ghana Immigration Service at the Headquarters in Accra, the Accra Enforcement Section and the Regional Office in Kumasi. The Ghana Immigration Service was chosen because it has been the lead agency in immigration policy formulation and implementation in Ghana. At the time of this research, the GIS was in the process of reviewing the current immigration Act (Immigration Act 2000, Act 573). The researcher was privileged to attend some of the meetings, workshops and seminars of the committee set up for the exercise to observe the dynamics among the actors in the review process.

Secondary data sources were solicited to validate some of the primary data that were collected. Online, library and archival searches were carried out to collect parliamentary proceedings, annual institutional reports, and policy documents from the ministries and other agencies mentioned from 1909. The Balme Library at the University of Ghana, Ghana Law School Library, and the Public Records and Archival Administration Department (PRAAD) were among the libraries visited. Reports from international organisations like the United Nations, the World Bank, the African Union and ECOWAS were also used. Gender equity consideration was definitely dealt with as both males and females were

interviewed. Out of the thirty-three (33) persons interviewed, ten (10) were females. Again, persons from different institutions, as mentioned above, with diverse interest in immigration policy were interviewed. Thus, both state and non-state actors with different socio-demographic background were involved.

### **3.6 Reflexivity**

This section focuses on reflexivity. It is the “process of critically reflecting on the self as a researcher” (Denzin & Lincoln, 2018, p. 246). As part of the research process to achieve the trustworthiness of a qualitative study like this, methodological reflexivity and personal or self-reflexivity were vital as it opens the researcher up for scrutiny. Self-reflexivity includes the role and relationship of the researcher with the research context, the researched and the data produced, and the report generated (Corlett & Mavin, 2018). In this regard, the researcher reflected on the research process and the outcome (Hardy et al., 2001).

#### **3.6.1 Methodological reflexivity**

Methodological reflexivity concentrates on the method employed 209as it is firmly believed that the choice of a particular method in a study is not neutral. Because, researchers come with their 'philosophical baggage' (Gill & Johnson, 2010, p. 6) and their own biases. It is therefore appreciated that the phenomenon studied, in this case, the dynamics of immigration policymaking in Ghana could have been approached in diverse ways (quantitative, qualitative or mixed method), but qualitative was employed due to the philosophical inclination or position held by the researcher. Thus, the ontological and epistemological position, as indicated in section 3.2 of this chapter and the research questions, led to the choice of a case study strategy and qualitative research methods.

#### **3.6.2 Personal reflexivity**

Personal reflexivity allows the researcher to reflect on how the study was shaped by his interest, motivation, experiences, positionality, political commitments, or perspectives.

Others include the role, identity and power relations of the researcher and the researched (Cunliffe, 2011). The researcher's experience as an Immigration Officer with over twenty (20) years in service led to the choice of the study area. He has roused through the ranks, first as a recruit, and now in the senior category. The researcher has also served in the Ashanti Regional office and the Headquarters, among other commands. Over the years, he realised that no composite and comprehensive immigration policy exists. Again, reviewing existing immigration policies takes a more extended period. For example, it took thirty-seven (37) years before the Aliens Act 1963 (Act 160) was reviewed. Furthermore, the current law is about twenty-one (21) years and counting in a dynamic technological world that is constantly changing. Thus, his motivation is to understand the dynamics of immigration policymaking in Ghana.

Other aspects of personal reflexivity relate to the researcher's role, identity and power relations vis-à-vis that of the researched, also known as 'positional reflexivity' (Macbeth, 2001). It includes biographies, place, biases and the position of the self in the research. These characteristics of the researcher are a vital determinant in the qualitative study as they may influence the data collection processes, the data collected, and even the entire study (Denzin, 2001; Gratton & Jones, 2010). Because of this, positional reflexivity or the researcher's positionality includes background, role, age and education.

The biases about the research need to be addressed as it is of paramount importance in social science study (Rose, 1997). Positionality resonates with the 'insider-outsider' perspective, which generally argues that insiders are more placed in a trusted position and hence respondents, knowing their own, will grant the information needed. There is, however, the perception that outsiders may be seen as neutral and objective, leading probably to their gaining access to the required information (Mohammad, 2001). A third argument, which this researcher accepts and finds himself in, is that the insider-outsider position is not fixed

as it depends on the dynamics of the context, time and status (Teye, 2012; Mullings, 1999). Among the various dimensions of positionality, the major one that is very relevant and influential in this study is the power relations between the researcher and respondents (Cormode & Hughes, 1999). Adapting to the different positions of the researcher vis-à-vis that of the researched or the target population is the appropriate way because it is not always easy to maintain the same power relations with the respondents in this study. The reason is that the respondents are from diverse backgrounds and institutions, including high-level civil servants in the ministries, those working with international development partners, and top immigration officials. Some of them are retired officers and leaders of civil society organisations. All of them together form the immigration policymaking community. While some prefer to be interviewed at the office, others prefer to be interviewed in their homes.

Researching a community of high-level civil servants, as indicated, is challenging. First, some do not see the need to divulge privileged information to someone working with a government agency, and subtly withdrew from the interview. This, was done by continuously postponing the scheduled date for the interview until they finally indicated their unwillingness to participate in the interview after about six (6) months. For example, after demanding to see the research proposal and the introductory letter from the Centre for Migration Studies, University of Ghana, an official withdrew from the interview without any explanation.

Second, because of the COVID-19 pandemic, most of the scheduled interviews were rescheduled several times. Consequently, some of the interviews were conducted via cell phone. Conducting interviews on the phone came with challenges, including internet breaks and loss of voice, thereby prolonging the interview time.

Strategies employed to overcome these challenges include constantly giving assurance and reassurance of confidentiality and anonymity and reading the confidentiality clause to them.

In addition, the introduction letter from the Centre for Migration Studies, University of Ghana, Legon, the approval letter from the various institutions, together with the student identity card, were made available to the respondents at all times. This strategy led many of those contacted accepting to participate in the interview.

### **3.6.3 Representation and Truth**

Concerning representation and truth, this thesis is presented with the inclination that, in principle, "interpretation-free and theory-neutral do not exist" (Alvesson & Skoldberg, 2009, p. 1), and hence, knowledge is 'socially situated, constructed and partial' (Corlett & Mavin, 2018). In writing the qualitative report therefore, I am 're-presenting' not only my interpretations of the qualitative data but also the voice of participants in a particular context and stance (Cousin, 2010), the value-ladenness of an interpretivist work is acknowledged and appreciated

### **3.7 Choice and Justification of Study Area**

As indicated in the problem statement (Section 1.2), available literature on immigration policy is skewed towards the Global North. Few studies have been done in Africa, particularly sub-Saharan Africa. Focusing on countries within this region is good. However, the which country to choose was a complex as the migration phenomenon among these countries, particularly in West Africa, is similar. The site for this study, Ghana, covers a total land surface area of about 238,538 sq. km. Ghana has many natural resources such as gold, diamond, bauxite, manganese, timber and cocoa, and, recently, oil. These resources are the backbone of Ghana's economy. For example, as of the year 2021, agriculture was the main contributor to the country's economy, employing about 52% of the total population. Ghana was chosen because of the following reasons.

First, Ghana is one of the countries with a rich and long history of migration in Africa. Ghana, a founding member of the AU and ECOWAS, has been championing Pan-

Africanism and regional integration since independence. The country has experienced all the processes of immigration, such as controls by the traditional or local authority, the Colonial Administration and then by successive governments after independence. The country has gone through all the migration phases and is currently designated as a net-emigration country and a transit country (IOM, 2019). There have been periods of liberal immigration policies and restrictive immigration policies. There has been a period in which the migrant stock was estimated to be about 12.3% of the population enumerated at the 1960 Ghana Population Census (Anarfi et al., 2003) but 2.5% at the 2010 Ghana Population and Housing Census (GSS, 2013).

Second, even though studies on immigration policy in Ghana are not new, not much has been done. The few studies that have been conducted have concentrated on the Aliens Compliance Order that led to the mass deportation of foreign nationals with no residence permit from the country. Furthermore, most of the scholars who examined the phenomenon have been people from the affected countries or persons who are not Ghanaians; this has the possibility of bias on the part of the researchers (Whitaker, 2017; Aremu, 2013; Peil, 1974; 1971).

Third, after going through some turbulent periods of coup d'états from 1966 to 1981, the country has been enjoying a relatively peaceful political environment and has been touted as a beacon of democracy within the continent. Related to this is the significant economic transformation dominated by state enterprises to trade liberalisation with the private sector now seen as the engine of growth. The oil fine in commercial quantities and, recently, the location of the Africa Continental Trade Center in Ghana will even attract more investors, businesses and immigrants into the country.

Fourth, the location of the country, surrounded by francophone countries with different migration regimes and the changing dynamics of migration governance in the country are

all factors that have led to the choice of Ghana as the site for this study. The country is bordered by Togo, Burkina Faso and the Ivory Coast to the East, North and West respectively, and to the South is the Atlantic Ocean.

Last but not least, as a Ghanaian student studying in Ghana, the choice of Ghana helped to reduce costs and also had ample time to investigate the issues.

**Figure 3.1: Map of Ghana within the Continent of Africa**



Source: Adopted from [louisville.edu](http://louisville.edu)

### **3.8 The Study Population and Access to the Participants**

The initial activity was the identification of the various state and non-state actors that constitute the immigration policy community, after which steps were taken to access participants. The study population were the immigration policy community. These are state and non-state actors directly involved in immigration policymaking and implementation. To access the immigration policy community, purposive sampling (Bryman, 2012), also known as purposeful sampling (Patton, 2015), a non-probability sampling technique, was employed. The purposive sampling enabled the researcher to choose participants in unique

positions to offer more insight into the phenomenon under study (Saunders & Townsend, 2018). The central aspect of the process to reach out to participants was the approval obtained from the needed authorities to allow the researcher to take data from their institution and allow officials willing and ready to participate in the study. Because of this, even before the letters were distributed, gatekeepers were secured at the various institutions. Through these gatekeepers, the researcher was introduced, and the appropriate department and officials were accessed.

### **3.9 Ethical Consideration**

Ethical consideration in every research and at each stage of the research process is critical; hence, researchers ought to adhere to its tenet. Because of this, ethical clearance was secured from the Ethics Committee for the Humanities (ECH) at the University of Ghana before the fieldwork began. The researcher also obtained an introduction letter from his department and distributed it to the agencies identified. This act enabled him to ask permission to interview some of their employees. The necessary verbal and written consent were acquired at all levels in order to achieve active consent of participation. A confidentiality statement was administered during each interview to assure participants of their privacy. The right to withdraw at any point in the process was also assured. The participants were also assured of protecting their privacy, anonymity and confidentiality. Then again, physical measures were adopted to protect all recordings, and the research assistants were trained very well to uphold all ethical standards.

### **3.10 Data Coding and Analysis**

There are many approaches to qualitative data analysis, some of which are grounded theory, discourse analysis, narrative analysis and thematic analysis (Bryman, 2012; Braun & Clarke, 2019a; 2019b; 2012; 2006). Most of these analysis methods are also approaches to qualitative research, except thematic analysis, which is only a data analysis tool and hence

distinguished from the others. It is also important to indicate that there are different variants of thematic analysis (Guest, Macqueen & Namey, 2012; Braun & Clarke, 2006; Fereday & MMuir-Cochane, 2006; Attride-Stirling, 2001; Boyatzis, 1998). This makes thematic analysis flexible and accessible. Therefore, this study employed the thematic analysis version (also referred to as the Reflexive Thematic Analysis), which Virginia Braun and Victoria Clarke championed in 2006 (Braun & Clarke, 2019a, 2019b, 2012, 2006). Braun & Clarke, (2012, p. 57) defined thematic analysis as "a method of systematically identifying, organising and offering insight into the patterns of meanings (themes) across a data set". It is systematic and rigorous but, at the same time, flexible because it has a six-phase approach to analysing data.

The first approach was familiarising with both the primary and the secondary data that were obtained. As with other qualitative data analyses, the audio was listened to very often, alongside reading and re-reading of the transcripts. In doing this, patterns were identified and noted, thereby becoming very familiar with the data.

The second phase was coding the data, which is not a separate activity but part of the reflexive and iterative process to make sure that the codes were related to the research questions and the topic at all times.

The themes sought in the third phase were also related to the topic, the research objectives and questions, and the data set. Phase four involved the review of the initial themes, which led to the collapse or splitting of some of the themes to arrive at the present themes deemed to be better when related to the research topic, objectives and questions, and the data sets. Going through these processes helped to obtain the final themes.

In phase five, each theme was defined and named as indicated in the analysis processes. The last phase was writing the chapters on the findings based on the analysis carried out in a

coherent and persuasive manner to tell the story of the data obtained in relation to the research objectives and questions (Braun & Clarke, 2012; 2006).

NVIVO-13 software was employed to aid the process. Through these processes, shared meanings across the data set were obtained through inductive and deductive means to arrive at the best analysis patterns. With NVIVO-13, the coding was done electronically under the final themes.

### **3.11 Challenges and Limitations of the Study**

Challenges are part of human endeavours, and this research project was no exception. The first challenge was the long delays in securing approval from the head of the various institutions of the participants. While some took at least a month, others took about two months and still, with such approvals, some participants who had decided to participate withdrew after many postponements of scheduled meetings. Another challenge was the difficulty in obtaining access to some secondary data which is vital for the study. The issue of time constraints and funding were also part of the challenges.

### **3.12 Quality Assurance**

It is vital in qualitative research like this to assess and ensure the quality of the work. This create confidence in the findings and the extent of the applicability in the same or other contexts (Lincoln & Guba, 1985). In assessing the quality of a study, LeCompte and Goetz (1982) argued that reliability and validity are the key instruments to employ. However, another school of thought prefer the use of trustworthiness and authenticity in assessing the quality of a study (Guba & Lincoln, 1994; Lincoln & Guba, 1985), and this is the position of this researcher. Other works, such as validation (Creswell, 2007), support this tradition.

In employing trustworthiness to assess the quality of a study, there are four (4) primary criteria. The first is credibility, which entails the building of trust in order to gain confidence in the research findings. This study achieved credibility through the quality of time spent in

the field. The prolonged engagement means continuous engagement with the participants. A period of six (6) months was spent on the field amidst the outbreak of the COVID-19 pandemic. Triangulation of the data collected was also employed. The in-depth interviews were validated with focus group discussions, casual conversations, and observations. Then again, through the use of the Ghana Law School library and Public Records and Archival Administration Department, various immigration laws, policies and reports were acquired to validate some of the claims of the participants interviewed.

The second measurement criterion is transferability. This measure the extent to which the method employed can be applied to the same or similar context. A thick description of the context is rather important. Therefore, a detailed description of immigration policymaking in the Ghanaian context was carried out.

Dependability is the subsequent measurement that ensures that the study may be reproduced or replicated. This was achieved using detailed auditing of existing immigration policy documents available to the researcher. In this regard, the researcher created an audit tray containing immigration policies and laws that existed even before Ghana gained independence in 1957.

The last measure of trustworthiness is confirmability, which suggests objectivity. This involves reducing personal values and biases to avoid influencing the findings of the result. The reduction of biases was made possible through the continuous auditing and triangulation of the techniques employed in acquiring the data and its interpretation. Reflexivity was also carried out regularly to reduce biases, if any. Aside from these, some transcripts were sent back to the respondents to validate what they said and meant. Validation checks the transcription (Savin-Baiden & Major, 2013; Yilmaz, 2013; Bryman, 2012; Guba & Lincoln, 1994).

## CHAPTER FOUR

### AN ANALYSIS OF THE EVOLUTION OF IMMIGRATION POLICIES IN GHANA

#### 4.1 Introduction

This chapter is on the evolution of immigration policy in Ghana. The objective here is to examine the extent of change and the trend of restrictiveness of immigration policy in the country. The findings are based on the question; how has immigration policy changed in Ghana? The findings in this chapter are mainly based on formal and legally approved immigration policies. Secondary data from the colonial, early independence and contemporary eras were systematically compared. These include Gold Coast Annual reports, immigration ordinances, acts, regulations and other laws on immigration obtained from the PRAAD, the Ghana Law School Library, the Ghana Immigration Service, the Ghana Police Service and the Ministry of the Interior. The comparison helped to identify the divergence and continuities of immigration policies of the three eras.

#### 4.2 Contextualising the Evolution of Immigration Policies into Three Eras

The contextualisation of the evolution of immigration policy in Ghana has been theorised in different ways. For example, Adjepong (2013) examined it from different political regimes. However, based on the data available and the context in which public policy, in general, has been studied, the context of immigration policymaking can broadly be divided into three (3) periods, namely, the colonial era, the early independence era and the contemporary era. Though colonisation started earlier, the data revealed that immigration policy became visible in 1909. Hence, in this study, the colonial era starts from 1909 to 1957. The post-independence era has been divided into two periods based on the immigration policymaking environment; - the period from early independence to the beginning of the Fourth Republic (1957-1992) and the contemporary era, which is the period that makes up the Fourth Republic (1992-date). The periodisation employed is in line with

what other public policy scholars in Ghana have identified (Amoako-Tuffour, 2008; Gyimah-Boadi, 2010; Kpessa & Atuguba, 2013; Mohammed, 2015; Ohemeng, 2005). The context in which immigration policies operate is many. However, this study focused on four, including political and economic context at the domestic level, the international environment and the general public policymaking space of each era. These contexts are discussed under the three eras identified in section 6.2 of chapter six.

### **4.3 The Colonial Era**

In this study, the colonial era starts from 1909, when per the available data, the first immigration policy, the Immigrant Paupers Ordinance, was identified, to 1957, when Ghana gained independence.

#### **4.3.1 Colonial Immigration Policies**

Within this period, two types of immigration policies were uncovered: the Ad-Hoc and Principal Immigration policies. The Ad-Hoc immigration policies were enacted between 1909 and 1925 to respond to specific immigration issues or target populations. The Principal Immigration policies, on the other hand, cover all immigration issues at a time and all target populations by using different policy tools from different policy areas. However, where necessary, these principal immigration policies are amended to include, exclude or separate policy areas or policy tools.

#### **4.3.2 Area of Coverage of the Colonial Immigration Policies**

This section concentrates on the area of coverage of the immigration policies of the colonial era. Immigration policies during the colonial era were focused mainly on admission or entry controls and regulations, even though other policy areas were covered. For example, out of the seven (7), Ad-Hoc immigration policies identified, all except one were enacted to regulate and control the entry of persons into the Colony. The remaining one was to regulate deportation (Refer to Appendix 2). Again, the era's two (2) Principal Immigration policies,

thus, the Immigration Restriction ordinance of 1926 and the Immigration Ordinance of 1947, heavily focused on admission controls and regulations. Part of the preamble to the Immigration Restriction Ordinance of 1926 states that the Ordinance's purpose was "to impose restriction on immigration into the Gold coast".

As a result of the admission-centred nature of immigration policies of the Colonial Administration, prohibited immigrant as a control tool was core to the administration of immigration controls during this era. First, paupers were restricted from entry. However, the Immigration Restriction Ordinance of 1926 enlarged the group of persons to be restricted and categorised them as prohibited immigrants. Since then, such persons have been prevented from entry except under special dispensation. In order to detect and prevent the entry of Prohibited Immigrants from entry, masters of ships were to furnish returns on the prescribed form of all non-native passengers intended to disembark to the Immigration Officer.

Further, persons disembarking shall only be permitted to do so after appearing before the Immigration Officer, examined and issued the Immigration Officer's Certificate. Regardless of the means of entry; - sea, air or land, all non-natives were required to appear before the Immigration Officer. Any non-native who disregarded this or failed to comply was liable to pay a fine of fifty pounds (£50). It was further provided that except a conditional or visiting or transiting permits have been issued, any prohibited Immigrant who enters the country shall be guilty of an offence. Upon conviction, they shall be liable to pay a fine of fifty pounds (£50) or imprisonment for six months and may be deported. When a Prohibited Immigrant slips through and is found within eighteen (18) months of his/ her entry, whether it is an oversight or not, such a person will still be treated as a Prohibited Immigrant. Deportation will be effected, even if a complete sentence has not been served (Section 12 (1-3)).

Another policy area covered during the colonial era was removal, particularly deportation. Because of this, deportation ordinances were separated from immigration ordinances in 1935. The separation led to the promulgation of the Aliens Ordinance (No. 20 of 1935) to make provisions concerning aliens' deportation regulation and control. Furthermore, the Immigration Restriction (Amendment) Ordinance 1937 was enacted to include natives from other West African territories in the scope of the Principal Ordinance. Thus, some West African natives who were excluded initially from immigration controls were effectively roped in. Again, the British Immigrant Subjects (Deportation) Ordinance of 1945 was enacted to make provisions for the deportation of undesirable immigrant British Subjects. Thereby effectively decoupling the deportation processes and procedures of such British Subjects from that of other aliens. This act amounts to discrimination.

Other areas covered by the Colonial Administration's immigration policies include residence, employment and registration of aliens. No residence permit was mentioned, but the Colonial Administration allowed the holder of the Immigration Officer's certificate or the Conditional permit to stay and work. Section 10 of the Immigration Restriction Ordinance 1926 states:-

“The Immigration Officer shall furnish every non-native immigrant who shall appear to be fit and proper person to be received as an immigrant with a certificate in the prescribed form” (Section 10 of Immigration Restriction Ordinance, 1926).

Section 11 of the same Ordinance indicates that a pauper who, according to section 5(5), is categorised as a Prohibited Immigrant may be granted conditional permission to enter and stay for six (6) months, subject to the deposit of an amount of sixty pounds (£60) or provide security bound to that effect. The certificate issued will enable the holder to stay in the country and on demand by an Immigration Officer or a Police Officer of or above the rank of Assistant Commissioner, produced for inspection. Within six (6) months of the grant of a conditional permit, the Immigration Officer's certificate may be issued to the person if the Immigration Officer is satisfied that such a person is fit and proper to be received as an

immigrant. In that instance, the deposit will be refunded. This is, therefore, the route that a non-native pauper may be permitted to stay in the country then.

Concerning employment, the primary concern was about immigrants becoming a liability. The first mention of companies, firms, hosts and associations concerning the employment of non-natives was in the Immigration Paupers Ordinance of 1909, section 2 (1), which indicates that;-

“any person other than a native of West Africa arrives in the Colony under an engagement to serve any person, firm, company or association, in any capacity and within a period of eighteen (18) months from the date of such arrival, such person become in the opinion of the Provincial Commissioner destitute and unable to support himself or otherwise chargeable to the Colony, then the person, firm, company or association with whom such engagement was made shall be liable to pay to the government all cost and charges and the cost of his removal from the Colony” (Immigration Paupers Ordinance of 1909 section 2 (1)).

That is a liability clause for employers who will engage non-natives at the time. Thus, from the very onset, employers were made responsible for the non-natives they employed. This statement is echoed in almost all immigration policies related to the employment of other nationals. As such, employers who contract non-natives as well as indentured labourers into the country were liable for their deportation expenses (Section 2 (1), 1917; Section 14 (2) of 1926 and Section 21 of 1947). Employers were, therefore, required to provide a deposit or security to cater for the deportation expenses if the need arises. It is also required of persons who want to employ indentured labourers to seek the Governor's consent. Without the Governor's approval, the landing or entry of such labourers was prohibited as enshrined in Section 2 (1) of 1917.

Furthermore, with regards to aliens' registration, it was reported in the 'Annual Report on Social and Economic Progress of the People of the Gold Coast, 1936-1937' that the Police were "responsible for the control of immigration and the registration of aliens" (Annual Report of the Gold Coast, 1938, p. 75). Other earlier reports also affirm this;-

“Registration of domestic servants and duties in connection with immigration and the registration of aliens” (Annual Colonial Reports 1932, p. 35).

“The Department also kept a Register of all Europeans and Asians entering and leaving the Colony, and full particulars of all aliens and their movements are recorded”. (Annual Colonial Report, 1929, p. 30).

Selection is another immigration policy area that was obscured but covered by colonial immigration policies. The first mention of the idea of immigrant selection is with the Immigration of Labourers Restriction Ordinance of 1917, which was enacted to restrict the immigration of indentured foreign labourers into the Colony. Section (2) (1) of the said ordinance states;-

"No person, not of European or West African origin or descent, who has signed or entered into an agreement to labour for hire in the Colony or whose passage has been paid on his behalf with a view to his entering into such an agreement on arrival, shall be permitted to land in the Colony without the written consent of the Governor first and had obtained" (Section 2 (1) Immigration of Labourers Restriction Ordinance 1917).

This provision indicates that foreign indentured labourers need express permission before travelling to the Colony. This is not an admission policy but a selection policy.

Again, as part of the Defence of the Colony (CAP 180), during WWI, aliens were, from 1<sup>st</sup> July, 1918, required to register with the nearest police station. Section (1) indicates that;-

"No alien, not being of African origin or descent, shall enter the Gold Coast Colony (except from Ashanti) otherwise than in strict accordance with the following provisions, namely, that he shall be in possession of a valid passport and shall produce the same for inspection as and when he may be required so to do by the competent Government authority" (the Defence of the Colony, (CAP 180)).

Thus, a passport became a requirement for entering the Gold Coast Colony. On 28<sup>th</sup> August, 1919, the Colonial Administration promulgated the Former Enemy Aliens (Restriction on Immigration) Ordinance, which was to last for three years. This Ordinance was to control the immigration into the Colony of former enemy aliens, which the Ordinance interpreted to mean;-

“A person who is a citizen or subject of a state with which His Majesty was at any time during the year 1918 at war” (section 2 (a)).

These persons can only be admitted into the Colony when they can obtain Immigration Permit signed by the colonial secretary authorising entry and other conditions that may be attached. Section (3) of the ordinance states;-

"No former enemy alien shall enter the Colony unless he shall first have obtained an Immigration Permit signed by the Colonial Secretary authorising his entry, or otherwise than in accordance with the conditions if any, attached thereto" (Section 3, Former Enemy Aliens (Restriction on Immigration) Ordinance).

An Immigration Permit, according to the Ordinance, "is a permit granted by the Colonial Secretary under section 3" (section 2 (b)) and is supposed to be issued before travelling and shown on arrival. This makes it a selection tool different from the Immigration Officer's Certificate of 1926, which is issued upon arrival.

#### **4.3.3 Institutional Arrangements**

Institutional arrangement for administering immigration policies is another area of importance. During the adoption of Ad-Hoc immigration policies, immigration duties and functions were also variously performed by different government officials. Competent Government Authorities who performed immigration duties and functions during this era were; the Provincial Commissioner, the Colonial Treasurer, the Colonial Secretary, District Commissioners, Customs Officials and Police Constables. Some of their duties include determining a destitute, receiving and keeping deposits, preferring sanctions, and recommending arrest and removals. For example, Section 4 of the Regulation of Immigrants Ordinance of 1914 made provision for the arrest and punishment of persons who contravenes the Ordinance, while Section 3 states that;-

"Any person landing in the Colony in contravention of the provisions of section three hereof shall be guilty of a misdemeanour and shall be liable to arrest without warrant by any Customs Officer or Constable" (Regulation of Immigrants Ordinance 1914).

After the period of Ad-Hoc immigration policies, the Governor in Council, by Order No. 32 of 1925, which came into force on 1<sup>st</sup> April 1926, appointed Immigration Officers to perform the functions provided in the Immigration Restriction Ordinance of 1926. The Order placed

immigration duties under the then Police Force and provided that the Inspector General of Police (IGP) act as the Principal Immigration Officer. Also, all Police Officers who were not below the rank of Assistant Commissioner of Police were designated as Assistant Immigration Officers. Where there is no such Police Officer, Customs officers not below the rank of Collectors are designated as Assistant Immigration Officers, and where there is none of the above, the District Commissioner can issue the Immigration Officer's Certificate.

It is, however, observed that the immigration functions were placed in the hands of high-ranking Police Officers who were all Europeans. In this regard, the immigrants, mostly Europeans and Asians, were managed by Europeans, effectively preventing the native Police Officers (mostly junior in rank) from immigration duties. A clear case of discrimination, whites dealing with whites – immigration duties were the preserve of the colonial elites. Everything was in the bosom of the British, from the immigration policymaking stage to its implementation. The Governor and the Legislative Council, dominated by the British, decide on immigration policies. These policies were then administered by the elites in the Police. At the Ministry level, the 1935 Aliens Ordinance placed the oversight responsibility of the deportation of Aliens under the Minister responsible for External Affairs. The 1947 Immigration Ordinance gave the powers to appoint Assistant Immigration Officer to the Principal Immigration Officer, whom the Governor in Council appoints.

#### **4.3.4 The Policy Tools or Mechanisms**

The available data suggested that the following policy tools or mechanisms were employed to regulate and control immigration in each area of immigration policy. In relation to admissions, the tools employed include;- returns on passengers, (dis)embarkation authorisation, appearance before an Immigration Officer for examination, prohibited

immigrants and recognised or approved place of entry or exit. Others are Immigration Permit, Immigration Officer's certificate, conditional permit, visiting pass and transiting pass. Offences and sanctions were as well incorporated into the immigration ordinances for controls.

#### **4.3.5 Target Population, Exclusions and Exemptions**

The Colonial era immigration policies generally targeted Asian and other non-natives of the Gold Coast. However, different ordinances at different periods were specific to certain groups or categories of persons. Also, except for record keeping as provided in the European and Asiatic Passengers ordinance (No.8 of 1912), Europeans were largely excluded from immigration controls. Others excluded were natives of the Gold Coast and West Africa, but the Immigration Restriction (Amendment) Ordinance 1937 included some categories of West Africans. Suggesting that all British Subjects or British Protected Persons or Persons deemed to be British Subjects were excluded. Some categories of persons were exempted due to bilateral and multilateral agreements.

#### **4.4 Early Independence Era**

The early independence era is from 1957, the year of independence, to 1992, marking the beginning of the fourth Republic. Not only that, but the early part of the 1990s also marks the starting point of a relatively peaceful political environment in Ghana and the introduction of liberal economic policies and the quest for Foreign Direct Investment (FDI). Thus, a move away from just Africanisation or Ghanaianisation or self-reliance to a development agenda that encompasses domestic and foreign participation. This period marks the beginning of the call for greater public participation in public policymaking grew in Ghana. It is the beginning of continental and sub-regional integration leading to the introduction of the Organisation of African Unity now African Union as well as ECOWAS and its Free Movement Protocols.

#### **4.4.1 Immigration policies of the Early Independence Era**

The period began with the Ghana Nationality Act, 1957 (No. 1), promulgated to differentiate Ghanaians from other nationals staying in the newly independent country. Then the Deportation Act 1957 (No. 14) was enacted to abolish the differences between the procedure for deporting aliens and that for deporting Immigrant British subjects. While the Immigration Act 1957 (No. 15) was also promulgated to repeal the Immigration Ordinance 1947 and introduced residence permits and employment authorisation. There was the Deportation (Amendment) Act, 1957 (Act 65), 1959, to introduce Supervision order as part of the Deportation processes. Also, the Immigration Act of 1957 and its regulations of 1958 and 1959 came into force in the year 1959. However, with some few marginal amendments, the Deportation and the Immigration Acts were merged and, with other modifications, replaced with the Aliens Act 1963, Act 160 to:-

“Consolidate with modifications, enactments relating to the immigration, residence, employment and deportation of aliens” (the preamble to the Aliens Act, 1963, Act 160).

In December of the same year, the CPP Government introduced the Foreign Travel (Exit Permits) Acts 1963 (Acts 212), a repressive policy aimed at controlling and regulating the international travels of Ghanaians.

Per the data available, between 1963 and 1992, about twelve (12) different amendments to the Aliens Act 1963, Act 160 were carried out (refer to Appendix 2). Some of these amendments were marginal, while others were substantial. One of the substantial changes was the Aliens Acts, 1963 (Amendment) decree 1968 by the NLCD and its regulations, the Aliens (Permits of Prohibited Area) Regulations 1969 (L1 612), enacted to introduce prohibited area regulations. To operationalise the various immigration laws, the Busia Government issued the Aliens Compliance Order 1969 on 18th November 1969, ordering all aliens in the country to regularise their stay within two weeks or leave the country. The

introduction of the Aliens Compliance Order led to the first-ever mass deportation of aliens from the country.

#### **4.4.2 Area of Coverage of the Immigration Policies**

During this era, the main focus of immigration policies shifted from just admission-centred to include residence and employment authorisation policies that culminated in the mass deportation of immigrants from the country, most of whom were West African nationals, notably Nigerians.

The early independence era was built on the colonial legacy related to admission or entry controls. Because admission control mechanisms such as returns on non-native passengers, disembarkation authorisation, appearance before an Immigration Officer, Prohibited Immigrants, exclusions and exemptions and penalties were operational already, the major additions were the provision of the legal and illegal place on entry. Other additions are the provision of disembarkation cards in 1957 and the persons on direct transit. Concerning a prohibited immigrant, one of the dimensions that was introduced was a medical declaration.

Section 6 (1) (d) states;-

“a person (other than a citizen of Ghana) is in this Act referred to as a prohibited immigrant if and so long as (d) a Health Officer certifies that it is medically undesirable that he should be permitted to enter Ghana” (Section 6 (1) (d) of the Aliens Act 1963, Act 160).

After independence, more control measures were adopted to regulate departure from the country. The first is the completion of the embarkation form. Section 14 of the Immigration Act of 1957 provided that all persons leaving the country, including citizens, were to complete the prescribed form. Building on this section, Regulation 12 of the Immigration Regulations 1958 and Section 7 (1) of the Statistical Ordinance (CAP 251) require that an embarkation card, Form H, be completed at the point where the person would leave Ghana or at the nearest immigration or police office as the case may be. This provision was repeated in Section 26 of the Aliens Act 1963, Act 160; Regulation 16 of the Aliens Regulations

1963, L.I 265 and Section 5 (1) of the Statistical Act 1961, Act 37. The inclusion of the statistical act is obvious to demand that data on departure in Ghana must be properly collected and analysed for decision-making and planning. It also indicates the importance of migration data to nation-building and national development.

On 10<sup>th</sup> December 1963, Dr. Nkrumah's government introduced what came to be known as the Exit Permit. The Foreign Travel (Exit Permit) Act 1963, Act 212 placed restrictions on all citizens of Ghana who wanted to travel outside the country and hence an exit permit was needed in order to be permitted to leave at the point of departure. After acquiring the requisite visa of the destination country, international travellers must apply and obtain the exit permit through the Minister Responsible for Immigration on the prescribed form. The President then has to approve foreign travels of ministers and other high-ranking officials. All persons who obtained the exit permit must abide by the conditions attached.

After independence, two (2) significant policies related to the immigrant's residence were introduced, and the scope of immigration policy expanded because of the redefinition of a Ghanaian. These two (2) policies required a residence permit for all aliens who wanted to reside in the country and employment authorisation. A person must be a Ghanaian citizen to be excluded from having these documents. All non-Ghanaians must necessarily obtain a residence permit in order to stay in the country legally, except exempted persons under special arrangements or protocols as in Section 3 of the Immigration Act 1957 or Section 4 of the Aliens Act 1963 and Regulation 1 as well as the first schedule of the Aliens Regulations of 1963. Sections 10 to 13 of the Immigration Act 1957 and regulations 6 to 9 of the Immigration Regulations 1959, all of which commenced in May 1959, made provisions and prescriptions on the issuance of immigration permits. Under this Ordinance, immigration permit includes residence, visitor's and transit permits and are issued on the prescribed form by an Immigration Officer with the necessary conditions attached. Stamps

were therefore introduced to be fixed or endorsed into the passport of the person to whom the permit is issued.

The introduction of the residence permit in 1957 indicates a paradigm shift from the Colonial Administration's focus on admission controls to include residence and employment controls in immigration policymaking in Ghana. There were two forms of residence permit; Form C, issued to Principal Holders entitled to work, and Form D, to dependents of holders of Form C or for a family reunion or other social issues such as schooling. Form E was issued to persons in transit, and Form F was for visitors. It is important to note that because of this concept, holders of the dependence permits would have to change to Form C if they wish to work in the country.

Regulation 6 of the Immigration Regulations 1959 extensively dealt with the processes and procedures to acquire a residence permit. First, qualified persons are to be issued a residence permit. They include persons who intend to enter the country to work for persons or employers who hold authorisation under Section 15 of the Immigration Act 1957 to employ foreign nationals. Second, persons who intend to establish their own business and third, persons who practice their profession in the country. There is a fourth dimension. Under certain circumstances, the Minister may grant a residence permit to a person to stay for a longer period or indefinitely to work in a specific occupation as specified by the Minister of the Interior. The Immigration Officer, granting a residence permit, was clothed with the powers to determine the conditions to be attached. These conditions were the duration, which should not exceed two (2) years, the security bound to be furnished, and the place of residence. Further, the holder of a residence permit cannot transfer the permit to another person or undertake any employment except specified or permitted.

Transit permit holders have to leave the country within 14 days. During the colonial era, duration was not specified, except for a demand that the holder must pass as quickly as possible. According to Regulation 6 (6) of Immigration Regulations 1959, which takes root

from Section 5 of the Immigration Act 1957, people on visitor's permit are permitted to remain in the country for a period not exceeding 28 days. The Principal Immigration Officer may grant a longer period but may not exceed two (2) months or as may be directed by the Minister. It is a requirement that the place to reside and the occupation or business to follow should be specified. In this regard, holders of visitor's permit by this Regulation may be permitted to follow some specific occupation (Regulation 6 (6) (iv) 1959).

Though Regulations 5 of the Aliens Regulations 1963 maintained the three permits, some conditions attached were modified. The primary condition that was modified and is of significance here is the provision that holders of visitor's permit were not to undertake or follow any occupation for reward except when it has been specified on the permit. This is a departure from that of 1959, where it was not clearly stated that a visitor's permit holder cannot take up employment.

The NLC regime through the Aliens Act 1963 (Amendment) Decree of 1968 and the Aliens (Permit for Prohibited Areas) Regulations, 1969, introduced what came to be popularly known as the Prohibited Area Permit. These laws made it illegal for an alien to enter or remain in almost all areas in Ghana where minerals such as gold and diamond are extracted. Any alien who wanted to enter or remain in such areas as specified in the act was to apply and obtain a Prohibited Area Permit on the prescribed form. The application should be in Form A, and the permit issued on Form B. Defaulters were to be sanctioned; hence, the issuing authority has to keep records of all permits issued. A register of aliens entering or leaving any such area must be kept by the police. In 1971 and 1974, some amendments were made to the residence regulations of aliens in the country through the Aliens (Amendment) regulations number 2 and 3. The significance of the amendments was that no residence permit fees were to be paid by farm labourers.

The Immigration Act of 1957 introduced employment authorisation in addition to the liability clause already in operation. In this regard, employment authorisation and residence permit were linked. Thus, persons, companies, or entities seeking to employ immigrants

must acquire the required authorisation permit from the Ministry of the Interior. This provision is enshrined in Section (15) of the Immigration Act 1957. Section 15 (1) indicates;-

"The Minister in writing authorise any person to employ a specific number of employees of a specific description, and may grant to a person several of such authorisations each in respect of one description of employee; and any person, whether a citizen of Ghana or otherwise, who employs any person not coming within a description specified in any such authorisation granted to him or employs a greater number of employees of a description specified in any such authorisation granted to him than is permitted thereby, shall commit an offence," (Section 15 (1) of Immigration Act, 1957).

Thus, the strongest indication is that no person, either Ghanaian or foreign national, can employ an immigrant without express authorisation from the Minister responsible for immigration then. However;-

"The Minister by order may delegate to the Minister responsible for Commerce his powers subsection (1) of this section, so far as those powers relate to authorising the employment of persons engaged in commercial or industrial undertakings (Section 15 (3), 1957).

Based on this provision, other agencies could granted permission to issue employment authorisation in the country, which serves as a prerequisite document for Immigration Service to issue the required permit to enable the immigrant to stay legally and work. After obtaining authorisation to employ, the employer will also have to obtain a residence permit for the immigrant employee. So, the two go together. Therefore, employing any immigrant without employment authorisation and residence permit is illegal. Each permit issued has conditions attached; hence, the permit may be revoked when the conditions are broken.

Though aliens' registration was mentioned during the colonial era, such a registration excluded persons from other West African areas. The Immigration Act of 1957 and its regulations of 1959 demanded that aliens from the sub-region register in order to control them. During a parliamentary debate on the Immigration Bill 1957, the parliamentary secretary to the Ministry of the Interior, Mr. E. A Mahama categorising migrants in the country included persons from the neighbouring West African Counties commonly referred

to as "migrant labour". These are so because they were mainly employed to do menial works on cocoa farms, in the mines and in the construction industry that the natives or indigenes refused to do. Mr. Mahama indicated that these migrant labourers were to register with the police so that they could control them. He emphasised;-

"The government have, however, reserved to themselves the right to require that any particular section of this class of person shall register with the police so that we shall have a record of them and can keep some measure of control over them" (Parliamentary Debates, 3rd July, 1957).

In this regard, registration of West African aliens in the country began. The object was to keep records of them to help regulate their stay, but many refused to register.

The removal component of immigration policy is in three different forms: by the first or next available means, repatriation either voluntary or compulsory and deportation. The first aspect is employed chiefly as an admission tool to remove an undesirable person upon arrival as quickly as possible. When the person has entered the country, one of the other two aspects of removal may be used. However, the processes and procedures of each differ. During the early independence era, deportation was the principal tool employed. Because of this, the new administration modified the colonial deportation policies immediately after independence. They merged the two deportation ordinances of 1935 and 1945 and instead replaced them with the Deportation Act 1957 (No. 14). According to the Parliamentary Secretary to the Minister of the Interior and Justice then, Mr. E. A. Mahama, the primary purpose of the Deportation Bill was;-

"to abolish the existing differences between the procedure for deporting aliens and that for deporting Immigrant British subjects. Such differentiation was outdated, and no longer existed in other Commonwealth countries. Hence, the Bill was to repeal the Aliens Ordinance 1935 and the Immigrant British Subject (Deportation) Ordinance and to have instead a single act dealing with deportation, in certain circumstances, of all persons who are not citizens of Ghana" (Parliamentary Debates Official Report, Tuesday, 2<sup>nd</sup> July, 1957).

The CPP administration, realising that immigration and deportation are inseparable, merged the two acts, the Deportation Act 1957 and the Immigration Act 1957, leading to the

promulgation of the Aliens Act 1963, Act 160. During the parliamentary debate, Mr. Kwaku Boateng, the then Minister of the Interior, contended that:-

"It has been found necessary to amalgamate in one Bill the provisions of an existing Immigration and Deportation Acts because the two subjects of Immigration and Deportation are closely connected, and it is more convenient to have them together in one Bill. This Bill, therefore, is largely a restatement of the existing law, and it does not seek to effect any major changes in the substance of our Immigration and Deportation laws". (Parliamentary Debate Official Report, Friday, 7th December, 1960).

This indicates that even within the same regime, immigration policy may change.

Even though some deportations were effected during the colonial era and then the time of the CPP government, the most prominent deportation occurred during the Busia administration. As a result of the non-compliance of the immigration laws of the country and the then government's resolve to free up economic space for Ghanaian businesses, the government, through the Minister of the Interior, Mr. Simon Diedong Dombo, issued what has come to be known as the Aliens Compliance Order on 18<sup>th</sup> November, 1969. The order states:-

"It has come to the notice of the government that several aliens of Africans and non-Africans in Ghana do not possess the requisite residence permit in conformity with the laws of Ghana. Others are engaging in the business of all kinds contrary to the terms of their visiting permits. The government has accordingly directed all aliens in the first category, those without residence permits, to leave Ghana within fourteen days, which is not later than 2nd December, 1969. Those in the second category should strictly obey the terms of their entry permits, and when these have expired, they should leave Ghana. The Ministry of Interior has been directed to comb the country thoroughly for defaulting aliens, and aliens contravening these orders will be dealt with according to the law" (Aliens Compliance Order on 18<sup>th</sup> November, 1969).

The order is not a new law or amendment but a directive issued to all aliens in the country to comply with the immigration laws of the country by acquiring a residence permit within two weeks from the date the order was issued or leave the country. This order led to the first-ever mass deportation of aliens in the country, most of whom were West African nationals, particularly Nigerians. The situation was evident because the various immigration

policies adopted after independence led to the creation of undocumented immigrants. Because during the colonial era, West Africans staying in the Colony were deemed to be British Subjects or British Protected Persons or Persons deemed to be British Protected Persons. The early independence era did not focus on selection controls. The selection of prospective immigrants was part of the government's foreign policies. Hence part of the duties of the Ministry of Foreign Affairs at the time.

#### **4.4.3 Institutional Arrangement**

Some institutional changes were effected after independence. A Cabinet decision on 19th July, 1960, based on a proposal from the Ministry of the Interior, led to the transfer of the Immigration and Passport Unit at the Ghana Police Service to the Ministry of the Interior and a new Immigration Department was created. However, issuance of Ghana passports were placed under the Ministry of Foreign Affairs. The Cabinet letter can be found in the Public Records and Archival Administration Department (PRAAD) file ADM13/1/29. It is also well captured in existing scholarship (Pokoo-Aikins, 2009). Concerning the evolution of the administration of immigration, a Retired Immigration Officer indicated that;-

"The Immigration Service presently as constituted is a security institution under the Ministry of the Interior. It began as a small unit known as Immigration and Passport Division in the Gold Coast Police during the colonial era. That is how the Immigration issues started in Ghana, the Gold Coast time" (2020/GIS/RTD/IDI/01, Fieldwork, 2020).

An attempt made to establish Immigration Service in 1971 could not materialise. A Private Member Bill was passed but not implemented. As a result of the military takeovers, some changes took place, one of which was the administration of Ghana's borders. The Border Guard duty, under the Ghana Police Service, was transferred to the Ghana Armed Force under the new name Border Guard Division. The police handed over to Colonel J.A Kabore on 29th June 1972. Their responsibility was to control and protect the country's land borders against external or internal threats arising from irregular entry and/or smuggling of goods and persons (Pokoo-Aikins, 2009). The Border Guard Division was disbanded, and its

border patrol function was transferred to Customs, Excise and Preventive Service (CEPS). This assertion was corroborated by Retired Immigration Officer, as illustrated in the following quote:-

"In 1972, NRCD 133 Amendment Decree was passed, and the duty of patrolling the borders was assigned to the Border Guards, who formed an integral part of the Ghana Armed Forces. The Border Guards Unit was disbanded by the Ghana Armed Forces Amendment Law PNDC Law 63. That was 1983, this law was formed, and then Customs took control of the patrolling of the borders. So, the protection of the borders shifted to the wing of the Customs, Excise and Preventive Service (CEPS)" (2020/GIS/RTD/IDI/01, Fieldwork, 2020).

These shifts show that immigration functions and duties have been variously performed by many public and civil institutions. For the table showing the chronology of institutions that have managed and continue to manage immigration in Ghana, refer to Appendix 4.

#### **4.4.4 Policy Tools or Mechanism**

The admission tools during the colonial era were largely maintained. A few additions were the introduction of disembarkation forms, direct transit facilities and an illegal place of entry. Concerning residence, Residence Permit (Forms C/D), Authorisation to employ Immigrants/ License to Employ an Alien and Aliens Registration were introduced. As part of removals, Supervision Order and Repatriation were introduced.

#### **4.4.5 The Target Population, Exclusions and Exemptions**

The target population of immigration policies in this era were non-Ghanaians. Ghanaians were generally excluded, except those embarking on international travel or engaging an immigrant to work. However, the ECOWAS Protocol on Free Movement, Right of Residence and Employment introduced in 1979 led to the exemption of ECOWAS nationals from visa requirements. The remaining two issues in the protocol have since remained a source of controversy. Other migrants were exempted during the colonial era depending on bilateral, regional and multilateral agreements.

#### **4.5 The Contemporary Era**

The contemporary era is from 1992 (the fourth Republic began) up to date. This period is characterised by a relatively peaceful political atmosphere and economic and trade liberalisation where the country is opened to more foreign participation. There is a call at the international level for greater global and regional migration governance as well as perceived public policy participation.

##### **4.5.1 Immigration Policies of the Contemporary Era**

The Aliens Act 1963, Act 160, which existed for 37 years, was still in operation up to 2000, though with many amendments. This era saw the introduction of many aspects of developmental dimension into immigration policies. Because of globalisation, trade and economic liberalisation agenda of the then government, the (P)NDC, led by Flt. Lt. Jerry John Rawlings. So, the Ghana Refugee Act 1992 (ACT 305) was promulgated to domesticate the International Refugee Conventions. Employment authorisation, which was then solely issued by the Ministry of the Interior, was liberalised to allow the GIPC to grant automatic and open quotas. In this regard, the Investment Code (Immigrant Quota) Regulations, 1992 (LI1543) and the Aliens (Amendment) Regulations 1994 (L.I 1581) was made on 25th January 1994 to insert the grant of immigrant quota into the Principal Act. Again, the Immigration Act 2000, Act 573 and its regulations, the Immigration Regulation 2001(L1 1691), were introduced to repeal the Aliens Act of 1963 and also made provisions for the diaspora. Long-term residence permit and visa regime were also introduced. Further, policies were made to step up the fight against irregular migration. In this regard, the Anti-Human Trafficking Act, 2005 (ACT 694) and the Immigration (Amendment) Act, 2012 (Act 848) were enacted. ECOWAS and the African Union protocols on the Free Movement of Persons, Right of Residence and Establishment also became pronounced. Recently, because of the Corona Virus pandemic, policies were made to prevent the importation of the virus. The Restrictions Act 2020 (Section 3 (1) (c) states that "the President may impose a

restriction" under sub-section (1) of Section 2). As a result of these provisions, E.I 64 was issued on 23rd March, 2020, announcing the closure of Ghana's borders to international travel, excluding the importation of goods and other exemptions. Paragraph 5 emphasised that;

"Further to paragraph 1 (1) (b), all borders of Ghana, by air, land and sea, are closed to human traffic for two weeks,

This provision is subject to paragraph 6, which deals with a review of restrictions and states that;

"Where the exigencies of the situation require, the duration of restriction specified under paragraph 2 and the restrictions on travel to Ghana under paragraph 5 may be varied per subsection (2) of section 4 of the Imposition of Restrictions Act, 2020 (Act 1012)".

The restrictions on land and sea were in force from 23rd March 2020 to 27th March, 2022.

Thus, two years of closure. Air travel was lifted on Tuesday, 1<sup>st</sup> September, 2020.

#### **4.5.2 Area of Coverage of the Immigration Policies of this Contemporary Era**

The immigration policy direction of this contemporary era includes selection, admission, residence and employment, and removal. Thus, it encompasses all four policy areas of immigration policy as conceptualised in this study and discussed in chapters one and two. Because of the path-dependency nature of immigration policymaking, subsequent administrations or eras only build on the previous policies. The only additions to the existing admission controls in this era were the provisions on Border Residence and the powers granted to the Immigration Officer to make enquiries. An Immigration Officer may as well detain a person for further examination. With the departure, the additions include an illegal place of exit and departure conditions. However, the exit controls issued in 1963 have been repealed. As such, Ghanaians no longer need to go through that process before they can travel out of the country. Nevertheless, one needs to meet the conditions of departure as enshrined in Section 12 of the Immigration Act 2000, Act 573.

Regarding the residence of immigrants in this era, Indefinite Residence Status and the Right of Abode were included in the Immigration Act 2000, Act 573, to introduce long-term residence permit and encourage the Ghanaian diaspora to return or relocate to Ghana. As part of the opening up of the quota system, work permit and immigrant quota were new additions. The Ministry of the Interior was the only institution that issued immigrant quotas. However, with the opening up of the quota regime, the Ghana Investment Promotion Centre (GIPC) was mandated to issue automatic quotas, which are dependent on the investment levels of a particular firm. The Ghana Free Zones Board was also empowered to facilitate the acquisition of residence permits at the Ghana Immigration Service. Other organisations facilitating residence permit issuance include the Minerals Commission and the Petroleum Commission. The Ghana Immigration Service issues work permits on a temporal basis.

Another new addition is the submission of the cessation of employment letter to the Ghana Immigration Service. Thus, when an employee changes or ceases to work in a company for which a residence permit was obtained, the employer and the employee must inform the Ghana Immigration Service in writing.

Again, provisions to sanction persons working without authorisation in the country were introduced. Employers were to pay penalty for illegal employment. This was not in the previous enactments. Although provisions were made in the Immigration Act 573, currently, the National Identification Authority, under its Foreigner Identification Management System (FIMS) Project, register and issue non-citizen identity cards.

There are no new introductions to the removal policies. The three ways of removal by the first or next available means, repatriation and deportation, still hold. In the current dispensation, deportations have been dormant. However, the other strands of removals, thus, refused entry and repatriation, which is at the discretion of the head of the GIS, have been more active, as shown in Table 7.3.

Provisions related to the selection of immigrants into the country were well captured in the Immigration Act 2000, Act 573 and its regulations (L.I 1693). Other laws deal with consular duties, but under the Immigration Act 2000, Acts 573 and its regulations, provisions were made for the issuance of various categories of visas, including visa on arrival, entry visa at the consulate, emergency entry visa and re-entry visa. Among these, the entry visa issued at the consulate has been issued by the Ministry of Foreign Affairs. However, under the current administrative law, the Immigration Service Act 2016, Act 908, issuance of visas has been stated as part of the functions of the Immigration Service.

#### **4.5.3 Institutional Arrangements**

After the Immigration service Act 1989 (PNDC law 226) established the Ghana Immigration Service as a Para-Military institution, it paved the way for the development of the Service. The Ghana Immigration Service was therefore included in chapter 14; Article 190; Clause (1) of the 1992 constitution, placing it under the Public Services of Ghana, thus, a move away from the Civil Service status. As a security service, it was also accommodated in the Security and Intelligence Agencies Act, 1996, Act 526, which is now repealed and replaced with Security and Intelligence Agencies Act, 2020, Act 1030. Since 2016, the PNDC Law 226 that gave birth to the Ghana Immigration Service has been replaced with the Immigration Service Act 2016, Act 908 and Immigration Service Regulations 2016 (L.I 2245). These new laws effectively provide for the organisation and administration of the Immigration Service, and the functions of the Service are provided. These functions have placed the Service as the country's lead agency of immigration regulations and controls.

#### **4.5.4 Policy Tools or Mechanism**

As has been the practice, admission tools added during this era to the already existing ones include provisions on Border Residence, power to make enquiries and to detain a person for further examination. Illegal exit and conditions of departure were introduced to control

departure. In addition to the existing residence permits, Indefinite permit and the Right of Abode were introduced to enable the diaspora to acquire permanent residence in the country. Again, Work Permit, Immigrant Quota and change or cessation of employment notification were provided. Penalty for illegal employment was introduced to deter employers from engaging foreign nationals without express approval. Then also, selection tools were provided, including visa on arrival, entry visa, emergency entry visa, and re-entry visa.

#### **4.5.5 The Target Population, Exclusions and Exemptions**

During this era, the target population were still non-Ghanaians. Then Ghanaians and dual nationals were excluded. The upgrade of exemption categories based on bilateral, regional and multilateral agreements continued.

#### **4.6 Divergence and Continuities of the Three Eras**

There have been two dominant approaches to the comparative study of immigration policies. They include between two countries or among many countries. On one hand, these studies may focus on a small number of countries or a particular immigration policy area (Hammar, 1985; Shin, 2017). On the other hand, the focus may be on a large-size study of immigration policies involving many countries and the use of databases (Gest et al., 2014; de Haas et al., 2019; Helbling et al., 2020).

Others also compare immigration policies of different periods within a country (Bennett, 1991; Holzinger & Knill, 2005), which is also the focus of this study. This section compares the immigration policies of Ghana dependent on the three (3) different periods employed in this study. While many scholarships concentrate on cross-national convergence of immigration policies (Bennett, 1991; Holzinger & Knill, 2005), this section of the study concentrate on the internal comparison dependent of the three eras. Again, as indicated in section 4.4, there are five major policies and many substantive and marginal changes and/or amendments. This section will compare stated immigration policies of the three time periods

to ascertain the major differences and similarities in the policies of these eras. While divergence denotes the increasingly diverse nature or difference of the policies of the eras, convergence refers to the "growing similarities of policies over time" (Holzinger & Knill, 2005, p. 776).

#### **4.6.1 The Origin and Trends of Immigration Policies in Ghana**

First of all, the study found that state level immigration policies of Ghana were introduced by the Colonial Administration, which corroborates the assertion by Adjepong (2013). These policies, however, became entrenched during the early independence era, with their implementation becoming more complex in the contemporary period. These changes are because of the increasing linkage and demand for global and regional migration governance, trade and economic liberalisation, diasporan engagements, and other global challenges.

#### **4.6.2 Dependent Nature of Immigration Policies of the Three Eras**

Furthermore, it emerged that each era builds on the previous one in two ways; first, the mechanisms employed to control and regulate immigration are similar in all eras. The mode of application and content may differ, but the principles were the same. An example is the mechanism of prohibited immigrant and the various permits. Another example is that the colonial era started with Ad-Hoc policies and then introduced Principal Policies that lasted for a long time with subsequent amendments to either include or separate an aspect of a policy area or policy tool. In this regard, subsequent policies during the early independence and the contemporary eras were re-enactments of the existing policies with some modifications. The dependent nature of new policies on existing ones is clearly stated in the preambles of the various immigration or aliens acts.

#### **4.6.3 Policy Focus or Direction of Immigration Policies of the Three Eras**

Another important finding is that while the colonial era immigration policies were more admission-centred, the focus shifted to including residence and employment authorisation,

and deportations during the early independence era, as indicated in the preamble of the Aliens Act 1963, Act 160. Then in this contemporary era, the focus encompasses all the areas that constitute immigration policy as conceptualised in this study. Thus, selection, admission and departure, residence and employment authorisation, and removals.

#### **4.6.4 Similar Mechanisms Employed to Regulate Immigration**

Again, it has emerged that the mechanisms employed to regulate each policy area across the eras were similar. Though the content or the extent of coverage may differ in an era, the principles remain the same. Some of these mechanisms or tools are; (dis)embarkation authorisation, appearance before an Immigration Officer for examination, prohibited immigrants and recognised or approved place of entry or exit and returns on passengers. These are related to admission policies. The Immigration Officer's Certificate, Conditional Permit, Visiting Pass and Transiting Pass, Immigration Permit (residence permit C/D, visiting and transit permits), quota and work permit are all related to residence and employment. Those related to removals are refused entry by the first or next available means, repatriation and deportation. Then mechanisms related to selection include visa on arrival, emergency entry visa, re-entry visa and the visa issued at the consulate.

#### **4.6.5 The changing identities of immigrants**

The construction of migrants' identities is not a new phenomenon or a preserve of a particular country. Throughout history, individuals or groups who move to another community are framed as strangers in their new place (Hampshire, 2013; Shack, 1979). The concept of the stranger has been contested for being ambiguous, vaguely used, and sometimes employed metaphorically in literature to mean a character different from others (Shack, 1979). In international migration, however, the stranger is implied to mean a visitor, a newcomer, a guest, an alien, foreigner or an immigrant on the bases that the person or group of persons are socially different, have a different language and way of life (Skinner,

1963; Shack, 1979). Thus, the concept of the stranger has been employed to distinguish between members of a host society and visitors. As a result of new developments, many migrants have assumed multiple identities, such as second-generation migrants and transnationals (Hampshire, 2013). Through the various immigration policies, this study found that different constructions and ideas have been employed to represent the stranger in Ghana. Examples include alien, foreigner and immigrant.

#### **4.6.6 Changing Institutional Arrangements**

The management of immigration controls in the country has swung from security institutions to civilian institutions and back to security institution. Again, different aspects of the immigration policy component have been managed by different institutions since time immemorial. As seen from Table 4.3, before the arrival of the Europeans, chiefs and local authorities regulated the admission, residence and economic activities of strangers who came into their mist and visitors or persons seeking passage through their territory (Skinner, 1963; Schildkrout, 1970). This corresponds with the findings in Europe (Borkert et al., 2011). Nevertheless, it changed when the British took over the country's governance. A case in point that shows a shift of allegiances of the strangers to the British in Kumasi is reported by Schildkrout in his article entitled "Strangers and Local Government in Kumasi" written in 1970. He wrote;-

"While Prempeh I was in exile (1896-1924), the strangers unambiguously regarded the British Chief Commissioner as the high authority in Kumasi. He had, in a sense, replaced the King and ministered the town with the help of a council of chiefs" (Schildkrout, 1970, p. 259).

The British went ahead to establish an immigration system to determine who entered their defined territory. This is a clear indication that the presence of the British weakened and undermined the authority of the traditional rulers. During the period of Ad-Hoc immigration policies, diverse actors were involved in the administration of immigration. However, from 1925, immigration duties were placed under the Gold Coast Police Force. Acting on Cabinet

approval, the Ministry of the Interior established an Immigration Department, and immigration duties were transferred from the Police to the Ministry. These arrangements lasted from 1960 to 1989, thus, twenty-nine (29) years. The Rawlings Regime, through the PNDC law 226, ceded the Immigration Department from the Ministry of the Interior to establish the Ghana Immigration Service as a Para-Military institution. However, the Interior Ministry still is the supervisory Ministry. Currently, the Immigration Service is part of the Public Services of Ghana and the National Security System.

#### **4.7 The Extent of Restrictiveness of Immigration Policies of the three Eras**

This section concentrates on the extent of restrictiveness of immigration policies in the three eras. Despite contestations relating to the conceptualisation and methodology of immigration policy (Helbling & Leblang, 2019; de Haas, et al., 2018), the dominant assertion in the study of the evolution of immigration policy is that immigration policies continue to be complex (de Haas et al., 2018). Infantino (2010) employed the externalisation of European border controls to assert that immigration policies have been restrictive. Massey (1999) used the concept of 'Fortress Europe', while others based their argument on the securitisation of migration (Boswell, 2007a; Ibrahim, 2005). Other scholars have, however, opined that immigration policies have become more liberal and attribute their assertion to globalisation, international human rights and multilateral regimes (de Haas et al., 2018).

Furthermore, there is a third position, which is that immigration policies in the global north were generally restrictive from 1900 to 1945. However, after WWII, immigration policies became liberal from the 1950s up to the 1980s. In the 1990s, they argued that there was a positive balance between liberal immigration policies and restrictions. This assertion is based on the data from the DEMIG (Determinants of International Migration)) project database (de Haas et al., 2018; de Haas, Natter & Vezzoli, 2014). They further pointed out

that though generally migration policies are becoming liberal, different components were either being restrictive or less restrictive. These changes have created complexities within immigration policy studies (Helbling & Leblang, 2018; de Haas, et al., 2018). Using the same DEMIG project database to assess the restrictiveness of South African migration policy Carciotto (2021) arrived at a similar conclusion. There are some divergences as well as convergence when these findings are juxtaposed with the findings from this study,

The restrictiveness of immigration policy in Ghana is based on the increase or decrease of the rights of migrants or the targeted population or group (de Haas et al., 2016). When a particular policy increases migrants' rights, that policy is described as less restrictive or liberal. However, when the policy decreases migrants' rights, it is restrictive or more restrictive depending on the extent of the decrease.

The extent of restrictiveness of immigration policies is analysed based on each of the four components of immigration policies in Ghana. Then the overall level of restrictiveness is also assessed. These analyses are situated in the three time periods already mentioned.

#### **4.7.1 Admission Policies**

Admission policies have tended to be increasingly restrictive, which contradicts the findings of Hein de Haas, Katharina Natter and Simona Vezzoli in 2016. They instead concluded that entry and integration policies have become less restrictive. Table 4.4a shows that admission policies were restrictive during the colonial and early independence eras. It has become more complex in the contemporary era because many other tools have been included.

As already indicated, the Colonial Administration operated an admission-centred immigration policy. Their main focus was on the restrictions of the prohibited immigrant to ensure that undesirables were not admitted into their territory. Also, the creation of an international context due to the attainment of independence led to more restrictions. In

addition to the existing conditions of entry, legal and illegal places of entry at the land borders were also created, thereby restricting movements along the land boundaries to a particular point of entry. Furthermore, the Border Guard Unit of the Police Service was ceded to the Ghana Armed Forces in 1972 under the new name, the Border Guards Division, with the responsibility of patrolling unapproved areas and preventing smuggling. This mandate affirms the conclusions by Pokoo-Aikins in his book entitled "The Police in Ghana; 1939 to 2009". The increase in the restrictions at the border at this time was because of increasing insecurity within the country as a result of the rampant military takeovers and perceived increasing smuggling. From the 1990s to date, even though investment has been linked to immigration policies, admission regulations have been more complex and restrictive due to the perceived insecurity within the sub-region, threats of terrorism and, more recently, the impositions of restrictions on international travel as a result of the COVID-19 pandemic.



**Table 4.1a: The Extent of Restrictiveness of Admission Policies**

| ADMISSION POLICIES  | PURPOSE OF THE POLICY  | EXTENT OF RESTRICTIVENESS | TARGET GROUP   |
|---|--|---------------------------|--|
| <b>Colonial Era</b>   |  |                           |  |
| The Immigrant Paupers Ordinance: (No. 10 of 1909, No. 17 of 1912; No. 14 of 1919) <i>28<sup>th</sup> June, 1909</i> (CAP 178) | To make provision concerning destitute persons landed or left in the Colony;   | Restrictive               | All destitute  |
| The European and Asiatic Passengers ordinance (No.8 of 1912) <i>1<sup>st</sup> July 1912</i> (CAP 176)                        | To provide for the registration of arrivals and departures of Europeans and Asians to have accurate data or statistics of the European and Asian population in the Colony. | Less restrictive          | European and Asiatic Passengers                          |
| The Regulation of immigrants ordinance (No. 4 and 7 of 1914) ( <i>18<sup>th</sup> March 1914</i> ) (CAP 175)                  | To make provision to regulate the immigration of persons not born in any part of West Africa   | Restrictive               | All Aliens but Excludes West Africans & Exempted persons |
| Immigration of Labourers Restriction Ordinance (No. 15 of 1916) <i>1<sup>st</sup> January 1917</i> (CAP 177)                  | To restrict the immigration into the Gold Coast Colony of Indentured foreign labour  | Restrictive               | Indentured foreign labour                                |
| The Former Enemy Aliens (Restriction on immigration) ordinance (No.8 of 1919) (CAP 179)                                       | To restrict immigration into the Gold Coast Colony of former enemy aliens <i>28<sup>th</sup> August 1919 enforced until 28<sup>th</sup> August 1922</i> )                  | Restrictive               | The Former Enemy Aliens                                  |
| Aliens Passports <i>1<sup>st</sup> July 1918</i> (CAP 180)  | In defence of the Colony, aliens from 7 <sup>th</sup> July, 1918 or within seven days of entry into the Colony shall produce their passport for inspection.                | Restrictive               | All aliens   |
| Immigration Restriction ordinance (1 <sup>st</sup> April 1926) Ordinance (CAP 42)   | Returns on Non-Native Passengers; Disembarking Authorisation; Appearance before Immigration Officer and prevention of Prohibited Immigrant                                 | Restrictive               | Non-Native Passengers and Undesirables                   |
| The Immigration Ordinance (1947) (CAP 48)   | Added Persons who entered at places where Officers are not Assigned; Conditions of Entry into Ghana and Declaration of Recognized Airport/ Aircraft                        | Restrictive               | Non-Native Passengers; All air travellers; Undesirables  |

| <b>Early Independence Era (1957-1992)</b>                                |  |                                   |   |
|--|--|-----------------------------------|---|
| The Immigration Act 1957 (No.15)   | Added only Disembarking (Form A)   | Less restrictive                  | All migrants, including West African nationals      |
| The Immigration (Amendment) Regulation 1960 (L.I 82)                     | Prohibit the entry of a citizen of the Union of South Africa without the requisite documentation   | Restrictive                       | Citizen of the Union of South Africa                |
| Immigration (Amendment) Regulation 1961 (L.I 1961) 1961                  | Restricted citizens of Portugal without possession of the requisite documents  | Restrictive                       | Citizens of Portugal                                |
| The Aliens Act, 1963 Act 160, Assent on 9 <sup>th</sup> January 1963     | Added Returns of Passengers; Persons on Direct Transit and Illegal Place of Entry  | Restrictive                       | All migrants, including West African nationals      |
| Aliens (Amendment) Act 1965  | Immigrants to possess Travel Documents   | Restrictive                       | All migrants  |
| Aliens (Routes of Entry) Instrument 1965                                 | To amend the Alien Act 1963, Act 160 to include Krokosue on 3 <sup>rd</sup> June 1965  | Less restrictive                  | All migrants  |
| <b>Contemporary (1992-Date)</b>  |  |                                   |   |
| Immigration Act 2000, Act 573; Assented on 2 <sup>nd</sup> February 2000 | Added Border Residence; Power to Make Enquiries and Power to Detain a Person for further Examination   | Less/more restrictive and complex | International travellers, except persons, permitted |
| Anti-Human Trafficking Act, 2005 (ACT 694) 5th December, 2005            | For the prevention, reduction and punishment of human trafficking,   | More restrictive and complex      | International travellers, except persons, permitted |
| Immigration Amendment Act 2012 (Act 848) 27th June, 2012.                | To amend the Immigration Act, 2000 (Act 573) to provide for the offence of migrant smuggling.  | Less/more restrictive and complex | International travellers, except persons, permitted |
| E.I 64 on 23rd March, 2020   | A travel ban was imposed on all modes of travel into the country, including air, sea and land. On 1st September 2020, the air travel restriction was relaxed, but sea and land travels are yet to be lifted. | More restrictive and complex      | International travellers, except persons, permitted |

Source: Author's Own Construct Based on Immigration Policies from 1909 to 2021

#### 4.7.2 Exit Policies

Table 4.1b also shows the extent of restrictiveness of exit policies. Exit controls during the colonial era were more liberal. They became more restrictive after independence and for Ghanaians in particular as a result of the introduction of the exit permit in late 1963. It has

become more complex and restrictive in this contemporary era, as also indicated by de Haas et al. (2016).

**Table 4.1b: The Extent of Restrictiveness of Departure Policies**

| DEPARTURE POLICIES   | PURPOSE OF THE POLICY   | EXTENT OF RESTRICTIVENESS         | TARGET GROUP                       |
|--|---|-----------------------------------|------------------------------------|
| <b>Colonial Era</b>  |   |                                   |                                    |
| The European and Asiatic Passengers ordinance (No.8 of 1912) 1st July 1912 (CAP 176) | To provide for the registration of arrivals and departures of Europeans and Asians. | Less restrictive                  | Only European and Asian population |
| Immigration Restriction ordinance (1st April 1926) (CAP 42)                          | Returns on Non-native Passengers Embarking  | Less restrictive                  | Non-Native Passengers              |
| <b>Early Independence Era (1957-1992)</b>  |   |                                   |                                    |
| The Immigration Act 1957 (No.15)   | Departure Formalities (completing the prescribed form)                              | Less restrictive                  | International travellers embarking |
| The Aliens Act, 1963 Act 160, Assent on 9 <sup>th</sup> January 1963                 | Returns of Passengers and Departure Formalities (completing the prescribed form)    | Restrictive                       | All International Travelers        |
| Foreign Travel (Exit Permits) Acts 1963 (Acts 212)                                   | Ghanaians need to acquire it before travelling abroad                               | More restrictive                  | Ghanaians                          |
| <b>Contemporary era (1992-Date)</b>  |   |                                   |                                    |
| Immigration Act 2000, Act 573; Assented on 2 <sup>nd</sup> February 2000             | Added Illegal Exit and Conditions of Departure                                      | Less/more restrictive and complex | All International Travelers        |

Source: Author's Own Construct Based on Immigration Policies from 1909 to 2021

#### 4.7.3 Residence and Employment Authorisation

A residence permit is one of the major areas of immigration policy and determines the legal status of a migrant in a particular country. There are short or temporal and long-term residence permits (Helbling et al., 2020; de Haas et al., 2015). Employment authorisation is related to the residence permit, which is the official permission granted to an employer to employ a non-national in the country. Table 4.5 depicts the extent of restrictiveness of residence/employment authorisation policies. The Colonial Administration did not impose residence permit requirements, so the Immigration Officer's Certificate issued is as good as a residence permit. This finding collaborates with the assertion by Zolberg (2006), who concluded that the Colonial Administration did not demand any requirement for a residence permit. There was no employment authorisation, except the employer's guarantees to bear the removal cost if necessary.

Immediately after independence, residence permit, employment authorisation and registration of West African nationals were introduced into the new Immigration Act of 1957. The introduction of these requirements led to the creation of undocumented immigrants in the country because most African nationals did not obtain residence permit or even register. These new provisions were consolidated into the Aliens Act 1960, Act 160. The Ghanaian Enterprise Decree (NLCD 323), enacted on 30th December 1968, was to reserve small-scale enterprises of less than 100 employees to Ghanaians. The Aliens Acts, 1963 (Amendment) decree 1968 and the Aliens (Permits of Prohibited Area) Regulations 1969 (L1 612) were to regulate entry into places demarcated as mining areas were all introduced by the National Liberation Council (NLC).

With all these laws available, the Busia administration, on 18<sup>th</sup> November, 1969, issued the Aliens Compliance Order to compel undocumented immigrants to regularise their stay, but this led to mass deportation, most of whom were West African nationals, previously treated as indigenes by the Colonial Administration. Thus, the residence and employment authorisation of migrants became more restrictive during the early independence era.

From the 1990s, the PNDC government introduced economic liberalisation policies leading to the opening up of employment authorisation and the linkage of investment levels to residence permit. This has led to a complex mixture of less and/or more restrictive residence and status changes depending on the target population and the sector of employment. COVID-19 restrictions, including mandatory testing, have even led to more restrictive residence permit acquisition. The following quote shows that more restrictive measures have been put in place because of the COVID-19 pandemic;-

"So, at the Immigration front, some changes will come and currently, we have come out, and I play a key role in it with amendments to some of our directives on medical checks for people who want to stay in the country, be it on short term or long term basis or permanent basis. All of them will very soon be implemented. One has to undergo medical checks, including COVID-19, at a certain rate, and it is supposed to come off on 1st July, something like that" (2020/GIS/MM/II/04, Fieldwork, 2020).

An indication that residence and employment authorisation will even be more restrictive.

**Table 4.2: The Extent of Restrictiveness of Residence/Employment Authorisation Policies**

| <b>RESIDENCE/EMPLOYMENT AUTHORISATION POLICIES</b>  | <b>PURPOSE OF THE POLICY</b>  | <b>EXTENT OF RESTRICTIVENESS</b> | <b>TARGET GROUP</b>                                  |
|---|---|----------------------------------|--|
| <b>Colonial Era</b>   |   |                                  |  |
| Immigration Restriction ordinance (1 <sup>st</sup> April 1926)<br>Ordinance (CAP 42)          | Employers/host<br>Deposits/ Security<br>/Guarantee  | Less restrictive                 | Employers  |
| <b>Early Independence Era (1957-1992)</b>   |   |                                  |  |
| The Immigration Act 1957<br>(No.15)   | Residence Permit<br>(Forms C/D);<br>Authorisation to<br>employ Immigrants/<br>License to Employ an<br>Alien and Aliens<br>Registration/Registration<br>of Foreign Nationals<br>in Ghana                             | More restrictive                 | Immigrants<br>employers and<br>immigrants<br>workers |
| The Aliens Act, 1963 Act<br>160, Assent on 9th January<br>1963                                | Added Renewal of<br>Permit; Revocation of<br>Permit; Submission of<br>Passport for Inspection<br>and Stamping; and<br>Conditions Governing<br>Permits   | Maintain the<br>restrictiveness  | Immigrants<br>employers and<br>immigrants<br>workers |
| The Aliens Acts, 1963<br>(Amendment) decree 1968<br>(NLCD)                                    | Prohibited Area Permit  | More restriction                 | Immigrants<br>entering<br>Prohibited Area            |
| Aliens (Permits of Prohibited<br>Area) Regulations 1969 (L1<br>612)                           | Permits of Prohibited<br>Area Regulations   | More restriction                 | Immigrants<br>Entering<br>Prohibited Area            |
| Aliens Compliance Order<br>1969 (18 <sup>th</sup> November, 1969)                             | To order all aliens in<br>the country to<br>regularise their stay<br>within two weeks   | More restriction                 | Undocumented<br>Immigrants                           |
| The Aliens (Registration)<br>Regulations, 1974 (L1. 856)<br>was made on 24th December<br>1973 | All aliens are supposed<br>to register at the district<br>where they reside, and<br>hotel managers and<br>owners of dwelling<br>houses should furnish<br>the District<br>Immigration Officer<br>with particulars of | Restrictive                      | All aliens   |

|  |   |                                   |   |
|--|---|-----------------------------------|---|
|  | aliens staying in their dwelling.   |                                   |   |
| Aliens (Registration) (Amendment) Regulation 1974 (13th May 1974)            | Non-Ghanaian ex-servicemen and their families and persons in the employment of a statutory corporation were to register   | Restrictive                       | Non-Ghanaian ex-servicemen                  |
| <b>Contemporary era (1992-Date)</b>  |   |                                   |   |
| Investment Code (Immigrant Quota) Regulations, 1992 (LI1543)                 | All applications for immigration quotas for any person with respect to any investments in Ghana shall be submitted to the Ghana Investments Centre                      | Less restrictive but complex      | Immigrant Employers                         |
| Aliens (Amendment) Regulations 1994 (L.I 1581) was made on 25th January 1994 | Amended Aliens Regulations 1963 (L.I 265) to insert the grant of immigrant quota  | Less restrictive                  | Immigrant Employers                         |
| Immigration Act 2000, Act 573; Assented on 2nd February 2000                 | Added Indefinite Residence Status; Right of Abode; Work Permit and Immigrant Quota; Change or Cessation of Employment & Notification and Penalty for Illegal Employment | Less/more restrictive and complex | Immigrants employers and immigrants workers |

Source: Author's Own Construct Based on Immigration Policies from 1909 to 2021

#### 4.7.4 Removal policies

Table 4.3 presents the extent of the restrictiveness of removal policies. During the colonial era, removal policies, particularly deportations, were employed in a targeted manner. In 1935 deportation policies were separated from the major immigration policies, and a further amendment was done in 1937 to define native;-

“As someone who had lived in the Gold Coast for seven consecutive years and whose parents had been born in the Colony and were “ordinarily resident” (The Immigration Restriction (Amendment) Ordinance, 1937).

This definition means some persons who claimed to be natives were targeted. Thus, only second-generation migrant children were considered natives, and they must reside in the country continuously for seven (7) years. This provision is a very repressive approach, as it restricts the qualification criteria of who a native is. In 1945, the processes involved in the deportation of British subjects were separated from the existing Alien's Deportation Ordinance. This enactment differentiated the procedure and the processes for the deportation of a British subject from that of other aliens. From Table 4.3, it is clear that removal policies during the colonial era became targeted and discriminatory towards the end of the era. While during the early independence era, removals became more pronounced, culminating in the mass deportation of undocumented aliens from Ghana. However, in this contemporary era, removals have been more complex, and a shift from deportations to repatriations.



**Table 4.3: The Extent of Restrictiveness of removal policies**

| REMOVAL POLICIES   | PURPOSE OF THE POLICY   | EXTENT OF RESTRICTIVENESS | TARGET GROUP   |
|--|---|---------------------------|--|
| <b>Colonial Era</b>  |   |                           |  |
| The Alien Deportation and Censorship Legalization Ordinance (No.10 of 1916) (31 <sup>st</sup> August 1916) (CAP 183)             | To legalise acts of detention and deportation of aliens and opening and detention of postal matters and telegraph messages declared lawful. Takes retrospective effect from 4 <sup>th</sup> August 1914   | Restrictive               | Aliens liable for deportation  |
| Immigration Restriction ordinance (1 <sup>st</sup> April 1926) Ordinance (CAP 42)  | Punishment and Deportation of Prohibited immigrants, Convicts and Dependence and Refused entry by the Next Available Means.   | Restrictive               | Non-Native Passengers  |
| The Aliens Ordinance (No. 20 of 1935) No. 33 of 1941 1 <sup>st</sup> July 1935 (CAP 43)  | To make provisions concerning aliens' deportation administration  | Restrictive               | All Migrants, excluding West Africans and categories, exempted                                   |
| The Immigration Restriction (Amendment) Ordinance, 1937  | The object of this Ordinance is to bring within the scope of the Principal Ordinance natives of West Africa other than those who belong to the Gold Coast native, classified as someone who had lived in the Gold Coast for seven consecutive years and whose parents had been born in the Colony and were "ordinarily resident." | More restrictive          | Allowed immigration officers to refuse entry to any person other than a native of the Gold Coast |
| Immigrant British Subjects (Deportation) Ordinance 31 <sup>st</sup> December 1945; Ordinance No. 26 of 1945; 45 of 1950 (CAP 50) | To make provision for the deportation of undesirable immigrant British subjects and other connected purposes.   | Less restrictive          | Undesirable immigrant British subjects   |
| <b>Early Independence Era (1957-1992)</b>  |   |                           |  |
| The Deportation Act 1957 (No. 14)  | To abolish the existing differences between the procedure for deporting aliens and that for deporting Immigrant British subjects.   | Less restrictive          | Persons to be Removed  |
| Deportation (Amendment) Act, 1957. (Act 65), 1959  | Supervision order was introduced as part of the Deportation processes   | Less restrictive          | Persons liable for deportation   |

|  |  |                  |                           |
|--|--|------------------|---------------------------|
| The Aliens Act, 1963 Act 160, Assent on 9 <sup>th</sup> January 1963 | Refused Entry by the Next Available Means, Repatriation, Supervision Order and Deportation was part of the provisions.         | Restrictive      | Persons to be Removed     |
| Aliens Compliance Order 1969 (18th November, 1969)                   | To order all aliens in the country to regularise their stay within two weeks or leave  | More restrictive | All undocumented migrants |
| <b>Contemporary era (1992-Date)</b>                                  |  |                  |                           |
| Immigration Act 2000, Act 573; Assented on 2nd February 2000         | Refused Entry by the First or Next Available Means, Repatriation, Supervision Order and Deportation was part of the provisions | Restrictive      | Persons to be Removed     |

Source: Author's Own Construct Based on Immigration Policies from 1909 to 2021

#### 4.7.5 Selection policies

Selection policies which were supposed to be the first key consideration in the immigration policy components, were relegated to the background and enshrined in the country's foreign policies. However, as de Haas et al. (2016) have identified, immigration policies in this current dispensation focus on selection, particularly among developed countries. It has also emerged from this study that the selection of prospective immigrants was first part of the colonial immigration policies during the Ad-Hoc period. But was moved to be part of foreign policies. It was however, introduced in the Immigration Act 2000, Act 573. Table 4.4 shows the extent of restrictiveness of selection immigrants of immigrants in Ghana. It was restrictive during the colonial era but since its introduction back into the immigration policies of Ghana in 2000, selection policies been more liberal but complex. This is because the Ministry of Foreign Affairs and Regional Integration also issue visas at the various embassies, and the Ghana Immigration Service also issues other types. There are also exemptions due to sub-regional, regional and multilateral protocols and agreements.

**Table 4.4: The Extent of Restrictiveness of selection policies**

| SELECTION POLICIES   | PURPOSE OF THE POLICY  | EXTENT OF RESTRICTIVENESS    | TARGET GROUP  |
|--|--|------------------------------|---|
| Immigration of Labourers Restriction Ordinance (No. 15 of 1916) <i>1<sup>st</sup> January 1917</i> (CAP 177) | To restrict the immigration into the Gold Coast Colony of Indentured foreign labour  | Restrictive                  | Indentured foreign labour   |
| Immigration Act 2000, Act 573; Assented on 2 <sup>nd</sup> February 2000                                     | Entry Visa at the Consulate; Visa on Arrival; Emergency Entry Visa and Re-Entry Visa | Less Restrictive but complex | Based on Regional or Bilateral Agreements; Prospective Travelers to Ghana; Persons Travelling to Ghana on an Emergency or from where there is no Ghanaian Consulate; and Visitors already in Ghana. |

Source: Author’s Own Construct Based Immigration Policies from 1909 to 2021

#### 4.7.6 The Extent of General Restrictiveness of Immigration Policy

Combining all the four components of immigration policies in Ghana, it emerged that generally, immigration policies during the colonial era were less restrictive, became more restrictive during the early independence era and currently, more and/or less complex and restrictive depending on the component. This is at variance with de Haas et al. (2016) conclusions. Because except for the contemporary era, which is in agreement, the first two eras are opposite.

Table 4.5 presents the extent of the general restrictiveness of Immigration Policy in Ghana. After each of the immigration policy components has been analysed, the generality of restrictiveness is also assessed. It is observed that generally, the restrictiveness of immigration policies has been progressive and, in the contemporary era, more complex. The complexities during this period result from the current context in which immigration policies operate. Particularly the increasing call for liberal immigration policies by both global and regional actors due to trade liberalisation and free movement protocols by the African Union

and ECOWAS. At the same time, there is the increasing securitisation of migration due to terrorism and insecurity within the West Africa sub-region.

**Table 4.5: The Extent of General Restrictiveness of Immigration Policy**

| PERIOD                              | COMPONENT COVERED  | EXTENT OF RESTRICTIVENESS   |
|-------------------------------------|--|---|
| The Colonial Era (1909-1957)        | Generally, Admission Centered  | Less restrictive compared to immigration policies after independence  |
| Early Independence Era: (1957-1992) | A shift of focus to consolidate with modifications and enactments relating to the immigration, residence, employment and deportation of aliens.  | More restrictive immigration policies peaked in 1969, but the restrictiveness continued afterwards up to 1992 when the Refugee law was promulgated        |
| Contemporary: (1992-date)           | A shift again to re-enact with amendments to the law relating to immigration, to provide for the selection, admission, residence, employment and removal of foreign nationals. Thus, all the components of immigration policy are covered. | The complex nature of restrictiveness. There is a mixture of less and more restrictions depending on the policy component and targeted persons or groups. |

Source: Author's Own Construct Based on Immigration Policies from 1909 to 202

#### 4.8 Summary

First, it was found that migrant identity has evolved from the stranger to alien, then to a foreigner and now immigrant or migrant, depending on the context. However, there are other new identities, such as second-generation migrants, transmigrants and the diaspora. In comparing immigration policies of the three (3) eras, two significant differences emerged as well as some continuities. The two differences are;

- i. Immigration policies during the colonial era were centred on admissions. Then the focus shifted after independence to admission, residence and employment authorisation. In this contemporary era, the focus has been broadened to include selection, admission, residence and employment, thus, encompassing all four immigration policy components. This means immigration policies of Ghana have been progressively broadened.
- ii. The second difference is the variegated institutions that have managed immigration over the years. From traditional authorities to the Police Service, then the Immigration Department under the Ministry of the Interior

and the establishment of the Immigration Service as a para-military institution supervised by the Interior Ministry. Even in the current dispensation, many other functions are performed by other institutions.

Even though the comparison revealed these significant differences among the various periods, some continuities were also identified. These are the control tools or mechanisms employed to regulate immigration in Ghana. Though these control mechanisms may vary in content, the principles were similar in all eras. They are exclusions and exemptions, disembarkation and embarkation controls, and specific places of entry. Others are prohibited immigrant categorisation, issuance of stay permit and employment controls, and the burden of proof. Last but not least is the removal mechanism comprising the first or next available means, repatriation and deportation.

The final finding is related to the extent of restrictiveness of immigration policies from 1909 to 2021, a period of 112 years. In sum, it emerged that admission policies during all eras were restrictive. Residence and employment authorisation were introduced in 1957. Thus, during the early independence era. In the current era, they are complex and a mixture of less and/or more restrictive depending on the target population and the sector of employment. Deportation during the colonial era was more targeted, discriminatory and pronounced, but has become dormant after the mass deportation during the early independence era. However, other strands of removals, such as refused entry and repatriation, have been more active. Since it was re-introduced into the Immigration Act 2000, Act 573, the selection of immigrants has been more liberal but complex. Generally, immigration policies during the colonial era were less restrictive, became more restrictive during the early independence era mainly due to the introduction of residence permit and the Aliens Compliance Order. In this contemporary era, however, immigration policies become more complex and selection focus.

## CHAPTER FIVE

### THE DRIVERS OF IMMIGRATION POLICIES IN GHANA

#### 5.1 Introduction

This chapter seeks to answer the question, what triggered immigration policy changes? The question sought to understand the drivers of immigration policies in the Ghanaian context. The objective is to explain what necessitated the need to change or formulate a new immigration policy. However, a theoretical perspective is needed in this regard. Two "domestic" level theories, the political economy and institutionalism as well as 'international diffusion' theory, were employed to explain the drivers of immigration policy based on responses from participants. Combining the domestic and the international dimension in a complementary manner is a better approach in this current dispensation of globalisation. As a qualitative study, this chapter used data obtained from in-depth interviews and secondary data, including the various immigration policies, Parliamentary Hansards and annual reports of the Ghana Immigration Service. Securitisation of migration, economic considerations and its sub-themes, change of governments, institutional dynamics and its sub-themes, stakeholder interest, global and regional norms, major world events, and time and development were the drivers presented in this chapter.

#### 5.2. Securitisation of Migration

The first driver of immigration policy and changes to immigration policy in Ghana is the securitisation of migration. Globally, the incidence and threats of terrorism have driven immigration policies to be restrictive and even more restrictive, particularly since the 9th November, 2001 bombing in the USA as well as other bombings in Madrid in 2004 and London on 7<sup>th</sup> July, 2005 (Zincon, 2011; Somerville, 2007; Choi, 2021). The findings in this section do not just affirm that incidence and threats of terrorism have led to the securitisation of international migration but also indicate that the securitisation of migration

in Ghana is a colonial legacy, perpetuated during the early independence era and now even more pronounced. However, the reasons for securitising migration differ in each era.

During the colonial era, the main reason for the securitisation of migration was to protect the Colony. The root of the securitisation of migration in Ghana can, therefore, be traced to the colonial era. Because the Colony was acquired through conquest and purchases, as indicated in the Colonial Annual Report for 1927-28 published in 1929, the Colony's defence became paramount. The Colonial Administration, therefore, introduced aliens' restrictions and control regulations into the Defence of the Colony Ordinance of 1914 (CAP 180), particularly Section 2(1) (a-f). The preamble to this section states;

“The Governor may at any time when a state of war exists between his Majesty and any foreign power, or when it appears that an occasion of imminent danger or great emergency has arisen, by Order in Council impose restrictions on aliens....” (The Defence of the Colony Ordinance, 1914).

Police Constables and Customs Officials were also mandated to control immigration into the Colony. Section 4 of the Regulation of Immigrants Ordinance of 1914 made provision for the arrest and punishment of persons who contravenes the ordinance, particularly Section 3 states;

"Any person landing in the Colony in contravention of the provisions of section three hereof shall be guilty of a misdemeanour and shall be liable to arrest without warrant by any Customs Officer or Constable" (Regulation of Immigrants Ordinance 1914).

It is, therefore, not surprising that immigration restrictions and functions were placed under the Police Force in 1926 as enshrined in Order No. 32 of 1925 (Order by Governor). This Order was to be read together with the Immigration Restriction Ordinance of 1926 (CAP 42), as indicated in section 4.8 of chapter 4 of this thesis.

Immigration functions and duties remained under the Police Service after independence until 1960. Though immigration duties were transferred from the Police to a civil department under the Ministry of the Interior in 1960, the security agencies continued to managed aspects of immigration controls, such as border controls. The country's security was a top

priority because of the instability and uncertainty that greeted the atmosphere due to frequent military interventions. From 1966 to 1981, there were as many as six (6) military interventions aside from the daily rumour of coup d'états as the following quote indicates;

"You know, during Rawlings' time, I think the second coming of Rawlings. Almost every day, there were rumours of a coup everywhere. Moreover, they were not too sure about the security of the nation. The best way to handle issues was to close the borders" (2020/GIS/RTD/IDI/02, Fieldwork, 2020).

Because of the perceived insecurity, border security was paramount, leading to different land border strategies. One of such strategies was the creation of the Border Guards under the Police Service. The Border Guards Unit was transferred to the Ghana Armed Forces in June, 1972 and then to Customs Excise and Preventive Service in 1983 (Pokoo-Aikins, 2009).

On 28<sup>th</sup> November, 1989 the PNDC Law 226 was promulgated and gazetted on 29<sup>th</sup> December the same year to give birth to a new Para-Military institution to be in charge of immigration control in Ghana. In this singular act, the agency to control and regulate immigration into the country was born to be part of the National Security architecture.

In the current dispensation, the country's economic diplomacy has been met with the rise in terrorism and insecurity within the West Africa sub-region which has led to increased securitisation of migration in Ghana. A management member of the Ghana Immigration Service extensively explained why security is the most critical driver of immigration policy in Ghana, even in this current dispensation;

"Again, in these contemporary times, we are seeing the effects of the security situation in the West Africa sub-region and the world as a whole. The issue of terrorism affects the way we approach migration management. It started with Boko Haram in Nigeria, now Al-Qaeda and all others across the whole sub-Region, especially in the Sahelian countries. Terrorism in the Sahelian region, Burkina Faso, Mali, and Niger virtually being number one. How, then, can we strategise to manage our borders? Border management has therefore become a key component in our country's National Security strategy because of the threat in the sub-Region..... We have to review the structure of the Ghana Immigration Service and even the law to respond to these challenges. So, the key thing we did was the review of the laws in 2016. One of the key things we put up there, which was absent, is laying out the Service's functions" (2020/GIS/MM/IDI/01, Fieldwork, 2020).

Participants of the study agreed that threats of terrorism and other international crimes were reasons migration has been securitised in this contemporary era. This assertion by the participants indicates that national security is paramount, which is consistent with Choi (2019). There is also an indication that the securitisation of migration is across the continent. The response from one of the experts interviewed attests to this as illustrated here;

"It is because, as I said, most member states view the movement of people as a security issue for good reasons. The movement of people from outside into the country can pose a threat. Normally, they say that the traveller has good intentions, but not all travellers have good intentions of coming. So, member states use immigration policy as a tool to determine who comes into the country depending on security issues. So, you will find that immigration is part of any member state's security apparatus. This, inevitable has led to the securitisation of most migration issues" (2020/EXP/IDI/01, Fieldwork, 2020).

One may be tempted to argue that economic interest supersedes National Security interest in the current dispensation because trade liberalisation in Ghana since the mid-1980s has led to privatisation and foreign participation in the country's economic development. Nevertheless, successive governments are mindful not to compromise National Security. The background to the report of the Joint Committee of Constitutional, Legal and Parliamentary Affairs, and Defence and Interior on the Immigration Bill in 1999 succinctly settled the fact that security is the bedrock of immigration policy in Ghana. It stated;-

"Since the liberalisation of the economy in the mid-1980s, the Ministry of the Interior has been making frantic efforts to review the Immigration Control Policy of Ghana to take account of the liberalised environment where privatisation and foreign participation are key to economic development. The Ministry's aspiration was to relax controls of the immigration laws without sacrificing National Security interest" (Parliamentary Debates Official Report, Thursday, 18th November, 1999).

This statement confirms that, indeed, the main driver of immigration policy in Ghana, even today, is the securitisation of migration and not economic interest. Security is everything they say!

### 5.3 Economic Considerations

One of the dominant drivers of immigration policy and its changes is the economic interest of diverse actors at the domestic level (Natter, 2018). This study, however, shows that the economic interest of other domestic actors is less critical than that of the State or government in power. This is so because the economic interest of the State or government in power at any particular time is paramount. For example, embedded in the colonial agenda are the British economic and industrial policies (Nkrumah, 1963). After independence, the economic interest of the then government guided immigration policies. The Parliamentary Secretary to the Minister of the Interior and Justice then, Mr. E. A Mahama, clearly affirmed this when he presented a new Immigration Bill to repeal the Immigration Ordinance of 1947. According to him, the Bill was premised on;

“The inescapable fact is that there were not yet enough Ghanaians with the knowledge and experience necessary to manage the many complex aspects of our national life or to operate all the equipment of the modern industry and public service...we must make use of our friends from other countries to help us” (Parliamentary Debates Official Report, Wednesday, 3rd July, 1957).

During the debate, the Minister for the Interior and Justice then, Mr. Ako Adjei, largely agreed that Ghanaian traders must be protected. He retorted;

"I think we all agree that certain businesses must be run largely if not exclusively by Ghanaians" (Parliamentary Debates Official Report, Wednesday, 3rd July, 1957).

However, at the end of the debate, the government's economic interest prevailed, and immigrants in the country were categorised into three groups. They include; technical and professionals who were bringing their skills to Ghana and, in particular, those who came with the backing of needed capital to the benefit of Ghana. The policy was to encourage them to train Ghanaians. Second are other nationals in trade and commerce in the country, mainly those in large companies or industries and those in the Small and Medium Enterprises (SMEs), such as the Indians, Syrians and Lebanese traders. The government of

the day saw them to be a critical group to the economy and also to protect pricing. Mr. E. A Mahama further posited that they;

"Hold a delicate balance between the need to encourage investment of outside capital in Ghana and to retain in Ghana the capital already here. We must continue for the present to accept the need for immigrants to engage in trade in Ghana. These traders should be able to employ Ghanaians to managerial positions" (Parliamentary Debates Official Report, Wednesday, 3rd July, 1957).

The third group are those from neighbouring West African Countries, commonly referred to as "Migrant Labour". These persons were mainly employed to do menial works that the natives or indigenes refused to do. They work on cocoa farms, in mines and construction industry. They were to register with the Police in order to control them. In this regard, aliens registration was introduced. The categorisation enabled the government to differentiate the application of Immigration laws in the country.

It is also based on economic reasons that the Busia administration issued the Aliens Compliance Order on 18th November 1969. The underlying assumption was that Ghanaians had been pushed out of business, so there was a need to clean the system to enable more Ghanaians to access the economic space. Even before this, the NLC, through the Ghanaian Enterprises Decree 323 of 1968, had reserved some sectors of the economy to be solely operated by Ghanaians effective 1st July, 1968. After the mass deportation, the Busia administration repealed the Ghanaian Enterprise Decree and introduced the Ghanaian Business (Promotion) Act 1970, Act 334, which took effect on August 1970. The law promoted the Ghanaian economy's private sector and gave Ghanaians more opportunities through the reservation policy. Related to this, Mr. Abdul-Saaka, the Ministerial Secretary to the Ministry of Internal Affairs, affirmed that African aliens were not the concern of the previous regimes. The implementation of the Aliens Compliance Order and the Ghanaian Business (Promotion) Act 1970 actually helped the Progress Party government to include

African aliens in immigration controls. Laying the foundation and the reason for the establishment of a well-instituted Immigration Service, he admonished the house to;-

"Bear in mind that until the Progress Party government came into power, there was really no serious immigration problem in Ghana as the Colonial Government and the Convention People's Party regime opened our doors so wide to all African aliens that they could come to Ghana and leave at will. In fact, the Immigration Department was not really concerned with Immigrants from African countries. Even the 1963 Aliens Act shows that it was not the intention of that Act to restrict African Aliens in the same way as aliens other than African Immigrants .....Now, with the introduction of the Aliens Compliance Order, we have felt the need to expand the Immigration Service" (Parliamentary Debates Official Report, Tuesday, 2nd March 1971).

As a result of military interventions leading to political instability, there was an economic downturn. So, in 1983, the PNDC regime, through the International Monetary Fund (IMF), introduced the Economic Recovery Programme (ERP), followed by the Structural Adjustment Programme (SAP). These programmes, though, have their downsides led to public sector reforms (NDPC, 2015). Through these reforms came the immigration project in 1987. The PNDC law 226 of 1989 was promulgated to transform the then Immigration Department at the Ministry of the Interior into Immigration Service as a Para-Military Institution to regulate immigration in Ghana. This change was part of the recommendations in the immigration project report.

Responding to the question related to the drivers of immigration policy, participants affirmed that state economic interest drives immigration policy and its changes. One of the participants stated;-

"First, it is the economic interest of the country of destination. So Ghana, for instance, is looking at growing its economic interest. Okay, if the country needs a particular group of people, what policies are formulated to ensure they are comfortable? If we think we need the Chinese to invest in Ghana, we will try to go and make some arrangements for them. Sometimes we can come and say we do not need these people again; they are too many in Ghana. The State can change our immigration policy, even our ECOWAS protocol. The country can opt to come out from it. So, you see, the UK, for instance, has done that just on economic basis" (2020/EXP/IDI/02, Fieldwork, 2020).

Another respondent opined that;-

"Migration is not only seen as a threat. It has its positives. Foreign investors will bring in labour and capital that may be lacking in our country and expertise that does not exist in Ghana. Now, look at the issues of remittance. It is supposed to be about the second or third highest income earner for the country. So, we have to manage it, balance the security component with it and make sure that the nation has a synchronised approach" (2020/GIS/MM/IDI/01, Fieldwork, 2020).

According to respondent 2020/PS/IDI/03 from the private sector, though economic interest is an important driver of immigration policy or changes in immigration policy, there is the need to understand the skills needed to entice the right calibre of people needed. Thus, he advocated for the point system in Ghana. He indicated;-

"You know, as I said, it is also a question of talent. Because you cannot stop immigration, you should look at what gap to fill to get the economy to the next level. So, the question is, is there a talent gap? If there is, that should be a driver for the policy you put in place because it has to do with people coming in. We have regional arrangements. ECOWAS and all of those things, right? The question is, with this whole Free Continental thing and all of those things, is it going to be a different ball game in terms of how to bring all those things with our laws" (2020/PS/IDI/03, Fieldwork, 2020).

Beyond the economic interest, the study also identified changes in the economy, which resonate with the work of Timmer & Williams (1998) as one of the reasons why economic conditions drive immigration policy and changes to the immigration policies of the country. Particularly when the country's economy grows, more migrants may be needed. On the other hand, when there is a contraction in the economy, migrants may be the first to be laid off. In response to the question of what drives immigration policies, one of the experts interviewed stated;-

"It will change based on general context. It is like any other country, and the countries are also dynamic. So, for instance, we all know that when there is a boom, more people come in to help in the country's infrastructural development, but if there is no boom and no employment, immigration policy will change because people will need work. If many nationals do not have work, immigration policy will change" (2020/EXP/IDI/03, Fieldwork, 2020).

One of the longest-serving officers of the Immigration Service had this to say concerning what prompted immigration policy to change;-

"Now, the independence of Ghana on the 6th March, 1957 brought in its wake a considerable expansion in the economy and rapid increase in international trade, which resulted in an upsurge of human traffic. Ghana then became the focus of attraction for the numerous foreign businessmen, tourists and African aliens entering the country to take advantage of the economic boom. Immigration and passport functions were then ceded from the police control to be placed under the Ministries of the Interior and Foreign Affairs respectively as Civil Service Departments" (2020/GISRTD/IDI/01, Fieldwork, 2020).

The third reason economic considerations at a particular point in time shape immigration policy or its changes are changes in the economic policies of the period. As indicated in the first paragraph of this section, Dr. Nkrumah's administration, though recognised trade protection and reservation for Ghanaians, did not employ that policy but accommodated all three categories of immigrants in the country to compete because of the economic policies of the time, state-led enterprises.

However, after the first military intervention, the NLC, through the Ghanaian Enterprises Decree 323 of 1968, reserved some sectors of the economy to be solely operated by Ghanaians, effective 1st July 1968. Also, the Aliens Acts, 1963 (Amendment) decree 1968 (NLCD) and the Aliens (Permits of Prohibited Area) Regulations 1969 (L1 612) were promulgated to regulate the entry into certain mining areas by immigrants. Dr. Busia's administration strengthened these reservation policies by introducing the Ghanaian Business (Promotion) Act 1970, Act 334, which took effect in August 1970. The reservation of some sectors for only Ghanaians had its roots in the NLC Decree 323. That was the era of protectionism and Ghanaianisation of the economy.

Then, as a result of the ERP from the 1980s, economic and trade liberalisation started leading to the creation of the automatic quota regime. By the Investment Code (Immigrant Quota) Regulations, 1992 (LI 1543), the GIPC was mandated to issue immigrant quotas. Regulation 1, sub-regulation (1&2) concerning the application for business quotas states;-

“(1) all applications for immigration quotas for any person with respect to any investments in Ghana shall be submitted to the Ghana Investments Centre. (2) An application submitted under sub-section (1) shall be dealt with by the Centre in consultation with a representative of the Immigration Service who shall be attached to the Centre” (Regulation 1, sub-regulation (1&2)).

Prior to this, only the Ministry of the Interior granted employment authorisation, but the changes in economic policies led to changes in immigration policies.

The fourth and final reason economic conditions affect immigration policy and changes in immigration policies is time and changes in development. The developmental changes over time may also lead to changes in immigration policy. This point is evident in the purpose for which the Immigration Bill of 1999 was introduced. The Minister of Interior then, Nii Okaija Adamafo, emphasised that:-

"The purpose of the bill is to revise the law on immigration control, reshape immigration policy in the light of the tremendous socio-economic development of Ghana since the enactment of the Aliens Act, 1963 and de-emphasised and removed undue ministerial and bureaucratic controls over the Immigration Service to enable it to fulfil its contribution to the overall objective of Vision 2020 without compromising on national political integrity" (Parliamentary Debates Official Report, Thursday, 18th November, 1999).

At the time of introducing the new Bill, the Aliens Act had been in existence for 36 years, and over the years, many amendments were making the application of the laws, very cumbersome and complex. Invariably, the Act outlived its usefulness and hence repealing it was a piece of welcome news to the Interior Ministry.

#### **5.4 Change of Governments**

The third driver of immigration policy or changes to immigration policy in the Ghanaian context is a change of government. This point is consistent with the domestic politics approach or ideologies of political parties (Consterdine, 2020; Natter, 2018; Koh et al., 2016). Thus, due to a change in government, immigration policies are changed or amended to suit the interest, ideas and ideology of the government in power. The following quote illustrates this point:-

"Dr. Nkrumah, our first President, wanted a United Africa and so had to open Ghana's door as the beacon of freedom. So, we had to open up and let people come in. And then the next government came, they say hey, look, too many foreigners have flooded our country, they are affecting our economy so had to leave. Then another government came in, looked at the situation and said, we need international investment to push our economic agenda. So now he sets rules, amends the Immigration laws to permit foreign investors to come in" (2020/GIS/MM/IDI/01, Fieldwork, 2020).

Since the Colonial Administration introduced immigration policy in Ghana, successive governments have come up with diverse amendments to existing immigration policies.

#### **5.4.1 The Colonial Administration**

The Colonial Administration crafted and initiated immigration policies that enabled them to protect their interest and the territory they acquired. Initially, they started with Ad-Hoc immigration policies to respond to issues as they came up. This led to many Ad-Hoc immigration policies being formulated up to 1925. Then in 1926, the Immigration Restriction Ordinance was introduced largely to control the entry of non-natives. The deportation of aliens' policy was separated from the principal Immigration Ordinance in 1935. In 1945, another policy was introduced to separate British subjects' deportation processes and procedures from other aliens. The Immigration Restriction Ordinance lasted for 21 years, though there was some amendment, and then the Immigration Ordinance of 1947 was enacted. These changes may be due to a change of Governor.

#### **5.4.2 Early independence Era**

Immediately after independence, the new administration modified the colonial immigration policies. The first was the merger of the two Deportation Ordinances of 1935 and 1945. According to the Parliamentary Secretary to the Minister of the Interior and Justice then, Mr. E. A. Mahama, the primary purpose of the proposed Deportation Bill was;-

"To abolish the existing differences between the procedure for deporting aliens and that for deporting Immigrant British subjects. Such differentiation was outdated and no longer existed in other Commonwealth countries. Hence, the Bill was to repeal the Aliens Ordinance 1935 and the Immigrant British Subject (Deportation) Ordinance and to have instead a single act dealing with deportation, in certain circumstances, of all persons who are not citizens of Ghana" (Parliamentary Debates Official Report, Tuesday, 2nd July, 1957).

At the same time, a new Immigration Bill was proposed and according to the parliamentary secretary;-

"The Bill does not introduce any extensive changes from the existing arrangements. Nevertheless, there are some which are important, and I have found it more convenient to repeal the existing immigration law and draft a new Bill rather than to amend the existing ordinance" (Parliamentary Debates Official Report, Wednesday, 3rd July, 1957).

The 1957 Immigration Act also introduced employment authorisation, residence permit and the registration of aliens. These changes were because of the change of government. Thus, but for the change of government, a simple amendment to the original Ordinance could have been done and not a total repeal of the Immigration Ordinance of 1947.

### **5.4.3 Attainment of Republic**

On the attainment of Republic as status, a new Bill to consolidate with modifications and enactments related to the immigration, residence, employment and deportation of aliens was proposed.

### **5.4.4 Period of Frequent Minor Amendments**

From 1966 to the year 2000, there were frequent amendments to immigration policies in the country which can be attributed to the rampant change of government at the time. For example, the National Liberation Council, through the Aliens Act 1963 (Amendment) Decree, 1968 (NLCD 259), and the Aliens (Permit for Prohibited Areas) Regulations, 1969 (L.I 612), introduced the Prohibited Area Permit. The Progress Party also, on 18th November 1969, enforced the immigration laws of the country then, with the issuance of the Aliens Compliance Order, which led to the mass deportation of aliens in the country.

Between May to September 1974, four (4) amendments were made. The Aliens (Amendment) Regulation 1981 (L1 1266) was promulgated on 16th October 1981. This law was related to the third Republic and made provisions to amend the (Amendment) (No. 3) of Regulations 19749 (L.1 970) to indicate the fees for a residence permit and its renewal. Other changes occurred in 1994 when the Aliens (Amendment) Regulations 1994 (L.I 1581) was made on 25th January 1994 to allow the Minister to grant immigration quota. Then in

the year 2000, the current Immigration Act was enacted. Clearly, the interest of successive governments is a factor in Ghana's frequent changes to immigration policies.

### **5.5 Institutional Dynamics**

Institutional dynamics is the fourth driver of immigration policies. Most studies see countries as single and homogenous, thereby ignoring the fragmentation of the interest of the State internally and autonomy internationally in decision-making (Natter, 2018; Betts, 2011). In all countries, whether a unitary state like Ghana, a federal or a confederate state like the USA and Nigeria, institutions and governance structures exist that are fragmented and pursue multiple and potentially conflicting and contradicting objectives. This fragmentation of state institutions exists in all regimes, democratic and autocratic (Natter, 2018). In this regard, Alexander Betts' description of governance structure as a "complex and fragmented tapestry of overlapping, parallel, and nested institutions" (Betts, 2011, p. 1) still holds stronger.

Czaika and de Haas (2013), thus, concluded that state policymaking has features of incoherencies and discrepancies between policy discussions, stated policy and actual or implemented policy. This can be attributed to accommodating all interest and ideas during policymaking and implementation (Teye, 2008; Boswell, 2007; Jokkpe, 1998). "Enacted policies are often watered-down versions of originally-stated policy intentions" (Natter, 2018, p. 22). The point here is that power play is inevitable among government institutions. This leads to bureaucratic politics and a path-dependency approach which affect changes in immigration policies. Again, because immigration policymaking typically follows the bureaucratic process rather than outsourcing, fewer stakeholders are involved in the formulation process.

### 5.5.1 Bureaucratic Politics

Two main factors related to bureaucratic politics, intra and inter-institutional conflict, affect changes in immigration policies (Duncan, 2012; Meyers, 2000; Tichenor, 2002). On the one hand, Intra institutional conflict concentrates on internal politics and may impact changes to immigration policies. One of the respondents had to say on intra-institutional conflict:-

"Within the Service, it is the same. If you have an idea and you want to put it out to be developed, it is not easy. Somebody, because he is not the person that has generated that idea, will try to shoot the idea down. Many people have good ideas but how to bring them out and whether the idea will be carried through is another huge challenge" (2020/GIS/MM/IDI/03, Fieldwork, 2020).

Another respondent indicated:-

"So, something like this will affect how work is done. We have had conflicts between officers, and sometimes there are job conflicts. There is no policy prescription of the functions of the Regional Commanders; therefore, it is at the whims and caprices of the head of the institution. You can wake up one morning, and they say oh, do not do residence permit or extension of permit, but if there is a policy framework that they are working with, it is not a matter of do not do or do. If some people have undermined the process, they should be brought to book and the measures made so when there is no policy framework, these things happen, and these are part of the conflicts because we have conflicts between the top hierarchies. So, the conflict is happening hierarchically and sometimes laterally" (2020/EXP/IDI/03, Fieldwork, 2020).

However, a third respondent put it mildly:-

"In terms of intra, because we are a regimented institution, it is difficult to talk about it. We are a disciplined security service. Moreover, you know, seniority and rank are very crucial in an institution like this. So even though there have been issues, especially at the lower levels, where upgrading and promotions are sometimes controversial, if I should put it that way, at the higher levels, we have not had many problems in terms of chain of command and discipline. I know we may have our problems, but it has not reached the level where we will say, " Oh, we have to break down the whole system" (2020/GIS/MM/IDI/02, Fieldwork, 2020).

Inter-institutional conflict, on the other hand, focuses on the politics and conflict among different institutions and may also affect changes to immigration policies. Some of the respondents affirm this fact. First is a management member of the Ghana Immigration Service, who indicated that:-

"Politics is about power, and it is everywhere. For example, stakeholders were invited to discuss the issue when the decision was made for Immigration to bear arms. Even yesterday, an officer was shot at Hamile by smugglers. I do not think those smugglers could have gotten closer if they had weapons. But some stakeholders think that even with the weapons they are using, Immigration should not be made to use that kind of weapons..... So those are the power kind of things. Fine, we agree you use weapons, but you cannot use this type of weapon. So even the definition of a firearm between us, the Attorney General and Parliamentary Sub-Committee on Interior and Legislation was not that simple.... Oh, you know it is serious. To some extent, it was serious because even when you have been given, for instance, a function that everybody knows that by law, it is supposed to be performed by Immigration, like Issuing visas in High Commissions abroad, which is being performed by Foreign Affairs and then Research Department. Even when we issued another law four years later, people still held on to that function. So it is not simple" (2020/GIS/MM/IDI/07, Fieldwork, 2020).

Bureaucratic politics is related to the policymaking processes and implementation of the same. The following response points this out vividly;-

"There have been perennial conflicts between the Ghana Immigration Service and the Ghana Police. When it comes to trafficking, for instance, because the Police are involved in trafficking many a time, they want to come to the airport and work at the airport, which is not their burden. Also, when it comes to the issue of visas. As we speak, the policy description is that the Ghana Immigration Service should be responsible for issuing visas abroad. However, for over two years, no immigration officer has been able to go. So, these are part of the power dynamics that come to play" (2020/EXP/IDI/03, Fieldwork, 2020).

### **5.5.2 Path-Dependency Approach**

As the name implies, decisions on new immigration policies are influenced by previous policies. Thus, earlier policies influence decisions to formulate new policies. One of the middle-level officers stated as follows;-

“From my experience and from what I have come to see, our main policy has been guided by how the Colonial Administration did” (2020/GIS/MLO/IDI/07, Fieldwork, 2020).

Another respondent indicated how a 1974 policy is still being employed and even crafted in a new policy that is in the offing, stating that;-

“The same way we have the Aliens Regulation, it was a 1974 law which enjoins hoteliers to inform, I mean, update the immigration on people who stay in the hotels every week. These have been put together in the new law which enjoins people who own accommodation to be sure that before you give your accommodation to a foreigner, he is on the right permit” (2020/GIS/MLO/IDI/09, Fieldwork, 2020).

Then a management member explained why the Police still sent officers to the Ghana High Commission in London;-

"You know every mission has various officers, such as finance, cultural, education, military and immigration attaché. Immigration was part of the Police then, so the Police used to post personnel to the London post. So, when immigration was taken out of the Police and brought under the Ministry of Interior as a department, Foreign Affairs took over most of the post. However, the Police held unto the London Post. That is why even up to date, most of the Police who were seconded to be heads of our Service are all people who have served at the London Post. It is believed that they have the experience from there. For instance, Mr. S.S Omane, Mr. Owusu Opoku, Mr. W.K Aboah and most recently Dr. Wiredu all served at the London Post, that is, the immigration post there" (2020/GIS/MM/IDI/06, Fieldwork, 2020).

Aside from these primary data, the secondary data available also point to this fact. The preamble to the Aliens Act, 1963, Act 160 opined that the law was enacted;-

"To consolidate with modification, enactments relating to the immigration, residence, employment and deportation of aliens" (The Aliens Act 1963, Act 160).

The preamble of the current Immigration Act also indicated that the purpose of the act was;-

"To re-enact with amendments the law relating to immigration; to provide for the admission, residence, employment and removal of foreign nationals and to provide for related matters" (Immigration Act 2000, Act 573).

These affirm the point that changes in immigration policy in Ghana is firmly rooted in the path-dependency approach.

### **5.6 Interest of Key Stakeholders**

The fifth driver of immigration policy and changes to immigration policy is the interest of key stakeholders. There may be many stakeholders, but this study found that two are the most important, and their interest affect immigration policy changes. These two are the State's interest and the interest of international development partners. State interest has at all times been paramount, and all policies are based on the interest of the State. The following a response from a management member interviewed concerning the State's interest;-

"Immigration policies worldwide are based on the needs and interest of a particular country. So, based on Ghana's needs and interest, we have immigration regulations and laws. These policies are made to address certain needs of the State..... If we want investment or to relax our immigration rules, so be it. If we feel insecure at our borders because of the proliferation of weapons through the borders, smuggling,

people dodging paying taxes on their goods and all those things. The State will strengthen the borders. So those are the kind of considerations you need before you change or introduce a new policy" (2020/GIS/MM/IDI/07, Fieldwork, 2020)

The interest of International Development Partners also shapes immigration policies. This can occur through various diffusion mechanisms such as coercion and emulation (Elkins et al., 2006; Graham et al., 2013; Simmons et al., 2008). The following are responses from two management members, a middle-level officer and an International Organisation representative affirming this:-

"Yes, because there is a saying that if your neighbour's beard is burning, get water near your own because you would be the next. If you look at our relationship with Europe and America, most of the illegal migrants they are trying to control there start from here. We are at the supplying end, and they are at the receiving end. So to cut off the supply, they must help us find a position where we can check these illegal migrants. We know what these guys go through in the Mediterranean and the desert. Sometimes they end up harvesting their organs and leaving them to die. If we are well-resourced and cover the unapproved routes, we will stop them from going, and that would have saved them from having to receive them at reception centres and so many things. It is in their interest to help us. That is why they even come to the extent of helping returnees to re-settle here because it is in their interest. If our situation here is so vulnerable that terrorists can easily strike, it will affect them" (2020/GIS/MM/IDI/06, Fieldwork, 2020).

"The EU countries see themselves as a destination country of African migrants. So they also support the Ghana Immigration Service through projects in managing migration. For instance, they support educational campaigns for potential migrants, guiding them to migrate regularly rather than irregularly. Also, they assist in training programmes for Immigration Officers to know how to handle migrants. They have even supported Immigration Service in establishing Migration Information Centres. All geared towards management of migration" (2020/GIS/MLO/IDI/02, Fieldwork, 2020)

These responses indicate that state interest and the interest of International Development Partners shape immigration policy. This is neatly summed as follows by one of the respondents:-

"There are many varying interest that drive immigration policy. There is the national interest, the international community interest, and the protection of migrants' community requirements. So, it is a mix of things. See, it is always a balance of these things. There is what the State wants, what the international community requires, and what international law mandates you to do. There is what you also need to do to protect the migrants. So, it is always a balance between these factors" (2020/INTORG/IDI/03, Fieldwork, 2020).

## 5.7 Global Factors

Another critical driver that emerged is the effects of global factors, including international norms, sub-regional agreements and major world events such as pandemics. The Global Compact on Migration and other international conventions such as the International Human Rights laws and the rights of migrants and their families, the ICAO and International travel agreements all impact on immigration policies. Related to this are the regional and sub-regional protocols on Free Movement, Rights of Residence and Establishment (IOM, 2020; Adam et al., 2020; Palmary et al., 2018). Further to this, is the interest of the International development partners who, through technical and financial support, also shape immigration policy. The effect of major world events like the COVID-19 pandemic also drives immigration policy. This is because the Imposition of Restrictions Act, 2020 (Act 1012) closed all borders in Ghana on March 23, 2020.

### 5.7.1 Global and Regional Agreements and Protocols

Immigration policies are also driven by the global and regional protocols and agreements. First is international or global agreements, conventions, or protocols (Kunz et al., 2011). One of the experts stated that the Global Compact on Migration proposed guidelines which must be considered when formulating (im) migration policies;-

"And global level frameworks, as you are aware. So, we have, for instance, the Global Compact on Migration, which proposes some things, and then there is funding to go with, if you accept to be part, these are international agreements" (2020/EXP/IDI/02/ Fieldwork, 2020).

A representative of one of the International Organisations also had this to say about the international norms and protocols;-

"So, of course, international protocols have effects on immigration controls. The international protocol must be respected and abide by. You then changed your local policy to reflect the international standards. So, I believe one of the factors that may drive immigration policy formulation may be international protocols. Even recently, I know that protocols related to international travel will still change because of COVID-19. Now, international travels will demand that you conduct a COVID-19 test before you embark or leave your jurisdiction. So, these are some of the things that drive immigration policies" (2020/MININT/IDI/01, Fieldwork, 2020).

Then apart from these International Regimes, Regional and Sub-Regional Agreements and Protocols, such as the Free Movement Protocols of the AU and ECOWAS, also shape immigration policy. Related to this, a management member responded;-

"It is also shaped by international protocols and treaties that we have acceded to, like the ECOWAS protocol, AU, International Conventions, Vienna Conventions, Diplomatic and whatever relations, all these shapes your policy direction because once you have acceded to those treaties, you have an obligation to be fulfilling the part of your bargain as far as those treaties are concerned. So, many factors go into shaping our policy. Our affiliation with International Law, International Bodies, and Bilateral Agreement with other countries. We keep signing every day. Recently, we added Togo and others. So, all these shapes our policy or our immigration policy" (2020/GIS/MM/IDI/06, Fieldwork, 2020).

### **5.7.2 Major World Events**

The COVID-19 pandemic has led to the closure of Ghana's borders based on the following policies. First was the enactment of the Imposition of Restriction Act 2020, Act 1012, which empowered the President of Ghana to impose restrictions as and when necessary. In addition, Act 1012 declared a public health emergency in the country. This was issued under Executive Instrument E.I 61, Declaration of Public Health Emergency Coronavirus Disease (COVID-19) Pandemic Instrument, 2020. Armed with these two laws, the President issued the Imposition of Restrictions (Coronavirus Disease (COVID-19) Pandemic) Instrument, 2020, Executive Instrument 64 to impose travel restrictions in Ghana. Paragraphs 5 and 6 of this instrument states;-

"Further to paragraph 1 (1) (b), all borders of Ghana, by air, land and sea, are closed to human traffic for two weeks ... where the exigencies of the situation require, the duration of restriction specified under paragraph 2 and the restrictions on travel to Ghana under paragraph 5 may be varied per subsection (2) of section 4 of the Imposition of Restrictions Act, 2020 (Act 1012)".

Since the 23rd of March, the restrictions on land and sea have been in force except that of air which was lifted on Tuesday, 1st September, 2020. Though the borders were closed, there were exemptions which are typical of all immigration policies. Cargo flights, ships and trucks with a maximum of two persons, excluding the driver, were allowed to operate.

Then, later on, flights were organised to bring in Ghanaians, while other countries also did the same for their nationals who wanted to leave Ghana. The response below shows this:-

"But you know, even when the borders have been closed, we have been organising charter flights and things, but the clearance has to come from the Jubilee house" (2020/MIN/IDI/02, Fieldwork, 2020).

## 5.8 Summary

The findings have shown that studying the drivers of immigration policy and its changes must be put in context. As a result of the 'intermestic' nature of immigration, a combination of domestic and international dimensions was considered. In this regard, two domestic theories, including political economy and institutional theory, complemented with the "international" diffusion theory, were employed to explain the drivers of immigration policymaking in Ghana. Six (6) main drivers of immigration policy and its changes were identified. Securitising migration, either perceived or real threat of insecurity within the sub-region, is the most important driver of immigration policy and changes to existing policies since the introduction of immigration policy in Ghana by the Colonial Administration. Immigration policies were part of the policies to defend the Colony; hence, by 1926, the immigration functions were placed under the then Police Force. After independence, though aspects of immigration duties were ceded to the Ministry of the Interior and a civil department created for it, border controls and investigations of immigration offences were handled by the Ghana Police Service. The duties of the Immigration Department were aliens' registration and the issuance of permits. The Border Guard Unit at the Police was transferred to the Ghana Armed Forces in 1972 as a new unit popularly known as the 'Border Guards'. In the current dispensation, the government's quest for trade liberalisation leading to less restrictions on immigration policies have been met with perceived threats of terrorism and insecurity in the West African enclave. Hence, border and internal security have become vital to national security. Strongly following the securitisation of migration are economic considerations with sub-themes; economic interest, changes in economic conditions, time,

and developmental changes. Government changes also emerged as the third driver of immigration policy changes and are consistent with the domestic politics approach or ideologies of political parties. The fourth is institutional dynamics in the form of political or State institutions, and its sub-themes of bureaucratic politics and path-dependency shape immigration policies. Intra and inter-institutional turf wars as part of the bureaucratic politics and the reliance on past policies have been some of Ghana's major defining factors of immigration policy changes. Fifth is the Interest of two key stakeholders; the State and the international development partners emerged as core drivers in immigration policy changes. Finally, yet importantly, the drivers identified are global factors, including global and regional agreements, protocols, and major world events such as the coronavirus pandemic.



## CHAPTER SIX

### THE POLITICS AND PROCESSES OF IMMIGRATION POLICYMAKING IN GHANA

#### 6.1 Introduction

This chapter analyses the processes and the politics involved in immigration policymaking in Ghana. It seeks to answer the question, what accounts for the nature and structure of immigration policies in Ghana?

#### 6.2 The Immigration Policymaking Context

Both qualitative research and policy studies emphasise the role context plays in eliciting deeper meaning of a particular phenomenon, in this case, immigration policymaking. Lasswell has argued that "the meaning of any detail depends upon its relation to the whole context of which it is a part" (Lasswell, 1948, p. 218, cited in Torgerson, 1985). Because policies are formulated within a particular context comprising a polity and its set-up, thus, immigration policymaking in Ghana can be fully understood when the context in which it is formulated is clearly defined. Thus, based on the general policy environment (domestic and international context) and the level of public or stakeholder engagement or participation in the immigration policymaking processes. Premised on the data available, the period covered by this study has been divided into three periods; the colonial era and the early independence era, which is from 1957 to 1992 and the contemporary era from 1992 to date, as indicated in Chapter four. Table 6.1 indicates the immigration policy environment.



**Table 6.1: The context of immigration policymaking in Ghana**

| The Context         |                          | Colonial Era                           | Early Independence Era 1957-1992               | Contemporary Era 1992-Date  |
|---------------------|--------------------------|--|--|---|
| Domestic: Political | Territorial              | British Territories                    | Ghanaian Territory                             | Ghanaian Territory  |
|                     | Nationality              | British Subjects                       | Ghanaians                                      | Ghanaians/Dual Nationality  |
|                     | Security                 | Defence of the Colony                  | More Internal and external threat              | More External threat  |
|                     | Change of Governments    | Change of Governors                    | Political instability                          | Political stability   |
| Domestic: Economic  | Policy Direction         | British economic and industrial policy | State-led and protectionism                    | Trade liberalisation  |
|                     | Employment Authorisation | Nil but employers guarantee            | Restrictive                                    | Liberalisation related to immigration policies                              |
| International       | Sub-regional             | British Territories                    | ECOWAS formed an emphasis on the free movement | Greater integration and free movement, right of residence and establishment |
|                     | Regional                 | -                                      | OAU formed                                     | AU Emphasis on integration and regional migration governance                |
|                     | Global                   | British Allies                         | Entrenched State controls                      | Emphasis on Global migration governance                                     |
| Public Policymaking |                          | Colonial elites                        | More bureaucratic                              | Improved participation  |

Source: Author's Construct based on Immigration/Other Policies from 1909 to 2021

### 6.2.1 Political Context

The political context has four sub-headings; territories, nationality, security and change of governments. During the colonial era, the Gold Coast was one of the British colonies, and the people were designated British subjects. As a result, all other British subjects in other parts of the sub-region were excluded from immigration controls of the Gold Coast. The primary security concern at the time was how to defend the Colony.

The attainment of independence came with many shifts and changes. The core is the change from Colonial Administration to the new Ghana managed by indigenes (Ghanaians). The

concept of the British territory ceased and a new country or nation-state with defined boundaries and territory, sovereign rights, and fundamental rights of political self-determination as implied by the Peace Treaty of Westphalia signed in 1648 emerged. A new constitution and nationality policy was adopted. By 1960, Ghana had attained Republic status, which also led to the change of the 1957 constitution and a new Republic Constitution introduced. This also led to the amendment and the promulgation of the Ghana nationality and citizenship Act 1961. However, from 1966 there was frequent change of governments which created political insecurity internally. From 1957 to 1981, there were nine (9) different governments, of which six (6) were military regimes. The frequent change of government and military interventions during this period led to political instability and national security threats and concerns. Internal security became paramount, so land borders were mostly closed and militarised. The following quote affirms this;-

"You know, during Rawlings' era, I think the second coming of Rawlings. There were rumours of coup everywhere, and they were not too sure about the security of the State. The best way to handle issues was to close the borders" (2020/GIS/RTD/IDI/02, Fieldwork, 2020).

Also, the rampant change of government during the period led to many changes to the country's nationality laws. However, the significant changes related to nationality or citizenship were from British subjects during the colonial era to Ghanaians.

After a long military rule from 31st December, 1981, a new constitution was promulgated in 1992, which led to the return to civilian government on 7th January, 1993. The election of 1992 was won by Flight Lieutenant Jerry John Rawlings, the Head of State from 1981. Ghana has since then transferred power from a military regime to a democratically elected government and from one political party to the other in 1993, 2000, 2008 and 2016. The country has since 1993 enjoyed relatively peaceful elections, political stability and the sustenance of democratic gains. Thus, there is not much internal threat to national security but rather external threat as a result of increasing cross-border crimes such as terrorism, light weapons, drug and human trafficking and smuggling, as well as civil wars and military

takeovers in some of the countries within the sub-region. Thus, as the first period saw an internal threat to national security, this period has the opposite, an external threat. The 1992 constitution accommodated all nationals as enshrined in the previous constitutions and then settled on the principle of Jus Sanguinis as the concept of Ghanaian citizenship. An amendment was made in 1996 to the 1992 constitution for Ghana to accept dual citizenship. Then a new citizenship policy was enacted in the year 2000.

### **6.2.2 Economic Context**

After independence, the country's focus was on how to build Ghana through socio-economic development. On the economic front, two things happened. First was the accommodation of the aliens in Ghana to contribute to the country's economic development, as they were seen as crucial partners. However, as the Watson committee report indicated, they were part of the reasons for the 1948 disturbances. During a parliamentary debate on 3<sup>rd</sup> July, 1957 on the Immigration Bill, the Parliamentary Secretary to the Ministry of the Interior and Justice then, Mr. E.A Mahama, explained the government's policy and attitude towards the presence of citizens of other Commonwealth countries and also of foreign states in Ghana. He first admitted that it is a subject with diverse interest and hence concluded that government policy is based on the inescapable fact that;-

"Control of immigration is a matter of great complexity involving many interest. The government, however, has but one interest: the interest of the people of Ghana as a whole. We know that there are not yet enough Ghanaians with the knowledge and experience necessary to manage the complex aspects of our national life or operate all modern industry equipment and public services. There are, of course, many well-qualified Ghanaians, but there are not yet enough to meet all our requirements. While our people continue to gain that experience, we must use our friends from other countries to help us" (Parliamentary Debates Official Report, Wednesday, 3<sup>rd</sup> July, 1957).

Immigrants in the country were categorised into three groups to apply the Immigration laws differently to them. They were;-

- i. Technical and professionals who were bringing their skills to Ghana and, in particular, those who came with the backing of needed capital to the benefit of Ghana. The policy was to encourage them to train Ghanaians.
- ii. Next are those in trade and commerce in the country. They include those in large companies or industries and those in SMEs such as the Indians, Syrians and Lebanese traders. The government saw them as a critical group to the economy to protect pricing.
- iii. The third group are those from neighbouring West African Countries, commonly referred to as "Migrant Labour". These persons were mainly employed to do the menial works that the natives or indigenes refused to do. They work on cocoa farms, in mines and in the construction industry. For the country to be able to control them, these migrant labourers were directed to register with the Police.

So, the immigrant stock then was maintained for the professionals to train Ghanaians, the traders to help sustain the economy through price controls, and the migrant labourers provided the critical labour needed in the cocoa farms, construction sector and mines, among others. Furthermore, most of the migrant stock was from the sub-region and the continent, as shown by the Population Census of 1960, where about 12.3% of the population were migrants. Africans constituted about 98% and hence were accommodated due to the pan-African ideology of Dr. Kwame Nkrumah (Awumbila et al., 2008; Anarfi et al., 2003; Gould, 1974).

The second is state-led industrialisation due to the socialist ideology of Dr. Kwame Nkrumah. As a result, not much attention was given to the Ghanaian businesses. The NLC, after the overthrow of the CPP government, constituted a committee to investigate the challenge facing Ghanaian businesses. The Harley Committee report concluded that foreign competition was the major challenge and recommended protection policies. Based on this

report, the Ghanaian Enterprises Decree 1968 (Decree 323) was enshrined to introduce reservation policies, where some sectors of the economy were reserved for Ghanaians only; credit facilities, education and industrial support for Ghanaian enterprises.

Based on their party manifesto and the Ghanaian Enterprises Decree 1968 (Decree 323), the Progress Party promulgated the Ghanaian Business (Promotion) Act 1970 (Act 334) to also support the private sector led by Ghanaians. Invariably, a move away from the Pan-African ideology of Dr. Nkrumah to Ghanaianisation, protectionism and reservation policies. Migrant employment authorisation was granted for sectors not reserved for Ghanaians. This continued even in the 1970s and the 1980s with self-reliance policies and the focus on small and medium-scale industries.

The economic hardship from the 1970s and the 1980s led to Ghana opting for IMF intervention. As a result, the Economic Recovery Programme (ERP) was introduced in 1983/4, which came from the Structural Adjustment Programme (SAP). This led to trade liberalisation. The country's investment laws were reviewed to deliberately support the private sector seen as the engine of growth. Foreign Direct Investment (FDI) was also targeted. The trade liberalisation led to the opening up of employment authorisation and also linked immigration policies to national investment policies. Because of the improved linkage of economic policies to immigration policies, an immigration project was initiated in 1987, which led to the conversion of the Immigration Department into a paramilitary institution in 1989.

### **6.2.3 The International Context**

Though Ghana became a member of the United Nations in 1957, a founding member of the Organisation of African Unity (OAU), now the African Union (AU) in 1963 and ECOWAS in 1975, the demand for global and regional migration governance had not taken root as it is today. However, in 1979, ECOWAS introduced the Free Movement Protocol, which has

three components to be implemented in three phases of five years each. Phase one, which started in 1980, was the waiver of visa requirements for nationals of member states, by far the most successful among the three components. The second phase, introduced in July 1986, was the Right of Residence, and the third phase, the Right of Establishment, began in 1990. The primary goal was to speed up integration in the sub-region. ECOWAS travel certificate was introduced in 1985 to aid the implementation of the protocol. The sub-regional body also proposed to establish a residence card in 1990 and harmonise immigration and emigration forms in December 1992. During this period, however, the pessimistic view of international migration was high, and the control by the nation-state was entrenched.

Around the same period, efforts were also made to get an institution at the global level to manage migration per other issue areas like trade, health and security. By 2000, there had been a theoretical shift from a pessimistic to an optimistic view of migration coupled with more significant research, which continued to call for global migration governance and improved migrants' rights (de Haas, 2010). Migration issues were then included in the SDGs in 2015, and the International Organisation for Migration (IOM) was admitted into the UN as a related agency to champion the regular and humane migration. Based on the Goal 10.7 of the SDGs, a Global Compact on Migration was enacted and accepted in 2018, where both Global North and South countries pledged to share migration responsibilities. The regional and national migration governance spearheaded by the IOM in relation to the quest for global migration governance.

Regional Consultative Processes (RCPs), now Inter-State Consultation Mechanisms on Migration (ISCM), can be Global Processes on Migration, Inter-Regional Forum on Migration, as well as Regional Consultative Processes on Migration. There may as well be a bilateral relationship with any of the processes. The aim is to provide an informal, non-

binding environment for States to discuss issues related to migration to find common ground, exchange information, experience and develop strategies to manage migration.

The regional and sub-regional instruments and protocols in relation to migration and free movement aim at greater integration in the continent for socio-economic development and more liberal or less restrictive immigration policies. This means more migratory movement.

The rationale for establishing multilateral institutions is to surmount issues that transcend national borders through cooperation and responsibility sharing. Global governance, therefore, constrained individual nation-states to exercise absolute authority over policymaking. However, states have been obliged to delegate part of their sovereignty in exchange for other states reciprocating on transboundary issues. The State's cooperation with the supranational is the strength of the multilevel governance approach.

### **6.3 Types of the Policymaking Process**

Scharpf (1997) theorised the policymaking process in two ways based on the legitimacy of the process. First is output-oriented legitimacy, where the output justifies the means. This school of thought focused on the policymaking process that enhances public good regardless of who the participants were. Second is the input-oriented, in which legitimacy depends on the extent of inputs made by actors. Thus, the level of public participation and consultations in the policymaking process justify the legitimacy of the process (Amoako-Tuffour, 2008). In Ghana, two periods have been identified after independence; 1957 to 1992 and then from 1992 onward. The periodisation is based on the predominant processes employed during these periods. The period from 1957 to the early 1990s is dominated by the bureaucratic or elitist approach, which resonates in the output-oriented legitimacy paradigm (Mohammed, 2015; Kpessa & Atuguba, 2013; Gyimah-Boadi, 2010; Amoako-Tuffour, 2008; Ohemeng, 2005).

The demand for more public participation and consultation of Civil Society Organisations (CSOs) began in the 1990s due to Ghana returning to democratic rule. The constitutional provisions, notably, Article 35 Paragraph 6(d) of the 1992 Constitution, call for greater participation under a broader concept of the directive principles of state policy.

Public participation also became a conditionality from the IMF and the World Bank loans. Again, the National Development Planning System Act 1994 (Act 480) and the Local Government Act 1993, Act 462, also demand public participation. Though it started slowly, the emergence of CSOs has strengthened the quest for more public participation, but more is still to be achieved (Kpessa & Atuguba, 2013; Amoako-Tuffour, 2008).

In the field of migration, this study identified that, generally, there are two (2) main types of policymaking processes in Ghana. First is outsourcing, where the whole process is outsourced to a consultant, as in the case of the National Migration Policy. One of the experts interviewed affirmed this in the following illustration;-

"But in Ghana, this is not the case. Only one or two persons are even part of the inter-ministerial work. So far, all the policies formulated, the national Ghana migration policy, for instance, was done by Professor Awumbila and her group, and the diaspora policy by Dr. Badasu and others. All of them were assigned to a consultant. Both the Ministry and the IOM appoint the consultant, and then you are given a task which specifies what the policy should focus on. Then based on that, situational analysis is done to see the situation in that policy area" (2020/EXP/IDI/02, Fieldwork, 2020).

The second type of immigration policymaking process is internal, in which the process is not given out, but officials within the policy area or sector lead the process. The following illustration point to this;-

"The other component is with the legislative instrument which, as you know, those are done by agencies that are in the area and then they will pass it through the Ministry...., then it will go to the Attorney General Department and then that one too is similar to what we are doing but shorter, it will go to Parliament because it has to be passed as a bill or an Act. In contrast, the policy does not go to parliament" (2020/EXP/IDI/02, Fieldwork, 2020).

This second type of public policymaking process, which resonates in the output-oriented legitimacy paradigm is the bureaucratic or elitist approach. This is what has been employed to formulate immigration policies in Ghana even up to the late 1990s when the processes leading to the promulgation of the current Immigration Act 2000, Act 573 started, as illustrated in the following quotes:-

"As for Act 573, I am aware that some key officers were called upon to bring inputs. This question is technical because I do not know what went into those formulations, how they gathered information, and what documents they picked before they came out with Act 573. Nevertheless, I know it is basically a carbon paper of the Aliens Act, Act 160" (2020/GIS/MM/IDI/03, Fieldwork, 2020).

"As I have already told you, we do not have any clear-cut policy as far as I am concerned. But when the laws are being reviewed, a few people are called, and then drafts are made, the drafts are brought, we look at them, make our inputs, then we send them to Parliament when Parliament is in session" (2020/GIS/RTD/IDI/02, Fieldwork, 2020).

In this regard, this study uncovered two main types of public policymaking processes in Ghana's migration field, namely the internal process and outsourcing. This finding is consistent with what Zincone and Caponio (2005) discovered in Italy, including the top-down decision-making processes and the governance approach. Natter (2019), however, arrived at three policymaking processes; the generic policymaking process, the issue-specific policymaking processes and regime-specific policymaking.

The first and the one practised for many years in Ghana, even before independence, is the internal process, also known as the top-down approach. Others refer to it as the bureaucratic process or exclusionary approach (Mohammed, 2015; Kpessa & Atuguba, 2013) or a closed-circuit network (Ohemeng, 2005). Thus, the legacy of immigration policymaking has been 'elite-driven' and mainly led by the State (Gatune et al., 2021; Koh et al., 2016; Mohammed, 2015; Kpessa, 2011).

In this approach, few actors in the issue area mostly set the agenda for policy reforms or changes. However, approval is needed from the government in power or the supervisory

Ministry. Immigration policymaking in Ghana has followed this process since time immemorial. The second type of public policymaking is the governance approach. With this type, the policymaking process is outsourced to a consultant. An example is the processes that led to the formulation of the National Migration Policy of Ghana.

#### **6.4 The Immigration Policymaking Process**

In Ghana, immigration policymaking follows the public policymaking processes divided into three periods already discussed. Policymaking is the second part of the policy cycle which is primarily dependent on the political system and is conducted with a specific ethical framework (Ruhs, 2005). Early research in immigration policymaking was done in the Western Liberal system, and the conclusion was that there was a liberal paradox or embedded liberalism (Hollifield, 1992). Another study focused on autocratic Morocco suggested that there is also an illiberal paradox confirming regime effects in policymaking (Natter, 2019; 2018). However, Natter (2019) also identified two other processes; generic and issue-specific. Glasius (2018) asserted that the democratic-autocratic binary is not helpful. Rather a continuum of the two, as in each country, both are practised regardless of the regime.

##### **6.4.1 The Colonial Era**

Public policymaking in the colonial era can be traced to the second half of the 19<sup>th</sup> century. Because up to 1850, the Colony was under the administrative supervision of Sierra Leone. This arrangement was separated first between 1850 and 1866 when the Gold Coast had its own political and administrative set-up and directly dealt with the Crown. A Governor, an Executive Council and a Legislative Council, all of British origin, were established. This administrative arrangement was, however, short-lived, as a subsequent recommendation from a select committee citing cost, reversed it. The separation eventually took place in

1874, and under this arrangement, Legos became part of the Gold Coast administration up to 1886 (Addo-Fening, 2013; Miller, Vandome & McBrewster, 2009).

#### *6.4.1.1 The Administrative Set-Up*

Gold Coast's political administrative set-up comprised the Governor, the Executive Council, the Legislative Council, the Provincial Councils and the Municipal Councils. The Governor initiates and presides over the Executive and the Legislative Councils. He initially appointed all members of the two councils until 1925, when the first Constitution made provision for the election of some of the Legislative Council members. The Governor is indeed the fulcrum upon which the Colonial Administration revolved. The Executive Council played an advisory role to the Governor. It comprises officials mentioned in the Royal Instruments and persons appointed by the Governor and approved by the Secretary of State. According to Wight (1946), eight (8) members constituted the Executive Council in 1940. By this time, all the members were British (Gold Coast Report, 1928; 1932). It was due to persistent and sustained agitations from the general public, particularly the legislative Council's unofficial members, that led to the appointment of two (2) Africans to the Executive Council. These two were Sir Ofori Atta and Mr. K. A Korsah.

The Legislative Council existed to enact laws for the Colony. Until 1925, all of its members were appointed by the Governor. The first Legislative Council was set up in 1850, but it was reduced in size when the Gold Coast was again placed under the supervision of Sierra Leone. It continued until there was a separation in 1874. Between 1850 and 1898, its members were all British, but due to agitations, one African – Mr. Hutton Mills- was appointed to serve on the Council in 1898. The number was increased to two (2) in 1912 and six (6) in 1916, consisting of three chiefs and three educated elites (Addo-Fening, 2013). The 1925 Constitution and the Gold Coast Colony (Legislative Council) Order accommodated these arrangements and functions. An amendment led to the inclusion of

Ashanti and the Northern Territories in 1934. The Legislative in 1925 was made up of thirty (30) members comprising the Governor, the Executive Council, fifteen (15) official members, all British and fourteen (14) unofficial members. The unofficial members comprised five (5) Europeans representing their business interest and nine (9) Africans consisting of six (6) elected Provincial tribal chiefs and three (3) Municipal members elected from the three municipalities; Sekondi, Cape Coast and Accra.

The Provincial Council was created in 1925 to represent the three provinces. Each Province had a Provincial Council comprised of chiefs within that Province, whose duty was to elect their representatives to the Legislative Council. The Western Province elected one chief, Central Province had two (2) chiefs, and the Eastern Province had three (3). The reason is that Eastern had three sub-divisions based on ethnic groupings (Akan, Ga-Adangbe and Ewe).

#### *6.4.1.2 Colonial Policy Sources*

The Colonial Administration policies, including immigration policies, can be traced to three primary sources (Wight, 1946). First was the Imperial Government, which was external to the Colony. Martin Wight indicated that the Legislative Council debates confirmed that most Colonial policy sources emanated and were guided by the Colonial Office in Britain in two (2) ways. On the one hand, policies were handed directly from either the Colonial Office, the Secretary of State Office, or the Office of the Secretary of State to the West African Government Offices. On the other hand, by recommendations from persons who came to the Gold Coast on official visits. These Imperial Government sources provided two forms of policies; international conventions rectified by the British Government and handed to the Colonies and policies that were for uniformity among the British Colonies.

The second source of the Colonial Administration policies came from the local government system. The policy initiation is a result of departmental needs. Proposals agreed upon with

the Governor were referred to the Attorney-General for drafting. The draft is presented to the Legislative Council for consideration and approval.

The last source of Colonial policies, which was seldom used, was agitations and popular discussions. These were mainly channelled through the unofficial members of the Legislative Council. One such policy enacted was the Immigration Restrictions Ordinance of 1937. It was initiated by the joint Provincial Council, which demanded that agitators who were not indigenes of the Gold Coast be deported or kept out of the country. In his book "the Gold Coast Legislative Council" published in 1946, Martin Wight stated that:-

"The Immigration Restriction Bill of 1937 was presented to the Legislative Council by the Attorney-General as consequent upon a resolution by the Joint Provincial Council of Chiefs in which they asked that steps might be taken to deport or, in other words, keep out of the country, agitators who are not indigenous to the Gold Coast" (Wight, 1946, p. 116).

The action by the chiefs indicates that immigration policymaking during the colonial era came from diverse sources. These sources include the country's chiefs to meet their desire to see immigrants removed from the country. Again, it points to the fact that most of the immigration control policies were handed to the Colony from Britain, making immigration policymaking elitist, bureaucratic and non-participatory.

#### **6.4.2 Early Independence Era: Period of Minimal Consultations (1957-1992)**

The period between 1957 and 1992, captured in this study as the early independence era, saw a lot of political administrative shifts and changes leading to diverse policymaking processes and actors. This era began with a political arrangement that saw the first President becoming the embodiment of policymaking and eventually a one-party state after the Republican Constitution was amended in 1964. Within the early independence era, Ghana had six (6) different military interventions, which sum up to twenty-two (22) years of military rule, aside from numerous failed attempts, and three republics. These frequent changes in administration and its set-ups have led to public policymaking that scholars of

public policy have variously described as a closed circuit (Ohemeng, 2005), exclusionary and elitist (Mohammed, 2015) and undemocratic and non-participatory (Amoako-Tuffour, 2008). The democratically elected government, according to Amoako-Tuffour (2008), either "failed or didn't have the opportunity to open up the political space" (Amoako-Tuffour, 2008, p. 96) to engage the citizenry. The bureaucratic nature of public policymaking is also reflected in immigration policymaking. Immigration policy changes were initiated by the Minister responsible for the Interior. Participants pointed to this fact as illustrated here:-

"Previously, I will say maybe it was made at the top by leadership, but for the human resource policy, there had been broad-based consultation among officers. A team of officers travelled the whole country to solicit for ideas, but this thing hitherto, was not being done, to the best of my knowledge" (2020/GIS/MM/IDI/05, Fieldwork, 2020).

These findings indicate that immigration policymaking is embedded in the public policymaking structure of the country.

#### **6.4.3 Contemporary Era: Emergence of public engagements from 1992 onwards**

Though some contestations exist, the general perception is that from 1992 to date, successive governments progressively allowed more participation and consultations in public policymaking. Especially from the year 2000, which saw the rise of Civil Society Organisations in the country (Mohammed, 2015; Amoako-Tuffour, 2008; Ohemeng, 2005). Notwithstanding these notable improvements, the depth, quality, legitimacy and impact of participants within the public policy space and the genuineness of the processes have been questioned (Mohammed, 2015). The conclusion is that public policymaking in Ghana is still an elitist activity involving mainly politicians, particularly members of the party in power and the hijacking of the process by the executive arm of government, thereby excluding venerable groups such as immigrants (Mohammed, 2015; Kpessa & Atuguba, 2013).

Within a particular field or policy area, such as immigration policy, as Ohemeng (2005) indicated, few politicians and bureaucrats form a network of policy actors, to the neglect of other stakeholders (Teye, 2008). It is in this public policymaking context that immigration policies are formulated in Ghana. However, as the general public policymaking space has been changing since the early 1990s (Mohammed, 2015; Amoako-Tuffour, 2008; Ohemeng, 2005), so is the immigration policymaking. There are emerging trends where both internal and external actors at the domestic level are engaged, and the International Development Partners consulted. There is now an emerging trend where though the immigration policymaking process is still internal, a committee is set up within the Ghana Immigration Service to lead the process. The following quotes affirm these shifts:-

"The Comptroller-General initiated the process with management, and a committee was formed from various departments. The Committee toured the country to solicit views from the various regional commands using the previous document as a benchmark, evaluating its achievements and challenges and getting basic ideas from the officers across the country. The Committee also engages other key stakeholders like ICPMD, the EU, IOM and the ECOWAS secretariat. This activity is to solicit their views and get their input into that policy documents". (2020/GIS/MM/IDI/05, Fieldwork, 2020).

Even though there is some improvement in the stakeholder engagements, there is more to be done. This is because some key stakeholders are still neglected in the immigration policymaking process, as indicated in the following quote from a respondent from the Ghana Union of Traders Association:-

"No, it has never happened before. It is something that, even during our last general meeting, it came up. We sometimes feel bad because our leaders and institutions neglect the trading public. Listen, aha, should our leaders involve the trading associations, the benefits that they will get are enormous. So going forward, as much as they have not been doing it, I think it is better late than never. They should re-think any policy they want to come up with and involve the trading associations" (2020/PS/IDI/01, Fieldwork, 2020).

Diagram 2.3 on page 57 is a pictorial presentation of the immigration policymaking processes, which is also based on the theoretical and conceptual frameworks employed in this study. Both domestic and international dimensions and vertical and horizontal

dimensions are involved in an interdependent manner. From the diagram, G to D constitute the domestic interest groups, principally the elites in each group. The Ministry of the Interior represents the State, the Attorney-General's Department, Parliament, and other political networks of officials represented by G.

Then there are state institutions within which the state bureaucrats and experts work. In this case, the Ghana Immigration Service officials are represented as A. Figures B, C, and D represent other interest groups such as Migrant Associations, Employers' Associations, Trade Unions and Domestic CSOs. Some of these groups are consciously or unconsciously excluded from the community of policymakers, such as D.

The International Development Partners are designated as the International Community. The international community plays a significant role in the immigration policymaking processes and hence are part of the policy community, what Ohemeng (2005) termed a "closed-circuit network". They may even initiate or set the agenda for a particular policy to be formulated and support the formulation processes with funding and technical expertise. The diagram clearly shows the interdependency nature and the networks between the International Community and the domestic level actors, mostly top government officials from the Interior Ministry and the Ghana Immigration Service.

### **6.5 Divergence and Continuities of the Eras**

It is observed that immigration policymaking of the three eras had differences and similarities. The first divergence is the political administrative structure and the actors involved. Britain or the Queen of England controlled the Colony's political administration during the colonial era. As such, the Governor in Council, the Executive and the Legislative Councils majority of whom were Europeans, initiated and enacted immigration policies. On the attainment of independence, the country's administrative structure changed. The President, Cabinet, Ministry of the Interior, and the Legislative Assembly (Parliament) took

over the immigration policymaking processes. In the current dispensation, immigration policymaking processes are initiated by either the government in power, the Minister of the Interior or the Ghana Immigration Service.

Another change is the role of the Governor in the Council and that of the Provincial Councils. Currently, the President is in charge of the country and vested with the powers to assent all acts of Parliament. The active role played by the Provincial Council has been abolished.

Aside from these divergences, there are some continuities. In general, immigration policies follow the public policymaking processes. As such, the bureaucratic nature of immigration policymaking during the Colonial era persists, though, in the current era, internal and parliamentary participation has improved.

Again, the most affected groups, including the immigrants and the Ghanaian business community, continued to be excluded from immigration policymaking processes.

Furthermore, the involvement of external actors and sources has also persisted. The British government was the primary source of public policy during the Colonial era. This has evolved into the International Development Partners acting through their Embassies/High Commissions, IGOs and INGOs like the IOM, GIZ and ICMPD. The following quote affirms this;-

"Well, in totality, the embassies or missions here have a package they normally give to various agencies when. We have worked hand-in-hand with the Netherlands, German, and American embassies. The Chinese embassy, the Indian High Commission, the EU, then IOM and the UNHCR. We have been working closely with them. They all have a particular role that they play. Some gave us training" (2020/GIS/RTD/IDI/03, Fieldwork, 2020).

The discussions in this section have shown that there are divergence and continuities of the processes and actors involved in immigration policymaking in Ghana.

## **6.6 Practical Processes at the various institutions**

This section concentrates on the activities or roles placed by the various actors, including the Ghana Immigration Service, Ministry of the Interior, Cabinet, Drafting Division of the Attorney General's Department and Parliament and the President of the Republic of Ghana.

### **6.6.1 Process at the Ghana Immigration Service**

After a problem has been identified, the head of the Service (the Comptroller-General of Immigration) constitutes a committee that leads an internal process and then comes up with a draft policy to change the existing policy. The Comptroller-General then seeks approval from the Immigration Council (formerly Immigration Service Board) before the draft policy is forwarded to the Ministry of the Interior for the Minister's attention and consideration.

The following quote summarises the institutional process;-

"Oh, with the Immigration Act, we worked on the document for over five years. I was here when the Act was being worked on. It was going back and forth. The Board will send it to the Minister, and the Minister will bring it back, that we have to look at this and look at that. Eventually, it went through the Ministry, and Parliament approved it" (2020/GIS/MM/IDI/02, Fieldwork, 2020).

### **6.6.2 Processes at the Interior Ministry**

At the Ministry of the Interior, a request for policy approval is forwarded to Cabinet. The procedure and the process have been explained in the following quotes from unpublished guidelines documents obtained at the Drafting Section of the Ministry of Justice and Attorney General's Office;-

"So, the signed memorandum by the sponsoring Ministry, in this case, the Ministry of the Interior, is sent to the Secretary to the Cabinet. If the process leads to the enactment of an act of Parliament, the approval after consideration will be communicated to the Ministry of the Interior, and a copy will be sent to the Office of the Attorney-General and Minister of Justice. The legislative drafters will draft the bill and attach an explanatory memorandum based on the Cabinet Memorandum. This is after the Legislative Drafting Division of the Attorney-General's Department received drafting instructions from the schedule officers at the Ministry of the Interior based on the Cabinet's approval letter. The drafting of bills is under Article 106 of the 1992 Constitution of the Republic of Ghana. Fourteen days after the drafted bill has been gazetted, it is laid in Parliament" (Unpublished Document from the Legislative Drafting Division of the Attorney-General's Department, Fieldwork, 2020).

### 6.6.3 Processes at Parliament

In Parliament, there are four stages a bill must go through before passing. These are the first reading stage, second reading stage, consideration stage and third reading stage, which is the final stage for the bill to be passed. The general public is invited to make inputs as part of the parliamentary process. For example, during the Parliamentary processes to get the Immigration Bill 1999 passed, the Chairman of the Joint Committee of Constitutional, Legal and Parliamentary Affairs and Defence and Interior, Mr A.S.K Bagbin (now the Speaker of Parliament), on the floor of Parliament, indicated;-

"Mr Speaker, we referred to the legislation stated in the Report and invited many people to appear before the Committee. Mr Speaker, I will particularly want to mention that the International Spouses Association of Ghana took much interest in the deliberations of the Committee .... We also had a very forceful and well-organised non-governmental organisation (NGO) called the Diasporan Community of Ghana, comprising a number of associations such as the African American Association of Ghana, the AWRRTC-Truth Commission, the Ethiopian World Federation, Fihankra International, Ghana Canadian Association, Nation of Islam and One Africa Production. Mr Speaker, the Ahmadiyya Muslim Mission, the Christian Council of Ghana and the Ghana Bar Association also submitted memoranda and participated in the committee deliberations" (Parliamentary Debates Official Report, Thursday, 18th November, 1999).

It means that in the current dispensation, even if the initial process is limited to some few 'closed-circuit networks' (Ohemeng, 2005), there is an opportunity at the parliamentary level for concerned stakeholders and the public, in general, to submit memoranda to enable them to contribute to the policymaking process. However, this may delay the process and may as well produce significant changes. The process is not exhausted until the bill is passed, assented to by the President and duly gazetted per Article 106 (1) of the Constitution, which states that;-

"Without prejudice to the power of Parliament to postpone the operation of a law, a bill shall not become law until it has been duly passed and assented to under the provisions of this constitution and shall not come into force unless published in the gazette" (The Constitution, 1992).

**Table 6.22: The systematic process that the Immigration Act 2000, Act 573**

| Date                                | Processes/Activities   |
|-------------------------------------|--|
| November 1998                       | Immigration policy received Cabinet approval   |
| Tuesday 25 <sup>th</sup> May 1999   | The Immigration Bill was laid before Parliament and read for the first time by the then Interior Minister Nii Okaija Adamafo. It was subsequently referred to the Constitution, Legal and Parliamentary, and the Defence and Interior joint committee.<br>NB: this means it took about six (6) months for the drafting to be completed |
| Thursday 18 <sup>th</sup> Nov. 1999 | Second reading and the submission of the Committee report for full debate (another 6 months between first and second reading)  |
| Thursday 2 <sup>nd</sup> Dec. 1999  | Consideration stage  |
| Tuesday 7 <sup>th</sup> Dec. 1999   | Consideration stage continued  |
| 15 <sup>th</sup> December, 1999     | Third reading and the bill passed  |
| 2 <sup>nd</sup> February, 2000      | Presidential assent  |
| 11 <sup>th</sup> February, 2000     | Gazette notification   |

Source: Author's Own Construct based on Parliamentary Debates official report from 18<sup>th</sup> November, 1999 to 15<sup>th</sup> December, 1999

Aside from the laws of Parliament, there are Executive Instruments, Notices or orders from the President that goes through the Attorney-General for it to be gazetted;-

"There is also subsidiary legislation, including constitutional or legislative instruments, employed to provide detailed provisions in a substantive Act. Though it may not require Cabinet approval, the norm is that due to the sensitive nature of public policies and because policies demand funds or the changes that will come with them, there is the need to seek such approval by the Minister of the Interior. After such approval, it is referred to the Drafting Division for drafting and then referred back to the Minister through the focal person. This process between the Ministry of the Interior and the Drafting Division of the Attorney-General's Department will continue till the draft is satisfactorily completed. Upon completion of the draft, a pre-laying meeting is held with the Subsidiary Legislative Committee in Parliament to allow the Committee to subject the draft to parliamentary scrutiny in order to address issues of concern before it is laid in Parliament for twenty-one sitting days. Where there is the need for some changes, the Clerk of Parliament communicates to the Drafting Division for such amendments and the final draft laid. It will then come into force after the twenty-one sitting days" (Unpublished Document from the Legislative Drafting Division of the Attorney-General's Department, Fieldwork, 2020).

## **6.7 The Politics of Immigration Policymaking**

The politics of immigration policymaking among the various domestic and international actors are discussed here.

### **6.7.1 Actors in Immigration Policymaking**

Prior to the turn of the nation-state, local/city authorities and chiefs were the regulators of immigration or passage through their territories. After the creation of the nation-state through the Westphalia Treaty of 1648, which granted the sovereign right to the nation-state, immigration controls and regulations became the preserve of individual countries (Borket & Penninx, 2011; Peil, 1974; Schildkrout, 1970). Policies were made at the country level to regulate immigration. These immigration policies are, however, formulated based on many factors, including the political regime of the country, which as well defines the immigration policymaking processes. Thus, to fully understand immigration policymaking, the complexities of the nation-state's public policymaking have to be understood (Natter, 2019; Glasius, 2018; Hampshire, 2013).

In the United States of America, a federal system, for example, immigration policies are made at the country level while integration policies are formulated by the various states, though this is not the case for all federal systems (Filindra & Goodman, 2019; Tichenor & Filindra, 2013).

Before the European Union assumed a supranational status in Europe, individual countries within the EU formulated their immigration and integration policies. In the current dispensation, however, immigration policymaking has been elevated to the EU level. The elevation of immigration issues is enshrined in the 1997 Amsterdam Treaty (Donmez & Sutton, 2020; Borket et al., 2011; Givens & Luedtke, 2004).

Immigration policymaking in Africa is still the preserve of the individual states. However, there are binding and non-binding regional and sub-regional protocols rooted in the 1963 Organisation of African Unity (OAU) charter. The introduction of the 'Agenda 2063' of the

African Union advocates for greater integration and enjoins individual countries to incorporate such protocols into their local laws and policies (IOM, 2020; AU & IOM, 2018). Of great interest to immigration policy is the protocol to the Treaty establishing the African Economic Community (AEC) relating to the Free Movement of Persons, Right of Residence and Right of Establishment modelled like that of ECOWAS as well as the creation of African Passport and visa on arrival regimes (AU & IOM, 2018; AU, 2015).

The ECOWAS sub-region has also, since 1979, pursued the Free Movement of Persons, Right of Residence and Establishment. It was scheduled to be rolled out in three phases of five years each. Phase one, which was from 1980 to 1985, saw the abolition of a visa requirement for all member state citizens; phase two was rolled out in 1986, which was the protocol on the Right of Residence, and the third phase of the Right of Establishment began in 1990. However, due to implementation challenges, the ECOWAS treaty was revised in 1993 and reprinted in 2010. In place of the ECOWAS travel certificate, the National Biometric Identity Card was established in 2014 to be operational in 2016 per Decision A/DEC.01/12/14 Amending Decision A/Dec 2/7/85 establishing the Travel Certificate for ECOWAS Member States in Abuja in December, 2014. This binding protocol has yet to be adhered to due to logistical and other challenges.

For easy reference and understanding, and based on the domestic and diffusion theories employed in this study, the actors and institutions were conceptualised as per diagram 2.2 in Chapter Two, section 2.15.3. First is the supranational level including the UN, its agencies, and Inter-Governmental and International Non-Governmental Organisations. The IOM and ICMPD cannot be left out in the Ghanaian context. The African Union and ECOWAS, as regional and sub-regional bodies, also have been seen as part of the process. Countries such as the United States of America, Spain, the Netherlands, the United Kingdom, and the European Union come under the supranational level. Participants also emphasised the critical role played by International Development Partners. This assertion is

supported by the following quotes, which indicate the diverse nature of international actors, including INGOs, UN agencies, countries, their embassies, and regional bodies;-

"Yes, external actors are key because, most of the time, we are challenged with funding. As I mentioned, International Centre for Migration Policy Development (ICMPD) is one of the International Organisations supporting us with funding. We have the Spanish Government, the British government and the Germans. They help us a lot" (2020/GIS/MLO/IDI/11, Fieldwork, 2020).

"When I say that IOM, the United Nations itself, all the institutions like the ILO which are part of the UN, the UNDP, all those institutions are important. Not only the UN, but we also have stakeholders from countries like the UK and Germany, they also have their institutions from Canada" (2020/EXP/IDI/03, Fieldwork, 2020).

The second is the domestic level which includes the MDAs involved in immigration policymaking and is seen as a critical support in implementation. Actors in immigration policymaking and politics at the domestic level in Ghana can be categorised into internal and other domestic actors. The following quotes illustrate the internal actors who are persons and sections within the Ghana Immigration Service;-

"First, the internal processes are based on all the units and sections in the Service. So all these units and sections have to come together and look at the operational domain and find out the limitations because they have all had the experiences as far as implementing the law" (2020/EXP/IDI/03, Fieldwork, 2020).

"Well, the first is government. The government supports us with the laws because whatever you do, you need to be backed by law, and the government is the ultimate power that assents to all the laws we work with. And then also, we have the immigration council. The Council serve as a link between the government and the Service. Then the Heads of the Department, and I will say even the officers as well because we have durbars, and then people are allowed to voice their views, opinions and all that. You will be surprised that these views are considered, and some ideas find their way into policy. So, these are the actors I can identify" (2020/GIS/MLO/IDI/11, Fieldwork, 2020).

Other domestic actors, on the other hand, are persons and institutions in Ghana but outside of the Ghana Immigration Service. These responses from participants alluded to this;-

"After all the internal stakeholders have been contacted and are fed into the new policy or the law, we can look at external stakeholders. We have a lot of external stakeholders, like the Free Zone Board, Minerals Commission, Ministry of Foreign Affairs, GIPC, all these are important stakeholders" (2020/EXP/IDI/03, Fieldwork, 2020).

"The State has a governance structure. Immigration falls under the Ministry of Interior. We cannot on our own do anything without the Ministry because we get budget funding from the Ministry. Moreover, whoever funds you is your boss. So the State plays a very key role. Parliament is a state institution, and the laws are enacted there. We will present proposals, and then the Attorney General's Department will do the draft. They are state institutions" (2020/GIS/MM/IDI/07, Fieldwork, 2020).

"Our key stakeholder is our mother ministry, Interior. Everything we do goes through Interior Ministry. Parliament is a key stakeholder, and so is the Attorney General. The Attorney-General's department cannot be left out. They will do the drafting to put it in the legal language because they have professional drafters. So we always have the Attorney General, The Ghana Bar Association, and Center for Migration Studies, GIPC, and Free Zones" (2020/GIS/MM/IDI/06, Fieldwork, 2020).

However, some participants pointed out that they have not been part of immigration policymaking. The following illustrates this point:-

"No, no, no, we have never been invited by Immigration, or we do not have a representation on their committee. I only remember it was when we raised this issue about foreigners in retail when it was so serious that the Ministry of Foreign Affairs brought together all stakeholders. Immigration was part of that meeting, and then we made our case, reported what was happening at our end, and decided to find the way forward. I do not know of any permanent representation. Immigration has never met us, not even in the wake of our agitation. We even wrote to seek an audience with the Comptroller-General, but to date, we have not had any response. Okay, I think they called through the Ministry of Trade some time ago. That time we were busy, and since then, we have not met to date" (2020/PS/IDI/02, Fieldwork, 2020).

From the discussions above, it is clear that some local NGOs, including some immigrant associations, were not involved in the immigration policymaking processes and are the third group. The fourth actors were employers and their related associations. They were not much involved at the formulation stage but were critical actors in implementation. The last is the state actors and institutions who, together with the government in power, coordinate and lead the formulation and implementation of immigration policies. In the current dispensation, the Immigration Service and the Ministry of the Interior are the key actors. The Ministry provides policy direction, and the Service is the lead implementer of immigration policies in the country and initiates policies.

### 6.7.2 Power Dynamics in Immigration Policymaking in Ghana

The power dynamics indicate the politics of immigration policymaking. These politics emanate from the power struggles and dynamics created by the relationships among actors involved in immigration policymaking. There are internal power struggles and dynamics, and the following quote points to this;-

“In the Service, it is personal interest. It is their own personal interest. The conflict is just for positions and other places. If there is anything at all, it is just grabbing positions. To me, there is nothing. Look, if there were to be any crisis or conflict in the Service, it would have started from our time. But we tried to avoid it. Now it has turned into politics..... Anytime I work, first, I look at the interest of the State, not my own interest. The State's interest first. So, the service interest comes first. That will help us solve this problem. Nobody should put his personal interest in this matter. And then they will be exposing themselves. So, if we want to do away with this conflict in the Service, our people should do away with their personal interest. They should consider the Service's interest" (2020/GIS/RTD/IDI/01, Fieldwork, 2020).

There is an inter-agency power play as well. In fact, this seems to be a perennial challenge among critical agencies involved in immigration control. The following illustrations attest to this;-

"Yes, the security agencies. Even sharing intelligence when it comes to performing our duties, everybody wants to be the first person to have reported an issue, or I am the one who did that. Meanwhile, we are to collaborate and work effectively. Thus, all these are some of the challenges that do not allow us to perform our duties as expected" (2020/FGD/HQ/02, Fieldwork, 2020).

There is also an international aspect of the power dynamics which is more cordial;-

"But hey, in conjunction with other international stakeholders, they now bring in what they call the Security Governance Initiative. The other countries in the sub-region may be brought on Board. As I said, these have been informed by the dynamics of international migration. I mean, international security is joint. So countries must collaborate and cooperate and share information, and where there is a weakness in the country's system, you help that country to see it. So, for example, when it was detected some years ago that a Nigerian guy who attempted to bomb an aircraft, the Christmas Day Bomber, spent two weeks in Ghana, the country had to look for the information on him” (2020/GIS/MM/IDI/01, Fieldwork, 2020).

Most of the time, these power struggles are very serious, with far-reaching consequences.

The following quotes support this;-

"To some extent, it is serious because even when you have been given a function, everybody knows that by law, it is supposed to be performed by Immigration, challenges abound. For example, issuing visas in High Commissions abroad has been performed by Foreign Affairs and then Research Department. Even when we had issued another law to do it, four years later, people still held on to that function. So, it is not simple" (2020/GIS/MM/IDI/07, Fieldwork, 2020).

"I can give you a typical example. Maybe I will not cite the agency, but you know, a long tussle with the Ghana Immigration Service regarding implementing certain Immigration policies. So that friction in itself is not good....." (2020/PS/IDI/03, Fieldwork, 2020).

### 6.7.3 Management of power struggles

These power struggles are managed based on intensity when identified or when it comes up. Some conflicts are resolved instantly, while others have to go through some long processes of conflict resolution mechanisms. Participants alluded to this fact in the following illustration;-

"Yeah, sometimes, it should be solved on the spot. If that one fails, it comes to the top and finally, National Security sits on it because it is about security matters. National Security comprises almost all the agencies" (2020/GIS/RTD/IDI/01, Fieldwork, 2020).

"Yeah, conflicts are supposed to be managed, but it does not mean it should get to national before it is resolved. Certain things depend on the officers concerned. Heads of the various agencies should be able to deal with some of the issues at their level. Moreover, there are Border Security and District Security Committees at the borders to solve issues and make things workable at various districts and borders. These are the Committees that were in place to resolve conflict." (2020/GIS/RTD/IDI/03, Fieldwork, 2020).

There is a new direction to security management, particularly at the borders, which has reduced the intensity of power struggles. Most of the operations, both at the border and internally, are joint operations; hence, there is much cooperation. The following illustrations support this assertion;-

"Oh, sometimes, yes, we have some conflicts with Customs. But of late, it has died down because they have also realised that their job is to take revenue, and our job is to man the borders. Nevertheless, for a few years, they thought they were simultaneously border guards and revenue collectors. But as years went by, their roles were defined. So, the turf war is diminishing" (2020/GIS/MLO/IDI/06, Fieldwork, 2020).

"Many things have changed. I mentioned Rapid Response and Counter Terrorism. Why, in this age, Immigration has to set up a Counter Terrorism that normally, the role of the Police and the Military. But hey, Immigration has to do it. We have to set up an Intelligence Unit because they have to support internal security. So that is the idea that one agency cannot do everything. From the Immigration perspective, we have to support the Police internally. We have to train with the Police and the Military. They are training together. So at a point, what the Military can do, the Immigration can do. In one of the training, Immigration officers have learnt to do repairing helicopters. Somebody will ask why? One day Immigration will have an air wing like that of Nigeria. When they have to react, you do not wait for the Military to come in before they react to the counter terrorism because now they have all been trained. They will know how to respond first before the Military come" (2020/GIS/MM/IDI/01, Fieldwork, 2020).

Power is one of the contested concepts with diverse dimensions, and it is also true that power is everywhere and entangles every sphere of life (Sharpe et al., 2005). The MLG concept employed in this study recognised this, and indicate that states have shifted some of their responsibilities up to the international institutions and downward toward the local turn (van der Leun, 2006; Guiraudon & Lahav, 2000). This is one of its strengths and generates complex, heterogeneous and autonomous yet interdependent interactions of actors. It does not mean the powers of the State have been reduced, but the focus is on healthy policymaking relationships.

## **6.8 Challenges in Immigration Policymaking**

Immigration policymaking is not without challenges. This section, therefore, focuses on the challenges in immigration policymaking, which include; - the lack of accurate and adequate data, the constantly changing features of international migration, funding of the process and power struggles.

### **6.8.1 Lack of Accurate and Adequate Data**

The first challenge identified by participants is the lack of accurate and adequate data to aid informed decision-making. Data is fundamental in decision-making and policymaking. It serves as the evidence on which informed choices are made. However, there has been a perennial lack of accurate and adequate data that is needed for evidence-based immigration policy. Gould (1974) talked about the paucity of statistical information on international

migration, an age-old phenomenon in Ghana. Many have echoed this, and the migration data gap persists (ICMPD & IOM, 2016). The following illustrations point to this fact;-

"Well, we are not doing badly, but as I said, we need a lot of equipment and infrastructure. If you go to the remote entry points, they do not even have computers to have good data. The physical cards and whatever, by the time they get to the centre to be converted into electronic data, a lot might have happened. Although we have the PIECES system at the major entry points, the remote entry points are still manual. The data is available for those who pass through our hands legally. We are currently trying to digitalise our internal operations at the headquarters and the regions. We have fairly good data. We can improve" (2020/GIS/MM/IDI/06, Fieldwork, 2020).

"I was saying that even for those who have the ability to process documents of persons who are crossing, a lot of that data is not digitised. It means that some data will be collected on the information system. However, most data collected is just physical and manual cards, and nothing is translated. Hence, if you even want to trace someone, you have to find the date and go and find the stockpiled of physical cards and go through a file one by one before you can find a document. You should thank God if that card is not spoiled, or some water has not poured on it, or some rat has not chewed it. So you see, the challenge with undocumented migrants within the space is not just with the entry point, as in the system that is used to collect the data at the entry point, but what we even do with the data after the collection" (2020/INTORG/IDI/03, Fieldwork, 2020).

There is a need to build more data infrastructure or systems to collect and collate accurate data, particularly on international migration in Ghana.

### **6.8.2 Constant Changing Features of International Migration**

Another challenge related to immigration policymaking is the changing features of international migration. One of the permanent features of migration globally is its persistent change. Apart from the consistent increase in international migration and travel, the dynamics of international migration have also been changing regularly. Contributing to the persistent changes associated with international migration, Hein de Haas pointed out the theoretical swing from optimism to pessimism and then back to the optimistic perspective accompanied by increased research in migration from the year 2000 (de Haas, 2010). Again, there are changes in the geography of international migration, residence status, and a focus on diasporan engagements and transnationalism. Actors and regulations of international migration have also been changing (UNWTO, 2018; McAuliffe & Ruhs, 2017; Borkert et al., 2011). This is also the case in Ghana. Even as nationals immigrating to Ghana have been

diverse, Ghanaian emigrants have also spread across the globe (Awumbila et al., 2014; Anarfi et al., 2000). Migrant groups in Ghana have been changing, and the type of work or employment these immigrants entered is also changing. Again, the development dynamics of the country have also been changing. The following quote attests to the fact that, generally, migration has been changing;-

"Again, matters of migration are dynamic. Constantly changing, constantly evolving. What you face now is not what you will face next two or three years" (2020/INTORG/IDI/03, Fieldwork, 2020).

These illustrations also support the fact that the country's changing economic or development context also affects immigration policymaking.

#### *6.8.2.1 Changes in the economic sector*

First is the changes in the economic dimension. Ghana now has oil in commercial quantities, which has affected the type of migrants that come into the country.

"We have emerging situations where our current requirement does not meet those needs, and I will give you an example. So let us say Tullow brings in an expatriate or skill to work specifically on something and go back. Per what we have, it requires that Tullow give the person an employment contract and even send their application to the Petroleum Commission. As per what the person is coming to do, he may spend three days or one week handling that thing. The procedure of even going to the petroleum commission will be too long. They would not have met, but the person would have finished working and gone. We must rise to these emerging trends and devise administrative procedures to deal with the challenges. The bottom line is, we must come up with administrative procedures to meet all these little challenges that have not been covered by the current system that we have" (2020/GIS/MLO/IDI/03, Fieldwork, 2020).

#### *6.8.2.2 Changing security situation*

The second is the security situation within the sub-region.

"Then again, in contemporary times also, we are seeing the effects of the security situation in the whole West African sub-region and the world as a whole. The issue of terrorism affects the way we approach migration management. It started with Boko Haram in Nigeria, now Al-Qaeda and all the others across the sub-region. Especially in the Sahelian countries. Terrorism in the Sahelian region; Burkina Faso, Mali, Niger virtually being number one and now how we have to mount or strategise to manage our borders" (2020/GIS/MM/IDI/01, Fieldwork, 2020).

### 6.8.2.3 Shift of the work done by ECOWAS nationals

One of the major groups mostly found in Ghana is the ECOWAS nationals, particularly Nigerians. The work these West African nationals are engaged in has also evolved. During the colonial era and immediately after independence, these migrants were mainly involved in menial jobs and were into agriculture and petty trading, as illustrated here;-

“The work on the farms and nation buildings is done mainly by the owners and their families. Immigrant labourers are also employed, however, especially in gathering cocoa” (Gold Coast Report, 1930-31, p. 52)

The increasing demand for cocoa has brought about the introduction of hired labour, of which a considerable immigrant force from the non-cocoa growing parts of the Gold Coast and from outside finds employment in the production of the crop and its transport to road and rail head" (Gold Coast Annual Report, 1936-37, p. 24)

"Moving forward, when the economy started expanding, cocoa became our major export earner. You will also see that unskilled labour in the sub-region also came in. Nigeria, Niger, Mali, Burkina Faso, Togo, and Benin, came in their numbers to work as farmhands in the cocoa plantations. Some had left, others had remained and metamorphosed as Ghanaians today." (2020/GIS/MM/IDI/03, Fieldwork, 2020).

However, participants also indicated that some ECOWAS nationals, particularly Nigerians, were in recent times involved in Cybercrime, as illustrated in the following quote;-

"And again, we have also noticed that with the ECOWAS sub-region, we have the Nigerians and a few Senegalese, who are impacting our cyberspace but negatively because they are using it to swindle lots of people. Letting the world think that the swindlers are Ghanaians because of their IP addresses and everything emanating from Ghana. Moreover, immediately they succeed, they repatriate their funds and move out of the country." (2020/FGD/HQ/05, Fieldwork, 2020).

Apart from the nationals from the West African sub-region, there are Europeans, Asians and Americans as part of the immigrant stock in the country. The following quotes illustrate this assertion.

"Then again, beyond the continent, you will have especially the Asian Countries reference to China and others who want resources from our end coming in groups. The Chinese are into mining, construction, and petty trading reserved for Ghanaians. Then, some come through the GIPC channel. They are coming in specifically to engage in investments or engage in certain businesses that are in line with our laws, policies and regulations. So those are there, especially people from European countries and America. So it is a mixed bag of people or migrants coming to work or to exploit resources, mineral, timber or others" (2020/GIS/MM/IDI/05, Fieldwork, 2020).

#### 6.8.2.4 Increasing diasporan community

Recently, persons of African descent or the diasporan community are also relocating to Ghana. The following quote affirms this;-

"Throughout the world, we are beginning to become attractive. So, I have noticed that we have an influx. We had an influx of Egyptians and people coming from Turkey to come and invest. And then, as for the Lebanese, we can say we live with them. So, the numbers are still swollen up. The new trend is the Egyptians that came. Also, we are beginning to see the diaspora coming from America. If you go to Aburi right now, you will see that the whole place is flooded with Afro-Americans. They think that the weather is conducive for them. Then we begin to see the Chinese. We are overwhelmed by them. Furthermore, interesting enough, at the ECOWAS level, we see many Nigerians trying to relocate into the country" (2020/GIS/MLO/IDI/06, Fieldwork, 2020).

#### 6.8.3 Funding of the Process

Funding of the immigration policymaking process is also a challenge to deal with, as illustrated here;-

"The issues are many. The immigration system itself is a challenge because when you are tasked to do sometimes, it involves some finances. The external stakeholder conference we were seeking to have, you cannot hold it in Immigration Headquarters here. The ideal would have been to meet at a hotel closer to those people. Then you could have a very elaborate discussion. If it is even a whole day discussion and all that. So the challenges, let me say funding" (2020/GIS/MLO/IDI/09, Fieldwork, 2020).

#### 6.8.4 Power Dynamics

Another challenge is the power dynamics at all levels, including internal, external and international. With regard to immigration policymaking in Ghana, the dynamics of power favour the political elites and those within their networks. The following quotes point to this.

"Well, currently, it is a complicated process. What happens is that the most powerful or the ones closer to the seat of government carry the day. Basically, that is what happens because there is no arbiter, and so whoever is more powerful... There have been perennial conflicts between the Ghana Immigration Service and the Ghana Police regarding trafficking".(2020/EXP/IDI/03, Fieldwork, 2020).

"I know, but sometimes if you are confronted with an interest of sort from a foreign donor trying to push its interest across because you are at the receiving end, you are more or less unable to speak your mind. You see, I have come across some of them ..... And we have a lot of foreign partners that you can see are preserving a certain interest. These are delicate issues. They are preserving their interest and do not want us to share them. Some of the main objectives of these foreign partners are to tap the line you want to drive at, and they try to weigh their interest and yours before they put in whatever assistance they want to offer" (2020/GIS/MM/IDI/03, Fieldwork, 2020).

## 6.9 Summary

The study identified that bureaucratic immigration policymaking in Ghana is a colonial legacy, persisted and perpetuated by successive governments -democratically elected and military regimes- after independence. From the early 1990s, generally, there has been a shift from a bureaucratic approach to internal participation. However, bureaucratic tendencies persist because immigrants and the business community, affected mainly by enacted immigration policies, are still excluded from initial immigration policymaking in Ghana. The politics and the practical role played by each actor were identified. Actors in immigration policymaking have evolved, as well as the political structures. During the colonial era, chiefs representing the Provinces were part of the process, but this changed after independence. Actors in the current dispensation are the Ghana Immigration Service, Ministry of the Interior, Cabinet and the Drafting Section of the Attorney General's Department. Others are the Parliament of the Republic of Ghana and the courts. These constitute the domestic actors. There are also actors from the supranational level, including the IOM and ICMPD. Related to the politics of immigration policymaking are intra, inter and international power dynamics among the various actors. It was unpacked that there is an intense power struggle among the domestic actors, both intra and inter-institutional. Mechanisms are, however, in place to manage these power struggles. The power relationship between domestic actors and the international development partners who mainly provide finance and technical assistance was cordial.

The immigration policymaking processes are fraught with some challenges. Among the challenges identified are the lack of accurate and adequate data to help make informed decisions, the constantly changing features of international migration, including changes in the economy and changes in geographies, security challenges, and shift of economic activities of ECOWAS nationals and increasing diasporan community. Funding the immigration policymaking process and domestic power struggles are the other challenges.



## CHAPTER SEVEN

### ASSESSMENT OF THE EFFECTIVENESS OF IMMIGRATION POLICY IN GHANA

#### 7.1 Introduction

This chapter assesses the effectiveness of immigration policy in Ghana. The focus is on the effects of implemented immigration policies aimed at answering the question, what are the consequences of immigration policy in Ghana? The chapter begins with an introduction followed by the presentation of the findings. These include the effects of implemented immigration policies, stakeholder perception of policy implementation, unintended consequences and challenges of implemented immigration policies.

#### 7.2 The Effects of Immigration Policy in Ghana

One contested area in immigration policy studies is the assessment of immigration policies (de Haas et al., 2018; de Haas, Natter & Vezzoli, 2015). While some scholars believe that immigration policies are less effective (Castles, 2004), others have concluded that with the aid of technology, immigration policies have been effective (Ortega & Peri, 2013; Brochmann & Hammar, 1999).

De Haas and his six (6) other colleagues have argued that to help resolve these contestations, there is the need first to distinguish the role of the State, which is broader in immigration processes from that of immigration policy (de Haas et al., 2019). For example, immigration policies were mainly enacted, in the Ghanaian context to effect selection of immigrants, control and regulate admission and exit, residence and employment, and removal of undesirables. After the distinction between the role of the State and that of immigration policy, the next is to conceptualise immigration policy effectiveness in order to provide more clarity between effect and effectiveness (de Haas et al., 2018; Bjerre, 2017). This conceptualisation is based on the immigration policy gap analysis, which also helped to

understand the four levels of immigration policymaking. These levels are political discourse or immigration politics and processes or policy input analysis; actual policy on paper or the policy output analysis; implementation of immigration policy and the outcome of implementation (de Haas, 2019; Helbling & Leblang, 2019).

Based on these four levels of immigration policy analysis, three (3) policy gaps emerged. The first immigration policy gap is the discourse gap which is the difference between political rhetoric and policy on paper. Thus, in the current Ghanaian context, it refers to the bureaucratic politics related to immigration policymaking among key stakeholders, of which the International Development Partners are part of the process. The domestic stakeholders are Immigration Service, the Ministry of the Interior, the Cabinet, the Drafting Section of the Attorney General's Department and the Parliamentary. This process continues until the Bill is passed, assented and gazette for the Act to come into force as discussed in Chapter six. Thus, "Enacted policies are often watered-down versions of originally-stated policy intentions" (Natter, 2018, p. 22).

The second is the implementation gap, which is the difference between policies on paper, an example being the Immigration Act 2000, Act 573, and actual implementation. That is what goes on during the application of the immigration policies at the entry points, Head Office, Regional and District Offices of the Ghana Immigration Service and other places where immigration policies are employed.

The third and last gap is the efficacy gap, which focuses on the extent of effects of the implemented policies on the selection of immigrants, admission and exit of international travels, residence and employment of immigrants, and the removal of undesirables as well as target populations.

As indicated in Chapter Four, there are three distinct periods in which the analysis is situated. The three periods; - include the colonial era, the early independence era and the

contemporary era. The effects of immigration policies in Ghana will be analysed within this context.

### **7.2.1 Effects of immigration policies of the colonial era**

The following are the two main effects of colonial immigration policies.

#### *7.2.1.1 Migration-related effects*

This study accepts and agrees totally that immigration policy is a dual-purpose strategy. Because immigration policy is one of the intervening obstacles that prevent about 96.5% of the world's population from migrating and, at the same time, controls the remaining 3.5% that migrate (Bodvarsson & Van den Berg, 2013; Filindra & Goodman, 2019). This is an indication that immigration policies affect migration flow and migrant stocks in a particular country.

In relation to the flow of immigrants into the country, the colonial immigration policies led to an increasing flow of immigrants, particularly natives from other West African territories at the time. The flow is because the colonial immigration policies excluded natives from other West African territories from immigration controls. This led to a kind of free movement of these West Africans across the Gold Coast territories. Again, because the Gold Coast was a British Colony, effectively an extension of Britain, British nationals and, by extension, other Europeans were also excluded from immigration controls. These Europeans and Asians were only registered at the point of entry to keep records on them, as enshrined in the European and Asiatic Passengers Ordinance (No.8 of 1912). Though the Colonial Administration operated an admission-centred immigration policy, the flow of many immigrants was uncontrolled, thereby leading to an increase in the flow of immigrants into the Colony.

The free flow of immigrants, mainly from the sub-region, also led to an increasing stock of migrants in the Colony. The Gold Coast Annual Report for 1920 reported a shortage of

labour, leading to the request for indentured labour from other territories. The report concluded that:-

“Arrangements were made to obtain labourers from the Northern Territories, indentured for service for six months, but these did not arrive until July. Progress has therefore been slower than was anticipated” (Gold Coast Annual Report, 1922, p. 38).

The shortage was because the cocoa sector absorbed many labourers available at the time. However, subsequent reports indicated that due to the influx of unskilled labourers, particularly from the French territory, there were no labour shortages, indicating that migrant stock increased. The 1929 Gold Coast Annual Reports, for example, stated that:-

"All over the Gold Coast may be found in large numbers illiterate labourers attracted from the French territory to the north by the prospect of good work and wages. These persons and the natives of the Northern Territories who have been led to travel southward by the same inducements form the bulk of the unskilled labour supply. As workers, they are reliable and strong and fairly adaptable without being conspicuous for intelligence; they are chosen for preference by European employers on most works involving manual labour" (Gold Coast Annual Report, 1929, p. 42; Gold Coast Annual Report. 1932, p. 52).

Again, the concerns about the increasing presence of immigrants, notably Syrians, led to as many as thirteen (13) questions raised at the Legislative Council meetings between 1933 and 1941. This was indicated on page 130 of the book entitled "The Gold Coast Legislative Council", authored by Martin Wight in 1946. There was also a consistent increase in the number of Europeans in the Colony. The various annual reports show that the number of Europeans in 1920 was 2,818. According to the Annual Report on the Social and Economic Progress of the People of the Gold Coast, 1936-37, this figure increased to 3,962 in 1935 and 4,328 in 1936. However, they were reduced to 1,770 in 1948, mainly due to WWII and the agitations for independence. The 'Area Handbook for Ghana' authored by Irving Kaplan and five others in 1971, also stated that:-

"There were, in 1960, roughly 16,000 non-Ghanaians other than black Africans in the country. About two-thirds of these were Europeans, chiefly British, working in various capacities" (Kaplan et al., 1971, p. 119).

These were clear indications that the colonial era immigration policies led to a consistently increasing number of migrant flows and stocks in the country.

#### *7.2.1.2 Economic Effects*

The colonial immigration policies also had economic effects in two ways. The first is the provision of a critical labour force needed at the time, particularly unskilled labour that was employed to work on cocoa farms, mining, construction and other menial jobs. As indicated in section 7.2.1.1, the Europeans preferred unskilled labourers from the French territory. The Gold Coast Annual Reports for 1927/28 and 1930/31 also reported that immigrant labourers were employed in cocoa farms. The following quote from one of the respondents also attested to the fact that immigrants came from the sub-region to work:-

"I told you that there used to be many of these categories of undocumented migrants from the sub-region at the independence time. They came in as farm labourers" (2020/GIS/RTD/II/02, Fieldwork, 2020).

Thus, these immigrant labourers contributed positively to the country's economic well-being during the colonial era. This was made possible because of the immigration policies of the time, and this is the positive side of the colonial immigration policies.

The second aspect is that the colonial immigration policies led to numerous agitations by the indigenes. The complaints were that the immigrants had pushed them from business because of unfair competition and preferential treatment from officialdom. An example is the 1948 disturbances that occurred in the Gold Coast. Unrestricted immigration led to immigrants becoming wealthy overnight and employment discrimination in the public sector were some of the complaints. As of mid-1936, there were 865 non-African government workers who were excluded from the non-African census figure. This appeared in the Annual Report on the Social and Economic Progress of the People of the Gold Coast, 1936-37, published in 1938. The Europeans held almost all the higher positions in

government. The following quote from the Watson report vividly sums up the immigration concerns at the time;-

"We found a marked hostility among all sections of the indigenous inhabitants of the Gold Coast to unrestricted immigration. While some adverse criticism of European immigration was voiced, we are satisfied that this was merely a background to the complaint of delay in forwarding Africanisation in the public services. The real complaint was against the steady influx of Levantine and Asian peoples whose apparent rise from poverty to wealth in a comparatively short period of time has caused much heart-burning. There is a not unnatural fear that unless such immigration is controlled, a problem no less grave and difficult than that of the Indians in other parts of Africa may arise in the Gold Coast. The question is one of some complexity having regard to the technical difficulties applying to any policy of discrimination. On the other hand, in a matter of this kind, we feel that the wishes of the indigenous inhabitants ought to be respected. To this end, we recommend the adoption of such administrative measures as may be calculated to ensure that the problems feared by the peoples of the Gold Coast do not, in fact, arise" (Commission of Enquiry into Disturbances in the Gold Coast Report, 1948, p. 33 & 34).

Again, the timber and trading sector (wholesale and retailing) or the distribution sector was dominated by Syrians, Lebanese and Indians. Excerpts from the parliamentary debate on the Immigration Bill of 1957 affirmed this assertion. The first is the contribution from the then Member of Parliament for Atwima Nwabiagya in the Ashanti Region, Mr. B. F Kusi of the National Liberation Movement (NLM). He asserted;-

"If we examine the immigration system or procedure, we will see that it is too lax, and as a result, we get an influx of people into this country –people who do not come here to help build this country .... At the moment, if we travel to the forest area, we will see many Syrian and Lebanese immigrants who, because of their large capital, have entered the timber trade and are ousting African timber merchants. I strongly suggest that stringent measures be taken to protect African timber merchants and building contractors by not allowing Syrians and Lebanese to come here all the way from their homes without any particular business to enter our timber and retail trades" (Parliamentary Debate, Wednesday, July 3, 1957).

Contributing to the debate, Mr. M.K Apaloo from the Federated Youth Organisation (FYO), Anlo South constituency, reiterated that;-

"The question of Lebanese, Syrians and Indians trading is not a simple one that can be dismissed by tightening the immigration regulations" (Parliamentary Debate, Wednesday, July 3, 1957).

This indicates that the challenge, as perceived, goes beyond immigration controls. In his response to the suggestions that some measures be put in place to protect Ghanaian

businesses, including reservation policy, Mr. Arko Adjei, the then Minister of the Interior and Justice, corroborated that assertion, but no action was taken. During the debate, the Minister asserted;-

"I think we all agree that certain retail businesses must be run largely if not exclusively by Ghanaians" (Parliamentary Debate, Wednesday, July 3, 1957).

Again, during the debate on the Ghanaian Business (Promotion) Bill, in the second Republic, the then secretary at the Minister of Finance, Mr. Jones Ofori-Atta, emphasised the dominance of immigrants in the economic sector as they inherited, which has necessitated the need for the introduction of the Bill under emergency. He said;-

"Personally, I think the time to redress the economic imbalance has come and is long overdue. At the time of independence in 1957, perhaps as much as 98 percent of the import and distributive trade was in the hands of non-nationals. In 1960, it was estimated that about 95 percent of the trade was in the hands of aliens. Now in 1970, Ghanaians hold no more than about 20 percent of the import trade. There has been some improvement, as my figures show but import trade continues to run through the circuits of the colonial system. It has lost none of its essential colonial characteristics" (Parliamentary Debate Vol. 3, No. 2, Col. 1096, June 23, 1970).

This assertion actually captured the colonial immigration policies' legacy and its effects on the Ghanaian economy.

#### *7.2.1.3 Demographic effects*

One of the main concerns of immigration globally is its demographic effects because it affects the composition and the characteristics of the country's demography (Zincone & Caponio, 2006).

The colonial era immigration policies also affected the Colony's demography. During the colonial era, only Europeans and Asians (notably Syrians, Lebanese and Indians) were segregated from the total population at the time. This situation may be attributed to the fact that during the pre-colonial period, Africa was more divided on ethnic, tribal and traditional lines (Sudarkasa, 1979; Schildkrout, 1970). The Colonial Administration, as a result, designated all Africans found in their acquired territory as their subjects and avoided the

tribal controversy. Because the Colonial Administration believed that the population they met was a;-

“Result of a series of waves of immigration which took place in comparatively recent historical times” (Annual Report 1936-37, p. 2).

Table 7.1 shows that Gold Coasters were not separated from other Africans during censuses up to independence. It was the first population census after independence that separated the Ghanaian population from the other Africans. This significant change was due to the enactment of the Ghana nationality laws. It was estimated that 12.3% of Ghana's total population were foreign nationals. In real terms, the total population in 1960 was 6,726,820. Out of this figure, the non-Ghanaian population was approximately 827,481, of which about 98% were from countries in Africa, mainly West Africa. The non-African population was only 16,000.

**Table 7.1: Immigration policies and the Demographic Dynamics**

| Reference Year | Total population | African Population   | European population   |
|----------------|------------------|--|-----------------------|
| 1921           | 2,112,000        | 2,108,461  | 3,539                 |
| 1930           |                  | 2,860,620  |                       |
| 1935           | 3,530,733        | 3,526,764  | 3,969                 |
| Mid 1936       | 3,618,376        | 3,613,876  | 4,328 +(172 maritime) |
| 1948           | 4,118,450        | 4,111,680  | 1,1770                |
|                |                  | <b>Non-Ghanaian Population</b>   |                       |
| <b>1960</b>    | <b>6,726,820</b> | <b>827,481 (non-Ghanaians 12.3% of the total population) and 16,000 (non-Africans)</b> |                       |
| 1970           | 8.7              | 562,132 (non-Ghanaians, 6.6% of the total population)                                  |                       |

Source: Author's Construct based on Gold Coast Annual Report of 1928, 1931, 1936 and GSS Census Report of 2005 and 2010.

The trend indicates that the colonial immigration policies impacted heavily on the composition of the country's demography. Furthermore, many of the immigrant labourers now claimed Ghanaian nationality either by law or by default, as captured in the following quote;-

"Some come, build their house, marry and live here. They are from our close neighbours, especially Burkina Faso. A typical example is that many of those who came to our area have settled and even claimed Ghanaian citizenship" (2020/GIS/RTD/II/01, Fieldwork, 2020).

This claim is consistent with other literature on immigration and demography (Lee, 1966; Zincone & Caponio, 2006).

### **7.2.2 Effects of immigration policies of the Early Independence Era (1957-1992)**

There are effects of immigration policies that were promulgated after independence. The following are some of the main effects;

#### *7.2.2.1 Migration effects*

As indicated in section 7.2.1.1, the colonial immigration policies led to an increasing flow and stock of immigrants in the country. On the attainment of independence and the creation of international context, immigration and nationality policies enacted immediately led to an increasing number of migrants in the country at the time, mainly from the sub-region becoming undocumented. Because the colonial immigration policies excluded them from immigration controls, but the immigration policies of this era included all persons who were not Ghanaians or were unable to claim Ghanaian citizenship. According to immigration policies, the burden of proof that a person is a citizen depends on the claimant (Section 27 of the Aliens Act 1963, Act 160; Section 21 of the Immigration Act, 1957).

Again, the immigration policies of this era led to the creation of unapproved place of entry. The creation of approved places of entry amid the porous nature of the land borders led to the springing up of many unapproved places of entry. In this regard, a Border Guard Unit was created at the Police Service to protect the borders. However, the Acheampong administration (a military regime) transferred the Border Guard Unit of the Police Service to the Ghana Armed Forces as the Border Guard Division with Colonel J.A Kwabore as the

first Commander. They were to control and protect the country's land borders against external or internal threats arising from irregular entry or smuggling of goods and persons.

The Ghana Armed Forces (Amendment) Decree, NRCD 133, established the Border Guards under the Ghana Armed Forces. Furthermore, the Division was to deal decisively with smuggling, suppress it, and detect and prevent crime. It was, however, disbanded in 1983 through the Ghana Armed Forces (Amendment) Law PNDC Law 63.

Another migration effect of immigration policy during the early independence era is the mass deportation of aliens from Ghana. This action has become one of the reference points of the immigration policies of Ghana ever since, as there has been a lot of scholarship on the mass deportation of aliens (Peil, 1971; 1974; Kobo, 2010; Whitaker, 2017; Aremu, 2013; Olaniyi, 2007; Adjepong, 2009). The various immigration policies from 1957 cumulatively led to the mass deportation of aliens through the Aliens Compliance Order of 18<sup>th</sup> November, 1969. The following quote is the order issued by Mr. Simon Diedong Dombo, the then Minister of the Interior;-

"It has come to the notice of the Government that several aliens, both Africans and non-Africans in Ghana, do not possess the requisite residence permits in conformity with the laws of Ghana. Others, too, engage in businesses of all kinds contrary to the terms of their visiting permits. The Government has accordingly directed all aliens in the first category, those without residence permits, to leave Ghana within fourteen days, not later than December 2, 1969. Those in the second category should strictly obey the terms of their entry permits, and if these have expired, they should leave Ghana. The Ministry of the Interior has been directed to comb the country thoroughly for defaulting aliens, and aliens arrested for contravening these orders will be dealt with according to law" (The Aliens Compliance Order, November 18, 1969).

This order from the government, coupled with the political atmosphere at the time, led to mass deportation, as many people were either unable to meet the deadline or unwilling to regularise their stay as ordered. Though the implementation of the order has been widely condemned, some of the objectives of the Aliens Compliance Order appeared to be realised as it was a redistribution strategy as well as a reservation policy to create space for Ghanaian

business and hence part of nation-building. The objective of the order was summed in the following quote;-

"This Aliens Compliance order we are talking about was to ensure that most of the jobs come into the hands of Ghanaians. Furthermore, there were a lot of them who were illegal residents in the country. You know I told you the Africans were not documented. We were not even looking at their passports" (2020/GIS/RTD/IDI/01, Fieldwork, 2020).

#### *7.2.2.2 Diplomatic Effect*

The mass deportation generated serious diplomatic tension between Ghana and other countries in the sub-region, particularly Nigeria. Irving Kaplan and his co-authors contributing to the effects of the mass deportations of 1969, in their series "Area Handbook for Ghana", wrote that the Aliens Compliance Order created diplomatic tension between Ghana and the neighbouring countries. Because of that, Ghana was forced to replace her High Commissioner to Nigeria. A bi-national commission was set up to assess the loss of properties Nigerians claimed they had been forced to abandon. This was after a meeting between Dr. Busia and General Yakubu Gowon, the Nigerian President at the time. Portions of the conclusions of the Area Handbook read;-

"Relations with neighbouring states, particularly Nigeria, were strained as receiving countries were faced with providing transit housing and economic opportunities for the unexpected influx of peoples, many of whom had lost all contact with their places of origin. Ghana was forced to replace its High Commissioner (Ambassador) to Nigeria because of ill will generated by his defence of his country's actions. The neighbouring states recognised Ghana's right to expel aliens but complained of adverse impact on the lives of the peoples involved" (Kaplan et al., 1971, p. 286).

#### *7.2.2.3 Economic effects*

The agitations that led to the 1948 disturbances were still present as most, if not all, the issues raised still needed to be addressed. Nevertheless, the CPP government, led by Dr. Nkrumah, through their immigration policies at the time, decided to allow all immigrants to stay as indicated in section 6.2.2 of chapter six of this study. The main reason was for them to contribute to the development of the country and the nation-building agenda. In this

regard, migrants were grouped into three categories. Technical and professionals were to help train more Ghanaians, while those in trade and commerce were to help to control the prices of goods. Then 'migrant labourers' from other West African countries continue to assist in the informal sector and the cocoa, mining and construction industries. Thus, the positive side of the immigration policies of the early independence era on the economy.

However, because the agitations persisted, particularly in the retail and wholesale sectors, the NLC enacted the Ghanaian Enterprises Decree 1968 (Decree 323) to reserve some sectors for only Ghanaians to operate. After the mass deportation, the Busia administration repealed the Ghanaian Enterprises Decree of 1968, replacing it with the Ghanaian Business (Promotion) Act 1970 (Act 334), effectively creating space for Ghanaian businesses and upholding the reservation policy started by the NLC. Thus, due to immigration policies, economic policies were changed from competition-based to some protection of Ghanaian businesses. The Acheampong-led Government largely continued this policy after the overthrow of the Second Republic. Then "operation feed yourself", a self-reliance policy of the Acheampong administration, even widened the reservation policy to include the manufacturing sector. This finding is consistent with the National Development Planning Commission report of 2015. The following quote from the 1971 'Area Handbook for Ghana' attests to the fact that, in the short term, most of the retail and wholesale businesses were taken over by Ghanaians.

“The effects of the law .... was felt not only by a wide range of African aliens but also by Lebanese and Indians, who operated many retail and wholesale enterprises in Accra and other major towns on or near the coast. On July 31, 1970, it was announced that Ghanaians controlled most of the retail trade in Accra and that names of Ghanaians have replaced those of the previous Middle East owners" (Kaplan et al., 1971, p. 119).

Thus, during this period, there were positive and negative effects of immigration policies on the economy.

#### *7.2.2.4 Demographic Effects*

There were also demographic effects of immigration policies after independence. The preamble to the National Population Policy (Revised Edition, 1994) indicated that:-

"Both internal and international forms of migration constitute important dynamic aspects of growth, structure and distribution of Ghana's population. Until 1969 when the alien's Compliance (Registration) Order was issued, Ghana received a large number of both seasonal and permanent immigrants" (National Population Policy (Revised Edition, 1994, Section 2.6).

As a result of this policy, by 1970, the migrant stock in the country had reduced to 6.6% of the total population (GSS, 2010). Thus, immigration policies during this period reduced the migrant population in the country, other things being equal.

### **7.2.3 Effects of immigration policies of the Contemporary Era (1992 to Date)**

The following are the effects of immigration policies of the contemporary era;

#### *7.2.3.1 Migration Effects*

The third and the last period was from the 1990s when the Rawlings administration ventured into economic liberalisation and the opening up of employment authorisation. The Ghana Investment Promotion Centre, apart from the Ministry of the Interior, was permitted to grant automatic immigrant quotas based on the level of investment in the country. Thus, immigration policies were directly linked to investment. The Investment Code (Immigrant Quota) Regulations, 1992 (LI1543) and Aliens (Amendment) Regulations 1994 (L.I 1581) made on 25th January 1994 were enacted to support this linkage. Thus, apart from the Ministry of the Interior, which grants Immigrant Quotas, the GIPC was permitted to grant automatic quotas. Then other institutions like the Ghana Free Zones Board, now Authority and the Minerals Commission were mandated to grant support letters based on which residence permits are issued by the Ghana Immigration Service. The Ghana Immigration Service can also issue work permits on a temporal basis. Based on this liberalisation drive, different categories of selection of immigrants were as well introduced into the Immigration Act 2000, Act 573. The implementation of these immigration policies, which were a mixture of less and/or more restrictive policies, also led to the result shown in Tables 7.2 to 7.4.

These data were obtained from the Annual Reports of the Ghana Immigration Service, from 2010 to 2020. It shows a steady increase in the number of persons selected and admitted into the country and, at the same time, an increase in the number of departures. The findings are consistent with the description of the country as "a country of origin, transit and destination" (IOM, 2019, p. xiii), though the number of departures exceed that of arrivals. The increase in the number of Emergency Entry Visas (EEV) issued in 2019 can be attributed to the Year of Return policy to mark the 400 years of the abolition of the slave trade, and the reduction in 2020 is obviously due to the COVID-19 pandemic.

The eleven-year trend also indicated a persistent increase in the number of residence permits, extensions and permanent residence permits issued. These increments can be attributed to the linkage of liberalisation of employment authorisation and investment promotion in the country. In terms of removals, generally, deportation has been dormant, and for the past four years, it has been zero. It means no one has been deported since 2017. However, the number of repatriations has been rising, particularly in 2020, which might result from the restrictions imposed due to COVID-19. Irregular migration increased, and hence many people were also repatriated.

**Table 7.2: The Results of Implemented Immigration Policies on Selection, Admission and Exit**

| Reference Year | SELECTION |          | ADMISSION AND EXIT |           |             |
|----------------|-----------|----------|--------------------|-----------|-------------|
|                | EEV       | Re-Entry | Arrival            | Departure | Ashore Pass |
| 2010           | 18,603    | 2,791    | 746,527            | 765,655   |             |
| 2011           | 24,952    | 4,925    | 609,020            | 637,215   |             |
| 2012           | 45,138    | 4,305    | 861,539            | 881,213   |             |
| 2013           | 40,466    | 5,987    | 869,395            | 895,446   |             |
| 2014           | 35,860    | 2,903    | 833,432            | 875,936   | -           |
| 2015           | 41,935    | 3,453    | 746,527            | 765,655   | -           |
| 2016           | 46,203    | 2,319    | 932,579            | 969,634   | 6,219       |
| 2017           | 63,784    | 2,800    | 971,861            | 990,313   | 3,526       |
| 2018           | 71,577    | 2,723    | 956,372            | 914,984   | 6,315       |
| 2019           | 80,913    | 2,671    | 1,125,589          | 1,119,149 | 7,212       |
| 2020           | 31,997    | 656      | 355,108            | 366,509   | 1,002       |

Source: Author's Own Construct based on GIS Annual Reports from 2010 to 2020

**Table 7.3: The Results of Implemented Immigration Policies on Residence and Employment**

| Reference Year | Residence and Employment |             |                   |            |            |
|----------------|--------------------------|-------------|-------------------|------------|------------|
|                | Quota                    | Work Permit | Diplomatic permit | Extensions | Indefinite |
| 2010           | 20,008                   | 1,744       | -                 | 16,405     | -          |
| 2011           | 31,567                   | 1,767       | -                 | 20,129     |            |
| 2012           | 43,274                   | 7,580       | 1,509             | 25,258     |            |
| 2013           | 48,720                   | 5,917       | 1,564             | 33,817     | -          |
| 2014           | 36,691                   | 6,846       | 1,502             | 20,178     | 137        |
| 2015           | 38,411                   | 10,095      | 1,720             | 16,781     | 232        |
| 2016           | 44,481                   | 12,344      | 1,600             | 17,654     | 306        |
| 2017           | 40,522                   | 11,060      | 1,575             | 14,606     | 201        |
| 2018           | 45,311                   | 17,277      | 3,937             | 18,938     | -          |
| 2019           | 51,188                   | 15,213      | 1,671             | 19,446     | 288        |
| 2020           | 33,122                   | 8,881       | 1,256             | 16,169     | 186        |

Source: Author's Own Construct based on GIS Annual Reports from 2010 to 2020

**Table 7.4: The Results of Implemented Immigration Policies on Removals**

| Reference Year | Removals      |              |             |
|----------------|---------------|--------------|-------------|
|                | Refused Entry | Repatriation | Deportation |
| 2010           | -             | 101          | -           |
| 2011           |               | 68           |             |
| 2012           | 735           | 235          | 8           |
| 2013           | 147           | 1065         | -           |
| 2014           | 57            | 495          | 16          |
| 2015           | 206           | 424          | 3           |
| 2016           | 209           | 103          | 27          |
| 2017           | 4             | 170          | -           |
| 2018           | 180           | 892          | -           |
| 2019           | 1,639         | 1,418        | -           |
| 2020           | -             | 4,549        | -           |

Source: Author's Own Construct based on GIS Annual Reports from 2010 to 2020

#### 7.2.3.2 Economic effects

The economic hardships from the 1970s and the 1980s led to Ghana opting for IMF intervention. As a result, the Economic Recovery Programme (ERP) was introduced in 1983/4, which came from the Structural Adjustment Programme (SAP). This policy led to trade liberalisation. The country's investment laws were reviewed to deliberately support the private sector seen as the engine of growth. Foreign Direct Investment (FDI) was also

targeted. The trade liberalisation programme led to the opening up of employment authorisation and also linked immigration policies to national investment policies. In order to improve the linkage of economic policies to immigration policies, an immigration project was initiated in 1987, which led to the conversion of the Immigration Department into a paramilitary institution in 1989.

The apparent economic effect of immigration policies from the early 1990s is the country's increasing levels of foreign direct investment. Table 7.5 shows the level of investment and the total number of projects from 2010 to mid-2021, indicating that the trade liberalisation programme from the early 1990s and its linkage to immigration policies of the period have attracted huge yearly foreign direct investment (FDI). There is an indication that each year's FDI exceeds a billion United States dollars. In terms of projects, there are over 2,769 projects within the twelve years. These projects were in the agriculture, building and construction, export and general trading sectors. Others include liaison, manufacturing, mining and service sectors.

**Table 7.5: Shows the level of foreign direct investment and the total number of projects.**

| Year                     | Foreign Direct Investment (FDI) US\$ (million) | Total Number of Projects |
|--------------------------|--|--------------------------|
| 2010                     | 1,126,040,544.36                               | 396                      |
| 2011                     | 6,821,492,792.44                               | 514                      |
| 2012                     | 4,900,229,561.56                               | 272                      |
| 2013                     | 3,946,411,434.54                               | 417                      |
| 2014                     | 3,387,162,655.69                               | 184                      |
| 2015                     | 2,370,134,038.76                               | 173                      |
| 2016                     | 2,241,456,557.74                               | 180                      |
| 2017                     | 3,614,073,560.80                               | 192                      |
| 2018                     | 3,332,450,203.58                               | 172                      |
| 2019                     | 1,084,802,862.26                               | 147                      |
| 2020                     | 2,650.97                                       | 279                      |
| <b>2021*(First Half)</b> | <b>829.29*</b>                                 | <b>122*</b>              |

Source: Author's Own Construct based on GIPC Reports from 2010 to June 2021

### 7.3 Opinion of Stakeholders on immigration policies

There are different ways to measure public opinion, but this section is based on the responses obtained from the in-depth interviews conducted for this study. The following response indicates that the general public and organised trade unions are not happy with the increasing presence of foreign nationals in the country, particularly in some of the activities they undertake. Ironically, this response came from an immigration official;-

"Recently, you saw the uproar from Ghanaians concerning the Chinese, and whom were they blaming? The Immigration Service, because at the end of the day, no one can enter the country without the permission of the Immigration Service. So even if Foreign Affairs has given the person a visa, it does not allow the person to have automatic entry into the country. GIS can decide to return that person, so when the Chinese destroy our environment, the forest, the water bodies, and all that, people chastise Immigration Service. In that sense, our policies were negatively affecting the people. When the Nigerians were so many, who were they blaming? Immigration Service, because we are not checking their status" (2020/GIS/MM/IDI/04, Fieldwork, 2020).

Some respondents also lamented the situation where foreign nationals have been given the leeway to operate without recourse to the immigration policies of the country. The following quotes point to this;-

"Sure, it is having an effect. In that, here is a foreigner who is in Ghana doing his business without the correct documentation. We went for a programme at Circle and arrested 720 foreigners. It was only two who had their passport on them. Moreover, none of those two had resident permits but were working. They have been in Circle for about five years. So if the officers are working, those guys, even if they have to be there, the Government will also get money because I believe every year they have to renew their residence permit and will pay money. So you can imagine 720 people paying even 100 dollars each" (2020/PS/IDI/01, Fieldwork, 2020).

"With the work, when it comes to staying here and doing business, per the law, foreigners are not allowed to do business in certain areas like petty trading. That is reserved for indigenous Ghanaians, but we have a situation where foreigners, especially Nigerians, virtually taking over businesses for Ghanaians. It leads to agitations by the Trade Union Groups and all that. That one comes up to Government, and then we need to address them to the best of our ability. Then you have these foreigners who have turned to small-scale mining, also known as galamsey" (2020/GIS/MLO/IDI/11, Fieldwork, 2020).

However, to other participants, there is some degree of efficiency, as the following quote suggests;-

"Effectiveness can be one percent to a hundred. So, effectiveness somehow, I will not say it is zero. There has been a level where we have been able to take control of migration or migrants' issues. However, there are certain things that we have failed in them. Failing as a result of not putting things in place or not making things work as they should" (2020/GIS/RTD/IDI/03, Fieldwork, 2020).

In the course of the study, COVID-19, a global pandemic, broke out, leading to the imposition of international travel restrictions. Therefore, some participants indicated how the closure of the borders has led to increasing irregular migration, affirming the dominant assertion that the more restrictive migration becomes, irregular migration increases (Castles & Miller, 2009; Czaika & De Haas, 2011). The following quote attests to this;-

"Actually, with the closure of the borders, we have gone through a lot. From March 23, 2020, when the borders were closed, up till now, we have gone through a lot in terms of interceptions. I may not have the documents here to give you the figures, but I have them. If you want the figures, I can give you the full breakdown of all the interceptions we have done, and it is quite a lot. Let me give you an example of refused entries, Exit and Interceptions, until the 13<sup>th</sup> of May. We had 5,392 just up to the 13<sup>th</sup> of May" (2020/GIS/MM/IDI/02, Fieldwork, 2020).

The Ghana Immigration Service, due to its active role in the fight against COVID-19, received a commendation from the President during one of his broadcasts to the nation. A participant emphasised;-

"Immigration has come far. Immigration is doing very well of late. Recently, when the President gave his speech in the fight against COVID. I hope you remember the President singled out Immigration for praise. We cannot receive the attention of the President when we are not doing anything. That speaks volumes" (2020/GIS/MM/IDI/04, Fieldwork, 2020).

#### **7.4 Unintended Consequences of Implemented Immigration Policy**

Even though there are positive effects of implemented immigration policies, there are some unintended or unanticipated consequences. That is, the unwanted effects or unexpected outcomes of the implemented policies (Ryo, 2021; Merton, 1936). In this study, three unintended consequences were identified, including increasing irregular migration and its forms, agitations from organised traders and the fact that the less restrictive nature of the colonial policies led to undocumented immigrants.

#### 7.4.1 Increasing irregular migration and its forms

There are, however, unintended consequences of immigration policies. That is, the unwanted effects or unexpected outcomes of the implemented policies. The following quotes from participants attest to this. First, more restrictive immigration policies lead to an increase in irregular migration;-

"And the other way is this: if the immigration policies are too rigid, people who want to be in your country will find other ways of doing it, which makes them unprotected. So, Ghanaians go to UK or USA, and you say they are illegal migrants, and they still want to be there, they will then go and use someone's document to work, and the person will be exploiting them. If somebody wants to travel to Ghana, assuming the system is not open, the person will still come, and somebody will harbour him at East Legon. Then the person will be demanding so many things from him because he is protecting him. So, you have to look at it in that context" (2020/EXP/IDI/02, Fieldwork, 2020).

It also leads to more undocumented immigrants;-

"But so far as immigration is concerned, these people can never be given resident permits. Practically, when we all know that these people are doing business, receiving money and building mansions, but because their businesses are informal, there are no aspects of our laws that cover these people. Even if Immigration decides to go and arrest and charge them, they have the money to pay, and when you send them, they will return. The person is willing to get the permit until he establishes a business and gets it registered. Somebody who is just selling, maybe a Nigerian in the Abossey Okai area operating some small shop. How do you expect him to go through all these formal laws..... so maybe these are some of the areas they can look at" (2020/GIS/MM/IDI/04, Fieldwork, 2020).

It as well leads to Illegal employment;-

"That is why the enforcement unit will be going around because, as an expatriate investor in Ghana, there are dos and don'ts. That is why sometimes GUTA is on our necks because they think we are allowing them. We have the mandate to check those things. So the foreigner, for instance, comes to immigration service, and per your investments, you are entitled to four expatriates. He probably needs more, so it is going to affect him. Some of them come, and we tell them their dependents cannot work. For them to work, you must acquire a work permit for them" (2020/GIS/MM/IDI/06, Fieldwork, 2020)

It also led to a situation where some nationals aid foreign nationals engaging in activities reserved for only Ghanaians. Such activity has come to be known as fronting;-

"So, look at another area. We are saying Chinese should not sell in the market. If a Chinese wants to sell, what do they do? He will ask another Ghanaian to the front for him, and then that Ghanaian can say okay, I am fronting for you. Then he goes to demand something from the Chinese, and he does not give it to him and calls the Immigration Service" (2020/EXP/IDI/02, Fieldwork, 2020).

Thus, increasingly restrictive immigration policies may lead to other harmful practices and not only irregular migration or diversions (de Haas, 2011).

The imposition of travel restrictions to prevent the importation of the coronavirus into the country also led to an unintended effect of increasing irregular migration, as indicated in the following illustrations:-

"So, there have been several interceptions of people wanting to enter the country illegally because of the imposed travel restrictions. We now have people who would have come through legal means trying to enter Ghana illegally at their own risk. The risk of coming in and transmitting COVID-19 to other people or contracting it. Then the risk of all those being smuggled into the country. There are also economic effects. People come to stay and spend money in Ghana, so we are not getting all these things. Several people come for various types of permits, but if you will observe, there has been a drastic reduction in the volume of permits that are processed and services that we provide. All these are clear indications that we have had our fair share of the effects of these COVID-19. These are some of the things that COVID-19 has brought to us" (2020/GIS/MLO/IDI/07, Fieldwork, 2020).

"Even though we allow cargo, some trucks try to bring in people too. It is something that we should have anticipated. So now we search all the cargo trucks to ensure they do not carry people along. These are some of the figures that we have. (2020/GIS/MM/IDI/02, Fieldwork, 2020).

"Actually, with the closure of the borders, we have gone through a lot. You can see that the borders were closed from the 22nd of March until today, the 28th of May. We have gone through a lot in terms of interceptions...I may not have the documents to give you the figures, but I have them. If you want the figures, I can give you the full breakdown of all the interceptions we made, which is quite a lot. Just let me give you an example of refused entries, Exit and Interceptions. Up to the 13th of May, We had 5,392. It does not even include the last two weeks" (2020/GIS/MM/IDI/02, Fieldwork, 2020).

#### **7.4.2 Agitations from organised traders**

Another unwanted effect of immigration policy is the agitations from organised traders due to the entry of foreign nationals into sectors reserved for Ghanaians:-

"With the work, when it comes to staying here and doing business. Per the law, foreigners are prohibited from doing business in certain areas like petty trading. That is reserved for indigenous Ghanaians, but we have a situation where foreigners, especially the Nigerians, have taken over businesses traditionally for Ghanaians. It leads to agitations by the Trade Union Groups and all that. That one comes to Government, and then we need to address them to the best of our ability. Then you have these foreigners who have turned into the small-scale mining area. We call it galamsey" (2020/GIS/MLO/IDI/11, Fieldwork, 2020).

### **7.4.3 Less Restrictive Nature of the Colonial Policies led to the Emergence of Undocumented West African Nationals**

Another unintended consequence of immigration policy is the creation of undocumented immigrants in the country after independence. This is also the long-term effects of the less restrictive immigration policies during the colonial era, which excluded West African nationals from immigration controls. They became irregular after independence as a result of the nationality laws promulgated. The following illustration points to this;-

"And there were a lot of them who were illegal residents in the country. You know I told you the Africans were not documented. We were not even looking at their passport. They were only looking at foreign people. So, we realised that those who have come and settled, especially the Nigerians and are trading, are taking this petty trading work from the hands of the Ghanaians. So Busia issued the Aliens Compliance Order" (2020/GIS/RTD/IDI/01, Fieldwork, 2020).

### **7.5 Challenges to Effective Implementation of Immigration Policies**

This section focused on the challenges to the effective implementation of immigration policy in Ghana. Policy and programme Implementation challenges have been a permanent feature in Africa, and some particular challenges run through all areas and countries. Notable are inadequate planning, frequent alteration of plans, corruption and bureaucratic bottleneck (Fusheini et al., 2017; Ajulor, 2016; Amoako-Tuffour & Armah, 2008). The study identified the following challenges that hinder the effective implementation of immigration policies in Ghana.

#### **7.5.1 Intra-Institutional Conflict**

The first challenge identified is intra-institutional conflict. This is the petty conflicts and turf wars that arise among officers within the same institution, as illustrated in the following quotes;-

"Well, we do have internal conflicts like any other institution. I mean, they say that even twins fight. So, we do have internal conflicts. Conflicts often come from turf play. Sometimes some departments. I have heard recently that some people think MIS should be part of operations and that it should not be on its own" (2020/EXP/IDI/03, Fieldwork, 2020).

“In the Service is a personal interest. It is their own personal interest...the conflict is just for positions and other purposes. If there is anything at all, it is just grabbing positions. Look, if there were to be any crisis or conflict in the Service, it would have started from our time. But we tried to avoid it. Now they are using politics to cover up these things. You let it come into another government now. If NDC comes now, now, now you will see the NDC group running for support and those things. The people should think about the Service. The State's interest first. So, the service interest comes first. That will help us solve this problem". (2020/GIS/RTD/IDI/01, Fieldwork, 2020).

### **7.5.2 Inter-Institutional Conflict**

The second challenge is inter-institutional conflict, the turf wars among various government institutions. The following quotes are some evidence;-

"Yes, the security agencies. Even sharing intelligence when it comes to performing our duties, everybody wants to be the first person to have reported an issue, or I am the one who did what. Meanwhile, we are to collaborate and work effectively. Thus, all these are some of the challenges that do not allow us to perform our duties as expected" (2020/FGD/HQ/02, Fieldwork, 2020).

"That one, there are struggles to protect territories. A critical example is this visa issue; now it is clear that it should be issued by GIS, but we all know that the Ministry of Foreign Affairs is unwilling to give it to GIS. So there is that tension between the two, and now I do not know who will sit the two down to talk to them for a clear understanding that the law must work. There is still that struggle about passport issuance. So, the power struggle is everywhere as far as the agencies and the ministries are concerned. Sometimes, certain things happen, and Police do not see why immigration should even arrest a foreigner. They have forgotten that immigration has a role to play. There was an issue at Kasoa. When immigration officers went to arrest a foreigner, then a police team went to fight immigration to take the foreigner from them. I do not know if you have heard about it. These are some of the struggles, but it needs to be streamlined for all agencies and departments to have a common goal, serving mother Ghana" (2020/GIS/MLO/IDI/01, Fieldwork, 2020).

### **7.5.3 Inadequate Collaboration among Key Stakeholders**

The third challenge is an ineffective collaboration among the institution and critical stakeholders. That as a result of these intra and inter-institutional conflicts, as the following quotes illustrate;-

"We have come up with a draft to ensure that people have read through the script and given endorsement for us was hell. It has to take the force of the leader to do it. So these things are not coming from any other place but from within because it is for the government to give us the mandate and for us to implement the laws that govern our mandates. The government cannot do it for us" (2020/GIS/MM/IDI/04, Fieldwork, 2020).

"Apart from that, we must collaborate with other institutions in our implementation. The issuance of passport and visas need collaboration. They affect our ability to move out, and since we are in control of the borders and are only for exit and entry, we need to be involved. Before you know why they are expected to enter the country, how many days they were given and what they came to do. In terms of security, it is a big risk to us. So policy implementation, immigration is doing well in that, but there is the need for more collaboration" (2020/EXP/IDI/03, Fieldwork, 2020).

There is also inadequate collaboration from neighbouring countries and border residents, as indicated in the following quotes:-

"The Europeans have opened their borders, but they share information. Their visa systems are networked. Do we have it in West Africa? No. At times, it is even difficult to get information from my colleague in Togo and Nigeria. It has to be their balance. We have to have the resources. Once you open up, it means you have the strength to monitor and chase issues that crop up within" (2020/GIS/MM/IDI/01, Fieldwork, 2020).

"The only problem is that sometimes there needs to be collaboration which may not be forthcoming, and they cannot be blamed for that because there is no overriding situation that helps them collaborate. I am talking, for instance, about border residents" (2020/EXP/IDI/03, Fieldwork, 2020).

#### **7.5.4 Interference Based on Political, Social and Cultural Ties**

The fourth hindrance to effective immigration policy implementation is interference from politicians and superior officers, as illustrated in the following quotes:-

"You know the nature of our culture. When someone is in trouble, the first thing is to get somebody to come to his aid. I know that at our enforcement unit, every person arrested had someone to call for intervention. One of our great officers said that it is only in Ghana Immigration that you arrest a Chinese and a Ghanaian will come and say that he is my cousin" (2020/FGD/HQ/04, Fieldwork, 2020).

"Apart from that, these political powers sometimes interfere with our duties. When these foreigners come to the country, they contact these political figures and even when they are doing the wrong thing, they pick up the phone to call this big man". (2020/FGD/JO/01, Fieldwork, 2020).

"Largely because of political interference. This is a huge challenge. Let me put it that way. We are not fully autonomous, and politicians have guided decisions by our management over the years. The discretionary powers given to the Comptroller General in Nigeria are enormous and explicit. He can say that this particular border should be closed or sealed off from traffic today, and it will be effective". (2020/GIS/MM/IDI/03, Fieldwork, 2020).

"I feel there are fine laws, all right, but they are very difficult to implement because there is too much political interference. So, when you try to do the right thing, somebody calls you or you are called to stop. The interference is too much" (2020/GIS/MLO/IDI/06, Fieldwork, 2020).

### 7.5.5 The ECOWAS Challenge and the Interpretation of the ECOWAS Protocol

There is also what was identified as the ECOWAS Challenge and the interpretations of the ECOWAS Protocol on Free Movement, Right of Residence and Establishment. Thus, the fifth challenge to the effective implementation of immigration policies in Ghana. The ECOWAS challenge is how nationals from the West African Sub-region have been handled from the colonial era to date. From exclusion to inclusion, then to exemption from some components of immigration policies per the ECOWAS protocols. This has become a challenge to the effective implementation of immigration policies. The following quote points to this fact:-

"Whiles they are in the systems, because of the ECOWAS protocols and other things, it is quite difficult to control irregular migrants, especially those coming from the ECOWAS or even other African countries. With ECOWAS citizens, it is quite challenging. So, handling the illegal migrants' situation is quite a huge task" (2020/GIS/MM/IDI/06, Fieldwork, 2020).

"There are challenges, we have people working in Ghana, but the requirements now do not cover those categories of people. So let us say that we have many ECOWAS nationals, not Nigerians alone but Togolese in the construction industry, especially when it comes to cladding, tiling and working on high-rise buildings. They are very specialised in those areas, and yet the requirements that we have now, they cannot meet that requirement, so they do not come for the permit. We have a situation where what we have now does not cover everybody" (2020/GIS/MLO/IDI/03, Fieldwork, 2020).

Also related to this ECOWAS challenge is the interpretation of the ECOWAS protocol on Free Movement, Right of Residence and Establishment, as illustrated in these quotes. First, relate to the interpretation and treatment of community citizens as enshrined in the ECOWAS protocol. Then the processes at the point of entry:-

"So this is quite an interesting question. Interesting because of the dynamics it comes with. So, one critical point is that we must remember that Ghana is part of the ECOWAS free movement of protocol. Ghana is part of the ECOWAS community, and the community itself is designed for movement. So, by virtue of that, you have many happenings. Per the protocol, they are actually not foreigners. Maybe we will have a different discussion on that matter. That is where the whole confusion of retailing and the fact that foreigners cannot retail and then Nigerians, but Nigerians are not foreigners by the protocol we assigned" (2020/INTORG/IDI/03, Fieldwork, 2020).

"Being a community citizen does not mean that you should come and compete with me. No. We say you can live and do business with us. But you can compete with us. That space reserved for Ghanaians should be reserved for Ghanaians. We will not be allowed to be crowded, that is how I see it. They come and lord it over us in our country. You cannot do that in Nigeria. I know we have a lot of Ghanaians in Nigeria. Yes, we have signed a protocol, but we are also a sovereign country. We have signed a protocol. How come the Nigerians closed the Benin border too? Didn't they sign it? We are a sovereign country, remember" (2020/GIS/MLO/IDI/06, Fieldwork, 2020).

"You do not have money to support yourself, and then I will say you are ECOWAS National, so enter. You have to be well-equipped before entering the country. If you can satisfy the requirement, you have the right to enter. But if you are an officer and you say ECOWAS says every person can enter, you will very soon create a problem. They had to be financially sound and medically fit, and then they should be able to provide their contact addresses. If these things are not there, you have the right to refuse the person" (2020/GIS/RTD/IDI/01, Fieldwork, 2020).

#### **7.5.6 The Manual System of Operations**

The manual system of operations emerged as the sixth challenge to the effective implementation of immigration policies in Ghana, as illustrated in the following quotes;-

"Yes, now you say we should travel with an ID Card. Do we have a mechanism to check? Is it connected to the next country? Can we share the data? Now we say that ECOWAS citizens. As soon as he steps in, he can start doing anything. Yes, he does not need a resident permit. It does not need a work permit. But the EU model we are emulating is networked so people can be tracked. They have these basic systems in place. That makes it difficult for us to implement the ECOWAS system fully. That is my perspective. The security component. If we are serious about it, all we have to do is make a huge investment. These structures need huge investment" (2020/GIS/MM/IDI/01, Fieldwork, 2020).

"If somebody comes with a card and it is configured. You know there are systems. I think the card they gave us is biometric with a chip embedded. I am sure you are aware. If they have the equipment, they should be able to swipe and pick the data to check whether it is genuine. But as far as I know, only two countries, Senegal and Ghana, have been able to implement the ECOWAS national identification card" (2020/MINFAR/IDI/02, Fieldwork, 2020).

"The card filling is a problem for me because we have come of age. We fill cards and dump them in rooms. The cards have to be kept for ten years before being destroyed. That is the rule. So we need to have a system whereby the cards or the information you need from the traveller is scanned into the system at the embassy. Hence, before the person comes to the various Immigration posts, all the information will be there. You just have to scan the passport to confirm if he is the same person. Furthermore, the visa is scanned and gives you complete information about the traveller" (2020/GIS/RTD/IDI/03, Fieldwork, 2020).

But we started very well when the e-government project and all these E-Systems were being brought in. International agencies and other advanced systems ensure that there is only a little face-to-face interaction; as such, most Immigration systems that are moving forward are getting more e-immigration. Less interference or interaction with human beings are more of things that are currently happening. But we are still in the manual regime" (2020/PS/IDI/03, Fieldwork, 2020).

### **7.5.7 Inadequate Logistics and Resources**

Inadequate logistics and resources still need to be solved. The following quotes attest to this;-

"The service must take pragmatic steps to ensure that when officers are trained, they are given the necessary equipment or logistics to implement what they have been trained to do. For instance, we train border control officers who will have nothing to work with. They have to patrol with their bare hands and sometimes maximise with sticks. Nothing like a medical team, nothing to encourage the officers to work" (2020/FGD/JO/01, Fieldwork, 2020).

"Then lack of weapons is also a limitation because to be professional, and you need to be able to leverage some element of power. I know that people fear weapons, so if you have weapons, it will give you a certain leverage that makes you perform your functions optimally. So, the lack of it also affects our ability to give a good impression of ourselves. It is one area we should look at seriously" (2020/EXP/IDI/03, Fieldwork, 2020).

"If you have a policy, its implementation involves resources. Every policy requires resources to make it implementable. You have to train people and give them the required resources. There is the need to support them with the necessary resources to enable them to implement the programme or the policy. Thus, the government introducing a policy must equally support it with the needed resources to enable the implementers to achieve maximum goals" (2020/GIS/RTD/IDI/02, Fieldwork, 2020).

### **7.5.8 The Porous Nature of the Land Borders**

This point is mainly related to border management or security. The country's land borders and even sea borders are porous. This porous nature of our borders has made enforcement of admission and exit controls very difficult, as illustrated in the following quotes;-

"Yes, the porous nature of our borders makes it difficult to control the border. If you go to the north during the dry season, they have a wide area that anybody can pass to enter the country. It is difficult to patrol all those areas, which means our borders are exposed and that illegal entry and exist becomes the order of the day" (2020/FGD/HQ/04, Fieldwork, 2020).

"I was in the main border for some years, and we have experienced such things. The travellers will be stopped because they do not have what it takes to travel outside. However, because insufficient officers to guide the unapproved routes before you realise they have crossed by the 'Goro' boys" (2020/FGD/JO/02, Fieldwork, 2020).

"We still have several unapproved routes where our men are not there. We cannot have them operate on every unapproved route. We, therefore, depend on the communities and informants for information. So, we hope to tighten all the borders with the yearly recruitment to reduce the incidence of illegal immigrants". (2020/GIS/MM/IDI/02, Fieldwork, 2020).

"That is a big question to answer. You know, our country is marked with three neighbours and very porous borders". (2020/GIS/MM/IDI/06, Fieldwork, 2020).

### **7.5.9 Officers' Attitude**

The attitude of some officers, particularly at the borders, has also emerged as one of the challenges hampering the effective implementation of immigration policies. This challenge illustrates that the unprofessional conduct of some officers towards clients was attributed to their desire for gifts;-

"In terms of our officers, I think they need more capacity building, especially in the field of customer care. They know the immigration laws, but how officers sometimes react to our clients leaves much to be desired, and it looks as if some are conscious of gifts. So they are always waiting for gifts to the extent that some of them would wish to be given a gift before they can do whatever is expected of them as professional officers. So, we need more professional training" (2020/EXP/IDI/03, Fieldwork, 2020).

Another respondent confirmed this and further indicated that most complaints emanate from the borders;-

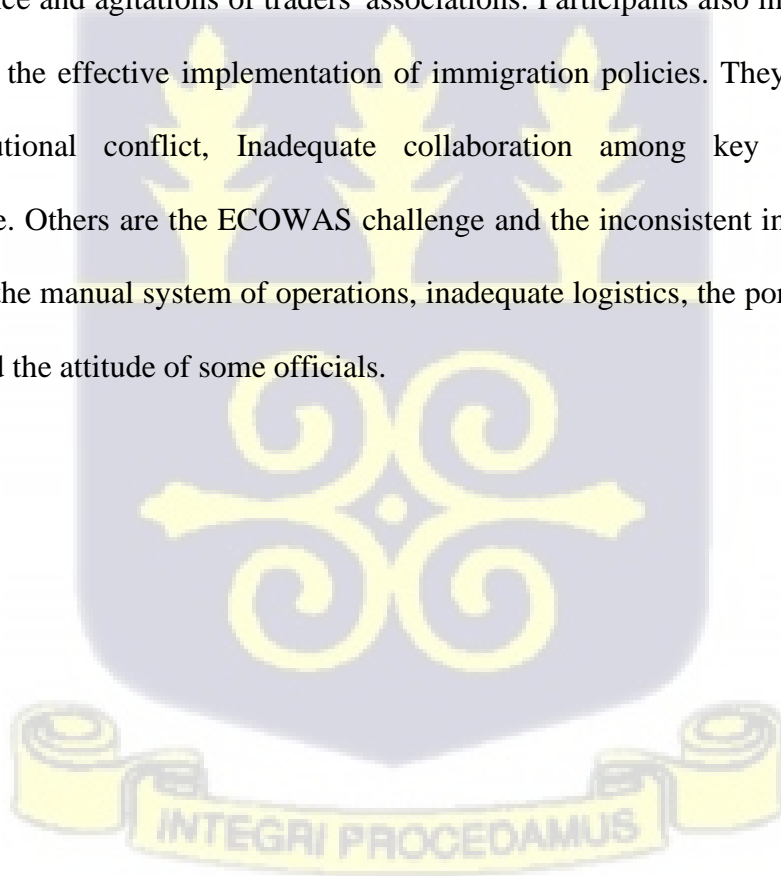
"Well, I mean, as for that one, it is something that frequently comes, especially at the borders and Kotoka International Airport. Complaining of being harassed, extortion, unfair treatment and others. Sometimes, most of them are not true but speculations. However, those found culpable are dealt with according to the law. I have so many but cannot share. One that comes to mind is a British who complained of extortion and delayed his flight. That case is currently in court" (2020/MIN/IDI/01, Fieldwork, 2020).

To the extent that issues related to officers' conduct end up in the law court leave much to be desired, hence calling for more professional training.

## 7.6 Summary

This chapter has shown that the effects of immigration policy differ based on the three different periods. Migration and economic effects cut across all three periods. There were both negative and positive effects of immigration policies on the economy. Also, the agitations from the colonial era continued to the early independence era. Eventually, they were part of the undertones that led to the mass deportations of aliens from the country. There is varied perception about the immigration policies of the country. While the traders' association perceived immigration policies as ineffective, others believe that immigration policies have been effective under the circumstances.

Three unintended consequences were uncovered. These are increasing irregular migration, consistent with other literature, creating undocumented immigrants after the attainment of independence and agitations of traders' associations. Participants also indicated challenges that hinder the effective implementation of immigration policies. They include intra and inter-institutional conflict, Inadequate collaboration among key stakeholders and interference. Others are the ECOWAS challenge and the inconsistent interpretation of the Protocols, the manual system of operations, inadequate logistics, the porous nature of land borders and the attitude of some officials.



## CHAPTER EIGHT

### SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

#### 8.1 Introduction

Although immigration policy is a fourth-generation research phenomenon in migration studies, it has recently gained currency. The boom in immigration policy research can be attributed to the increasing number of international migrants, the changing geographies of international migration and the dual-purpose or strategic role immigration policy play. Serve as an intervening obstacle as well as regulating and controlling migrants. This study examined the dynamics of immigration policymaking in Ghana. Specific objectives examined are; the description of the evolution of immigration policy in Ghana, assess the drivers of immigration policymaking in Ghana, examine the immigration policymaking processes in Ghana, and the effectiveness of implemented immigration policies in Ghana. The study employed two domestic approaches; political economy and institutionalism and the bureaucratic and path-dependency variants complemented by the "international" diffusion theory. The concept of multilevel governance (MLG) was used to conceptualise immigration policymaking processes and the actors involved.

This qualitative study employed thirty-three (33) in-depth interviews, three (3) Focus Group Discussions (FGDs), two held in Accra (the Immigration Headquarters and the Greater Accra Enforcement Section) and the other held in the Ashanti Regional Command of the Immigration Service. Included in the in-depth interviews were three policy experts drawn from academia and practitioners from the African Union and Ghana. The rest were key informants comprising persons involved in immigration policymaking and implementation. They were also selected from the Ministries of the Interior, Foreign Affairs and Regional Integration, the Ghana Immigration Service (both retired and serving officers), the international community (IOM, ICMPD and GIZ) and the private sector. Then secondary

data in the form of immigration laws, policies, annual reports, parliamentary Hansards and newspapers were collected from national archives (PRAAD), the Ghana Law School Library, the Ghana Police Headquarters, and the Immigration Headquarters. Other places visited include the Graphic Communications Group and the New Times Corporation. Both the primary and the secondary data were analysed with the aid of NVIVO version 13, using the thematic analysis version championed by Virginia Braun and Victoria Clarke, which was first introduced in 2006, now also referred to as the reflexive thematic analysis (Braun & Clarke, 2019; 2012; 2006). Below is the summary of the study, the conclusions, recommendations, contribution to knowledge and emerging issues for further studies.

## **8.2 Summary**

### **8.2.1 Analysis of the Evolution of Immigration Policy in Ghana**

The first objective of the thesis was to examine the evolution of immigration policies in Ghana. This is based on the question, how has immigration policy changed in Ghana? The analysis was mainly based on immigration policies stated on paper and officially recognised. The study was premised on three time periods; the colonial era, the early independence era and the contemporary era. Firstly, it was identified that immigrant identity has evolved and was embedded in the concept of the stranger, which was how they were identified prior to colonisation. During the colonial era, they were identified as non-natives or aliens, and this was even the case immediately after independence. In the current dispensation, however, they are identified as foreign nationals, immigrants, or migrants.

Secondly, based on Baumgartner (2012) theorisation of change, about forty (40) changes comprising Twenty-one (21) marginal changes, fourteen (14) substantive and Five (5) fundamental changes to immigration policies were identified. Dependent on these changes, immigration policies and comparative analysis in the context of the three eras, two (2) major differences were identified. First is that immigration policies during the colonial era were

generally admission-centred. The concentration during the early independence era shifted to admission, residence and employment, and removal. In this contemporary era, the focus is on selection, admission, residence and employment as well as removal. This is an indication that immigration policymaking has been progressively broadened to encompass all four dimensions of immigration policy, though piecemeal. The other major difference is the variegated institutions that have managed immigration in the country swinging from security institution to civil department and again to a security institution. However, all these institutions have been under the supervision of the Ministry of the Interior.

The comparison also revealed some similarities in the mechanisms that were employed to control immigration in all the eras and the major policies. These control mechanisms, though may vary, they are similar in content in all the identified periods. They include exclusions and exemptions, disembarkation and embarkation controls, and specific places of entry. Others are prohibited immigrant categorisation, issuance of stay permits and employment authorisation, as well as the burden of proof. Last but not least is the removal mechanism comprising the first or next available means, repatriation and deportation.

The third and last finding under chapter one is about the extent of restrictiveness of each of the immigration policy components and the general restrictiveness of immigration policy in Ghana. Concerning admission and departure, it was discovered that their policies have been progressively restrictive and in recent years, they have become even more complex due to perceived or real threats insecurity within the West African sub-region as well as the imposition of international travel restrictions due to the COVID-19 pandemic.

Second, it emerged that residence and employment authorisation restrictions started after independence and became more restrictive in the late 1960s. However, as a result of the introduction of economic liberalisation in the 1990s, which opened up employment authorisation and linked immigrant quotas to investment levels as well as the introduction

of permanent status, residence and employment authorisation has become more complex and a mixture of less and more restrictive, depending on the level of investment or the target population or group.

The third has to do with the removal component, which consists of refused entry by the first or next available means, repatriation and deportation. Deportation during the colonial era and early independence was targeted and discriminatory and the policies changed more frequently. The implementation of the Aliens Compliance Order in 1969 led to mass deportation from the country. Since then, deportation has been dormant, and the other two (2) strands of removal are very active. This is probably due to the cumbersome court processes involved.

The last component, which should have been the first in the immigration process, was reintroduced into the current Immigration Act 2000, Act 573 after it appeared in one of the Ad-Hoc period during the Colonial era. Largely, it still remains controlled by the Ministry of Foreign Affairs and Regional Integration even after the promulgation of the Immigration Service Act 2016 (Act 908), which indicates that the issuance of visas is part of the functions of the Ghana Immigration Service. However, since some aspects, such as the Emergency Entry visa, visa on arrival and re-entry visa, were introduced in Act 573, the selection of immigrants has been less restrictive and complex.

Generally, based on the trends of the four components of immigration policy in Ghana, it emerged that immigration policies during the colonial era were less restrictive, became restrictive after independence and peaked during the late 1960s and early 1970s. However, in the current dispensation, because of the opening up of employment authorisation and linking investment levels to automatic quotas and the status progression introduced, immigration policies have become more complex and a mixture of less and/or more restrictive.

### **8.2.2 Analysis of the Drivers of Immigration Policies**

The study's second objective was to explain what necessitated immigration policymaking, the need for immigration policy reforms, or a change of existing immigration policy. This is based on both primary and secondary data obtained. Six (6) drivers were identified, of which securitisation of migration emerged as the most essential driver of immigration policy in Ghana. Other drivers that are very key include economic conditions, which have three sub-themes, including the economic interest of the government, changes in the economy (either a recess or economic boom) and then changes in the economic policies of the country. During the era of Ghanaianisation and protectionism, immigration policies became more restrictive, leading to mass deportations. In this current dispensation of economic liberalisation, linking investment levels to immigrant quota with the private sector seen as the engine of growth, immigration policies though complex, are not that repressive.

Another driver of immigration policy is institutionalism, which has two sub-themes; bureaucratic politics (focuses on turf wars and intra and inter-institutional politics) and path-dependency, which was mainly identified through the secondary data analysed. Most of the stated immigration policies only consolidated the existing ones with some modifications. Thus, earlier policies influence decisions to formulate new policies. Yet, other drivers include global and regional protocols and agreements such as the Global Compact on Migration and the Free Movement, Right of Residence and Establishment within ECOWAS and the AU. Major world events include the outbreak of the novel coronavirus pandemic and developmental changes that have occurred over time. In all of these, the interest of key stakeholders like the state or government in power and the international development partners cannot be overlooked.

### **8.2.3 Analysis of the Politics and Processes of Immigration Policymaking in Ghana**

The third objective of the study was to analyse the immigration policymaking processes in Ghana. The analysis was centred on the immigration policymaking processes and the politics that go with it. It was discovered that there are generally two (2) types of policymaking: the internal mechanism or what is also known as the bureaucratic or exclusionary process, and then the outsourcing or the governance approach. However, immigration policy in Ghana has mainly relied on the exclusionary approach since time immemorial.

In recent times, immigration policy initiation may come from the government or the Ghana Immigration Service. In this regard, it was discovered that there were periods of minimal consultations. Thus, only a few actors were put together to initiate the policymaking process. There is, however, an emergence of internal and key stakeholder consultations. The process mostly follows the public policymaking process of the country. Hence, in the Ghanaian context, it will go through the Interior Ministry, the supervising ministry, to seek Cabinet approval. Then the process continues at the Drafting Section of the Attorney General's Office. Then the drafted bill is laid before Parliament to go through the parliamentary process for approval, ascent and gazette. A diagram to this effect was provided.

In going through these processes, there are actors involved and some politics that occur. In view of this, the politics of immigration policymaking was also analysed, taking into consideration the power dynamics, their intensity and management. The immigration policymaking process is, however, not without challenges. These challenges include lack of accurate and adequate data, constantly changing features of international immigration, the ECOWAS challenge, funding of the process and power dynamics.

#### **8.2.4 Assessment of the Effectiveness of Immigration Policy in Ghana**

An assessment of the effectiveness of immigration policy in Ghana is the last objective of this study, and the concentration is on the effect of implemented immigration policies. However, there was the need to provide conceptual clarity on policy effectiveness and effect. This is based on the four levels of immigration policymaking analysis namely; political discourse or immigration politics and processes or policy input analysis; actual policy on paper or the policy output analysis; implementation of immigration policy and the outcome of the implementation.

These levels of analysis assist in the explanation of three gaps with immigration policymaking. First, is the discourse gap, which is the difference between political rhetoric and policy on paper. Second is implementation gap, which is the difference between policies on paper and actual implementation. Last but not least is the efficacy gap. This gap focused on the extent of effects of the 'implemented policies' in this study on selection of immigrants, admission and exit of international travels, residence and employment of immigrants, and the removal of undesirables as well as target populations or groups.

Three different periods were identified in assessing the effects of immigration policy in Ghana. First is the colonial era, which led to agitations by the indigenes due to unrestricted immigration, as indicated by the Watson Commission report in 1948. Then the period from independence to the late 1960s and then early 1970s where nation building, nationalism and protectionism were the others of the day, leading to restrictive immigration policies that resulting in the mass deportation of undocumented immigrants from Ghana. Then the last period was where economic liberalisation, linking investment levels to immigrant quotas and the opening up of employment authorisation were introduced. These economic changes, coupled with security concerns, have rather resulted in a steady increase in the selection of

immigrants. However, this has led to complex immigration policymaking with a mixture of less and/or more restrictive components.

### **8.3 Conclusion**

First, immigrant identities have changed from the stranger to the alien and then to an immigrant or migrant, depending on the context. The findings from the study also indicate that the focus of immigration policy in Ghana has been progressively broadened. This is so because the focus of the early independence era was an improvement of the colonial era in terms of coverage, and so is the contemporary era over the earlier period. Thus, it moved from admission-centred during the colonial era to admission, residence and employment authorisation controls during the early years of independence. In the contemporary era, the focus is on the selection of potential immigrants, admission, residence and employment authorisation controls.

Another observation is that since time immemorial, many different institutions have been involved in managing immigration controls in Ghana at any particular time. These institutions include local authorities, the Customs Excise and Preventive Service (CEPS), the Police Service, the Ministry of Foreign Affairs and Regional Integration, formerly External Affairs and the Ghana Armed Forces' Border Guard Division. It is also important to add that even in the contemporary era, some of these institutions still perform immigration functions indicating the diverse and complex nature of immigration controls and the under-developed nature of the Ghana Immigration Service as an immigration institution.

This study also concludes that immigration policies during the colonial era were generally less restrictive and became more restrictive during the early independence era, with its peak in the late 1960s and early 1970s mainly due to the effects of the implementation of the Aliens Compliance Order. Then from the early 1990s to date, immigration policies have become more complex and a mixture of more and/or less restrictive policies, mostly dependent on the control mechanism or the target group. However, each of the components

has become more and/or less restrictive in its rights. For example, selection has been less restrictive; admission and departure continue to be restrictive; residence and employment authorisation also have restrictive tendencies. Deportation, which was very active during the colonial era and the period from 1957 to the time of the mass deportation in 1969, has now become dormant. However, other strands of removal; refused entry by the first or next available means and repatriation, which is dependent on the discretionary powers of the head of the Immigration Service, have become more active and pronounced.

The study also identified that though all the drivers of immigration policymaking or changes to immigration policies are equally important, securitisation of migration is the main driver of immigration policymaking and its changes in Ghana. This is largely premised on perceived or real insecurity during each period. During the colonial era, there was the need to protect the Colony from external aggression. Internal security was a concern in the early independence era due to rampant military interventions. In the contemporary era, insecurity in the West Africa sub-region, the threat of terrorism and the outbreak of the coronavirus pandemic are the cause of the securitisation of migration in Ghana.

It has also emerged that immigration policymaking is not participatory enough. As is the case of public policymaking in the country, the bureaucratic approach has been employed to formulate immigration policy since time immemorial. In recent years, however, there has been an emerging phenomenon where immigration policymaking has been initiated through broader intra and inter-institutional consultations, though limited to key domestic and international stakeholders. Immigration policymaking goes through the state policymaking processes and politics, which confirms that studying immigration policymaking amounts to studying the statehood or system of governance (Natter, 2019).

Key actors involved in immigration policymaking were domestic actors and international development partners, hence the multilevel governance conceptualisation of the actors. It also supports Manning (1977) assertion that immigration policies have both domestic and

international dimensions, and suggested an 'intermestic' approach to the study of immigration policy which is also echoed by Adam et al. (2020). Last but not least, the eleven (11) year trend analysis of GIS annual reports shows a steady increase in the number of immigrants selected, admission and departure. This has defined the country as "a country of origin, transit and destination" (IOM, 2019, p. xiii).

#### **8.4 Recommendation**

Based on the problem statement, the study objectives, findings and conclusions, the following recommendations will ensue.

First, to address the variegated nature of immigration control management, the immigration institution should be developed to its full status, and immigration functions performed by other institutions should be ceded to the new institution.

Second, because of the scattered nature of what constitutes immigration policy and the need to reduce the complex nature of immigration restrictions in this contemporary era, a composite national immigration policy rooted in the current National Migration Policy should be procured. This document should contain issues such as how to respond to global shocks, institutional collaborations, grant residence permit amnesty to undocumented immigrants, and attract global talent.

Third, there should be a conscious effort to de-securitise migration to reduce the concentration on security and balance it with the development agenda. If the perceived threat of insecurity within the sub-region and the threat of terrorism are real, steps should be taken by the African Heads of State and the ECOWAS security committee to deal with the root causes of these threats. As the ECOWAS body deals with the issue at the sub-regional level, the continental body could also provide the needed support. At the country level, steps should also be taken to educate the public on security and resource the security agencies for effective prevention and responses to regain public confidence.

Fourth, since there is evidence that the economic liberalisation of the 1990s has achieved some positive gains, at least on paper, other economic models can be considered. For example, the point system may be considered based on the Ghanaian context to entice the best talent needed. According to Green & Green (1995), the point system is an immigration framework initiated to control occupational composition and hence the country's demography. It was first introduced by Canada and had since 1967 spread to other developed countries like the UK, USA and Australia. A typical point system will assign points to variables such as education, age and special skills to select economically desirable migrants (Tani, 2014). Thus, there is a cut-off for the total points one accumulates. Therefore, it is a screening mechanism for potential immigrants with higher contributions. There is thus a move away from just prohibited immigrants to the selection of desirables (the best and the brightest) based on the needed skills of the country. The challenge is that it is a way of eliminating unskilled and undesirable immigrants. A skills audit may be conducted based on which the point system will be implemented and immigration policies necessarily dovetailed into the national migration policy and other related policies.

The fifth recommendation is that there is a need for a concerted effort to educate and sensitise officers on confidence-building training and emerging issues in migration. In this regard, there is a need to continue to organise joint training with other security organisations toward improving upon cooperation and collaboration. Other aspects of the training should include confidence-building training and emerging issues in migration and development, as well as international relations and global migration governance. Related to the training of officers is the recruitment of health professionals into the Ghana Immigration Service to help manage the 'new normal' brought about by the COVID-19 pandemic and subsequent health challenges. Trade unions and ECOWAS nationals in the country, should also be educated on the AU and ECOWAS Free Movement, Right of Residence and Establishment Protocols, particularly with the citing of the African Continental Free Trade Area in Ghana,

so that Ghanaian traders among others, can take advantage of the opportunities that come with these international regimes.

### **8.5 Emerging Issues for Further Studies**

This study identified three emerging issue areas that are worth examining. The first is the relationship between immigration policy and investment or employment. Currently, several institutions are involved in immigrant employment authorisation, an emerging area that can be studied. Second is immigrants' integration and integration policies. This is an emerging area in the Ghanaian context and, therefore, calls for further studies. The last emerging area for further studies is immigration policy and health, especially in an era of global health crises.



## REFERENCES

- Achieng, M., & Righa, E. (2020). What is wrong with the narrative on African migration? In *Africa migration report: Challenging the narrative* (pp. 1–14). <https://publications.iom.int/system/files/pdf/africa-migration-report.pdf>
- Adam, I., Trauner, F., Jegen, L., & Roos, C. (2020). West African interests in (EU) migration policy. Balancing domestic priorities with external incentives. *Journal of Ethnic and Migration Studies*, 46(15), 3101-3118.
- Addo-Fening, R. (2013). Ghana under colonial rule: An outline of the early period and the interwar years. *Transactions of the Historical Society of Ghana, New Series*, (15), 39 – 70.
- Adepoju, A., Fumagali, C., & Nyabola, N. (2020). *Africa migration report: Challenging the narrative*. Addis Ababa: IOM (<https://au.int/en/documents/20201015/africa-migration-report>).
- Adepoju, A., Van Noorloos, F., & Zoomers, A. (2010). Europe’s migration agreements with migrant-sending countries in the global south: A critical review. *International Migration*, 48(3), 42–75.
- Adjepong, A. (2009). The Origins, Implementation and Effects of Ghana’s 1969 Aliens Compliance Order. *Diss. University of Cape Coast*.
- Adjepong, A. (2013). Immigration Control in Ghana under Kwame Nkrumah, 1957–1966. *Ibadan Journal of History*, 1, 87–106.
- Ahouga, Y. (2018). The local turn in migration management: The IOM and the engagement of local authorities. *Journal of Ethnic and Migration Studies*, 44(9), 1523–1540. <https://doi.org/10.1080/1369183X.2017.1368371>
- Ajolor, O. V. (2016). Civil Society Organisations (CSOs) Participation in Policy Implementation on Poverty Reduction: A Comparative Analysis of Nigeria and Ghana.
- Akoutou, A. B., Sohn, R., Vogl, M., & Yeboah, D. (2015). Introduction. In *Migration and Civil Society as Development Drivers: A Regional Perspective* (pp. 5–8). WAI.
- Alcantara, C., & Nelles, J. (2014). Indigenous Peoples and the State in Settler Societies: Toward a More Robust Definition of Multilevel Governance. *Publius: The Journal of Federalism*, 44(1), 183–204. <https://doi.org/10.1093/publius/pjt013>
- Allen, W., Blinder, S., & McNeil, R. (2018). Chapter 8–Media reporting of migrants and migration. *World migration report*, 2018(1), e00008.
- Alvesson, M., & Skolberg, K. (2009). *Reflexive Methodology*, (2<sup>nd</sup> edn.). Sage, London.

- Amoako-Tuffour, J. (2008). Public Consultations, Bureaucrats and Development Partners in Ghana's Poverty Reduction Strategy, in J. Amoako-Tuffour and B. Armah (eds), *Poverty Reduction Strategies in Action: Perspectives and Lessons from Ghana*, pp. 95-118.
- Amoako-Tuffour, J., & Armah, B. K. (Eds.). (2008). *Poverty reduction strategies in action: perspectives and lessons from Ghana*. Lexington Books.
- Anderson, T. R., & Slotkin, T. A. (1975). Maturation of the adrenal medulla—IV. Effects of morphine. *Biochemical Pharmacology*, 24(16), 1469–1474.  
[https://doi.org/10.1016/0006-2952\(75\)90020-9](https://doi.org/10.1016/0006-2952(75)90020-9)
- Andreas, P. (2012). *Border Games: Policing the U.S.-Mexico Divide*. Cornell University Press. <https://muse.jhu.edu/book/68270>
- Aremu, J. A. (2013). Capital flows, capital control and exchange rate regimes. *Economic and Financial Review*, 51(4), 5.
- Attride-Stirling, J. (2001). Thematic networks: an analytic tool for qualitative research. *Qualitative research*, 1(3), 385-405.
- Awumbila, M., Benneh, Y., Teye, J. K., & Atiim, G. (2014). Across artificial borders: An assessment of labour migration in the ECOWAS region. *Brussels: ACP Observatory on Migration*.
- Awumbila, M., Manuh, T., Quartey, P., Tagoe, C. A., & Bosiakoh, T. A. (2008). *Migration country paper (ghana)* (pp. 1–60). Center for migration studies university of Ghana.
- Bache, I., & Flinders, M. V. (Eds.). (2004). *Multi-level governance*. Oxford University Press.
- Bachrach, P., & Baratz, M. S. (1962). Two faces of power<sup>1</sup>. *American Political Science Review*, 56(4), 947–952.
- Bachrach, P., & Baratz, M. S. (1994). Two faces of power. *Power: Critical Concepts*, 2, 85.
- Balzacq, T. (2011). Securitisation theory. *How Security Problems Emerge and Dissolve (Peace Research Institute Oslo (PRIO) New Security Studies)*, London.
- Balzacq, T., Léonard, S., & Ruzicka, J. (2016). 'Securitization' revisited: Theory and cases. *International Relations*, 30(4), 494–531.
- Beine, M., Boucher, A., Burgoon, B., Crock, M., Gest, J., Hiscox, M., McGovern, P., Rapoport, H., Schaper, J., & Thielemann, E. (2016). Comparing Immigration

- Policies: An Overview from the IMPALA Database. *International Migration Review*, 50(4), 827–863. <https://doi.org/10.1111/imre.12169>
- Bennett, C. J. (1991). Computers, personal data, and theories of technology: Comparative approaches to privacy protection in the 1990s. *Science, Technology, & Human Values*, 16(1), 51-69.
- Bergh, H. (2020). *Securitization of migration-A discourse analysis of the Swedish migration policy during the Syrian refugee crisis*.
- Betts, A. (2011). Introduction: Global Migration Governance. In A. Betts (Ed.), *Global Migration Governance* (pp. 1–33). Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780199600458.003.0001>
- Bhagwati, J. (2003). Borders beyond control. *Foreign Aff.*, 82, 98.
- Bisong, A. (2019). Trans-regional institutional cooperation as multilevel governance: ECOWAS migration policy and the EU. *Journal of Ethnic and Migration Studies*, 45(8), 1294–1309. <https://doi.org/10.1080/1369183X.2018.1441607>
- Bjerre, L. (2017). Immigration policy effects—a conceptual framework. *IMI Working Paper Series*, 139, 1–28.
- Bjerre, L., Helbling, M., Römer, F., & Zobel, M. (2015). Conceptualizing and Measuring Immigration Policies: A Comparative Perspective. *International Migration Review*, 49(3), 555–600. <https://doi.org/10.1111/imre.12100>
- Bodvarsson, Ö. B., & Van den Berg, H. (2013). Introduction to Immigration Economics. In *The economics of immigration: Theory and policy* (2nd ed., 2013, pp. 1–18). Springer.
- Borkert, M., & Caponio, T. (2010). Introduction: The local dimension of migration policymaking. *The Local Dimension of Migration Policymaking*, 9–32.
- Borkert, M., Pérez, A. M., Scott, S., & Tona, C. D. (2006). Introduction: Understanding Migration Research (Across National and Academic Boundaries) in Europe [14 paragraphs]. *La Riforma Medica*, 7(3), 1–8.
- Borkert, M., Penninx, R., & Zincone, G. (2011). *Migration policymaking in Europe: the dynamics of actors and contexts in past and present*. Amsterdam University Press.
- Boswell, C. (2007). Theorizing migration policy: Is there a third way?. *International migration review*, 41(1), 75-100.
- Boushey, G., & Luedtke, A. (2011). Immigrants across the U.S. Federal Laboratory: Explaining State-Level Innovation in Immigration Policy. *State Politics & Policy Quarterly*, 11(4), 390–414. <https://doi.org/10.1177/1532440011419286>

- Boyatzis, R. E. (1998). *Transforming qualitative information: Thematic analysis and code development*. SAGE.
- Braun, D., & Gilardi, F. (2006). Taking ‘Galton’s Problem’ Seriously: Towards a Theory of Policy Diffusion. *Journal of Theoretical Politics*, 18(3), 298–322.  
<https://doi.org/10.1177/0951629806064351>
- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative research in psychology*, 3(2), 77-101.
- Braun, V., & Clarke, V. (2012). *Thematic analysis*.
- Braun, V., Clarke, V., & Hayfield, N. (2019a). ‘A starting point for your journey, not a map’: Nikki Hayfield in conversation with Virginia Braun and Victoria Clarke about thematic analysis. *Qualitative Research in Psychology*, 1-22.
- Braun, V., & Clarke, V. (2019b). Reflecting on reflexive thematic analysis. *Qualitative Research in Sport, Exercise and Health*, 11(4), 589-597.
- Brochmann, G. (1999). The Mechanisms of Control. In *Mechanisms of Immigration Control: A Comparative Analysis of European Regulation Policies* (1st ed., p. 27). Routledge. <https://doi.org/10.4324/9781003086062>
- Brochmann, G., & Hammar, T. (1999). *Mechanisms of Immigration Control*. Oxford/New York: Berg.
- Bryman, A. (2012). *Social Research Methods* (4<sup>th</sup> ed.) New York: Oxford University Press.
- Cairney, P. (2012). *Understanding public policy: Theories and issues*. Palgrave Macmillan.
- Campomori, F., & Caponio, T. (2017). Immigrant integration policymaking in Italy: Regional policies in a multi-level governance perspective. *International Review of Administrative Sciences*, 83(2), 303–321.  
<https://doi.org/10.1177/0020852315611238>
- Caponio, T., & Jones-Correa, M. (2018). Theorising migration policy in multilevel states: The multilevel governance perspective. *Journal of Ethnic and Migration Studies*, 44(12), 1995–2010. <https://doi.org/10.1080/1369183X.2017.1341705>
- Carciotto, S. (2021). The Restrictiveness of Migration Policies in South Africa. *African Journal of Governance & Development*, 10(1), 118-163.
- Carpenter, J. (2002). Mental health recovery paradigm: Implications for social work. *Health & Social Work*, 27(2), 86-94.

- Castles, S. (2004). Why migration policies fail. *Ethnic and Racial Studies*, 27(2), 205–227. <https://doi.org/10.1080/0141987042000177306>
- Castles, S., Hugo, G., & Vasta, E. (2013). Rethinking migration and diversity in Australia: introduction. *Journal of Intercultural Studies*, 34(2), 115-121.
- Castles, S., & Miller, M. J. (2009). *The age of migration: International population movements in the modern world*. Palgrave Macmillan Basingstoke.
- Checkel, J. T. (2005). International institutions and socialization in Europe: Introduction and framework. *International Organisation*, 59(4), 801–826.
- Choi, S. Y. (2019). Migration, masculinity, and family. *Journal of Ethnic and Migration Studies*, 45(1), 78-94.
- Choi, S.W. (2021). Immigration Policy and Terrorism: An Empirical Analysis. *Defence and Peace Economics*, 32(3), 271–295.  
<https://doi.org/10.1080/10242694.2019.1659577>
- Clegg, S. (2013). *The Theory of Power and Organisation (RLE: Organisations)*. Routledge.
- Colomé-Menéndez, D., Koops, J. A., & Weggemans, D. (2021). A country of immigrants no more? The securitization of immigration in the National Security Strategies of the United States of America. *Global Affairs*, 7(1), 1–26.  
<https://doi.org/10.1080/23340460.2021.1888652>
- Consterdine, E. (2020). Parties matter but institutions live on: Labour’s legacy on Conservative immigration policy and the neoliberal consensus. *The British Journal of Politics and International Relations*, 22(2), 182-201.
- Corlett, S., & Mavin, S. (2018). Reflexivity and researcher positionality. *The SAGE handbook of qualitative business and management research methods*, 377-399.
- Cormode, L., & Hughes, A. (Eds.), (1999). The economic geographer as a researcher of situated elites. *Geoforum*, 30 (4), 299–374.
- Cornelius, W. A., & Rosenblum, M. R. (2005). Immigration and politics. *Annual Review of Political Science*, 8(1), 99–119.  
<https://doi.org/10.1146/annurev.polisci.8.082103.104854>
- Cornelius, W.A., & Tsuda, T. (Ed.). (2004). Controlling immigration: A global perspective. In *Controlling Immigration: A Global Perspective* (2nd. ed, pp. 3–48). Stanford University Press.
- Cousin, G. (2013). Reflexivity: The new reflective practice. *International Journal of Practice-based Learning in Health and Social Care*, 1(2), 5-7.

- Cresswell, J. W. (Ed.). (2009). *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches (3<sup>rd</sup> ed.)*. Los Angeles: Sage.
- Cresswell, J.W. (2014). *Research Design: Qualitative, Quantitative and Mixed Method Approaches (4<sup>th</sup> ed.)*. SAGE Publications Limited, Thousand Oaks, California.
- Creswell, J. W. (2007, May). *Concerns voiced about mixed methods research*. Paper presented at the Qualitative Inquiry Congress, Champaign, IL.
- Creswell, J.W. (2005). *Educational research: Planning, conducting, and evaluating quantitative and qualitative research (2nd ed.)*. Upper Saddle River, NJ: Pearson Education.
- Creswell, J.W. (2013) *Qualitative Inquiry and Research Design: Choosing Among Five Approaches. (3<sup>rd</sup> ed.)*. SAGE Publications Limited, Thousand Oaks, CA.
- Cunliffe, A. L. (2011). Crafting qualitative research: Morgan and Smircich 30 years on. *Organisational research methods, 14*(4), 647-673.
- Czaika, M., & De Haas, H. (2011). *The effectiveness of immigration policies*.
- Czaika, M., & De Haas, H. (2013). The effectiveness of immigration policies. *Population and Development Review, 39*(3), 487–508.
- Czaika, M., & de Haas, H. (2014). *The effect of visa policies on international migration dynamics. April, 1–26*.
- de Haas, H. (2010a). Migration transitions: A theoretical and empirical inquiry into the developmental drivers of international migration, Vol. 24. *International Migration Institute [in English]*.
- de Haas, H. (2010b). Migration and Development: A Theoretical Perspective. *International Migration Review, 44*(1), 227–264. <https://doi.org/10.1111/j.1747-7379.2009.00804.x>
- De Haas, H. (2011). *The determinants of international migration*.
- De Haas, H., Natter, K., & Vezzoli, S. (2014). *Compiling and coding migration policies: Insights from the DEMIG POLICY database*.
- de Haas, H., Natter, K., & Vezzoli, S. (2015). Conceptualizing and measuring migration policy change. *Comparative Migration Studies, 3*(1), 15. <https://doi.org/10.1186/s40878-015-0016-5>
- De Haas, H., Natter, K., & Vezzoli, S. (2016). Growing restrictiveness or changing selection? The nature and evolution of migration policies. *International Migration Review*.

- de Haas, H., Natter, K., & Vezzoli, S. (2018). Growing Restrictiveness or Changing Selection? The Nature and Evolution of Migration Policies <sup>1</sup>. *International Migration Review*, 52(2), 324–367. <https://doi.org/10.1177/0197918318781584>
- de Haas, H., Vezzoli, S., & Villares-Varela, M. (2019). Opening the floodgates?: European migration under restrictive and liberal border regimes 1950-2010.
- Deacon, B. (2000). *Globalization and social policy: The threat to equitable welfare*. Geneva 2000, Geneva, Switzerland. UNRISD.
- Deacon, B. (2013). Regions, migration, social policy: What are and what could be the linkages. *UNRISD Conference on Regional Governance of Migration and Socio-Political Rights: Institutions, Actors and Processes, Geneva*, 14–15.
- Dearing, J. W., & Meyer, G. (2006). Revisiting diffusion theory. *Communication of Innovations: A Journey with Ev Rogers*, 29–60.
- Denzin, N. K. (2001). The reflexive interview and a performative social science. *Qualitative Research*, 1, 23–46.
- Denzin, N. K., & Lincoln, Y. S. (2005). The discipline and practice of qualitative research. In N. K. Denzin & Y. S. Lincoln (Eds.), *The Sage handbook of qualitative research* (3rd ed., pp. 1-32). Thousand Oaks, CA: SAGE.
- Denzin, N. K., & Lincoln, Y. S. (2018). Introduction: The Discipline and Practice of Qualitative Research. In N. K., Denzin, & Y. S. Lincoln, (ed.) *The SAGE Handbook of Qualitative Research* (5<sup>th</sup> ed.). Washington DC.
- Dolowitz, D. P., & Marsh, D. (2000). Learning from abroad: The role of policy transfer in contemporary policy-making. *Governance*, 13(1), 5–23.
- Duncan, N. T. (2012). *Immigration policymaking in the global era: In pursuit of global talent*. Palgrave Macmillan.
- Dye, T. R. (1969). Executive power and public policy in the states. *Western Political Quarterly*, 22(4), 926–939.
- Elkins, Z., Guzman, A. T., & Simmons, B. A. (2006). Competing for capital: The diffusion of bilateral investment treaties, 1960–2000. *International Organisation*, 60(4), 811–846.
- Elkins, Z., & Simmons, B. (2005). On Waves, Clusters, and Diffusion: A Conceptual Framework. *The ANNALS of the American Academy of Political and Social Science*, 598(1), 33–51. <https://doi.org/10.1177/0002716204272516>
- Enderlein, H., Walti, S., & Zurn, M. (2010). *Handbook on multi-level governance*. Edward Elgar Publishing.

- Essuman-Johnson, A. (2006). Immigration to Ghana. *Journal of Immigrant & Refugee Studies*, 4(1), 59–77. [https://doi.org/10.1300/J500v04n01\\_05](https://doi.org/10.1300/J500v04n01_05)
- Faist, T. (2013). The mobility turn: a new paradigm for the social sciences?. *Ethnic and Racial Studies*, 36(11), 1637-1646.
- Fereday, J., & Muir-Cochrane, E. (2006). Demonstrating rigor using thematic analysis: A hybrid approach of inductive and deductive coding and theme development. *International journal of qualitative methods*, 5(1), 80-92.
- Filindra, A., & Goodman, S. W. (2019). Studying Public Policy through Immigration Policy: Advances in Theory and Measurement. *Policy Studies Journal*, 47(3), 498–516. <https://doi.org/10.1111/psj.12358>
- Fitzgerald, K. A. (1996). *The face of the nation: Immigration, the state, and the national identity*. Stanford University Press.
- Foli, R., Béland, D., & Fenwick, T. B. (2018). How instrument constituencies shape policy transfer: A case study from Ghana. *Policy and Society*, 37(1), 108–124.
- Foucault, M. (1980). Power/Knowledge. *Trans. Colin Gordon*. New York: Pantheon.
- Frederking, L. C. (2012). A comparative study of framing immigration policy after 11 September 2001. *Policy Studies*, 33(4), 283–296. <https://doi.org/10.1080/01442872.2012.694184>
- Freeman, G. P. (1992). Migration policy and politics in the receiving states. *International Migration Review*, 26(4), 1144–1167.
- Freeman, G. P. (1995). Modes of immigration politics in liberal democratic states. *International Migration Review*, 29(4), 881–902.
- Fusheini, A., Marnoch, G., & Gray, A.M. (2017). Implementation Challenges of the National Health Insurance Scheme in Selected Districts in Ghana: Evidence from the Field, *International Journal of Public Administration*, 40(5), 416-426, DOI: 10.1080/01900692.2015.1127963.
- Gatune, J, Richmond, C., Darko, O., Robert, Atengble, K.O, Harris, D., Osei, D.R., Oteng-abayie, Eric Fosu, Shah, N., Bainson, A.K., Fenny, A., Osei, C., & Rosengren, A. (2021). *About SEDI*.
- Geddes, A., & Korneev, O. (2015). The state and the regulation of migration. In *Handbook of the international political economy of migration*. Edward Elgar Publishing.
- Gest, J., Boucher, A., Challen, S., Burgoon, B., Thielemann, E., Beine, M., McGovern, P., Crock, M., Rapoport, H., & Hiscox, M. (2014). Measuring and Comparing Immigration, Asylum and Naturalization Policies Across Countries: Challenges

- and Solutions. *Global Policy*, 5(3), 261–274. <https://doi.org/10.1111/1758-5899.12132>
- Ghana Statistical Service (GSS) (2013). *2010 Population and Housing Census: Analytical Report*. Accra. Available at [https://statsghana.gov.gh/gssmain/fileUpload/pressrelease/2010\\_PHC\\_National\\_Analytical\\_Report.pdf](https://statsghana.gov.gh/gssmain/fileUpload/pressrelease/2010_PHC_National_Analytical_Report.pdf).
- Ghezelbash, D. (2015). *Shifting sands and refugee boats: The transfer of immigration control measures between the United States and Australia*.
- Gilardi, F. (2012). Transnational diffusion: Norms, ideas, and policies. *Handbook of International Relations*, Ed. Walter Carlsnaes, Thomas Risse and Beth Simmons. Second Ed. SAGE Publications, 453–477.
- Gilardi, F., & Wasserfallen, F. (2019). The politics of policy diffusion. *European Journal of Political Research*, 58(4), 1245–1256. <https://doi.org/10.1111/1475-6765.12326>
- Gill, J., & Johnson, P. (2010). *Research Methods for Managers (4<sup>th</sup> ed.)*. SAGE Publications Limited, Thousand Oaks, CA.
- Glasius, M. (2018). What authoritarianism is ... and is not: A practice perspective. *International Affairs*, 94(3), 515–533. <https://doi.org/10.1093/ia/iyy060>
- González Ferrer, A., & Mezger, C. (2013). *The ImPol database: A new tool to measure immigration policies in France, Italy and Spain since the 1960s*.
- Gould, W. T. S. (1974). International Migration in Tropical Africa. *International Migration Review*, 8(3), 347-365.
- Government of Ghana (1962). *Parliamentary debates official report (Hansard)* Vol. 30, Accra, Ghana: Department of Official Report, Parliament House.
- Government of Ghana (1957). *Parliamentary debates official report (Hansard)* First series, Vol. 14, Accra, Ghana: Department of Official Report, Parliament House.
- Government of Ghana (1970). *Parliamentary debates official report (Hansard)*, Vol. 3, No(2), Accra, Ghana: Department of Official Report, Parliament House.
- Government of Ghana (1971). *Parliamentary debates official report (Hansard)*, Second Series, Vol. 6, Accra, Ghana: Department of Official Report, Parliament House.
- Government of Ghana (1999). *Parliamentary debates official report (Hansard)* Fourth Series, Vol. 23, Accra, Ghana: Department of Official Report, Parliament House.
- Government of Ghana. (1909). The Immigrant Paupers Ordinance (No. 10 of 1909).
- Government of Ghana. (1912). The European and Asiatic Passengers ordinance (No.8 of 1912).

- Government of Ghana. (1914). The Regulation of immigrants ordinance (No. 4 and 7 of 1914).
- Government of Ghana. (1916). Labourers Restriction Ordinance (No. 15 of 1916).
- Government of Ghana. (1916). The Alien Deportation and Censorship Legalization Ordinance (No.10 of 1916).
- Government of Ghana. (1918). Aliens Passports (CAP 180)
- Government of Ghana. (1919). The Former Enemy Aliens (Restriction on immigration) ordinance (No.8 of 1919)
- Government of Ghana. (1926). Immigration Restriction ordinance (Ordinance No. 9 of 1925)
- Government of Ghana. (1935). The Aliens Ordinance (No. 20 of 1935)
- Government of Ghana. (1937). The Immigration Restriction (Amendment) Ordinance, 1937
- Government of Ghana. (1945). Immigrant British Subjects (Deportation) (Ordinance No. 26 of 1945).
- Government of Ghana. (1947). The Immigration Ordinance (Ordinance No. 7 of 1914).
- Government of Ghana. (1949). The Immigration Regulations.
- Government of Ghana. (1957). The Deportation Act (No. 14)
- Government of Ghana. (1957). The Immigration Act (No.15)
- Government of Ghana. (1958). Immigration Regulation 1958 (L.I 65)
- Government of Ghana. (1959). Deportation (Amendment) Act, 1957 (Act 65)
- Government of Ghana. (1959). Immigration Regulation 1959 (L.I 65)
- Government of Ghana. (1960). The immigration (Amendment) Regulation 1960 (L.I 82)
- Government of Ghana. (1961). Immigration (Amendment) Regulation 1961 (L.I 1961)
- Government of Ghana. (1961). Immigration (Amendment) Regulation 1961 (L.I 1961)
- Government of Ghana. (1963). Foreign Travel (Exit Permits) Acts 1963 (Acts 212)
- Government of Ghana. (1963). The Aliens Regulations, 1963 (L.I 265)
- Government of Ghana. (1963).The Aliens Act, 1963 Act 160
- Government of Ghana. (1965). Aliens (Amendment) Act 1965
- Government of Ghana. (1965). Aliens (Routes of Entry) Instrument 1965
- Government of Ghana. (1968). The Aliens Acts, 1963 (Amendment) decree 1968 (NLCD)
- Government of Ghana. (1969). Aliens (Permits of Prohibited Area) Regulations 1969 (L1 612)
- Government of Ghana. (1969). Aliens Compliance Order 1969.

- Government of Ghana. (1971). Aliens (Amendment) (No. 2) Regulations 1971 (L. 1 692).
- Government of Ghana. (1974). Aliens (Amendment) (No. 3) Regulation 1974 ( L.1 970)
- Government of Ghana. (1974). Aliens (Amendment) Decree 1974 (NRCD 259)
- Government of Ghana. (1974). Aliens (Registration) (Amendment) Regulation 1974
- Government of Ghana. (1974). Aliens (Registration) (Amendment) Regulation 1974 (L.1 969)
- Government of Ghana. (1974). The Aliens (Registration) Regulations, 1974 (L.I. 856)
- Government of Ghana. (1977). Aliens (Amendment) Regulations, 1977 (L.I. 1103)
- Government of Ghana. (1981). Aliens (Amendment) Regulation 1981 (L1 1266)
- Government of Ghana. (1992). Ghana Refugee Act 1992 (ACT 305)
- Government of Ghana. (1992). Investment Code (Immigrant Quota) Regulations, 1992 (LI1543)
- Government of Ghana. (1994). Aliens (Amendment) Regulations 1994 (L.I 1581)
- Government of Ghana. (2000). Immigration Act 2000, Act 573
- Government of Ghana. (2001). The Immigration Regulation 2001(L1 1691)
- Government of Ghana. (2005). Anti-Human Trafficking Act, 2005 (ACT 694)
- Government of Ghana. (2012). Immigration Amendment Act 2012 (Act 848)
- Government of Ghana. (2016). National migration policy for Ghana.
- Government of Ghana. (2020). Executive Instrument 64.
- Government of Ghana. (2020). The Restrictions Act 2020
- Graham, E. R., Shipan, C. R., & Volden, C. (2013). The Diffusion of Policy Diffusion Research in Political Science. *British Journal of Political Science*, 43(3), 673–701. <https://doi.org/10.1017/S0007123412000415>
- Gratton, C., & Jones, I. (2010). *Research Methods for Sports Studies* (2<sup>nd</sup> ed.). Abingdon: Routledge.
- Green, A. G., & Green, D. A. (1995). Canadian immigration policy: The effectiveness of the point system and other instruments. *Canadian Journal of Economics*, 1006-1041.
- Guba, E. G. (1990). The alternative paradigm dialog. In E. G. Guba (Ed.), *The paradigm dialog* (pp. 17-27). Newbury Park, CA: SAGE.
- Guba, E. G. & Lincoln, Y. S. (1994). Competing Paradigms in Qualitative Research. In Denzin, N. K., & Lincoln, Y. S. (eds.), *Handbook of Qualitative Research* (pp. 105-117). London: SAGE.

- Guest, G., MacQueen, K. M., & Namey, E. E. (2012). Introduction to applied thematic analysis. *Applied thematic analysis*, 3(20), 1-21.
- Guiraudon, V., & Lahav, G. (2000). A Reappraisal of the State Sovereignty Debate: The Case of Migration Control. *Comparative Political Studies*, 33(2), 163–195.  
<https://doi.org/10.1177/0010414000033002001>
- Gyimah-Boadi, E. (2010). Towards a Constitution for Democratic and Well-Governed Ghana. Constitutional Review Series, 1. Accra: CDD-Ghana.
- Haas, H., Czaika, M., Flahaux, M., Mahendra, E., Natter, K., Vezzoli, S., & Villares-Varela, M. (2019). International Migration: Trends, Determinants, and Policy Effects. *Population and Development Review*, 45(4), 885–922.  
<https://doi.org/10.1111/padr.12291>
- Hammar, T. (Ed.). (1985). *European immigration policy: A comparative study* (Transferred to digital print., paperb. re-issue). Cambridge University Press.
- Hampshire, J. (2013). *The politics of immigration: Contradictions of the liberal state*. Polity Press.
- Hansen, R. (2002). Globalization, embedded realism, and path dependence: The other immigrants to Europe. *Comparative Political Studies*, 35(3), 259–283.
- Hardy, C., Phillips, N., & Clegg, S. (2001). Reflexivity in Organisation and Management Theory: A Study of the Production of the Research 'Subject'. *Human Relations*, 54(5), 531–560. <https://doi.org/10.1177/0018726701545001>.
- Helbling, M., & Leblang, D. (2019). Controlling immigration? How regulations affect migration flows. *European Journal of Political Research*, 58(1), 248–269.  
<https://doi.org/10.1111/1475-6765.12279>
- Helbling, M., & Michalowski, I. (2017). A New Agenda for Immigration and Citizenship Policy Research. *Comparative Political Studies*, 50(1), 3–13.  
<https://doi.org/10.1177/0010414016666864>
- Helbling, M., Simon, S., & Schmid, S. D. (2020). Restricting immigration to foster migrant integration? A comparative study across 22 European countries. *Journal of Ethnic and Migration Studies*, 46(13), 2603–2624.  
<https://doi.org/10.1080/1369183X.2020.1727316>
- Hollifield, J. F. (1992). Migration and international relations: Cooperation and control in the European Community. *International Migration Review*, 26(2), 568–595.

- Holzinger, K., & Knill, C. (2005). Causes and conditions of cross-national policy convergence. *Journal of European Public Policy*, 12(5), 775–796.  
<https://doi.org/10.1080/13501760500161357>
- Ilgit, A., & Klotz, A. (2014). How far does ‘societal security’ travel? Securitization in South African immigration policies. *Security Dialogue*, 45(2), 137–155.  
<https://doi.org/10.1177/0967010613519161>
- International Organisation for Migration (IOM) (2019). *Libya’s Migrant Report: Round 23, November–December 2018*. IOM, Displacement Tracing Matrix. Available at <https://migration.iom.int/reports/libya-%E2%80%94migrant-report-23-nov-dec-2018>.
- IOM. (2020a). *Migration in Ghana: A country profile 2019*.
- IOM. (2020b). [https://www.google.com/search?q=Migration+in+Ghana+A+COUNTRY+PROFILE+2019&rlz=1C1BNSD\\_enGH980&sxsrf=AOaemvL1Cl0ggs0FR-MEv2cYNUqjvTMw%3A1637327590863&ei=5qKXYbffM8adsAeFpJP4Cg&ved=0ahUKEwi36rvLwKT0AhXGDuwKHQXSBK8Q4dUDCA0&uact=5&oq=Migration+in+Ghana+A+COUNTRY+PROFILE+2019&gs\\_lcp=Cgdnd3Mtd2l6EANKBAbhGABQAFgAYOAJaABwAHgAgAEAiAEAkGAmAEAoAECOAEBwAEB&scient=gws-wiz](https://www.google.com/search?q=Migration+in+Ghana+A+COUNTRY+PROFILE+2019&rlz=1C1BNSD_enGH980&sxsrf=AOaemvL1Cl0ggs0FR-MEv2cYNUqjvTMw%3A1637327590863&ei=5qKXYbffM8adsAeFpJP4Cg&ved=0ahUKEwi36rvLwKT0AhXGDuwKHQXSBK8Q4dUDCA0&uact=5&oq=Migration+in+Ghana+A+COUNTRY+PROFILE+2019&gs_lcp=Cgdnd3Mtd2l6EANKBAbhGABQAFgAYOAJaABwAHgAgAEAiAEAkGAmAEAoAECOAEBwAEB&scient=gws-wiz)
- Joppke, C. (1998). Why liberal states accept unwanted immigration. *World Politics*, 50(2), 266–293.
- Kaplan, I., McLaughlin, J. L., Marvin, B. J., Moeller, P. W., Nelson, H. D., & Whitaker, D. P. (1971). *Area handbook for Ghana*. American Univ., Washington, D.C. Foreign Area Studies.
- Kaunert, C., & Léonard, S. (2012). The development of the EU asylum policy: Venue-shopping in perspective. *Journal of European Public Policy*, 19(9), 1396–1413.  
<https://doi.org/10.1080/13501763.2012.677191>
- Kennett, P. (2008). *Governance, globalization and public policy*. Edward Elgar.  
<http://www.dawsonera.com/depp/reader/protected/external/AbstractView/S9781848440135>
- Kennett, P. (2013). Introduction: The changing context of comparative social policy. In *A Handbook of Comparative Social Policy, Second Edition*. Edward Elgar Publishing.
- Keohane, R. O. (2003). *Global governance and democratic accountability*. na.

- Kobo, O. (2010). 'We are citizens too': the politics of citizenship in independent Ghana. *The Journal of Modern African Studies*, 48(1), 67-94.
- Koh, C., Goh, C., Wee, K., & Yeoh, B. (2016). *The dynamics of policy formulation and implementation: A case study of Singapore's mandatory weekly day off policy for migrant domestic workers* (Working Paper 36). Brighton: University of Sussex, Migrating out of Poverty. Retrieved from <http://migratingoutofpoverty.dfid.gov.uk/files/file.php?name=wp36-koh-et-al-2016-the-dynamics-of-policy-formulation-and-implementation.pdf&site=354>
- Kpessa, M. W. (2011). The Politics of Public Policy in Ghana: From Closed Circuit Bureaucrats to Citizenry Engagement. *Journal of Developing Societies*, 27(1), 29–56. <https://doi.org/10.1177/0169796X1002700103>.
- Kpessa, M. W., & Atuguba, R. A. (2013). Grounding with the People: Participatory Policy Making in the Context of Constitution Review in Ghana, *Journal of Politics and Law*, 6(1), 99-111.
- Kuboyama, R. (2008). *The Transformation from restrictive to selective immigration policy in emerging national competition state: Case of Japan in Asia-Pacific Region*.
- Kunz, R., Lavenex, S., & Panizzon, M. (2011). Introduction: Governance through partnerships in international migration. In *Multilayered Migration Governance* (pp. 21–40). Routledge.
- Lasswell, H.D. (1948). The political personality. In *Power and Personality*. Norton, NY.
- Lavenex, S. (2018). Regional migration governance – building block of global initiatives? *Journal of Ethnic and Migration Studies*, 45(8), 1275–1293. <https://doi.org/10.1080/1369183X.2018.1441606>
- LeCompte, M. D., & Goetz, J. P. (1982). Problems of reliability and validity in ethnographic research. *Review of educational research*, 52(1), 31-60.
- Lee, E. (1966). A Theory of Migration. *Demography*, 3, 47-57.
- Lincoln, Y. S. (2005). Institutional review boards and methodological conservatism: The challenge to and from phenomenological paradigms. In N. K. Denzin & Y. S. Lincoln (Eds.), *The Sage handbook of qualitative research* (3<sup>rd</sup> ed., pp. 165–190). Thousand Oaks, CA: Sage.
- Lincoln, Y.S., & Guba, E.G. (1985). *Naturalistic inquiry*. Beverly Hills, CA: Sage Publications, Inc.
- Lincoln, Y.S., & Guba, E.G. (2013). *The Constructivist Credo*. Walnut Creek, CA: Left Coast Press.

- Lincoln, Y. S., Lynham, S. A., & Guba, E. G. (2018). Paradigmatic controversies, contradictions, and emerging confluences, revisited. In N. K. Denzin & Y. S. Lincoln (Eds.), *The Sage handbook of qualitative research* (5th ed., pp. 108–150). Thousand Oaks, CA: Sage.
- Lindblom, C. (1959). The science of “muddling through”. *Public Administration Review*, 19(2), 79–88.
- Lukes, S. (2005). *Power: A radical view* (2nd ed). Palgrave Macmillan.
- Macbeth, D. (2001). On “reflexivity” in qualitative research: Two readings, and a third. *Qualitative inquiry*, 7(1), 35-68.
- Maning, B. (1977). The congress, the executive, and intermestic affairs. *Foreign Affairs*, 57, 308.
- Maning, B. (1979). The congress, the executive, and intermestic affairs. *Foreign Affairs*, 57, 308.
- Manuh, T. (2001). Ghanaian migrants in Toronto, Canada: care of kin and gender relations. *Institute of African Studies Research Review*, 17(2), 17–26.
- Marks, G., & Hooghe, L. (2003). *National identity and support for European integration*. WZB Discussion Paper.
- Massey, D. S. (1999). International migration at the dawn of the twenty-first century: The role of the state. *Population and Development Review*, 25(2), 303–322.
- McAuliffe, M., & Khadria, B. (2020). Report overview: Providing perspective on migration and mobility in increasingly uncertain times. *World Migration Report 2020*, 1–14.
- McAuliffe, M., Khadria, B., & Bauloz, C. (2020). *World migration report 2020*. IOM.
- McAuliffe, M., & Ruhs, M. (2018). Chapter 1 – Making sense of migration in an increasingly interconnected world. *World Migration Report, 2018*(1). <https://doi.org/10.1002/wom3.1>
- Menjívar, C. (2014). Immigration Law Beyond Borders: Externalizing and Internalizing Border Controls in an Era of Securitization. *Annual Review of Law and Social Science*, 10(1), 353–369. <https://doi.org/10.1146/annurev-lawsocsci-110413-030842>
- Merton, R.K. (1936). The Unanticipated Consequences of Purposive Social Action. *American Sociological Review*, 1, 894–904.
- Meyers, E. (2000). Theories of international immigration policy—A comparative analysis. *International Migration Review*, 34(4), 1245–1282.

- Meyers, E. (2004). A Theory of Immigration Policy. In *International Immigration Policy* (pp. 5–26). Springer.
- Mitchell, J. L., & Petray, E. (2016). The march toward marriage equality: Reexamining the diffusion of same-sex marriage among states. *Public Policy and Administration, 31*(4), 283–302. <https://doi.org/10.1177/0952076716628620>
- Mohammed, A. K. (2015). Ghana's policy making: from elitism and exclusion to participation and inclusion? *International Public Management Review, 16*(1).
- Money, J. (1997). No Vacancy: The Political Geography of Immigration Control in Advanced Industrial Countries. *International Organisation, 51*(4), 685–720. <https://doi.org/10.1162/002081897550492>
- Mouton, J. (1996). *Understanding social research; Social science paradigms*. Van Schaik Publishers.
- Mullings, B. (1999). Insider or outsider, both or neither: some dilemmas of interviewing in a cross-cultural setting. *Geoforum, 30*(4), 337-350.
- National Development Planning Commission (NDCP). (2015).
- Natter, K. (2018). Rethinking immigration policy theory beyond 'Western liberal democracies'. *Comparative Migration Studies, 6*(1), 4. <https://doi.org/10.1186/s40878-018-0071-9>
- Natter, K. (2019). *Political regimes and immigration policymaking: The contrasting cases of Morocco and Tunisia*.
- Natter, K. (2021). Crafting a 'liberal monarchy': Regime consolidation and immigration policy reform in Morocco. *The Journal of North African Studies, 26*(5), 850–874. <https://doi.org/10.1080/13629387.2020.1800206>
- Neuman, W. L. (2011). *Social Research Methods: Qualitative and Quantitative Approaches* (D. Musslewhite Ed. 7<sup>th</sup> d.). USA: Allyn and Bacon.
- Offe, C. (2009). Governance: An "empty signifier"? *Constellations, 16*(4), 550.
- Ohemeng, F.K. (2005). Getting the state right: think tanks and the dissemination of new public management ideas in Ghana. *J Mod Afr Stud., 43*(3), 443–463.
- Olaniyi, R. (2008). *The 1969 Ghana Exodus: Memory and Reminiscences of Yoruba Migrants*. Research paper submitted to the International Migration Institute, Oxford University Paper available at: <http://www.imi.ox.ac.uk/pdfs/rasheed-olaniyi>.
- Ortega, F., & Peri, G. (2012). *The effect of trade and migration on income*. National Bureau of Economic Research.

- Ortega, F., & Peri, G. (2013). The effect of income and immigration policies on international migration. *Migration Studies*, 1(1), 47–74.
- Papademetriou, D. G., & Martin, P. L. (1991). *The Unsettled Relationship: Labour Migration and Economic Development*. Greenwood Publishing Group.
- Palmary, I., de Gruchy, T., Ashraf, A., Yee, K. C., Wee, K., Goh, C., & Yeoh, B. S. (2018). How unpopular policies are made.
- Parsons, W. (2001). Modernising policy-making for the twenty first century: The professional model. *Public Policy and Administration*, 16(3), 93–110.
- Patton, M.Q. (2015). *Qualitative research & evaluation methods: Integrating theory and practice* (4<sup>th</sup> ed.). Thousand Oaks, CA: Sage.
- Peil, M. (1971a). The expulsion of West African aliens. *The Journal of Modern African Studies*, 9(2), 205–229.
- Peil, M. (1971b). The expulsion of West African aliens. *The Journal of Modern African Studies*, 9(2), 205–229.
- Peil, M. (1974). Ghana's aliens. *International Migration Review*, 8(3), 367–381.
- Penninx, R., & Borkert, M. (2011). Policymaking in the field of migration and integration in Europe: An introduction. In *Migration policymaking in Europe: The dynamics of actors and contexts in past and present*. Amsterdam University Press.
- Peters, B. G., & Pierre, J. (2001). *Politicians, bureaucrats and administrative reform* (Vol. 22). Routledge London.
- Peters, B. G., & Pierre, J. (2004). Politicization of the civil service: Concepts, causes, consequences. In *The politicization of the civil service in comparative perspective* (pp. 13–25). Routledge.
- Peters, M. E. (2017). Immigration and the Shape of Globalization. In *Trading barriers: Immigration and the remaking of globalization* (pp. 1–14). Princeton University Press.
- Piattoni, S. (2010). *The theory of multi-level governance: Conceptual, empirical, and normative challenges*. Oxford University Press.
- Piper, N. (2008). The “Migration-Development Nexus” Revisited from a Rights Perspective. *Journal of Human Rights*, 7(3), 282–298.  
<https://doi.org/10.1080/14754830802285964>
- Piper, N. (2017). Global governance of labour migration: From ‘management’ of migration to an integrated rights-based approach. *Regulatory Theory*, 375.

- Pokoo-Aikins, J. B. (2009). *The police in Ghana, 1939-2009. (1<sup>st</sup> ed.)*. WorldCat member libraries worldwide.
- Rose, G. (1997). Situating knowledges: positionality, reflexivities and other tactics. *Progress in human geography*, 21(3), 305-320.
- Rosenblum, M. R., & Cornelius, W. A. (2012). Dimensions of Immigration Policy. In *Oxford Handbook of the Politics of International Migration* (pp. 1–30). Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780195337228.013.0011>
- Rother, S. (2013). *Global migration governance without migrants? The nation-state bias in the emerging policies and literature on global migration governance*. Oxford University Press.
- Rother, S. (2019). The Global Forum on Migration and Development as a venue of state socialisation: A stepping stone for multi-level migration governance? *Journal of Ethnic and Migration Studies*, 45(8), 1258–1274. <https://doi.org/10.1080/1369183X.2018.1441605>
- Ruhs, M. (2005). *Designing viable and ethical labour immigration policies*. Centre on Migration, Policy and Society.
- Ruhs, M. (2013). *The price of rights: Regulating international labour migration*. Princeton University Press.
- Ruhs, M. (2018). Labour immigration policies in high-income countries: Variations across political regimes and varieties of capitalism. *The Journal of Legal Studies*, 47(S1), S89–S127.
- Ryo, E. (2021). The unintended consequences of US immigration enforcement policies. *Proceedings of the National Academy of Sciences*, 118(21).
- Saskia Sassen. (1996). *Beyond Sovereignty: Immigration Policy Making*. 23(3). <https://www.proquest.com/docview/231942089>
- Sassen, S. (1996). Beyond sovereignty: Immigration policy making today. *Social Justice*, 23(3 (65), 9–20.
- Saunders, M. N., & Townsend, K. (2018). Choosing participants. C. Cassel, AL Cunliffe, &.
- Savin-Baden, M., & Howell Major, C. (2013). *Qualitative research: The essential guide to theory and practice*. Oxon, UK: Routledge.
- Schain, M. A. (2006). The extreme-right and immigration policy-making: Measuring direct and indirect effects. *West European Politics*, 29(2), 270–289. <https://doi.org/10.1080/01402380500512619>

- Scharpf, F. W. (1997). *Games real actors play*. Boulder: Westview.
- Schildkrout, E. (1970). Strangers and Local Government in Kumasi. *The Journal of Modern African Studies*, 8(2), 251–269.
- Schmitter, P. C. (2004). The quality of democracy: The ambiguous virtues of accountability. *Journal of Democracy*, 15(4), 47–60.
- Scholten, P. (2011). *Framing immigrant integration: Dutch research-policy dialogues in comparative perspective*. Amsterdam University Press.
- Scholten, P., Engbersen, G., Ostaijen, M. van, & Snel, E. (2018). Multilevel governance from below: How Dutch cities respond to intra-EU mobility. *Journal of Ethnic and Migration Studies*, 44(12), 2011–2033.  
<https://doi.org/10.1080/1369183X.2017.1341707>
- Scholten, P., & Penninx, R. (2016). The Multilevel Governance of Migration and Integration. In B. Garcés-Mascreñas & R. Penninx (Eds.), *Integration Processes and Policies in Europe* (pp. 91–108). Springer International Publishing.  
[https://doi.org/10.1007/978-3-319-21674-4\\_6](https://doi.org/10.1007/978-3-319-21674-4_6)
- Schwandt, T.A. (2001). *Dictionary of qualitative inquiry* (2<sup>nd</sup> ed.). Thousand Oaks, CA: Sage.
- Segadlo, N. (2021). Navigating through an external agenda and internal preferences: Ghana's National Migration Policy. *Discussion Paper*.  
<https://doi.org/10.23661/DP8.2021>
- Shack, A. (1979). Introduction. In Shack, A., & Skinner E. P. (eds.) (1979). *Strangers in African Societies*. Berkeley: University of California Press.
- Sharp, J. P., Routledge, P., Philo, C., & Paddison, R. (Eds.). (2005). *Entanglements of power: Geographies of domination/resistance*. Routledge.
- Shin, A. J. (2017). Tyrants and Migrants: Authoritarian Immigration Policy. *Comparative Political Studies*, 50(1), 14–40. <https://doi.org/10.1177/0010414015621076>
- Shipan, C. R., & Volden, C. (2008). The mechanisms of policy diffusion. *American Journal of Political Science*, 52(4), 840–857.
- Simmons, B. A., Dobbin, F., & Garrett, G. (2008). Introduction: The diffusion of liberalisation. *The Global Diffusion of Markets and Democracy*.
- Skinner, E. P. (1963). Strangers in West African Societies, *Africa*, 23(2), 307-20.
- Skocpol, T. (1995). *Social policy in the United States: Future possibilities in historical perspective* (Vol. 172). Princeton University Press.
- Somerville, W. (2007). *Immigration under new labour*. Policy Press.

- Sommerer, T., & Tallberg, J. (2019). Diffusion Across International Organisations: Connectivity and Convergence. *International Organisation*, 73(02), 399–433. <https://doi.org/10.1017/S0020818318000450>
- Sorensen, N. N., Van Hear, N., & Engber-Pedersen, P. (2003). Migration, development and conflict: State-of-the-art overview. *The Migration-Development Nexus*. Geneva: IOM, 5–50.
- Stake, R. E. (1995). *The art of case study research*. Thousand Oaks, CA: Sage.
- Stephenson, P. (2013). Twenty years of multi-level governance: ‘Where Does It Come From? What Is It? Where Is It Going?’ *Journal of European Public Policy*, 20(6), 817–837. <https://doi.org/10.1080/13501763.2013.781818>
- Stone, D., Porto de Oliveira, O., & Pal, L. A. (2020). Transnational policy transfer: The circulation of ideas, power and development models. *Policy and Society*, 39(1), 1–18. <https://doi.org/10.1080/14494035.2019.1619325>
- Strang, D., & Chang, P. M. Y. (1993). The International Labour Organisation and the welfare state: Institutional effects on national welfare spending, 1960–80. *International Organisation*, 47(2), 235–262.
- Sudarkasa, N. (1979). From Stranger to Alien: The Socio-political history of the Nigerian Yoruba in Ghana, 1900-1970. In W. A. Shack and E. P. Skinner (eds.) *Strangers in African Societies*. Berkeley: University of California Press: 141-168.
- Tani, M. (2014). Using a point system for selecting immigrants. IZA World of Labor.
- Teye, J. K. (2008). *Forest resource management in Ghana: An analysis of policy and institutions* [PhD Thesis]. University of Leeds.
- Teye, J. (2012). Benefits, Challenges, and Dynamism of Positionalities Associated with Mixed Methods Research in Developing Countries Evidence from Ghana. *Journal of Mixed Methods Research*. 6, 379-391. [10.1177/1558689812453332](https://doi.org/10.1177/1558689812453332).
- The Colonial Administrative Service. (1928). Colonial reports—Annual report for 1927-28. *Colonial Reports—Annual*, (1418), 1-52.
- The Colonial Administrative Service. (1932). Gold Coast report for 1930-31. *Colonial Reports—Annual*. (No. 1559). His Majesty's Stationery Office, London.
- The Colonial Administrative Service. (1938). Annual Report on the Social and Economic Progress of the People of the Gold Coast, 1936-37. *Colonial Reports—Annual*. (No. 1836). His Majesty's Stationery Office, London.
- Tichenor, D. J. (2002). *Dividing Lines: The Politics of Immigration Control in America*. Princeton University Press. <https://doi.org/10.1515/9781400824984>

- Timmer, A. S., & Williams, J. G. (1998). Immigration policy prior to the 1930s: Labour markets, policy interactions, and globalization backlash. *Population and Development Review*, 739–771.
- Torgerson, D. (1985). Contextual orientation in policy analysis: The contribution of Harold D. Lasswell. *Policy Sciences*, 18(3), 241–261.
- Tortola, P. D. (2017). Clarifying multilevel governance: Clarifying multilevel governance. *European Journal of Political Research*, 56(2), 234–250.  
<https://doi.org/10.1111/1475-6765.12180>
- Tracy, S. J. (2020). *Qualitative research methods: Collecting evidence, crafting analysis, communicating impact* (2<sup>nd</sup> ed.). Wiley.
- UNDESA. (2020). United Nations, Department of Economic and Social Affairs/Population Division. *World Population Ageing*.
- Van der Leun, J. (2006). Excluding illegal migrants in the Netherlands: Between national policies and local implementation. *West European Politics*, 29(2), 310–326.
- Viotti, P. R., & Kauppi, M. V. (2019). *International relations theory*. Rowman & Littlefield.
- Vuori, J. A. (2010). Religion bites: Falungong, securitization/desecuritization in the People's Republic of China. In *Securitization Theory* (pp. 200–225). Routledge.
- Wachira, G. M. (2018). *The Study on Benefits and Challenges of Free Movement of Persons in Africa*. IOM. <https://au.int/en/documents/20180726/study-benefits-and-challenges-free-movement-persons-africa-study-commissioned-auc>
- Wæver, O. (2003). Securitisation: Taking stock of a research programme in Security Studies. *Unpublished Draft*, 1–36.
- Watson, A., Dalgleish, A., & Murray, K. A. H. (1948). Report of the commission of enquiry into disturbances in the Gold Coast 1948. His Majesty's Stationery Office, London.
- Weiss, T. G. (2000). Governance, good governance and global governance: Conceptual and actual challenges. *Third World Quarterly*, 21(5), 795–814.
- Wenden, C. W. de. (2020). Borders and Migrations: The Fundamental Contradictions. In *Migration, borders and citizenship: Between policy and public spheres*. Palgrave Macmillan.
- Weyland, K. (2012). The Arab Spring: Why the surprising similarities with the revolutionary wave of 1848? *Perspectives on Politics*, 10(4), 917–934.

- Whitaker, B. E. (2017). Migration within Africa and beyond. *African Studies Review*, 60(2), 209-220.
- Wight, M. (1946). *The Gold Coast legislative council (Vol 2)*. Studies in colonial legislatures, edited by Margery, P. Published by Faber & Faber Limited.
- Wimmer, A., & Glick Schiller, N. (2002). Methodological nationalism and beyond: Nation–state building, migration and the social sciences. *Global Networks*, 2(4), 301–334.
- Wong, T. K. (2015). Immigration Control in the Age of Migration. In *Rights, deportation, and detention in the age of immigration control* (pp. 1–26). Stanford University Press.
- World Tourism Organisation (UNWTO) (Ed.). (2018). *UNWTO Tourism Highlights: 2018 Edition*. World Tourism Organisation (UNWTO).  
<https://doi.org/10.18111/9789284419876>
- Yilmaz, K. (2013). Comparison of quantitative and qualitative research traditions: Epistemological, theoretical, and methodological differences. *European journal of education*, 48(2), 311-325.
- Yin, R. K. (2003). *Case study research: Design and methods* (3<sup>rd</sup> ed.). Thousand Oaks, CA: Sage.
- Yin, R. K. (2018). *Case study research and applications: Design and methods* (6<sup>th</sup> ed.). SAGE Publications.
- Zapata-Barrero, R., Caponio, T., & Scholten, P. (2017). Theorizing the ‘local turn’ in a multi-level governance framework of analysis: A case study in immigrant policies. *International Review of Administrative Sciences*, 83(2), 241–246.  
<https://doi.org/10.1177/0020852316688426>
- Zincone, G. (2011). Conclusion: Comparing the making of migration policies. *Migration Policymaking in Europe*, 377.
- Zincone, G., & Caponio, T. (2005). The multilevel governance of migration. State of the art report Cluster C9. *International Migration, Integration and Social Cohesion (IMISCOE)*. *Find This Resource*.
- Zincone, G., & Caponio, T. (2006). Immigrant and immigration policy-making: The case of Italy. *Amsterdam: IMISCOE Working Papers*.
- Zincone, G., Penninx, R., & Borkert, M. (Eds.). (2011a). *Migration policymaking in Europe: The dynamics of actors and contexts in past and present*. Amsterdam University Press.

Zincone, G., Penninx, R., & Borkert, M. (Eds.). (2011b). *Migration policymaking in Europe: The dynamics of actors and contexts in past and present*. Amsterdam University Press.

Zogata-Kusz, A. (2012). Theoretical perspectives on immigration policy and politics. *Contemporary European Studies*, 01, 5–22.

Zolberg, A. R. (2006). Managing a World on the Move. *Population and Development Review*, 32, 222-253.



## APPENDICES

### Appendix 1: Interview Guides

#### THE DYNAMICS IN IMMIGRATION POLICYMAKING GHANA

#### INTERVIEW GUIDE FOR KEY INFORMANTS

##### Background Information

1. Can you please tell me about yourself? (Probe for current position, years in service, level of education, age, places worked and interest in migration).

##### Section One: The Principal Characteristics of International Migration in Ghana

2. What is your candid opinion about migration governance in Ghana?

3. What are the key characteristics or features of International migration in Ghana? Does it differ from other countries, example other African countries? What about Europe?

##### Section Two: evolution of Immigration Policy in Ghana

4. Can you please provide a brief history of immigration policy in Ghana? How has immigration policy evolved since independence?

##### Section Three: Immigration Policy Formulation Processes (Regulation and Control Policies; Immigrant Policies)

5. What has been the processes involved in the formulation of immigration policy (regulation/control and immigrant policies) in Ghana? Who are the actors involved and what role do they play? Probe further; who sets the agenda?

6. How do these institutions and agencies relate and network to resolve conflicts as well as deal with power dynamics?

##### Section Four: Implementation of Immigration Policies

7. How has immigration policies been implemented in post-independence Ghana? Probe further, which agencies are involved in the implementation of immigration policies and why?

8. Do the immigration policies affects interest and welfare of immigrants and citizens? How do they react (positive and negative reactions or compliance?)

9. What influences immigrant relationships and networks with government/implementation officers?

10. As a lead agency in immigration policy implementation, what are your impressions about the operations of the Immigration Service and its officers?

11. How have undocumented or irregular immigrants been handled in post-independence Ghana?

12. What are your views on the stated and actual policies being implemented in Ghana and their implications for immigration policy?

13. What has been the role of the government/state in the formulation and implementation of immigration policies in Ghana?

#### **Section Five: Drivers Influencing Immigration Policy in Ghana**

14. What are the factors that drives immigration policy formulation and implementation?

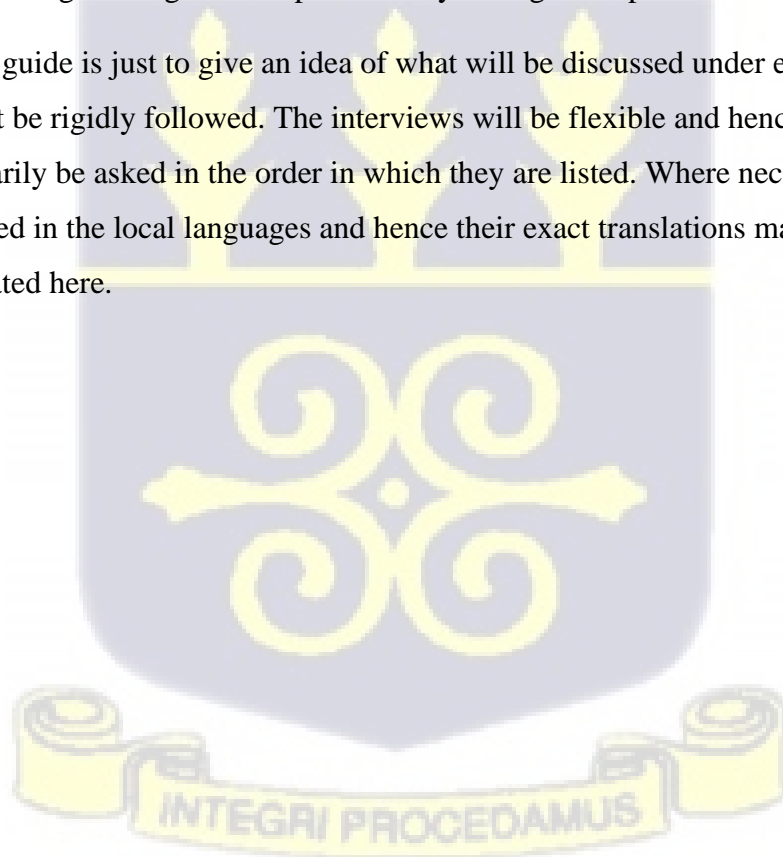
15. Why does immigration policy change?

#### **Section Six: Immigration Policy and Human Rights**

16. To what extent do migrants rights become part of immigration policy making processes in Ghana?

17. How has migrants rights been protected by immigration policies of Ghana?

**Note:** This guide is just to give an idea of what will be discussed under each of the themes but will not be rigidly followed. The interviews will be flexible and hence questions will not necessarily be asked in the order in which they are listed. Where necessary, questions will be asked in the local languages and hence their exact translations may differ from how they are stated here.



## **DYNAMICS IN IMMIGRATION POLICYMAKING GHANA**

### **INTERVIEW GUIDE FOR INTEREST GROUPS**

#### **Background Information**

1. Can you please tell me about yourself (Probe for organization, rank, station/section, current position, number of years in service, level of education, etc)

#### **Section One: Principal Characteristics of International Migration in Ghana**

2. In your opinion what are the key characteristics or features of International migration in Ghana? Does it differ from other countries, example other African countries? What about Europe?

#### **Section Two: Evolution of Immigration Policy in Ghana**

3. To the best of your knowledge, can you explain how immigration policy in Ghana has evolved since independence?

#### **Section Three: Immigration Policy Formulation/Implementation Processes (Regulation and Control Policies; Immigration Policies)**

4. Are you familiar with the content of the current immigration policy? (What are some of the immigration laws? How did you first hear of these laws? )

5. Do you think the current immigration policies of Ghana are good? Probe further; why? How do the policies favor/affect the interest and welfare of members of your organization or the organization itself?

6. Have you or any member of your organization ever participated in the formulation and/or revision of Ghana's immigration policy? (When and how?)

7. Do you or any of your members play any role in the governance of migration in Ghana? What role? Any remuneration?

8. Does your organization work closely with other organizations in the formulation or implementing of immigration policies? In what ways does your organization have ties with these organizations?

9. Does your organization involve immigrants or Immigrant Association in policy formulation or implementation? Explain

10. In your view, is it possible for your members/organization to comply with all the rules in the current immigration policy? Kindly give reasons

11. Have you ever seen any member of your group being arrested for violating immigration laws? (For what offences? who arrested them? what happened to those arrested?)

12. Do you think immigration officers are doing their work well? (Any reasons?)

13. Why do some people stay or remain undocumented? Kindly prefer solutions

14. What suggestions would you want to make for improvement of immigration policy in Ghana?

#### **Section Four: Drivers Influencing Immigration Policy in Ghana**

15. In your opinion what are the factors that influence immigration policy formulation and implementation?

#### **Housekeeping Checklist - End of Interview**

- ✓ Thank the interviewee for their time.
- ✓ Remind the interviewee of consent and confidentiality issues.
- ✓ Check whether the interviewee wishes to withdraw any information provided in the interview from being shared with the intended recipients of a report.
- ✓ Check whether the interviewee wishes to see transcript and make changes
- ✓ Give students contact details so they can give feedback on anything else they would like to add. Give timescale for this feedback.



**THE DYNAMICS IN IMMIGRATION POLICYMAKING PROCESSES GHANA**

**GUIDE FOR FOCUS GROUP DISCUSSIONS**

**IDENTIFICATION**

Place of interview..... Code.....

Station..... Code.....

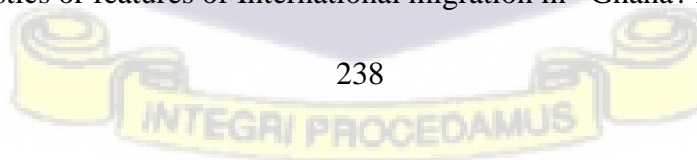
Date of Interview..... Time Started..... Time Ended.....

Background of Respondents

| S/N | NAME | RANK | STATION/<br>SECTION/UNIT | POSITION | YEARS IN<br>SERVICE | SEX |
|-----|------|------|--------------------------|----------|---------------------|-----|
| 01  |      |      |                          |          |                     |     |
| 02  |      |      |                          |          |                     |     |
| 03  |      |      |                          |          |                     |     |
| 04  |      |      |                          |          |                     |     |
| 05  |      |      |                          |          |                     |     |
| 06  |      |      |                          |          |                     |     |
| 07  |      |      |                          |          |                     |     |
| 08  |      |      |                          |          |                     |     |

**SECTION ONE: PRINCIPAL CHARACTERISTICS OF INTERNATIONAL MIGRATION IN GHANA**

1. In your opinion what are the key characteristics or features of International migration in Ghana? Does it differ from other countries, example other African countries? What about Europe?



**SECTION TWO: EVOLUTION OF INTERNATIONAL MIGRATION GOVERNANCE IN GHANA**

2. To the best of your knowledge can you explain how international migration governance has evolved since independence?

**SECTION THREE: IMMIGRATION POLICY FORMULATION/IMPLEMENTATION PROCESSES (REGULATION AND CONTROL POLICIES; IMMIGRANT POLICIES)**

3. Are you familiar with the content of the current immigration policy? (What are some of the immigration laws? How did you first hear of these laws? )

4. Do you think the current immigration policies are good? Probe further; why? How do the policies favor/affect the interest and welfare of members of your organization or the organization itself?

5. Have you or any member of your organization ever participated in the formulation of immigration policy? (When and how?)

6. Do you or any of your members play any role in the governance of migration? What role? Any remuneration?

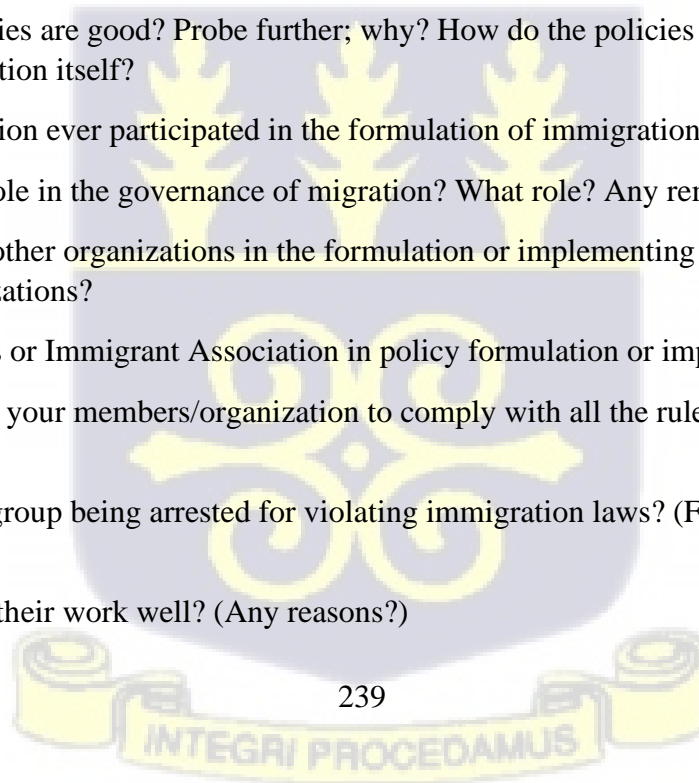
7. Does your organization work closely with other organizations in the formulation or implementing of immigration policies? In what ways does your organization have ties with these organizations?

8. Does your organization involve immigrants or Immigrant Association in policy formulation or implementation? Explain

9. In your view, do you think it is possible for your members/organization to comply with all the rules in the current immigration policy? Kindly give reasons

10. Have you ever seen any member of your group being arrested for violating immigration laws? (For what offences? who arrests them? what happened to those arrested?)

11. Do you think immigration officers are do their work well? (Any reasons?)



12. Why do some people stay or remain undocumented? Kindly prefer solutions

13. What suggestions would you want to make for improvement of migration governance in Ghana?

#### **SECTION FOUR: DRIVERS INFLUENCING IMMIGRATION POLICY IN GHANA**

14. In your opinion what are the factor that influence immigration policy?

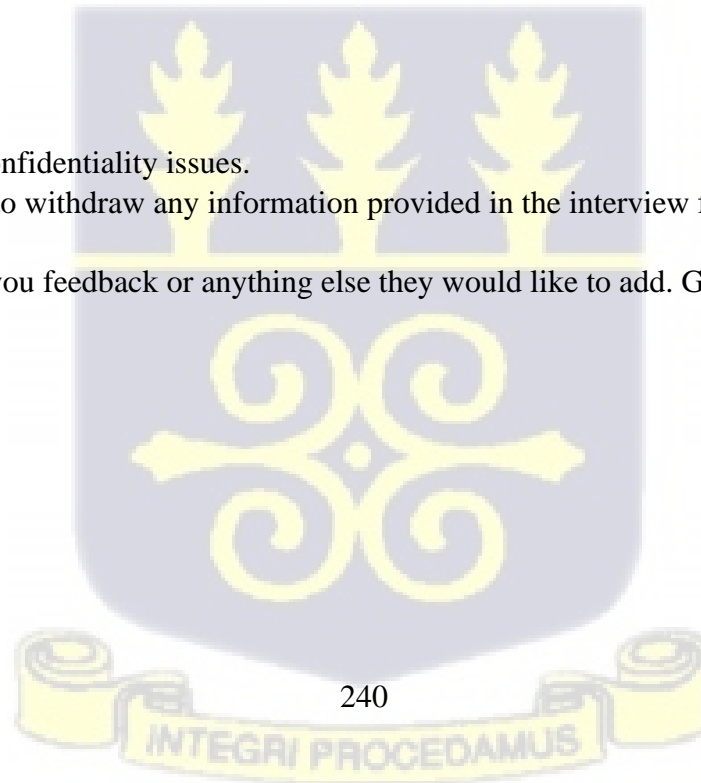
#### **Section Six: Immigration Policy and Human Rights**

15. To what extent do migrants rights become part of immigration policy making processes in Ghana?

16. How has migrants rights been protected by immigration policies of Ghana?

#### **Housekeeping Checklist - End of Interview**

- ✓ Thank participants for their time.
- ✓ Remind participants of consent and confidentiality issues.
- ✓ Check whether the participants wish to withdraw any information provided in the interview from being shared with the intended recipients of a report.
- ✓ Give contact details so they can give you feedback or anything else they would like to add. Give timescale for this feedback.

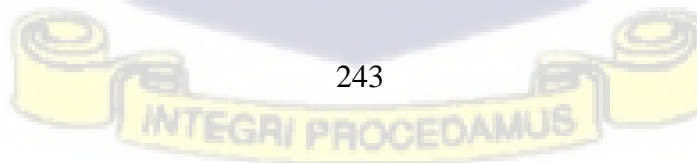


**Appendix 2: An Analysis of the Evolution of Immigration Policies of Ghana**

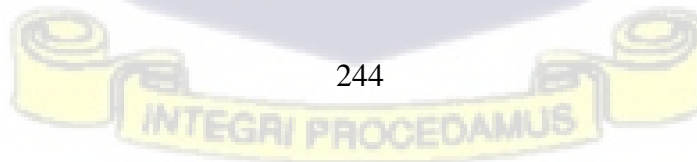
| No.                     | Immigration Policy  | Policy type or Area      | Purpose of the Policy  | Target Group/ exemptions/ exclusion                            | Level or Extent of Change | Extent of Restrictiveness |
|-------------------------|---|--------------------------|--|--|---------------------------|---------------------------|
| <b>THE COLONIAL ERA</b> |   |                          |  |  |                           |                           |
| 1                       | The Immigrant Paupers Ordinance: (No. 10 of 1909, No. 17 of 1912; No. 14 of 1919) <i>28<sup>th</sup> June, 1909</i> (CAP 178) | Admission Policy         | To make provision with regard to destitute persons landed or left in the Colony  | Excludes natives of West Africa                                | Substantial Change        | Restrictive               |
| 2                       | The European and Asiatic Passengers ordinance (No.8 of 1912) <i>1<sup>st</sup> July 1912</i> (CAP 176)                        | Admission policy         | To provide for the registration of arrivals and departures of Europeans and Asiatic, in order to have accurate data or statistics of the European and Asiatic population in the Colony                 | Only European and Asiatic population                           | Substantial Change        | Less Restrictive          |
| 3                       | The Regulation of immigrants ordinance (No. 4 and 7 of 1914) ( <i>18<sup>th</sup> March 1914</i> ) (CAP 175)                  | Admission policy         | To make provision to regulate the immigration of persons not born in any part of West Africa   | All immigrants excluding West Africans and categories exempted | Substantial Change        | Restrictive               |
| 4.                      | The Alien Deportation and Censorship Legalization Ordinance (No.10 of 1916) ( <i>31<sup>st</sup> August 1916</i> ) (CAPS 183) | Removal Policy           | To legalize acts of detention and deportation of aliens and Opening and detention of postal matter and telegraph messages declared lawful. Takes retrospective effect from 4 <sup>th</sup> August 1914 | All Aliens excluding West Africans and categories exempted     | Substantial Change        | More Restrictive          |
| 5                       | Immigration of Labourers Restriction Ordinance (No. 15 of 1916) <i>1<sup>st</sup> January 1917</i> C(CAP 177)                 | Admission and Employment | To restrict the immigration into the Gold Coast Colony of Indentured foreign labour  | Indentured foreign labour                                      | Substantial Change        | Restrictive               |
| 6                       | The Former Enemy Aliens (Restriction on immigration) ordinance (No.8 of 1919) <i>28<sup>th</sup> August</i>                   | Admission policy         | To restrict the immigration into the Gold Coast Colony former enemy aliens   | Former enemy aliens of Her majesty during the year 1918 at war | Substantial Change        | More Restrictive          |

|    |   |                  |   |  |                    |                  |
|----|---|------------------|---|--|--------------------|------------------|
|    | <i>1919 enforced until 28<sup>th</sup> August 1922) (CAP 179)</i>   |                  |   |  |                    |                  |
| 7  | Aliens Passports <i>1<sup>st</sup> July 1918 (CAP 180)</i>  | Admission Policy | In defence of the Colony aliens from 7 <sup>th</sup> July, 1918 or within 7 days of entry into the Colony shall produce his passport for inspection   | All Migrants excluding West Africans and categories exempted | Substantial Change | Restrictive      |
| 8  | Immigration Restriction ordinance (1 <sup>st</sup> April 1926) (Ordinance No. 's 9 of 1925; 16 of 1927; 24 of 1932; 30 of 1935; 19 of 1936; 1 of 1937; 34 of 1940) (CAP 42) | Admission Policy | To impose restriction on immigration into the Gold coast  | All Migrants excluding West Africans and categories exempted | Fundamental Change | Mixed            |
| 9  | The Aliens Ordinance (No. 20 of 1935 ) No. 33 of 1941 <i>1<sup>st</sup> July 1935 (CAP 43)</i>  | Removal Policy   | To make provision with regard to aliens deportation administration  | All Migrants excluding West Africans and categories exempted | Marginal Change    | Restrictive      |
| 10 | The Immigration Restriction (Amendment) Ordinance, 1937   | Removal Policy   | The object of this ordinance is to bring within the scope of the Principal Ordinance natives of West Africa other than those who belong to the Gold Coast<br>The Immigration Restriction Bill of 1937 was presented to Legislative Council by the Attorney-General as 'consequent upon a resolution by the Joint Provincial Council of Chiefs in which they asked that steps might be taken to deport or, in other words, keep out of the country, agitators who are not indigenous to the Gold Coast' (Wight 1946, p. 116) | All Migrants and categories exempted                         | Marginal Change    | Restrictive      |
| 11 | Immigrant British Subjects (Deportation) Ordinance 31 <sup>st</sup> December 1945;  | Removal Policy   | To make provision for the deportation of undesirable immigrant British subjects and for other connected purposes  | Undesirable immigrant British subjects                       | Marginal Change    | Less Restrictive |

|                                   |   |   |   |   |                    |                  |
|-----------------------------------|---|---|---|---|--------------------|------------------|
|                                   | Ordinance No. 26 of 1945; 45 of 1950 (CAP 50)   |   |   |   |                    |                  |
| 12                                | The Repatriation of Convicted Persons Ordinance 31 <sup>st</sup> December, 1945   | Removal Policy                                    | To make provisions for the repatriation within the Gold Coast and Togoland under United Kingdom Trusteeship of certain convicted persons. | Person of African descent resident in the Gold Coast  | Marginal Change    | Restrictive      |
| 13                                | The Immigration Ordinance (1947) (Ordinance No. 7 of 1914; 17 of 1948; 27 of 1949; 31 of 1950; 20 of 1951) 1 <sup>st</sup> June 1947 (CAP 48) | Admission Policy                                  | It is related to immigration. Gold Coast includes Togoland under United Kingdom Trusteeship   | All Migrants except West Africans                     | Fundamental Change | Mixed            |
| 14                                | The Immigration Regulations, 1949   | ✓   | Regulations of the 1947 Ordinance   | ✓   | ✓                  | ✓                |
| <b>THE EARLY INDEPENDENCE ERA</b> |   |   |   |   |                    |                  |
| 15                                | The Deportation Act 1957 (No. 14)   | Removal Policy                                    | To abolish the existing differences between the procedure for deporting aliens and that for deporting Immigrant British subjects          | Persons to be Removed                                 | Marginal Change    | Less Restrictive |
| 16                                | The Immigration Act 1957 (No.15)  | Admission, Residence, Registration and Employment | The Immigration Act 1957 also came to repeal the Immigration Ordinance 1947 and introduced residence permit and employment authorisation  | All migrants excluding Ghanaians and persons exempted | Fundamental Change | Mixed            |
| 17                                | Deportation (Amendment) Act, 1957. (Act 65), 1959   | Removal Policy                                    | Supervision order was introduced as part of the Deportation processes   | Persons to be Removed                                 | Substantial Change | Less Restrictive |
| 18                                | Immigration Regulation 1958 and 1959 (L.I 65)   |   | Regulate the Immigration Act of 1957  | All migrants excluding Ghanaians and persons exempted |                    |                  |
| 19                                | The immigration (Amendment) Regulation 1960 (L.I 82) (12 Nov;1960)  | Admission Policy                                  | Prohibit the entry of a citizen of the Union of South Africa without the requisite documentations   | Union of South Africa                                 | Marginal Change    | More Restrictive |



|    |   |  |   |   |                    |                  |
|----|---|--|---|---|--------------------|------------------|
| 20 | Immigration (Amendment) Regulation 1961 (L.I 1961) 31 <sup>st</sup> May, 1961 Gazetted on 2 <sup>nd</sup> June, 1961) | Admission Policy                                 | Restricted citizens of Portugal without possession of the requisite documents   | citizens of Portugal  | Marginal Change    | More Restrictive |
| 21 | The Aliens Act, 1963 Act 160, Assent on 9 <sup>th</sup> January 1963  | Admission, residence, employment and deportation | To consolidate with modifications, enactments relating to the immigration, residence, employment and deportation of aliens. | All migrants excluding Ghanaians and persons exempted               | Fundamental Change | Mixed            |
| 22 | The Aliens Regulations, 1963 (L.I 265) 1 <sup>st</sup> Feb 1963   |  | ✓   | ✓   | ✓                  | ✓                |
| 23 | Foreign Travel (Exit Permits) Acts 1963 (Acts 212)  | Exit Permits                                     | Ghanaians need to acquire it before travel abroad   | Ghanaians   | Substantial Change | More Restrictive |
| 24 | Aliens (Amendment) Act 1965   | Admission policy                                 | Immigrants to possess Travel Documents  | Immigrants  | Marginal Change    | Restrictive      |
| 25 | Aliens (Routes of Entry) Instrument 1965  | Admission policy                                 | To amend the Alien Act 1963, Act 160 to insert the word Krokosue on 3 <sup>rd</sup> June 1965                               | Approved Place of Entry   | Marginal Change    | Less Restrictive |
| 26 | The Aliens Acts, 1963 (Amendment) decree 1968 (NLCD)  | Residence  | Prohibited Area Permit  | All migrants excluding Ghanaians and persons exempted               | Marginal Change    | Restrictive      |
| 27 | Aliens (Permits of Prohibited Area) Regulations 1969 (L1 612)   | Residence  | Permits of Prohibited Area Regulations  | All migrants; excluding Ghanaians and persons exempted              | Marginal Change    | Restrictive      |
| 28 | Aliens Compliance Order 1969 (18 <sup>th</sup> November, 1969)  | Residence  | To order all aliens in the country to regularize their stay within two weeks or leave                                       | All undocumented migrants; excluding Ghanaians and persons exempted | Substantial Change | More Restrictive |



|    |  |           |  |  |                    |                  |
|----|--|-----------|--|--|--------------------|------------------|
| 29 | The Aliens (Registration) Regulations, 1974 (L1. 856) was made on 24th December 1973 | Residence | This law demand that;<br>(a) "Any Alien of not less than 16 years of age intends to reside in Ghana shall within 14 days after he has been granted permit under Aliens Act 1963 ( Act 160) to remain in Ghana, apply to the District Immigration Officer in the District where he intends to reside to be registered " Regulation 1 (ii). In effect all aliens were supposed to register at the district in which they reside.<br>(b) Part of II of the regulation requires that hotels managers and owners of dwelling houses should furnish the District Immigration Officer with particulars of aliens staying in their dwelling. | All migrants;<br>excluding Ghanaians and persons exempted  | Substantial Change | Less restrictive |
| 30 | Aliens (Registration) (Amendment) Regulation 1974 (13th May 1974)                    | Residence | Non-Ghanaian ex-servicemen and their families and persons in the employment of a statutory corporation were to register  | Non-Ghanaian ex-servicemen and their families and persons in the employment of a statutory corporation | Marginal Change    | Less restrictive |
| 31 | Aliens (Amendment) Decree 1974 (NRCD 259) 5th June, 1974                             | Removal   | introduces and recommends the circumstances under which deportation shall be effective and placed that privilege in the law courts   | Persons liable for deportation   | Marginal Change    | Less Restrictive |
| 32 | Aliens (Registration) (Amendment) Regulation 1974 (L.1 969) 23rd August 1974         |           | provided the fee for aliens including alien farm Labourers, African aliens and Non-African aliens.   |  | Marginal Change    | Less Restrictive |
| 33 | Aliens (Amendment) (No. 2) Regulations 1971 (L. 1 692).                              |           | The fee for registration changed in respect of Alien farm labours, African Aliens and Non-African Aliens   |  | Marginal Change    | Less Restrictive |

|                             |   |   |  |   |                    |                  |
|-----------------------------|---|---|--|---|--------------------|------------------|
| 34                          | Aliens (Amendment) ( No. 3) Regulation 1974 ( L.I 970) was effected on 23rd August 1974 |   | Revoked the Aliens (Amendment) (No.2) Regulation 1971 (L.I 692) and hence amended it with 7 regulations in relation to residence Permit.   |   | Marginal Change    | Less Restrictive |
| 35                          | Aliens (Amendment) Regulations, 1977 (L.I. 1103)  |   |  |   | Marginal Change    | Less Restrictive |
| 36                          | Aliens (Amendment) Regulation 1981 (L1 1266) promulgated on 16th October 1981           |   | Amend Aliens Regulations 1963 (L.I 265) as Amend by Aliens (amendment) (No. 3) Regulations 1974 (L.I 970) to change fees.  |   | Marginal Change    | Less Restrictive |
| <b>THE CONTEMPORARY ERA</b> |   |   |  |   |                    |                  |
| 37                          | Ghana Refugee Act 1992 (ACT 305)  |   | For refugee management in Ghana  | Asylum Seekers and Refugees                           | Substantial        | Less Restrictive |
| 38                          | Investment Code (Immigrant Quota) Regulations, 1992 (LI1543)                            |   | All applications for immigration quotas for any person with respect to any investments in Ghana shall be submitted to the Ghana Investments Centre                                   |   |                    |                  |
| 39                          | Aliens (Amendment) Regulations 1994 (L.I 1581) was made on 25th January 1994            | Employment  | Amended Aliens Regulations 1963 (L.I 265) to insert the grant of immigrant Quota.  | Employers   | Substantive Change | Less Restrictive |
| 40                          | Immigration Act 2000, Act 573; Assented on 2 <sup>nd</sup> February 2000                | Selection, Admission, Residence/ Employment and Removal | To re-enact with amendments the law relating to immigration, to provide for the admission, residence, employment and removal of foreign nationals and to provide for related matters | All migrants excluding Ghanaians and persons exempted | Fundamental Change | Mixed            |

|    |  |  |   |  |                    |                  |
|----|--|--|---|--|--------------------|------------------|
| 41 | The Immigration Regulation 2001(L1 1691)   | ✓  | To regulate Act 573   | ✓  | ✓                  | ✓                |
| 42 | Anti-Human Trafficking Act, 2005 (ACT 694) 5th December, 2005  | Irregular Migration                                  | For the prevention, reduction and punishment of human trafficking, for the rehabilitation and reintegration of trafficked persons and for related matters.  | Irregular migrants and their facilitators        | Substantive Change | More Restrictive |
| 43 | Immigration Amendment Act 2012 (Act 848) 27th June, 2012.  | Irregular Migration                                  | To amend the Immigration Act, 2000 (Act 573) to provide for the offence of migrant smuggling.   | migrant smugglers                                | Marginal Change    | More Restrictive |
| 44 | The Restrictions Act 2020 (Section 3 (1) (c) states that “the President may impose a restriction under sub-section (1) of Section 2) | Admission and Exit (Border Management) and Lock down | Section 3 (1) (c) states that “the President may impose a restriction under sub-section (1) of Section 2 where the restriction is required to restrict the freedom of entry into Ghana, or movement in Ghana, of a person who is not a citizen of Ghana”. | All migrants except persons permitted            | Marginal Change    | More Restrictive |
| 45 | E.I 64 on 23rd March, 2020   | Admission and Exit (Border Management)               | Travel ban was imposed on all mode of travel into the country including air, sea and land. On 1st September 2020, air travel restriction was relaxed but sea and land travels are yet to be lifted  | International travelers except persons permitted | Marginal Change    | More Restrictive |

Author’s Own Construct Based on the Operational Immigration Policies from 1909 to 2021



**Appendix 3: An Analysis of the Five Fundamental or Major Operational Immigration Policies in Ghana**

| No. | Immigration Policy  | Policy Type or Area                  | Purpose of the Policy/policy Tool  | Level of Coverage                                     | Level of Change    | Level of restrictiveness |
|-----|---|--------------------------------------|--|---|--------------------|--------------------------|
| 1   | Immigration Restriction ordinance (1 <sup>st</sup> April 1926) ( Ordinance No.'s 9 of 1925; 16 of 1927; 24 of 1932; 30 of 1935; 19 of 1936; 1 of 1937; 34 of 1940) (CAP 42) | Admission Policy                     | Consolidated existing policies to impose restriction on immigration into the Gold Coast: |   |                    |                          |
|     |   |                                      | Returns on Non-Native Passengers   | Non-Native Passengers                                 | Substantive Change | Less Restrictive         |
|     |   |                                      | Disembarking Authorisation   | Non-Native Passengers                                 | Substantive Change | Restrictive              |
|     |   |                                      | Appearance before Immigration Officer  | Non-Native Passengers                                 | Substantive Change | Restrictive              |
|     |   |                                      | Prohibited Immigrant   | Undesirables  | Substantive Change | Restrictive              |
|     |   |                                      | Immigration Officer's Certificate (Form B)   | Migrants who are Fit for purpose; may reside and work | Substantive Change | Restrictive              |
|     |   |                                      | Conditional Permit (Form D)  | Migrants on temporal admission may reside and work    | Substantive Change | Less Restrictive         |
|     |   |                                      | Visiting Pass (Form E)   | Migrants on visit may take up employment              | Substantive Change | Less Restrictive         |
|     |   |                                      | Transiting Pass (Form F)   | Migrants in transit                                   | Substantive Change | Restrictive              |
|     |   | Departures                           | Returns on Non-native Passengers Embarking   | Non-Native Passengers                                 | Substantive Change | Less Restrictive         |
|     |   | Employment                           | Employers/host Deposits/ Security /Guarantee   | Employers/host of migrant employees                   | Marginal Change    | Less Restrictive         |
|     |   | Removal: Deportations/ Repatriations | Punishment and Deportation of Prohibited immigrants, Convicts and Dependence             | Persons liable for deportation                        | Marginal Change    | Less Restrictive         |
|     |   |                                      | The Next Available Means   | Undesirables arriving                                 | Substantive Change | Restrictive              |
|     |   |                                      | Contract for the Return of the Prohibited Immigrants                                     | Prohibited immigrants                                 | Substantive Change | Less restrictive         |

|   |   |   |  |  |                    |                  |
|---|---|---|--|--|--------------------|------------------|
|   |   | Sanctions                               | Penalty for Contravention of Admission Provisions  | All migrants   | Substantive Change | Restrictive      |
|   |   |   | Penalty for Overstaying or Breaking Conditions of Pass   | All migrants already in the country  | Substantive Change | Restrictive      |
|   |   |   | Carrier liability introduced   | Airlines   | Substantive Change | Restrictive      |
|   |   | Exclusions                              | All British Subjects or British Protected Persons  |  |                    |                  |
|   |   | Exemptions                              | Diplomats and others based on multilateral or bilateral agreements   |  |                    |                  |
| 2 | The Immigration Ordinance (1947) (Ordinance No. 7 of 1914; 17 of 1948; 27 of 1949; 31 of 1950; 20 of 1951) 1 <sup>st</sup> June 1947 (CAP 48) | Admission Policy                        | It is related to immigration. Gold Coast includes Togoland under United Kingdom Trusteeship also came to repeat the Immigration Ordinance 1926 |  |                    |                  |
|   |   |   | Persons who entered at places where Officers are not Assigned  | Non-Native Passengers  | Marginal Change    | Restrictive      |
|   |   |   | Conditions of Entry into Ghana   | All migrants   | Substantive Change | Restrictive      |
|   |   |   | Declaration of Recognized Airport/ Aircraft  | All air travelers  | Substantive Change | Less Restrictive |
|   |   | Removal: Deportations and Repatriations | Deportations introduced in Immigration Restriction Ordinance, 1926   |  |                    |                  |
|   |   | Sanctions                               | Introduced in Immigration Restriction Ordinance, 1926  |  |                    |                  |
|   |   | Exclusions                              | All British Subjects or British Protected Persons  |  |                    |                  |
|   |   | Exemptions                              | Introduced in 1926 (Diplomats and others based on multilateral or bilateral agreements)  |  |                    |                  |
| 3 | The Immigration Act 1957 (No.15)  | Admission Policy                        | The Immigration Act 1957 also came to repeat the Immigration Ordinance 1947 and introduced residence permit and employment authorisation       | All migrants including West African nationals or British Subjects or British protected persons |                    |                  |
|   |   |   | Disembarking (Form A)  | All international travelers  | Marginal Change    | Less Restrictive |
|   |   | Departure                               | Departure Formalities (completing the prescribed form)   | International travelers embarking  | Marginal Change    | Less Restrictive |
|   |   | Residence and Permits                   | Residence Permit (Forms C/D)   | All resident migrants and their family   | Fundamental Change | More Restrictive |
|   |   | Employment                              | Authorisation to employ Immigrants/ License to Employ an Alien   | Employers  | Fundamental Change | More Restrictive |

|   |  |  |   |                                      |                    |                  |
|---|--|--|---|--------------------------------------|--------------------|------------------|
|   |  | Registration of Immigrants                         | Aliens Registration/Registration of Foreign Nationals in Ghana  | All migrants including West Africans | Fundamental Change | More Restrictive |
|   |  | Removal: Deportations and Repatriations            | Deportations introduced in Immigration Restriction Ordinance, 1926  |                                      |                    |                  |
|   |  | Sanctions  | Introduce in the Immigration Restriction Ordinance, 1926  |                                      |                    |                  |
|   |  | Exclusions   | Largely Ghanaians but also depending on the policy component  |                                      |                    |                  |
|   |  | Exemptions   | Introduced in 1926 (Diplomats and others based on multilateral or bilateral agreements)                                     |                                      |                    |                  |
| 4 | The Aliens Act, 1963 Act 160, Assent on 9 <sup>th</sup> January 1963 | Admission, residence, employment and deportation   | To consolidate with modifications, enactments relating to the immigration, residence, employment and deportation of aliens. |                                      |                    |                  |
|   |  | Returns of Passengers                              |   | All International Travelers          | Marginal Change    | Less Restrictive |
|   |  | Persons on Direct Transit                          |   | Persons in Direct Transit            | Marginal Change    | Less Restrictive |
|   |  | Illegal Place of Entry                             |   | All International Travelers          | Marginal Change    | More Restrictive |
|   |  | Departures   | Returns of Passengers   | All International Travelers          | Marginal Change    | Less restrictive |
|   |  | Residence And Permits                              | Residence Permit introduced in the Immigration Act 1957, (No. 15)   |                                      |                    |                  |
|   |  | Renewal of Permit                                  |   | All Immigrants                       | Marginal Change    | Less Restrictive |
|   |  | Revocation of Permit                               |   | On Default                           | Marginal Change    | Restrictive      |
|   |  | Submission of Passport for Inspection and Stamping |   | Person who Apply for Permit          | Marginal Change    | Less Restrictive |
|   |  | Conditions Governing Permits                       |   | Person who Apply for Permit          | Marginal Change    | Less Restrictive |
|   |  | Employment of Immigrants                           | Employment Authorisation introduced in the Immigration Act 1957, (No. 15)   |                                      |                    |                  |

|   |  |   |  |  |                    |                  |
|---|--|---|--|--|--------------------|------------------|
|   |  | Removal, Deportations and Repatriations | Deportations introduced in Immigration Restriction Ordinance, 1926   |  |                    |                  |
|   |  |   | Supervision Order  | Persons Liable for Deportation   | Substantial Change | Less Restrictive |
|   |  |   | Repatriation introduced in Act 160   | Undocumented or Undesirable  | Marginal Change    | Restrictive      |
|   |  | Sanctions                               | Introduce in the Immigration Restriction Ordinance, 1926   |  |                    |                  |
|   |  | Exclusions                              | Largely Ghanaians but also depending on the policy component   |  |                    |                  |
|   |  | Exemptions                              | Introduced in 1926 (Diplomats and others based on multilateral or bilateral agreements)  |  |                    |                  |
| 5 | Immigration Act 2000, Act 573; Assented on 2 <sup>nd</sup> February 2000 | Admission Policy                        | To re-enact with amendments the law relating to immigration, to provide for the admission, residence, employment and removal of foreign nationals and to provide for related matters |  |                    |                  |
|   |  |   | Border Residence   | A national of a neighbouring country who ordinarily resides within five kilometres radius of either side of Ghana's territorial frontiers with the Republics of Togo, Burkina Faso and Cote d'Ivoire | Marginal Change    | Less Restrictive |
|   |  |   | Power to Make Enquiries  | Suspected International Travelers  | Marginal Change    | Restrictive      |
|   |  |   | Power to Detain a Person for further Examination   | Suspected International Travelers  | Substantive Change | Restrictive      |
|   |  | Departures                              | Introduced in the Immigration Act 1957, (No. 15)   |  |                    |                  |
|   |  |   | Illegal Exit   | All International Travelers  | Marginal Change    | Restrictive      |
|   |  |   | Conditions of Departure  | All International Travelers  | Marginal Change    | Restrictive      |
|   |  | Residence and                           | Residence Permit introduced in the Immigration Act 1957, (No. 15)  |  |                    |                  |

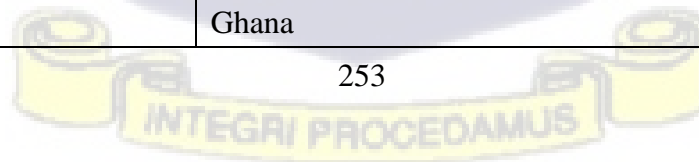


|  |   |  |  |                    |                  |  |
|--|---|--|--|--------------------|------------------|--|
|  | Employment Policy                       | Indefinite Residence Status  | Long Term Residents on Valid Permit  | Substantive Change | Less Restrictive |  |
|  |   | Right of Abode   | The Diaspora   | Substantive Change | Less Restrictive |  |
|  |   | Employment Authorisation introduced in the Immigration Act 1957, (No. 15)  |  |                    |                  |  |
|  |   | Work Permit and Immigrant Quota  | Employers  | Marginal Change    | More Restrictive |  |
|  |   | Change or Cessation of Employment & Notification   | Immigrant Employees/Employers  | Marginal Change    | Restrictive      |  |
|  |   | Penalty for Illegal Employment   | Immigrant Employees/Employers  | Marginal Change    | More Restrictive |  |
|  | Selection Policy                        | Visa on Arrival  | Based on Regional or Bilateral Agreements  | Substantive Change | Less Restrictive |  |
|  |   | Entry Visa at the Consulate  | Prospective Travelers to Ghana   | Substantive Change | Restrictive      |  |
|  |   | Emergency Entry Visa   | Persons Travelling to Ghana on an Emergency or from where there is no Ghanaian Consulate | Substantive Change | Less Restrictive |  |
|  |   | Re-Entry Visa  | Visitors   | Marginal Change    | Less Restrictive |  |
|  |   | Power to Arrest  | Persons Liable for Deportation   | Substantive Change | More Restrictive |  |
|  |   | Power to Record Identification   | Persons Liable for Deportation   | Substantive Change | Less Restrictive |  |
|  | Removal, Deportations and Repatriations | Deportations introduced in Immigration Restriction Ordinance, 1926   |  |                    |                  |  |
|  |   | Supervision Order introduced in Act 160  |  |                    |                  |  |
|  |   | Repatriation introduced in Act 160   |  |                    |                  |  |
|  | Sanctions                               | Introduced in Immigration Restriction Ordinance, 1926  |  |                    |                  |  |
|  |   | Penalty for Illegal Employment   | Employers and Self Employed Migrants   | Substantive Change | More Restrictive |  |
|  |   | Offence in Ghanaian Territorial Zone   | Masters or Owners of Vessels   | Substantive Change | Restrictive      |  |
|  | Exclusions                              | Largely Ghanaians but also depending on the policy component   |  |                    |                  |  |
|  | Exemptions                              | Introduced in Immigration Restriction Ordinance, 1926 (Diplomats and others based on multilateral or bilateral agreements) |  |                    |                  |  |

Author's Own Construct Based on the five Operational Immigration Policies from 1909 to 2021

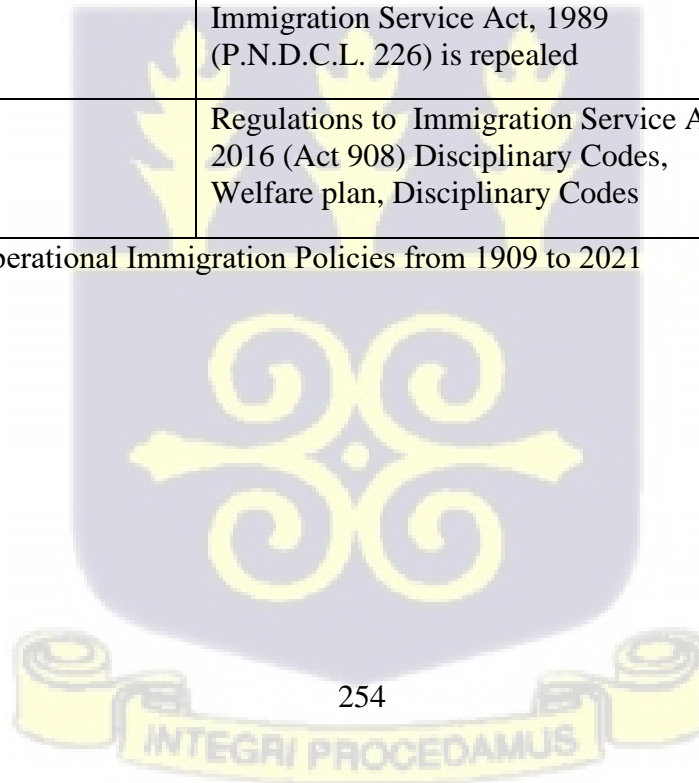
**Appendix 4: An Analysis of the Administrative Immigration Policies**

| No. | Administrative Immigration Policy   | Policy type or Area   | Purpose of the Policy  | Actors and/or Institutions  |
|-----|---|-----------------------|--|---|
| 1   | Prior to the Arrival of the Europeans   | Administrative Policy | To regulate strangers  | Local Authorities/Chiefs  |
| 2   | From 1909 to 1925 (Various ad hoc policies)   |                       | To regulate specific target group  | Public officers of the Colony authorised and empowered to administer the policies |
| 3   | Order No. 32 of 1925 came in force, 1 <sup>st</sup> April 1926 (order by Governor) (CAP 42) |                       | To appoint immigration officer as per section 3 of the Immigration Restriction Ordinance of 1 <sup>st</sup> April, 1926  | Gave the functions of immigration to Police                                       |
| 4   | A Cabinet decision on 19th July, 1960 based on proposal from the Ministry of the Interior   |                       | Immigration functions placed under the Ministry of Interior and a special Department created   | Ministry of Interior and Civil Servant Immigration Officers                       |
| 5   | March 1971 (Parliament)   |                       | Attempt to establish Immigration Service (Private member bill passed but not implemented)  | Parliament  |
| 6   | PNDC law 226 Immigration service Act 1989 (November 28, 1989)                               |                       | The birth of immigration Service; gazette on (29 <sup>th</sup> December 1989 as Amended by ministries, Departments and Agencies (Retention of funds) Act 2007, Act 735 | Set up a Para-Military Immigration Institution                                    |
| 7   | Chapter 14; Article 190; Clause (1) of the 1992 constitution                                |                       | Established under the Public Services of Ghana   | Part of the Public Service Commission   |



|    |   |  |  |  |
|----|---|--|--|--|
| 8  | The Security and Intelligence Agencies ACT, 1996, Act 526 |  | To make provision in respect of the National Security Council; to provide for the establishment of Regional and District Security Councils, to specify some of the state agencies responsible for implementing government policies on security of the State and attendant issues on or relating to the internal and external security of Ghana and to provide for related matters. | Part of the National Security Apparatus  |
| 9  | Immigration Service Act 2016, Act 908<br>8th March, 2016. |  | To provide for the organisation and administration of the Immigration Service and for related matters. The Immigration Service Act, 1989 (P.N.D.C.L. 226) is repealed  | Fundamental changes to PNDC law 226 and the functions of the Service clearly spelled out, GIS as the lead agency of immigration regulations and controls |
| 10 | Immigration Service Regulations 2016 (L.I 2245)           |  | Regulations to Immigration Service Act 2016 (Act 908) Disciplinary Codes, Welfare plan, Disciplinary Codes   | GIS as the lead agency of immigration regulations and controls   |

Author's Own Construct Based on the five Operational Immigration Policies from 1909 to 2021



**Appendix 5: ECOWAS Protocol on Free Movement**

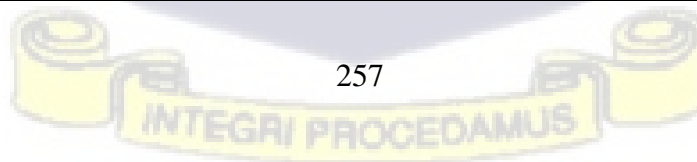
| <b>DATE</b>           | <b>THE PROTOCOLS</b>  | <b>REASONS FOR THE PROTOCOL</b>  |
|-----------------------|---|--|
| Lagos on 28 May, 1975 | The Treaty establishing the Economic Community of West African States signed in Lagos on 28th May, 1975   | Establishing the Economic Community of West African States<br>To ensure by stages the abolition of the obstacles to free movement of persons, services and capital   |
| Dakar, 29th May, 1979 | Protocol A/P.1/5/79 Relating to Free Movement of Persons, Residence and Establishment   | To spell out in this Protocol the various stages to be undergone to accomplish complete freedom of movement as envisaged by sub-paragraph (d) of paragraph 2 of Article 2 and Article 27 of the Treaty of the ECOWAS                           |
| 1982                  | Protocol A/P 3/5/82 Relating to the Definition of Community Citizen   | For the acquisition, the loss, the forfeiture, the withdrawal and the re-integration within the Community  |
| 1985 July             | A/SP. 2/7/85 Supplementary Protocol on the Code of Conduct for the Implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment                               | To establish an effective and adequate co-operation between the administrations of Member States in view of the need for mutual administrative assistance between them on the free movement of persons, goods, services and capita             |
| 1985 Dec              | Decision A/DEC.2/7/85 of the Authority of Heads of State and Government of the Economic Community of West African States Relating to the Establishment of ECOWAS Travel Certificate for Member States | For the need and advisability of adopting a harmonized travel document other than national passports for use within ECOWAS, .in order to facilitate and simplify formalities governing movement of persons across the borders of Member States |
| 1986 July             | A/SP.1/7/86 Supplementary Protocol on the Second Phase (Right of Residence) of the Protocol on Free Movement of Persons, the Right of Residence and Establishment                                     | Need to proceed to the second phase of this Protocol, which relates to the right of the residence at the present stage of the evolution of ECOWAS activities   |
| 1989 June             | A/SP.1/6/89 Supplementary Protocol Amending and Complementing the Provisions of Article 7 of the Protocol on Free Movement, Right of Residence and Establishment                                      | Any dispute that may arise among Member States regarding the interpretation and application of this Protocol shall be amiably settled by direct agreement.   |
| 1990 June             | Supplementary Protocol A/SP 2/5/90 on the Implementation of the Third Phase (Right of Establishment) of the Protocol on Free Movement of Persons, Right of Residence and Establishment                | Considering the deadline for the implementation- of Phase II (Right of Residence) of the Protocol on Free Movement of Persons, Right of Residence and Establishment, which deadline will expire on 4 June, 1990                                |

|                          |   |  |
|--------------------------|---|--|
| 1990 Dec                 | Decision A/DEC. 2/5/90 Establishing A Residence Card In ECOWAS Member States.   | Convinced that the aim of harmonious development of activities in the Community makes it necessary to introduce a single Residence Card for the Community  |
| 1992 Dec                 | Decision C/DEC. 3/12/92 on the Introduction of a Harmonized Immigration and Emigration Form in ECOWAS Member States   | the adoption of a harmonized Community immigration and emigration form will facilitate and simplify cross-border formalities in Member States  |
| 1993 and 2010            | (ECOWAS) Revised Treaty   | AWARE that the review of the Treaty arises, inter alia, from the need for the Community to adapt to the changes on the international scene in order to derive greater benefits from those changes  |
| Accra, 10 -11 July 2014  | Supplementary Act A/SA.3/07/14 Repealing Chapter III, Articles 5, 6, 7, 8 and 9 on Residence Card Valid as Visiting and Residence Permit of Protocol A/SP/1/7/86 on the Implementation of the Second Stage (Right of Residence) of the Protocol on Free Movement of Persons, Right of Residence and Establishment on Residence Cards and Residence Permit | The provisions of Chapter III, Articles 5, 6, 7, 8 and 9 on the Resident Card or Resident Permit is hereby repealed.   |
| Accra, 10-11 July 2014   | Supplementary Act A/Sa. 1/07/14 Amending Paragraph 8 of Article 1, Paragraph 1 and 2 of Article 3 and Paragraph 1 and 2 of Article 5 of Protocol A/P1/5/79 on Free Movement of Persons, Right of Residence and Establishment Relating to Travel Documents   | A valid travel document shall be a passport, other official biometric national identity card or a laissez-passer issued by a member State or by any other ECOWAS Institution.  |
| Accra, 10 - 11 July 2014 | Supplementary Act A/SA.2/07/14 Amending Paragraph 9 of Article 1 of Protocol A/SP.1/7/85 on the Code of Conduct for the Implementation of the Protocol on the Free Movement of Persons, Right of Residence and Establishment  | To ensure that a citizen who is a national of one Member State and resides in a Member State other than his state of origin is granted equality of rights with the citizen of the Member State where he resides.   |
| Accra, 10-11 July 2014   | Decision A/DEC.1/07/14 Amending Decision A/Dec.2/7/85 on the Establishment of a Travel Certificate for ECOWAS Member States   | CONVINCED of the need to establish a uniform travel document which will facilitate and simplify the movement of community citizens at border crossings of Member States;<br>The National Biometric Identity Card is hereby established as a travel document within the ECOWAS Region (effective July 2014) |
| Abuja , 15 Dec 2014      | Decision A/DEC.01/12/14 Amending Decision A/Dec 2/7/85 Establishing of a Travel Certificate for ECOWAS Member States  | The National Biometric Identity Card is hereby established as a travel document within the ECOWAS Region<br>The Biometric Identity Card shall be rolled out In Member States by 2016   |

Author's Own Construct Based on the ECOWAS Protocols on Free Movement

**Appendix 6: AU Protocol on Free Movement Traced to the Establishment of the OAU in 1963**

|                                 |  |  |
|---------------------------------|--|--|
| The preamble to the OAU Charter | The preamble to the OAU Charter affirmed the inspiration behind its founding as “a common determination to promote understanding among our peoples and cooperation among our States in response to the aspirations of our peoples for brotherhood and solidarity, in a larger unity transcending ethnic and national differences”  |  |
| 1980                            | The Lagos Plan of Action for the Economic Development of Africa that the idea of free movement of persons in Africa gained impetus   |  |
| 1991                            | The adoption of the Treaty Establishing the African Economic Community (Abuja Treaty) in 1991 codified the idea of free movement of persons in Africa into a legally binding commitment by Member States.<br>Member States agreed to “conclude a Protocol on the Free Movement of Persons, Right of Residence and Right of Establishment”.<br>To facilitate deeper integration and to ease the process of realizing this vision, the 1980 Lagos Plan of Action recognized five regional zones – North Africa, Southern Africa, East Africa, West Africa and Central Africa – to build up into the African Economic Community. It is this categorization that largely informed the formation of the RECs. |  |
| 2002                            | The transformation of the Organisation of African Unity (OAU) into the African Union in 2002 reignited the momentum towards Africa’s continental integration, which reasserted as one of its objectives “the achievement of greater unity and solidarity between the African countries and the people of Africa” (article 3(a))  |  |
| 2004                            | AUC convened a Conference of Intellectuals and the Diaspora in Dakar, Senegal – which recommended that the African Union promote the concept of African citizenship and the establishment of an African passport   |  |
| 2005                            | The African Union Executive Council in Sirte, Libya, reiterated African Union support for the free movement of persons in Africa and called for the issuance of an African passport.<br>The Migration Policy Framework and African Position on Migration and Development was subsequently adopted in 2006 by the African Union Executive Council, which committed African Union Member States to the free movement of people in Africa   |  |
| 2009                            | The African Union Member States, RECs and the African Union adopted the Minimum Integration Programme, which “consists of different activities on which the RECs and parties involved should agree   |  |



|      |  |  |
|------|--|--|
|      | upon to speed up and bring to a successful conclusion the process of regional and continental integration” that include free movement of persons in Africa.  |  |
| 2012 | The African Union Assembly decided to establish a Continental Free Trade Area (CFTA) which, among other things, seeks to facilitate cross-border labour mobility. In the same meeting, the Summit adopted an Action Plan for Boosting Intra-Africa Trade, which aimed to “deepen Africa’s market integration and use trade to serve more effectively as an instrument for the attainment of rapid and sustainable socioeconomic development”   |  |
|      | The Action Plan for Boosting Intra-Africa Trade recognizes that free movement of persons in Africa is an “important ingredient of cross-border trade” because “people are at the centre of trade”. To this end, one of the recommendations made to Member States was the removal of barriers to the free movement of people, travel and the right to establishment, particularly the requirement of visas for Africans travelling across the continent   |  |
| 2013 | During the 50th anniversary of the OAU/African Union Solemn Declaration in 2013, the Assembly recommitted African leaders to free movement of persons with a view to realize African Citizenship, pan-Africanism and African Renaissance.<br>The African Union Assembly in Johannesburg, South Africa in 2015 adopted a decision to accelerate free movement of persons and the development of the African passport.   |  |
|      | Important for the quest for free movement of persons in Africa is the African Union’s Agenda 2063. This document captures the ambitious aspirations of the “Africa we want”. It envisages an “integrated continent, politically united and based on the ideals of pan-Africanism”. Under this goal, one of the target areas to be met by 2023 is the free movement of people within REC Member States, and at the continental level a waiver of all visa requirements for intra-African travel by 2018 | Aspiration 2: An integrated continent politically united and based on the ideals of Pan Africanism and the vision for Africa’s Renaissance |
|      | Consequently, Member States are urged to domesticate all protocols facilitating free movement of persons within the RECs. A number of States – including Benin, Rwanda, Ghana, Mauritius and Seychelles – have already embraced this by introducing a policy that allows all Africans visiting the country to obtain visas on entry for a stay of up to 30 days.   |  |
| 2016 | The African Union Executive Council Meeting in Nairobi, Kenya, adopted a decision to relax visa regimes to allow for free movement of Africans and urged the AUC to develop a Protocol on Free Movement of Persons for adoption by the Assembly in January 2018  |  |
|      | July 2016 African Union Summit in Kigali, the Assembly officially launched the common, electronic, biometric African passport, which would facilitate the free movement of persons across Africa. The African Union Free Movement of Persons Protocol envisages three specific rights – entry, establishment and residence – and in this regard mirrors the current free movement of persons policy of ECOWAS.   |  |

|      |   |  |
|------|---|--|
| 2017 | On 23 February 2017, the Peace and Security Council of the African Union threw its weight behind the concept of free movement of persons, acknowledging that the gains to be realized from it far outweigh the “perceived or generated security and economic threats and challenges”. Member States were urged to focus on cooperation and collaboration in tackling the anticipated challenges rather than allowing terrorists and criminal groups to derail the vision of a united and borderless Africa. |  |
|      | AUC ‘Agenda 2063: The African We Want (2015)’ (Agenda 2016)<br>Goal 8 of Agenda 2063’s indicative strategies provide that Member States are to domesticate all protocols leading to free movement of persons within their RECs  |  |
|      | Aspiration 2 of Agenda 2063, says as follows: “We aspire that by 2063, Africa will be a continent with seamless borders, and management of cross border resources through dialogue  |  |
|      | AUC ‘Agenda 2063: First 10-Year Implementation Plan (2014-2023)   |  |
|      | The Malabo AU Summit of June 2014 mandated the AU Commission to explore and prepare concrete actions for the implementation of priority programmes and projects identified in Agenda 2063, notably, the Integrated High Speed Train Network; hastening the process for the creation of a Continental Free Trade Area; the African Passport and free movement of people  |  |
| 2018 | The Revised Migration Policy Framework for Africa and Plan of Action (2018 – 2027)  |  |
| 2018 | Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment  | Free movement of persons and goods/services within REC member states<br>2. Visa at point of entry for Africans allowed |
| 2019 | Guidelines for implementing actors on the AU free movement protocol   | Domesticate all protocols leading to free movement of persons within the REC   |

Adopted From AU and IOM Report, 2018

**Appendix 7: Parliamentary Debates, Official Report**

| Date                  | Series | Vol. | No. | Title  | Column    |
|-----------------------|--------|------|-----|--|-----------|
| Monday, 01/07/1957    |        | 6    | 30  | First Reading of Immigration and Deportation Bills 1957  | 1536-1537 |
| Tuesday, 02/07/1957   |        | 6    | 31  | Second Reading of the Deportation Bill 1957  | 1651-1654 |
| Wednesday, 03/07/1957 |        | 6    | 32  | Second Reading of the Deportation and Immigration Bills 1957   | 1661-1681 |
| Monday, 08/07/1957    |        | 6    | 35  | Committee Stage of the Immigration and Deportation Bills 1957  | 1836-1845 |
| Tuesday, 09/07/1957   |        | 6    | 36  | Third Reading and Passage of the Immigration and Deportation Bills 1957                                      | 1857-1859 |
|                       |        |      |     |  |           |
| Friday, 07/12/1962    |        | 30   | 4   | First and Second Reading of the Aliens Bill 1962   | 101-109   |
| Wednesday, 12/12/1962 |        | 30   | 5   | Consideration Stage of the Aliens Bill 1962  | 141       |
| Friday, 14/12/1962    |        | 30   | 7   | Third reading and Passage of the Aliens Bill 1962  | 255-256   |
|                       |        |      |     |  |           |
| Tuesday, 02/03/1971   | Second | 6    | 5   | Private Member Motion for Immigration Service and a recommendation of a well-constituted Immigration Service | 98-126    |
|                       |        |      |     |  |           |
| Tuesday, 25/05/1999   | Fourth |      |     | First Reading of the Immigration Bill 1999   |           |
| Thursday, 18/11/1999  | Fourth | 23   | 20  | Second Reading of Immigration Bill 1999  | 1524-1625 |
| Thursday, 02/12/1999  | Fourth | 23   | 28  | Consideration Stage of the Immigration Bill 1999   | 2500-2554 |
| Tuesday, 07/12/1999   | Fourth | 23   | 29  | Consideration Stage of the Immigration Bill 1999 continued   | 2684-2734 |

Author's Own Construct Based on the Parliamentary Debates, Official Reports

