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EU NEIGHBOURHOOD MIGRATION REPORT 2013

Edited by Philippe Fargues

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The **Migration Policy Centre** at the European University Institute, Florence, conducts advanced research on global migration to serve migration governance needs at European level, from developing, implementing and monitoring migration-related policies to assessing their impact on the wider economy and society.

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Foreword

Philippe Fargues

The means of communication revolution, virtual as well as physical, is continually making the world smaller and people more mobile and more interconnected. Yet international migration has not become truly global. When people leave their familiar environment to establish themselves in another country, distance continues to matter to them. The closer to home they end up the better, as far as they are concerned. Indeed, a large part of international migration takes place within rather than between geographic regions. This statement of fact is at the base of the present report dedicated to migration in the EU neighbourhood.[1] What are the levels and trends of migration in countries at the external border of the European Union (EU) and how much of this migration is destined for, and how much originates in the EU? How do States in the EU neighbourhood legislate on immigration and emigration and how does outward and inward migration impact their policymaking? These are the main questions that this report addresses.

EU neighbourhood countries do not recognise themselves as one region. They have nothing in common apart from the one simple fact that they share a land or a sea border or a near border with the EU. They greatly differ from each other in almost every way and particularly in terms of drivers for international migration. Demographically, the southern neighbourhood countries are still characterised by rapid population growth and have a high proportion of young adults. The eastern neighbourhood, meanwhile, is seeing pronounced population ageing and a shrinking number of citizens. In the south emigration offsets demographic imbalances, while in the east it amplifies them. Economically, these countries vary greatly in terms of the structure of the production apparatus and the gender and skills composition of the labour force, and to a lesser extent the income *per capita*. Sociologically, they comprise a variety of social structures, family types and religious affiliations. Politically, they span the whole spectrum from authoritarianism to democracy. However, if the EU's neighbouring countries have something in common, it is that they are net senders of migrants to the European Union.

Since its inception, the European Union (EU) has stood as an area of peace and prosperity and this is why it has attracted so many international migrants. The EU has an immigrant stock of around 43 million: 20 million from another EU member state and 23 million from outside the EU. As a result the combined 27 EU member states represent the world's second largest destination of migrants after North America. Migrant stocks originating from the EU neighbourhood amount to 9.3 million, representing 40% of the total immigration that the EU receives from third countries. Among these, 71% come from the southern neighbourhood (Arab countries and Turkey) and 29% from the eastern neighbourhood (former USSR).

The EU neighbourhood is more a source than a host of international migration. With emigrant and immigrant stocks standing at respectively 23.5 and 4.8 million, the 18 countries included in this report have a negative balance of - 18.7 million.2 Half of this number is found in the EU. Moreover, until the last phase of EU enlargement and the economic downturn that started in 2008, the arithmetic of migration was simple. All member states were net migrant receivers and all their neighbours, with a few exceptions, were net migrant senders. Acceding to the EU would, over a few years, transform a migrant-sending state into a migrant-receiving state. In 2013, it is still unclear whether this situation will resume once the EU emerges from the current economic crisis or whether migration flows from its neighbourhood will have been durably rerouted towards other destinations.

[1] MPC's Migration neighbourhood report covers eighteen countries that share (or almost share) a land or a sea border with the EU: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Jordan, Lebanon, Libya, Mauritania, Moldova, Morocco, Palestine, Russia, Syria, Tunisia, Turkey and Ukraine.[1] For lack of MPC focal points in the Balkan States and in Israel, these countries could not be included in the report. It must be noted that the countries included in MPC report do not entirely correspond with those targeted by the European Neighbourhood Policy (ENP) (http://eeas.europa.eu/enp/).

[2] If inter-state migration within the former Soviet Union is counted as international, then emigration and immigration jump respectively to 22.5 and 29.7 million, leaving a net migration of -7.3 million (see table 1).

Table 1. Emigration from and immigration to countries in the EU neighbourhood - 2013 stocks (most recent data)

Country		Emigration			Immigration	
		In the EU	Total	*Total-B**	Total	*Total-B**
EU Southern Neighbourhood and Turkey						
	Algeria	877,398	961,850		95,000	
	Egypt	224,122	4,464,963		184,070	
	Jordan	33,066	339,755		191,307	
	Lebanon	148,717	602,280		302,315	
	Libya	66,344	100,565		768,372	
	Mauritania	28,807	198,307		99,229	
	Morocco	3,056,109	3,371,979		77,798	
	Palestine	14,627	n.a		230,930	
	Syria	131,108	1,643,747		102,396	
	Tunisia	414,077	466,595		35,192	
	Turkey	1,629,400	3,765,100		1,278,671	
Sub-total South		6,623,775	17,915,141		3,365,280	
EU Eastern Neighbourhood and Russia						
	Armenia	58,323	221,846	*643,823*	27,556	*285,705*
	Azerbaijan	34,513	291,388	*952,404*	14,822	*254,993*
	Belarus	285,187	453,479	*1,361,593*	142,087	*926,635*
	Georgia	68,726	198,904	*767,489*	8,058	*74,434*
	Moldova	276,642	390,268	*615,171*	17,846	*259,368*
	Russia	934,030	2,149,607	*2,149,607*	971,483	*11,976,822*
	Ukraine	1,052,184	1,869,255	*5,335,840*	230,072	*5,331,428*
Sub-total East		2,709,605	5,574,747	11,825,927	1,411,924	*19,109,385*
TOTAL		**9,333,380**	**23,489,888**	***29,741,068***	**4,777,204**	***22,474,665***

* In the case of former states of the Soviet Union, two categories of persons are often included in international migration statistics: those who became foreigners in their state of birth because their family originated from another state and took its nationality (non-migrant sons or daughters of intra-USSR inter-state migrants) and those who moved to the state of origin of their family when the USSR collapsed (inter-state migrants within the Soviet Union which at the time of the USSR was an internal migration).

Source: data compiled from various sources by MPC (see details in each country chapter in this volume)

Emigration and immigration are the subject of viewpoints and policies that translate into specific legislation. Beyond their many specificities in this regard, states in EU's neighbourhood share a few common principles in the way they envision the emigration of their citizens: first, their leaving the country and, second, their maintaining a relationship with it from afar. Emigration is widely recognised as a way to alleviate pressures on labour markets and to generate remittance flows that can fuel economic growth. Accordingly, all countries in the EU neighbourhood have adopted legislation that allow, and often facilitate, the exit and establishment abroad of their citizens, though they diverge on what sort of emigration should be encouraged and what sort should be deterred in terms of gender, professional skills and other characteristics.

There is a rising tendency among EU neighbours to regard expatriate nationals as part of their citizenry and to build specific institutions to liaise with them. State agencies and ministries have been created with a mandate for developing links between émigrés and their origin country in a variety of domains: economic, with an aim at attracting remittances, investment and business networks from the diaspora; linguistic and

religious, with the objective of maintaining among its members a sense of belonging to their place of origin; and legal, in order to protect their migrants' rights in the countries where they live. Recognising expatriate nationals as political actors in their country of origin, however, is not yet generalised: while most countries grant voting rights to their expatriate nationals, recognising their eligibility rights remains an exception.

In a striking symmetry with expatriate nationals becoming increasingly full members of their country of origin, immigrants in EU's neighbouring countries are generally not offered full inclusion in their adopted society, let alone citizenry. While the conditions of entry and stay applicable to immigrants and their access to employment, education, health and a number of services vary considerably across the EU neighbourhood, one common feature is that in no country do they enjoy rights comparable to those of citizens. In most cases, citizenship of the receiving country is not accessible to immigrants or even to their children: *jus sanguinis* dominates everywhere without being mitigated by even a hint of *jus soli*.

Limited membership in the receiving society is all the more typical if migrants are in irregular situation at entry, stay or regarding employment. Indeed, another feature that all EU neighbourhood countries have in common is a high and often rising prevalence of irregular migration. Most of this migration is attracted by the local demand for labour and its irregularity results from legislation that proves inadequate to labour markets' needs and employer practices. But there is also some irregular migration that is linked to these countries sharing a border with the EU: the so-called transit migration of persons who are stuck at the door of the EU, which they cannot enter for lack of requested documents. Policies to contain irregular migration increasingly translate into legislation that criminalises traffickers in migrants and also the migrants themselves.

Finally, political events have produced massive refugee crises at the EU's external borders. The invasion of Iraq in 2003-2008, the Libyan revolution in 2011 and the Syrian civil war since 2011 have generated millions of refugees on the eastern and southern shores of the Mediterranean. At the time of writing (early June 2013), an estimated 1.6 million refugees from Syria are sheltered in five countries - Lebanon, Jordan, Turkey, Egypt and Iraq - all but one of which are EU neighbours. But so far, the EU has kept itself at arm's length, with less than 2% of Syrian refugees being accepted in EU member states.

ALGERIA

The Demographic-Economic Framework of Migration

In 1973, after the mass emigration wave towards France in the 1960s, the Algerian government, relying on its oil and hydrocarbon revenues, unilaterally decided to put a halt on outward migration, which was considered a form of post-colonialism. For almost three decades afterwards, there was no mass emigration from Algeria, neither labour-driven – despite constant unemployment – nor forced – notwithstanding the tragic events in that country in the 1990s. In that period, what emigration there was, came as a result of French family-reunification schemes. As to emigrants abroad, their return home was not supported, since they were considered a safety valve for Algeria's local labour market (Fargues, 2006). Since the 2000s, a new upsurge of Algerian labour emigration has been observed in concomitance with the gradual liberalization of the Algerian economy which, however, still has high unemployment, especially among the highly-skilled. This new wave of emigration, indeed, has a qualified emigrant profile, together with diversification in the choice of destination country.

As to immigration patterns, mixed inward flows have been a constant in the history of Algeria. True, almost all European migrants (settled in Algeria during the colonial period) returned home at independence in 1962 and the medium- and highly-skilled migrants called in by the Algerian state in the framework of its technical cooperation with Eastern Europe and some Arab countries in the 1960s and 1970s also returned. But, since the 2000s, Algeria has experienced a new type of immigration, as a result of economic liberalization. Today, growing numbers of foreign firms and workers enter Algeria, especially from China (in the construction sector) and India (in the steel industry). Meanwhile, Algeria continues to play a relevant role in attracting Sub-Saharan migrants destined to cover labour shortages in a variety of sectors (e.g. agriculture, construction, tourism, domestic services, etc.).

During the 2011 Libyan Civil war, Algeria was officially the neighbouring country that received fewest migrants fleeing Libya: 12,296 third-country and 1,666 Algerian nationals reached Algerian borders from February to November 2011 (IOM data). Official figures are perhaps inaccurate here though. International agencies were often kept away from Algerian transit border areas. And the United Nations High Commissioner for Refugees (UNHCR) reported that in March 2011, it was contacted directly by the Senegalese embassy worried about 300 Senegalese nationals who were refused entrance to Algeria by the Algerian authorities at the border with Libya (UNHCR, 2011).

Outward migration

Stock

In c. 2012, 961,850 Algerian migrants resided abroad, that is 2.6% of the population residing in Algeria.

Algerian emigration stocks by country of residence, most recent data (c. 2012)

Country of residence	Definition (a)	Reference date (Jan 1st)	Source	Number	%
European Union				**877,398**	**91.2**
of which France	(A)	2009	Population Census	721,796	75.0
Spain	(A)	2012	Population Register	60,207	6.3
Italy	(A)	2012	Population Register	23,278	2.4
UK	(A)	2012	Annual Population Survey	22,000	2.3
Southern-Eastern Mediterranean (SEM) countries (b)				**11,209**	**1.2**
of which Tunisia	(B)	2004	Population Census	9,612	1.0
Other countries (c)				**73,243**	**7.6**
of which Canada	(A)	2006	Population Census	33,515	3.5
US	(A)	2011	American Community Survey	17,068	1.8
Main total				**961,850**	**100.0**

(a): Algerian migrants are defined according to the country of birth (A) or country of nationality criterion according to countries of residence.
(b): SEM countries include Egypt, Jordan, Lebanon, Mauritania, Morocco, Palestine, Sudan, Syria, Tunisia and Turkey.
(c): "Other countries" include other European countries (Armenia, Belarus, Georgia, Iceland, Liechtenstein, Moldova, Norway, Russia, Switzerland and Ukraine), Australia, Canada, Chile, Israel, Japan, Mexico, New Zealand and United States.
Sources: national statistics (Population Censuses, population registers, registers for foreigners, etc.)

Inward migration

Stock

According to the 2008 Census there were 95,000 foreign residents in Algeria, or 0.27% of the total resident population.

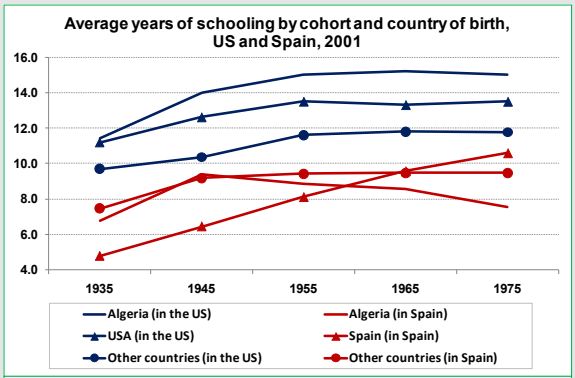
Foreign population residing in Algeria by country of nationality, 1998, 2008

Country of nationality	1998 Number	1998 %	2008 Number
Arab countries	**57,599**	**80.4**	**n.a.**
of which Morocco	18,661	26.1	n.a.
Tunisia	8,389	11.7	n.a.
Egypt	5,943	8.3	n.a.
UAE	4,143	5.8	n.a.
Non-Arab African countries	**7,134**	**10.0**	**n.a.**
of which Mali	4,162	5.8	n.a.
Non-Arab Asian countries	**1,597**	**2.2**	**n.a.**
European countries	**5,021**	**7.0**	**n.a.**
of which France	2,618	3.7	n.a.
Other countries and stateless	**258**	**0.4**	**n.a.**
Main total	**71,609**	**100.0**	**95,000**
% of the total resident population	**0.25**		**0.27**

Source: Algerian population census (1998 and 2008)

The majority lived in the European Union – especially in France (75.0%) and Spain (6.4%) – and in "other countries" (7.6%), particularly in Canada (3.5%). In the last decade, destinations for Algerian migrants diversified. In particular, the importance of Canada and Spain as new destinations for Algerian emigrants emerged strikingly. For instance, the number of Algerian migrants residing in Spain between 2002 and 2012 almost doubled, meaning an annual average growth rate of 7.1%. In Canada, between 2001 and 2006, the same value stood at 6.0%. After France, these two countries host, today, the largest Algerian migrant communities.

As to their profile, in OECD countries (circa 2006), Algerians are more likely to have a low level of education (51.9%) and an intermediate occupational profile (almost one in three – 30.7% – are employed as technicians or professionals, 24.4% as craft and related trade workers or as service and market sale workers and 14.1% in elementary occupations) (OECD.stat). This profile is largely explained by the relative age of the Algerian diaspora. Actually, the profile of Algerians residing in France has substantially improved: from 1999 (Census) to 2008 (Enquête Emploi) those with a tertiary education passed from 15.2% to 17.3%, while those with an intermediate level went up from 28.1% to 37.2%. However, the period of emigration cannot alone explain the emigrant profile. For instance, as noted by Fargues (2011), considering two recent outward flows – namely, Algerians directed to the US and Spain – while the Algerian community is among the most educated in the US (13.3 average years of schooling vs 10.6 registered both by other foreign-born communities and US-born), in Spain it registers lower levels of education (7.4 average years of schooling) compared with Algerians residing in the US, as well as with other foreign-born communities (8.4) and natives (7.5).

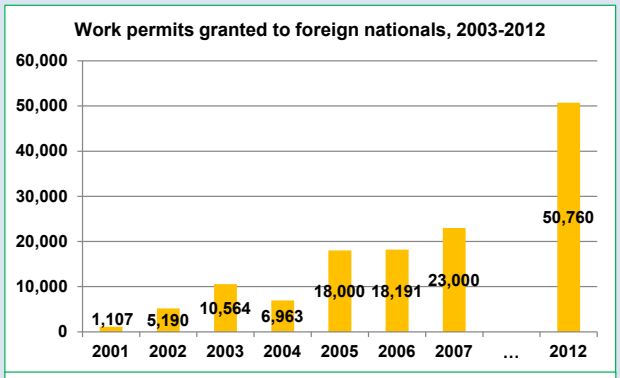


Source: 2001 National Census (IPUMS)

Both absolute and relative values show no relevant changes between the two Censuses (71,609 vs 95,000 and 0.25% vs 0.27% from 1998 to 2008, respectively). 1998 data reveals how most foreign nationals came from other Arab countries (80.4%) especially other Maghreb States (Morocco, 26.1% and Tunisia 11.7) and Egypt (8.3%) as well as from Mali (5.8%) and European countries (7.0%). This is worth mentioning as in the 1998 Census, only 16.4% of the foreign-born population declared a foreign nationality: until 2005, dual citizenship was not allowed (Musette, 2010).

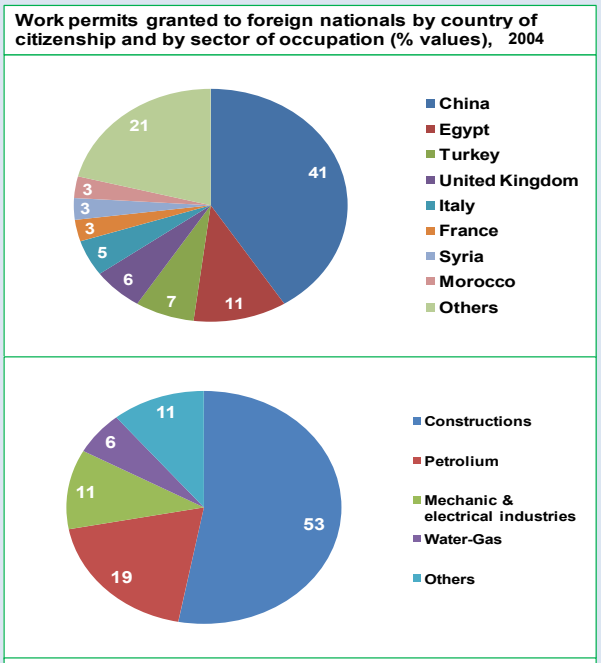
Flows

Work permit data allows for a better understanding of the recent evolution of labour immigration in Algeria. In the 2000s, an upsurge in labour immigration was observed.



Source: *Agence Nationale de l'Emploi (ANEM)* - Algeria

From 2001 to 2012, the number of work permits rose from 1,107 to 50,760.

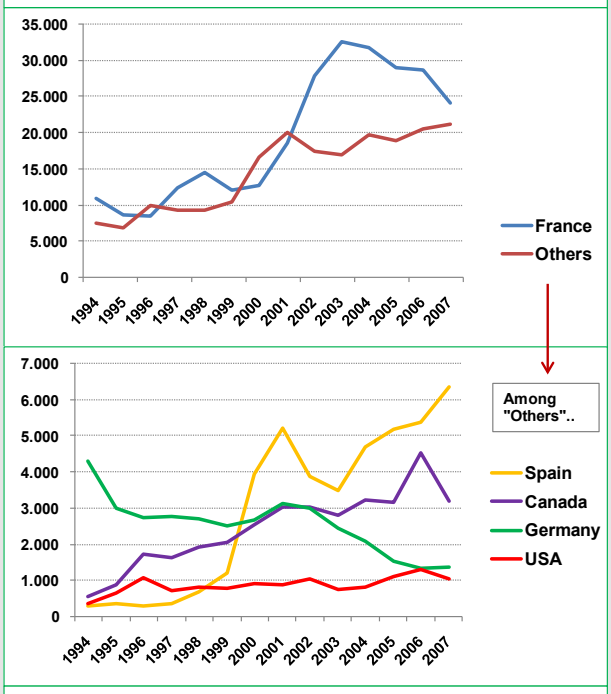


Source: Agence Nationale de l'Emploi (ANEM), in Musette, 2005

Flows

Most recent data on outward flows confirm an upsurge in Algerian emigration in the 2000s.

Outward flows of Algerian nationals by country of destination (*), 1994 - 2007



(*) "Others" include Australia, Austria, Belgium, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Iceland, Israel, Italy, Latvia, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Poland, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom and the USA

Source: Author's own elaboration on national sources (in International Migration Flows to and from Selected Countries, The 2008 Revision, UN)

For instance, from 1994 to 2007 annual flows towards France more than doubled (from 10,911 to 24,041 individuals). Growing numbers are also found in Algerian flows directed to Spain (from 307 to 6,338) and to Canada (from 541 to 3,172).

Irregular emigration has substantially increased in the last decade, too.

The phenomenon of *harragas* is on the rise, meaning that increasing numbers of (especially young) Algerians are exposed to the risks of crossing the Mediterranean: this means not 'only' the risk of death, but also the risk of a collapsing health *en route* and jail or exploitation on arrival.

According to 2004 data, foreign workers mainly come from China (41.0%),[1] Egypt (11.0%) and Turkey (6.0%) and work in the construction and oil sector (respectively 53.0% and 19.0%) as well as in the mechanical and electrical industries (11.0%); finally, they are mainly employed in highly-skilled (32.0%), managerial (16.0%) and technical (15.0%) positions. These figures perfectly illustrate the need of the Algerian economy for high-level and mid-level technical qualifications.

Beyond regular migrants, Algeria hosts large numbers of Sub-Saharan irregular foreign workers employed in a variety of sectors, for example in agriculture, construction and tourism, in the northern part of the country – as well as in garment industries and domestic service – in the south (Fargues, 2009). According to official data (Labour and Security Ministry), from 1992 to 2003 around 28,800 irregulars were apprehended by Algerian authorities; a figure which reached respectively 4,870, 5,680 and 3,234 in 2003, 2004 and 2005 (first semester).

However, direct field observation suggests a much higher number of 6,000 irregular migrants deported each month (i.e. 72,000 per year) at the two major border points (in Guezzam on the Niger border and Tin Zouatin on the Malian border), figures which coincide with the views of the consulates of these countries in Tamanrasset (Bensaad, 2008). In this respect, it is worth noting that irregular migrants from Sub-Saharan migrants working in the Algerian informal market are probably – quantitatively – more significant than transit migrants aiming for Southern European countries.

Finally, Algeria has been the main receiver of Saharawi refugees as a result of the conflict over Western Sahara between Morocco and the Polisario Front. Despite the Algerian government never having allowed an official Census of these refugees, a reliable estimate of 90,000 persons living in the camps around Tindouf had been provided by EU satellite imagery (USCRI, 2009).

[1] The large number of Chinese workers is a result of agreements signed between China and Algeria to implement specific programmes to build housing and manufacture construction materials.

Irregular migrants who were apprehended or reported dead or missing at sea by Algerian police, 2001 - 2007

Year	Apprehended cases (*)	Dead at sea (**)	Missing at sea (**)
2005	335	n.a.	n.a.
2006	1.636	73	44
2007	1.858	61	55
2008	2.215	98	n.a.

Source: (*) *Direction Générale de la Sureté Nationale* (DGSN); (**) figures reported by Algerian coast guards (in Labdellaoui, 2009)

According to Algerian policy records (*Direction Générale de la Sureté Nationale*, DSGN), the number of apprehended migrants attempting to cross the Mediterranean stood at 2,215 in 2008; in the same year 98 migrants were reported dead at sea, figures which surely underestimate the phenomenon, but which are, nevertheless, alarming. All surveys which have been conducted on this phenomenon report the young age of these migrants, e.g. 91.3% were younger than 35 (DSGN); and 67.0% were younger than 29 (*Gendarmerie nationale*).

It is worth noting how, unlike Palestinian refugees (who also represent an important number of forced migrants in Algeria, who number about 4,000, and who are well integrated into Algerian society), Saharawi conditions are inhuman: beyond the fact that they do not have freedom of circulation,[2] nor access to employment, in 2008, 18% suffered from global acute malnutrition (GAM) and 5% from severe acute malnutrition, a situation which has, if anything, worsened since 2005 when the same values were stood at respectively 8% and 2%.

Officially, the 2011 Libyan Civil war and its consequent migration crisis did not trigger massive flows of Sub-Saharan migrants coming to Algeria from Libya. According to IOM data, 'only' 12,296 third country and 1,666 Algerian nationals reached Algerian borders from February to November 2011.

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[2] According to a recent survey (USCRI, 2009), nine out of ten camp residents aged 17-35 would desire a visa to emigrate. During the survey, Said, one of the respondents answered: 'it is really a stupid waste of time to ask such a question – i.e. the wish to emigrate – to any young Saharawi, who has suffered from marginalization, because a visa is our only dream left'.

The Legal Framework of Migration

Algeria resisted reforming its migration law longer than its neighbours. However, it eventually reformed in two steps. On 25 June 2008, it adopted the law governing foreign nationals' conditions of entry, stay and circulation, which modified for the first time the law ruling foreign nationals established in1966. Then, on 25 February 2009, it reformed its penal code to add the offence of irregular exit from its territory for its citizens and foreign residents, as well as the crimes of migrant smuggling and trafficking in persons.

Algeria has also introduced new offences and some distinctions between terminologies and penalties. Migrant smuggling is defined by the 2009 law as the organisation, for purposes of profit, of any illegal exit from Algerian territory, whereas the facilitation of a foreign national's irregular entry, stay or circulation is addressed by the 2008 law. Alongside new offences such as marriages of convenience, Algeria has adopted an offence which is now shared throughout the Maghreb, namely irregular emigration. Sanctions against irregular exit from Algerian territory differ depending on whether foreign non-residents, foreign residents or Algerian citizens are involved. Like its neighbour, Morocco, Algeria tends to distinguish foreign nationals, who are supposed to reside, from foreign nationals, who are presumed to circulate, and, in this way, enacts the notion of transit migration. Algerian tribunals have already condemned Algerian citizens who intended to leave the country without passing through border posts or who lacked an entry visa for the destination country. Algeria officially acknowledges the conclusion, between 1994 and 2007, of six agreements on the readmission of irregular Algerians.

Algeria's reforms not only regard irregular migration's penalisation, but also rights for immigrants. The new Algerian law sets time-limits on administrative detention, and it introduces procedural protection for some categories of foreign nationals awaiting expulsion, on the basis of their vulnerability or their links with Algeria, and it mentions family reunification and long-term stay.

At the same time as it modified its Family Code, Algeria proceeded in 2005 to reform its nationality law in a remarkable fashion. It suppressed any kind of discrimination against women. It now has the most egalitarian legislation in the region. Algeria granted its female citizens the possibility of passing their nationality to their foreign spouse – a status previously only granted to men. Algeria also recognised that women have the right to transmit their nationality to children born of a foreign father, these who used to remain foreign nationals till they came of age when they could eventually declare their intention to become Algerians, provided they were born in Algeria and provided that they were residing there. Algeria has also gone further than Egypt in 2004 and Morocco in 2007. Furthermore, it removed the provision mentioning discriminatory access to political rights for new nationals – although it did not reform the electoral code accordingly. Finally, Algeria removed the requirement to renounce foreign nationality as a condition to naturalisation.

Since 1997, Algerian citizens abroad have been given the right to vote in Algerian elections. Of the 462 seats in Algeria's National Peoples' Assembly, eight are reserved to represent Algerian citizens residing abroad. The electoral law reform implemented in January 2012 reaffirmed emigrant voting rights, and included compulsory quotas for a minimum representation of women in elected assemblies. Indeed, a 50% rate was deemed applicable to seats reserved for the national community living abroad.

The main legal framework governing refugees in Algeria is a 1963 Decree creating the Algerian Office for Refugees and Stateless Persons (BAPRA, or Bureau Algérien pour les réfugiés et les apatrides). This office is the institutional body responsible for deciding upon asylum requests and recognising refugee status determined by UNHCR.[3] UNHCR is in charge of refugee status determination and is more generally responsible for supporting persons under its mandate, especially the Sahrawis who have been in camps in the South-West of Algeria since the 1970s. In comparison to the Sahrawis, numbers of other refugees are much fewer, and these are hardly protected as they are generally considered irregular immigrants by the government.[4]

[3] The Algerian Government has approached UNHCR for assistance in developing a national asylum system, and in mid-2012, UNHCR identified an expert to support the Government in updating the draft asylum law in accordance with international standards. Retrieved from: UNHCR 2013 Country Operations Profile –Algeria http://www.unhcr.org/50a9f8260.pdf

[4] According to the UNHCR and other sources, Algeria may not automatically recognise the status granted to refugees by UNHCR. Furthermore, the Euro-Mediterranean Human Rights Network (EMHRN) claimed that BARPA's

Legal Framework	Outward migration	Inward migration
General Legal References	• 2012 Law n° 12-01, replacing Ordinance N° 97/07 of 6 March 1997 (electoral law)[5] • 2009 Executive Decree n° 09-272 amending and supplementing Decree n° 86-276 of 11 November 1986 laying down the conditions of employment of foreign personnel in state agencies, local governments, institutions, organizations and businesses public[6] • 2009 Law n°09-01, modifying the Penal code (irregular migration and trafficking)[7] • 2008 Law n°08-11 governing foreign nationals' conditions of entry, stay and circulation[8] • 1996 Constitution of the People's Democratic Republic of Algeria of 8 December 1996 and amendments[9] • 1981 Law n°80-10 related to foreign nationals' employment conditions[10] • 1970 Code of Algerian Nationality and amendments[11] • 1963 Decree n°1963 laying down detailed rules for the application of the Geneva Convention of 28 July 1951 relating to the Status of Refugees[12]	
Entry and Exit	**Visas** Algerian citizens do not need visas to enter Maghreb countries (except for Libya[13]), among others. Since 1994, the border with Morocco has been officially closed.	**Visas** To enter, foreign nationals must present passport or valid travel document, and visa. (Law n°08-11 of 25 June 2008) Visas are waived for Maghreb nationals (except Moroccans) and Malian citizens, among others.
Irregular Migration	Law n°09-01 of 25 February 2009 includes: Irregular exit of any foreign resident or national citizen is punished by 2 to 6 months in prison;	Law n°08-11 of 25 June 2008 includes: Irregular stay or labour is penalized with a fine;

recognition rate for Sub-Saharan refugees is at 0%. For more information, see: UNHCR 2013 Country Operations Profile –Algeria (http://www.unhcr.org/50a9f8260.pdf) and EMHRN 2012 Country Factsheet –Algeria (http://www.euromedrights.org/eng/wp-content/uploads/2012/12/EMHRN-Factsheet-Algeria_EN_15JAN203_WEB.pdf).

[5] *Journal Officiel de la Republique Algerienne Democratique et Populaire*. (14 January 2012). Law n° 12-01 of 12 January 2012. Retrieved from http://www.joradp.dz/JO2000/2012/001/F_Pag.htm

[6] *Journal Officiel de la Republique Algerienne Democratique et Populaire*. (2 September 2009). Executive Decree n° 09-272 of 30 August 2009. Retrieved from: http://www.joradp.dz/JO2000/2009/050/F_Pag.htm

[7] *Journal Officiel de la Republique Algerienne Democratique et Populaire*. (8 March 2009). Law n°09-01 of 25 February 2009. Retrieved from http://www.joradp.dz/JO2000/2009/015/F_Pag.htm

[8] *Journal Officiel de la Republique Algerienne Democratique et Populaire*. (2 July 2008). Law n°08-11 of 25 June 2008 governing foreign nationals' conditions of entry, stay and circulation. Retrieved from http://www.joradp.dz/JO2000/2008/036/F_Pag.htm

[9] CARIM. (n.d.). The Constitution of the People's Democratic Republic of Algeria of 8 December 1996. Retrieved from http://www.carim.org/public/legaltexts/LE3ALG154_FR.pdf

[10] CARIM. (14 July 1981). Law n°80-10 of 11 July 1981 related to foreign nationals' employment conditions. Retrieved from http://www.carim.org/public/legaltexts/ALGLEG00161.pdf

[11] *Republique Algerienne Democratique et Populaire Minstere de la Justice*. (2005). *Code de la Nationalité Algérienne.* Retrieved from http://www.droit.mjustice.dz/code_nation_alger.pdf

[12] UNHCR. (n.d.). Decree n°1963 of 25 July 1963 laying down detailed rules for the application of the Geneva Convention of 28 July 1951 relating to the Status of Refugees Retrieved from http://www.unhcr.org/refworld/country,,,LEGISLATION,DZA,,3ae6b52518,0.html

[13] Since November 2011, Algerians need a visa to enter Libya, except for those with diplomatic or mission passports. Algerian Ministry of Foreign Affairs. (12 February 2013). *Texte intégral du communiqué commun algéro-libyen.* Retrieved from http://www.mae.dz/ma_fr/stories.php?story=12/12/11/8722835

	Migrant smuggling (exit from the territory) is punished with 3 to 5 years in prison and for up to 20 years in cases of aggravating circumstances. Law n°08-11 of 25 June 2008 includes: Direct or indirect facilitation of a foreign national's irregular exit is punished by 2 to 5 years in prison and 60,000 to 200,000 dinar fine. Accentuated sentences in cases of aggravating circumstances.	Irregular entry punished by 6 months to 2 years in prison and from 10,000 to 30,000 dinars fine; Non-compliance with an expulsion decision punished by 2 to 5 years in prison; Direct or indirect facilitation of a foreign national's irregular entry, circulation, or stay punished by 2 to 5 years in prison, and 60,000 to 200,000 dinar fine. Accentuated sentences in case of aggravating circumstances; Marriage of convenience punished by 2 to 5 years in prison.
	Human trafficking penalized with 3 to 10-year prison penalty and a 300,000 to 1 million dinar fine, up to 20-year prison penalty in case of aggravating circumstances. (*Law n°09-01* of 25 February 2009).	
	Agreements regarding irregular migration ➢ **Readmission agreements** include: • **Germany** (1997) • **Italy** (2000) • **EU** (2002) – in the EU-Algeria Association Agreement (2002), Algeria agrees to readmit any of their nationals illegally present in any Member State, and to negotiate the conclusion of agreements regarding readmission of third country nationals. • **Spain** (2002) only nationals • **Switzerland** (2006) • **United Kingdom** (2006) ➢ **Other**: • **Palermo Protocols**: in 2001, Algeria ratified Protocol against the Smuggling of Migrants by Land, Sea and Air, and in 2004 it ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children. • **EU-Algerian Association Agreement** (2002) includes cooperation in order to prevent and control irregular migration. • **Algeria and France** agreement (2008) on cooperation to fight against irregular migration and human trafficking (Decree No. 2008-373 of 18 April 2008). • **United Arab Emirates and Algeria** (March 2013) signed an agreement including cooperation on combatting human trafficking.	
Rights and Settlement	**Emigrant voting rights** in municipal, presidential, and parliamentary elections Eight seats are reserved in the National People's Assembly for Algerian citizens abroad; half of these seats are reserved for women (*Law n° 12-01* of 12 January 2012). **Right of exit** from the territory is guaranteed in the Constitution (Article 44). **Protection of every citizen abroad** is the responsibility of the State, as stipulated in the Constitution (Article 24).	**Right of entry** for nationals is guaranteed in the Constitution (Article 44). **Protection of person and properties** of any foreigner being legally on the territory guaranteed by Constitution (Article 67). **Residence permits:** student permit linked to studies, worker permit linked to labour authorization. A 10 year-permit can be delivered to persons living in Algeria for 7 years and their children, or on the basis of bilateral agreements (*Law n°08-11* of 25 June 2008).

	Agreements related to settlement Agreement with **Italy** on persons' circulation (2000); Agreement with **France** on circulation and stay of persons (1968, modified in 1985, 1994, 2001); and Visa agreement (1994); and the Protocol on individuals' circulation (2004) with **Spain**.	**Access to employment:** Employment of foreign nationals is submitted to the issue of a work permit or a work temporary leave. When work duration is less than 3 months, only the work temporary leave is needed, and can be renewed once. When work duration does not exceed 15 days, no leave is required. Work permits are for two years. Work permits only delivered for positions unable to be filled by an Algerian domestic national or emigrant.. Qualification Requirement (Superior to technician level, principle of non-competition with local workforce). Civil service positions reserved for nationals except on a contractual basis for teachers in scientific and technic fields at a university level or for technic formation. (*Law n°80-10* of 11 July 1981 and Executive Decree n° 09-272 of 30 August 2009). **Family reunification:** under the terms defined by regulation (*Law n°08-11* of 25 June 2008 to be regulated by by-laws. **Access to public services** (health, education): yes. **Access to estate ownership:** upon ministerial authorisation. **Time-limits to detention:** placement of a migrant in detention centre allowed for a maximum period of 30 days, renewable pending the formalities of deportation order or repatriation to their country of origin (*Law n°08-11* of 25 June 2008). **Temporary suspension of expulsion** for: foreign parent(s) of foreign children dependent on these parents; certain categories of minors; and pregnant women. (*Law n°08-11* of 25 June 2008). **Right to appeal expulsion order:** depending upon the seriousness of the charges, a migrant may appeal expulsion order, within a maximum of five (5) days from the date of notification of this decision. The judge decides on the action within a maximum of 20 days from the date of registration of the application. The resort has a suspensive effect on the expulsion. (*Law n°08-11* of 25 June 2008).

Labour	➢ **Bilateral agreements regarding labour migration** include the Agreement on cooperation in the field of labour and use of human resources signed between Algeria and Libya (1987), and the Protocol on labour with Jordan (2004), among others. ➢ **International agreements regarding labour migration** include the 1990 Convention on the Protection of all Migrant Workers and Members of their Family, and several International Labour Organization (ILO) conventions.	
Citizenship	**Dual citizenship** is authorized. In the past, some obstacles for Algerians voluntarily obtaining another nationality as the Government viewed obtaining another citizenship as a threat to the homeland (especially given Algeria's colonial history with France).	**Naturalisation** possible after 7 years residence, under certain conditions (but renunciation of original nationality no longer required). Algerian citizens can **transmit their nationality** to a foreign-born spouse and children born from an Algerian citizen and a foreign-born father/mother. (Code of Algerian Nationality)
International Protection		**Prohibition to extradite political refugees** stipulated in Constitution (Article 69). **Algerian Office for Refugees and Stateless Persons** established by Decree n°1963-274 of 25 July 1963. **International agreements related to international protection:** Algeria has ratified the 1951 Convention relating to the status of refugees (in 1963); the 1967 Protocol relating to the status of refugees (in 1967); and the 1969 OAU Refugee Convention governing specific aspects of refugees in Africa (in 1974). Algeria also accepted the League of Arab States' 1965 Protocol for the Treatment of Palestinians in Arab States.

The Socio-Political Framework of Migration

Although migration policy had almost disappeared from the political agenda since 1973, when the Algerian State decided to end the public management of labour migration to France, Algeria has initiated ambitious reforms in its migration policy. The main objective of the new Algerian migration policy is to control irregular migration. This choice can be explained by a number of converging factors: increased EU engagement with Algeria on irregular migration; the proliferation of smuggling networks involved in cross-border crime; increase in regional terrorist activity; regional upheavals and consequent increases in population movements; and by the indignation of the public confronted by the drama of the *harragas*.

In order to implement such a policy, the Algerian State has progressively developed new legislative tools, while ratifying UN conventions on the protection of the rights of the migrants and on the repression of human trafficking. Moreover, Algeria has strengthened cooperation with the EU and its member states, particularly after the enforcement of the Algeria-EU Association agreement on 1 September 2005. In parallel, the Algerian government has strengthened cooperation with its neighbours, with the exception of Morocco with which it is currently mending relations, in order to enhance border controls and tackle migrant smuggling and other crimes.

Algerian officials are critical regarding European migration policies that focus on security and on selective immigration. They insist on necessary consultation and cooperation between sending and receiving countries in order to define a global and fair migration policy that facilitates the circulation of persons in the Mediterranean and that supports the economic development of migrant origin regions.

In addition to border controls, the Algerian government has also been involved in dealing with humanitarian crises on its borders, such as the displacement of people from Libya and Tunisia after the Arab Spring and the Malian refugee crisis that started in 2012, and has provided humanitarian aid, among other services, in such circumstances. It is also working with the UNHCR to address refugee issues within Algeria's borders.

Developing links with the Diaspora remains a concern for the Algerian government, and several Government bodies have been created including the Delegate Ministry in Charge of the National Community Established Abroad and the Consultative Council for the National Community Abroad. In February 2013, the Secretary of State for the National Community Abroad announced the implementation in 2013 or early 2014 of a new body, the National Advisory Board of the National Community Abroad, which will "establish bridges between Algerians and create a sustainable partnership between Algerian competences inside and outside the country".[14]

[14] Algeria Ministry of Foreign Affairs (14 February 2013). *Installation du conseil national consultatif de la communauté nationale à l'étranger fin 2013 ou début 2014.* Retrieved from http://www.mae.dz/ma_fr/stories.php?story=13/02/14/0129945

Socio-Political Framework	Outward migration	Inward migration
Governmental Institutions	• Ministry of Foreign Affairs • Ministry of Employment • Ministry of National Solidarity • Delegate Ministry in charge of the National Community Established Abroad • Consultative Council for National Community Abroad • ANEM (National Agency for Employment, previously ONAMO) • ANDI (National Agency for the Development and the Investment) • CNES (Economic and Social National Council)	• Ministry of Foreign Affairs • BARPA (Algerian Office for Refugees and Stateless Persons, located within Ministry of Foreign Affairs) • Ministry of Employment • Ministry of National Solidarity • Ministry of Labour • Ministry of Social Insurance
	Irregular Migration • Ministry of the Interior • Ministry of Justice • Delegate Ministry at the Regional Cooperation • General Directorate of National Security • Army General Command	
Governmental Strategy	**Facilitation of outward movement for Algerians:** working with Member States of the European Union to improve facilitation of movement and address visa issues for Algerians (e.g., with Belgium, Britain, France, Italy).	**Regulate the stay and the employment** of foreign nationals in Algeria. **International Protection:** • **Provide humanitarian assistance** to refugees and other displaced foreign nationals[15]Working with governments and international organizations to **address refugee-producing conflicts in the region** - e.g., with the US, EU, Maghreb countries, Organization for African Union (OAU), Arab League, UNHCR, among others.[16] • Working with UNHCR for assistance in **developing a national asylum system**[17]Allowing Algerian territory to be used as **host for four refugee camps and one settlement** in the south-western province of Tindouf for refugees from Western Sahara.

[15] Most recently, humanitarian aid delivered to Tunisia, Libya, and Mali to address refugee needs and needs caused by the influx of foreign nationals from Libya. Algeria also provided assistance to Malian refugees who were on the borders between the two countries, and sent humanitarian aid to the people of northern Mali and people who have found refuge in southern countries.

[16] For example, the Prime Ministers of Libya, Tunisia, and Algeria agreed to form teams to look into cooperation with neighboring countries over the Malian crisis.

[17] UNHCR. (2013). *2013 UNHCR country operations profile - Algeria*. Retrieved from http://www.unhcr.org/pages/49e485e16.html

	Overall government approach to migration According to Algeria's foreign policy strategy on migration, within its commitment to the United Nations' Alliance of Civilization, entitled **National Plan for the Alliance of Civilizations**, Algeria states that it: "is trying to convince its partners, both regional and international, that the facilitation of movement of persons, the promotion of human exchanges, the establishment of a partnership for the development of regions with high migration potential, the involvement of developed countries in favour of investment in the countries of origin of migration flows, the economic and social cooperation between the country of transit and destination are all guidelines that promote an intelligent approach."[18]
	Developing links with Algerian Diaspora • Implementation of **new government body**, National Advisory Board of the National Community Abroad, to consolidate links with Diaspora.[19] • Secretary of State for the National Community Abroad **meeting with Algerians in foreign countries** to: address their concerns; obtain input on how to improve relations; encouraging their involvement in development; encouraging Algerians to engage in host country to better integrate (e.g., meetings in Canada, Britain, and Spain[20]). • **Implement programs to maintain links** with Algerians abroad (e.g., teaching national history and socio-cultural values of the country, Arabic language programs[21] within host countries; email address where Algerians abroad can contact Ministry of Foreign Affairs[22]). • **Work with host country governments** to improve opportunities for Algerians abroad (conditions of residence, integration, employment, education, etc.[23]);

[18] Algerian Ministry of Foreign Affairs. (2009). *National Plan for the Alliance of Civilizations. Retrieved from* http://www.mae.dz/ma_fr/stories.php?story=09/04/08/6791221

[19] The board will bring together 56 representatives from the national community abroad, elected by the national conference, 33 representatives of public administrations and institutions, and five persons appointed by the head of state, among people known for their competence and commitment issues national community abroad. Missions "will include the continuous improvement of public service delivery due by the State to its citizens abroad and promoting the participation of expatriate expertise and national capacity development of Algeria in the fields, scientific, economic and others." For more information, see: http://seccne.mae.dz/?page=conseil_communaute_nationale

[20] For more information, see: (on Canada) http://www.mae.dz/ma_fr/stories.php?story=11/11/08/1781889; (on Britain) http://www.mae.dz/ma_fr/stories.php?story=12/12/02/4053625 and http://www.mae.dz/ma_fr/stories.php?story=11/11/04/7555950; and (on Spain) http://seccne.mae.dz/?page=communaute_espagne

[21] Ministere des Affaires Etrangeres- Secrétaire d'Etat Chargé de la Communauté Nationale à l'étranger (n.d.). *Enseignement à distancedes langues arabe et Tamazight*. Retrieved from http://seccne.mae.dz/?page=enseignement

[22] *Ministere des Affaires Etrangeres- Secrétaire d'Etat Chargé de la Communauté Nationale à l'étranger* (n.d.). *Compétences&Association*. Retreieved from http://seccne.mae.dz/?page=competences

[23] For example, the most recent discussions held between Algerian and British officials regarding Algerians in the UK, and with French officials regarding Algerians in France. Retrieved from http://seccne.mae.dz/?page=entretient and http://seccne.mae.dz/?page=rencontre_prefet_isere

	• **Repatriation of Algerian nationals** – especially during times of crises (repatriation from Libya and Egypt). • **Mobilize the competences and the assets** of the Algerians abroad to support development in Algeria. • **Support the political participation** of Algerians abroad within Algerian elections.
	Circulation of persons ➢ **Exchanges among peoples** is a foreign policy objective for the Algerian government • According to Algeria's **National Plan for the Alliance of Civilizations** (2009): Algeria has provided thousands of scholarships to young foreigners particularly in Africa, Asia and Latin America. Algeria has also sent young Algerians abroad for short- and long-term trainings to enable them to deepen their knowledge and then return to the country to practice and build on the achievements,[24] among other efforts. ➢ **Working with countries to facilitate circulation of persons**, for example: • In 2013, as part of a new program of cooperation between **Belgium and Algeria**, over a period of four years (2013-2016) the two countries will create a working mechanism to examine issues related to the movement of people between the two countries.[25] • **Libya and Algeria** have stated their desire to continue dialogue to cancel visa requirements between the two countries.[26] • In November 2012, **UK and Algeria** agreed to begin negotiations on the mobility of people, whose objective is to facilitate the procedures for obtaining visas for citizens of both countries.[27]
	Irregular Migration ➢ **Strengthen bilateral and regional cooperation regarding the control of borders** (working with border countries Mali, Mauritania, Western Sahara, Libya, Niger, Tunisia, no substantial cooperation with Morocco.) For example: • **Algeria-Libya:** In February 2013, Algeria-Libya agreed to strengthen cooperation between the relevant departments to protect and defend the borders. Libya and Algeria committed to not allow anyone to use their territory to undermine or threaten the security and stability of each country. Algeria expressed willingness to support and assist in the training of Libyan army officers and maintenance of military equipment.[28] • **Algeria-Libya-Tunisia:** the three countries agreed in January 2013 to implement measures including the creation of joint checkpoints and patrols along the frontiers.[29] ➢ **Strengthening Algerian security system and closely monitoring borders**, especially after Mali crisis, in order to fight against trafficking networks and other forms of crime. ➢ **Reinforce sanctions** against persons involved in irregular migration. ➢ **Capacity-building cooperation** with the EU and some member states (France, Italy and Spain) to strengthen judicial administration and the police.

[24] Algeria's National Plan for the Alliance of Civilizations can be accessed here: http://www.mae.dz/ma_fr/stories.php?story=09/04/08/6791221

[25] Algerian Ministry of Foreign Affairs. (12 February 2013). *Lancement d'un nouveau programme de coopération sur quatre ans*. Retrieved from http://www.mae.dz/ma_fr/stories.php?story=13/02/13/4416957

[26] Algerian Ministry of Foreign Affairs. (12 February 2013). *Texte intégral du communiqué commun algéro-libyen.* Retrieved from http://www.mae.dz/ma_fr/stories.php?story=12/12/11/8722835

[27] Algerian Ministry of Foreign Affairs. (29 November 2012). *Riches entretiens politiques de M. SAHLI à Londres*. Retrieved from http://www.mae.dz/ma_fr/stories.php?story=12/12/02/4036702

[28] For more, see: Algerian Ministry of Foreign Affairs. (12 February 2013). *Texte intégral du communiqué commun algéro-libyen.* Retrieved from http://www.mae.dz/ma_fr/stories.php?story=12/12/11/8722835

[29] Shuaib, Ali. (12 January 2013). Libya, Algeria and Tunisia to step up border security. *Reuters*. Retrieved from http://www.reuters.com/article/2013/01/12/us-libya-borders-idUSBRE90B0G220130112

Civil Society	**Diaspora** • ACA (Association of Algerian Competences) • Algerian Association for the Transfer of Technology • REAGE (Network of the Algerian Graduates from the *Grandes Ecoles* and the French Universities) • ANIMA (Network for the Investment in the Mediterranean)	**Assistance to migrants/refugees in Algeria** • LADDH (Algerian League for the Defence of the Human Rights) • SNAPAP (National Autonomous Union of Public Administration Staff) • SOS Women in Distress • NADA (Algerian Network for Defence of Children's Rights) • R&D (*Rencontre et développement* - Meeting and Development) • *Croissant-Rouge Algerian* **Employment** • UGEA (General Union of the Algerian Entrepreneur)
International Cooperation	Algeria is a member of several international organisations in which it actively works to address issues of migration, including: International Organization for Migration (IOM); International Labour Organization (ILO); UNHCR; Arab League; and Organization for African Union (OAU), among others. Algeria is a participant to the European Neighbourhood Policy (ENP) (although, it has not agreed on an Action Plan within the framework of the ENP) and the 5+5 Dialogue. Algeria is a member of the Union for the Mediterranean (a multilateral partnership within the European Neighbourhood Policy).	

ARMENIA

The Demographic-Economic Framework of Migration

Following wider patterns of post-Soviet states Armenia has seen continual patterns of mass emigration since 1991, yet this has been partially masked by a history of positive natural balances.

In the intra-census period of 2001 and 2011 the resident population fell from 3.2 to 3.0 million persons, with a natural balance of +126,000 persons. Yet, the net migration balance was -320,000, which is 10% of the 2002 population. The annual net migration balance passed instead from -23,100 in 1995-2001 to -32,000 in 2002-2011. Major outflows were directed toward the US and Russia.

As with immigration trends, between 1988 and 1992 Armenia saw the arrival over 200,000 refugees from Azerbaijan due to the war of Nagorno-Karabakh (Yunosov, 2009). Hence a major migratory challenge for the Armenian government was the effective provision of socio-political rights and welfare to refugees and IDPs.

Outward migration

Stocks

According to destination countries' statistics, 643,823 or 221,846 Armenian migrants resided abroad in years around 2012 (table 1), who represent respectively 19.7% or 6.8% of the total population residing in Armenia. The huge difference between the two estimates depends on whether we count Armenian migrants in Russia according respectively to the country of birth or citizenship criterion.

Table 1 - Armenian emigration stocks by country of residence, most recent data (c. 2012)

Country of residence	Definition (a)	Reference date (Jan 1st)	Number	Number	%	%
European Union			**58,323**		**9.1**	**26.3**
of which France	(A)	2005	15,368		2.4	6.9
Germany	(B)	2012	12,319		1.9	5.6
Spain	(A)	2012	10,982		1.7	5.0
CIS countries + Georgia			**494,650**	**72,673**	**76.8**	**32.8**
of which Russia	**(A)**	2002	481,328	X	74.8	X
Russia	**(B)**	2010	X	59,351	X	26.8
Ukraine	(B)	2001	10,686		1.7	4.8
Belarus	(B)	2009	1,622		0.3	0.7
Other countries (b)			**90,850**		**14.1**	**41.0**
of which US	(A)	2011	85,263		13.2	38.4
Canada	(A)	2006	2,345		0.4	1.1
Israel	(A)	2005	1,066		0.2	0.5
Main total			**643,823**	**221,846**	**100.0**	**100.0**

(a): Armenian migrants are defined according to the country of birth (A) or country of nationality (B) criterion according to countries of residence; in Russia both numbers are reported.

(b): "Other countries" include Iceland, Liechstein, Norway, Switzerland, Jordan, Turkey, Canada, Australia, Japan and Israel

Sources: national statistics (Population Censuses, population registers, registers for foreigners, etc.)

Indeed, in Russia, while individuals born in Armenia are 482,328, Armenian citizens stand only at 59,351. The former (largest) number is the result of massive ethnic repatriation waves occurred just after the collapse of the USSR, according to which significant numbers of people - born in the Armenian territory before 1991 with Russian descent - decided to 'return' their origin country. They are the so-called ethnic Russians who are generally not perceived as Armenian emigrants, but Russian nationals.

In both cases, the preferred destinations for Armenian migrants are Russia and the US, while European Union Member States are just residual destinations.

Inward migration

Stocks

According to the 2001 population census, 25,709 foreign citizens and 285,705 individuals born abroad lived in Armenia in 2001, or 0.8% and 8.9% of the total resident population (table 2).

Table 2 - Population residing in Armenia by country of citizenship and country of birth, 2001

Country of citizenship/ country of birth	Armenia	Azerbaijan	Georgia	Iran	Russia	Syria	Others	Total
Armenia	2,921,973	103,826	64,117	15,358	25,776	5,084	49,321	**3,185,455**
Azerbaijan	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	**n.a.**
Georgia	102	5	2,176	0	9	0	12	**2,304**
Iran	8	1	0	579	0	1	6	**595**
Russia	3,130	525	376	14	3,131	5	442	**7,623**
Syria	7	0	0	0	0	229	10	**246**
Others	873	78	34	35	42	15	-87	**990**
Stateless	1,213	11,254	93	13	119	11	1,248	**13,951**
Total	**2,927,306**	**115,689**	**66,796**	**15,999**	**29,077**	**5,345**	**52,799**	**3,213,011**

Source: Population Census - 2001

Resulting mainly from the conflict within the Nagorno Karabakh region, people born in Azerbaijan represented 40.4% of all individuals born abroad, among whom a large majority has the Armenian citizenship (89.7%). Other important migrants' communities are from Georgia, Russia and Iran.

As with their profile, they are mostly women (53.2%) with a secondary diploma (53.4%), while tertiary educated stand at 19.9%.

Flows

Despite Armenia has been mainly an emigration country, recently, there have been a rising number of immigrants via issued residence permits (figure 3). In 2006 2,818 were issued; in 2007 3,921 and in 2008 4,155 - an average annual increase of 15.8% (figure 3). In 2008, the majority of immigrants (90.0%) granted residence permits are citizens of non-CIS countries. Major countries of origin were Iran (almost 29%), USA (10%), Syria (9%), Iraq (7%), and Russia (6%).

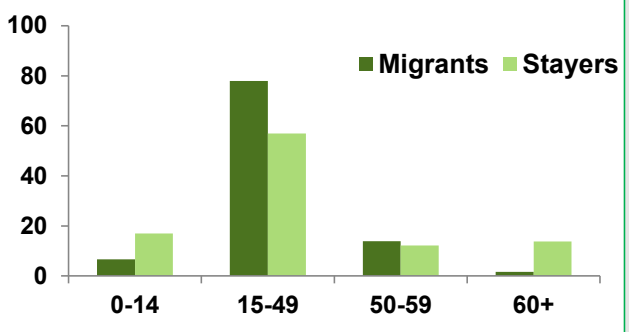
The profile of Armenians abroad is gender-balanced (males: 47.5%). As with their socio-economic profile, Armenian migrants have a medium-high level of education with 43.7% holding at least a secondary education diploma and 35.8% a tertiary one. However, OECD countries host a larger portion of tertiary educated Armenians (40.4%) than CIS states do (17.7%). In the former region, this intermediate skill profile reflects their job insertion, with almost 4 out of 10 (39.0%) Armenian migrants employed as professionals, associated professional, technicians or clerks.

Flows

Data from the 'Sample Survey on External and Internal Migration' (SSEIM)[1] allow tracing the main characteristics of recent Armenian emigrants. Accordingly, between 2002 and 2007, 205,000 Armenians emigrated and were still abroad in 2007 (UNPFA, 2008). Although SSEIM data were measured in a different time period to the 2011 Census, their results supply similar results i.e. the size and direction of migration flows and migrant characteristics. Hence this allows for the assumption that migrant characteristics may not have differed from 2008-2010, a period with no active study of migrants with regard to Armenia. Hence the following data are assumed to be consistent for flows from 2002 to 2011.

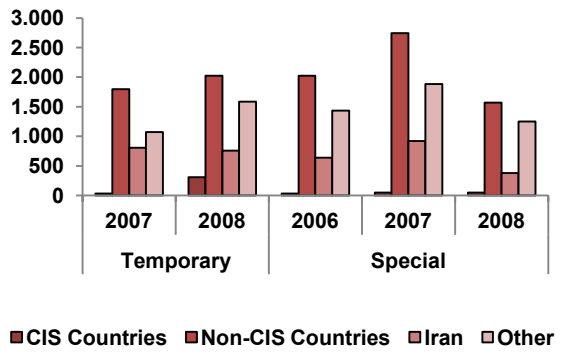
The age distribution of recent migrants differs from that of Armenian stayers, as highlighted in figure 1, working age migrants are more represented than stayers (77.9% vs. 57.0%, respectively).

Figure 1 - Armenian emigrants and stayers by age group (in %), 2007



Source: Sample Survey on External and Internal Migration in RA (in UNPFA, 2008)

Figure 3 - Residence permits granted to foreign nationals by country/region of citizenship and permit type, 2006-2008



Source: National Statistical Service - Armenia

As regards the prospects for immigration flows, we must remember here the shrinking numbers as well as the difficult economic and social situation in Armenia: no significant changes are likely in the immediate future. Undoubtedly, there is the possibility of the inflow of a considerable number of immigrants (forced settlers or refugees) from the Armenian diasporas of the Middle East: Syria, and quite possibly Iran.

Yet, as the Iraqi experience has shown, for most diaspora-members Armenia is a jumping off point for further travel to the West. According to the State Migration Service of Armenia, between 2005 and 2011 851 Iraqi citizens of Armenian origin requested asylum, in 829 cases asylum was then granted. Unfortunately, there is no reliable data as to how many eventually settled in Armenia and as to how many left the country.

As for Syrian Armenians, according to the same service, in 2011, 4,449 fled the Syrian civil war to Armenia, while in the first six months of 2012, the number of arrivals from Syria was 1,986 people, 813 more than in the previous year.

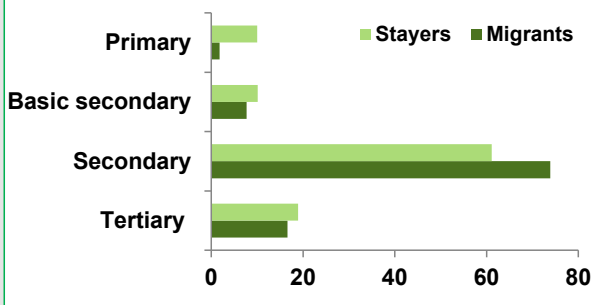
[1] The 2007 "Sample Survey on External and Internal Migration in the Republic of Armenia (RA)" was conducted by the National Statistical Service of RA and the RA Ministry of Labor and Social Issues June-November 2007. The United Nations Population Fund (UNFPA) has provided funding and technical assistance (UNFPA, 2008)

Emigrant recent flows are 78.5% male, whilst in the stayer population males only take a 48% share of the population. On average, male migrants were older than their female counterparts – 36 for the former and 31 years of age the latter. Whereas by marital status migrants have similar characteristics to the stayer population.

An overriding majority of Armenian recent emigrants left for Russia (75%), while 5% for the US and 3.4% for other CIS countries. Again, the European Union is nearly absent.

Figure 2 confirms the medium skilled profile of Armenian recent migrants, which is however higher that of stayers.

Figure 2 - Armenian emigrants and stayers by level of education (in %), 2007



Source: Sample Survey on External and Internal Migration in RA (in UNPFA, 2008)

From an employment perspective, 80% of recent emigrants did find employment abroad. Among them, the majority (75.0%) was contracted on a private basis, 7.5% publicly, and 10% were self-employed. Employment by industry is heavily centred in construction - 60%, 10% in trade, nearly 7% in services with 4% in manufacturing and transport.

Motivations to migrate were predominantly connected to issues of employment. A lack of employment was the key migration motivation for 40% of migrants, 33% left for remuneration that could provide for adequate living standards. Family reunification on the other hand only accounted for 7% of moves. Interestingly 10% moved due to a less than favourable socio-political climate. Although remuneration was a major motivation for one third of migrants 40% could not earn a sufficient wage in order to save money. One in ten migrants received half of their entitled remuneration, half received more than half but less than full pay. Hence the labour exploitation of Armenian recent emigrants is a major issue.

References: United Nations Population Fund (UNFPA). 2008. Report on sample survey on external and internal migration in RA, Yerevan; Yunosov A. 2009. Migration Processes in Azerbaijan, Adologlu, Baku.

The Legal Framework of Migration

In the last twenty years, the Republic of Armenia has experienced substantial changes in migration dynamics, the causes and consequences engendering them, the groups directly or indirectly engaged in migration, as well as perceptions on how to solve these problems by means of state regulation. Naturally, these changes have an impact on the Armenian system of public administration and the implemented migration policy, thus, conditioning its development.

Following the initial focus on the issue of international protection since late 1990s, the spectrum of the state regulation of migration was substantially expanded and extended beyond the issues surrounding the solution of the refugee issues only. In this period, grounds were laid for *national legislation* in the area of migration: the Law on Refugees (1999), on the legal and socioeconomic guarantees for persons that had forcibly migrated from the Republic of Azerbaijan in 1988-1992 and acquired citizenship of the Republic of Armenia (2000), on Political Asylum (2001), on the State Border, on the Border-Guard Troops, on the State Register of the Population (2002). Migration was also placed on the agenda of international relations of Armenia. Bilateral interstate agreements for regulating relations in the area of migration were concluded with over 10 states. Armenia acceded to the conventions related to the Status of Stateless Persons (1954), for the Protection of Human Rights and Fundamental Freedoms (1950), on the Nationality of Married Women (1957), Concerning Discrimination in Respect of Employment and Occupation, the Strasbourg Framework Convention for the Protection of National Minorities (1995), the ILO Migration for Employment Convention C97, etc.

Legal Framework	Outward migration	Inward migration
General legal references	2008 Law on Refugees and Asylum 2006 Law on Foreigners 2001 Law on State Boarder 2001 Law on Border Guards Troop 2001 Law On Political Asylum 1999 Law on Refugees (replaced by 2008 law) 1995 Law on Citizenship 1995 Constitution	
Entry and Exit	**Visa** Apart from being a party to the 1992 ***Agreement on Visa-free Movement of Citizens of the CIS-Countries on the Territory of the Member States,*** Armenia has concluded bilateral visa-free agreements with Belarus, Georgia, Kazakhstan, Russian Federation and Turkmenistan. A similar agreement has been also concluded with Argentina. EU-Armenia Visa Facilitation Agreement was signed in 2012 (entry into force together with EU-Armenia Readmission Agreement after internal procedures for their official conclusion are completed). **Cross-border mobility** Citizens of Armenia can cross the border freely, with a valid travel document. Armenia also provides for a **certificate of Return to the Republic of Armenia**. According to the Decision of the	**Visa** Entry visas are issued for up to 120 days, with the possibility of extension for a maximum term of up to 60 days. There are four types of entry visas in Armenia: visitor visas, official visas, diplomatic visas and transit visas. The entry visa is not required for the citizens of Argentina, Belarus, Georgia, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Ukraine, Uzbekistan, Azerbaijan and Kyrgyz Republic (acc. to the MFA, the visa-waiver for AZ, KG and UZ citizens is practiced on an ad-hoc basis, and is not formalised by any bilateral agreement). In accordance with the Governmental Decree No. 1255-N of 4 October 2012, the citizens of the EU and Schengen Member States are exempted from visa requirement and can stay in Armenia up to 180 days per annum as of 10 January 2013.

	Armenian Government No 297-N 24 of March 2011, the certificate is a one-way travel document. This document enables Armenian citizens, those recognized as refugees or those who have sought asylum in the Republic of Armenia, and those with a right to reside in the Republic of Armenia to return quickly should they lack legal documents enabling them to cross the state border (point 1 of Annex 2 approved by the decision). Those illegally staying abroad without legal documents are also provided with the return certificate in order to ensure their return to the Republic of Armenia.	**Cross-border mobility** Foreigners can enter Armenia through state border crossing points with a valid passport, an entry visa or a document attesting the residence status. Foreign citizens can enter Armenia either without a visa if they are citizens of certain countries exempted from the visa obligation mentioned above, or with a visa issued in an Armenian diplomatic mission, at the border crossing points or electronically. Exit conditions are stipulated in Art. 12 of the Law on Foreigners. Foreigners may exit Armenia with a valid passport and a valid document attesting lawful stay or residence. The exit of a foreigner may be prohibited in case of criminal charges or a court sentence.
Irregular migration	Readmission agreements are in place with Benelux countries, Bulgaria, Czech Republic, Denmark, Germany, Latvia, Lithuania, the Russian Federation, Norway, Sweden and Switzerland since 2003. In order to fulfil obligations of agreements, the government has adopted a decision No. 1360-N in 2011 which defines relevant duties of Armenian state authorities as well as procedural issues. Agreement on cooperation between CIS Member States in combating illegal migration of 6 March 1998 regulates cooperation between Armenia and other countries in the CIS area. On this basis, Armenia must develop instruments curbing irregular migration of its own nationals, in accordance with international law.	Migration-related offenses are included in the Criminal Code of Armenia (Article 329. Illegal state border crossing) according to which crossing the state border without relevant documents or permits, is punished by a fine of 100-200 of minimum salaries or imprisonment for up to 3 years. The same action committed by an organised group is punished with imprisonment for 3-7 years. This Article does not apply to cases when a foreign citizen or stateless person enters the Republic of Armenia without relevant documents or permits to seek political asylum stipulated by the Constitution and legislation of the Republic of Armenia. However, practically, there are cases when the foreigners who had applied for asylum were subjected to criminal liability because they did not have relevant document or permit. The Code on Administrative offences (Article 201) defines the sanctions for the foreigner who stays in Armenia without a valid passport or residence permit. Penalties are also foreseen for a person, who invited a foreigner without covering the cost of his accommodation, health care and travel. In cases of absence of travel documents or legal grounds to stay in Armenia, foreigners (except asylum seekers) are forcibly returned from the state border by the same carrier. If the immediate return is impossible, they may be **detained** in a transit area or in a special facility provided for that purpose.

		Foreigners with no legal grounds to stay are obliged to leave the country on their own (no time limit except for rejected asylum seekers, 6 months). The failure to depart independently can lead to the expulsion. The latter is ordered by a court upon the request of the Police. The **Police** implements the expulsion decision. A 3-year entry ban is imposed for expelled foreigners. **Arrest and detention** are possible when there is a risk of absconding (max. 90 days). If the expulsion is impossible within 90 days, the police issues a **temporary residence permit** valid for up to one year. A foreigner subject to expulsion from the Republic of Armenia enjoys all the rights to judicial remedies provided for by the laws of the Republic of Armenia. A detained or arrested foreigner enjoys the following rights: – to information in their own language; – to appeal; the appeal has a suspensory effect on the expulsion. – to legal support and consular support; – to apply to a court for release; – to necessary medical assistance. The Code on Administrative offences (Art. 201) defines sanctions for the employer (in the case of a legal entity, their executive directors) if they employ foreigners without a work permit or without appropriate resident status. The employer is punished by a fine of 100-150 minimum salaries.
	The definition of "Trafficking" was stipulated in the Criminal Code (Article 132) in 2003. This article was amended in 2006 and accepted the definition of "Trafficking" from "Palermo Protocol" (ratified by Armenia in 2003).	
Rights and settlement	According to the Constitution, Armenian citizens enjoy the protection of their State both at home and abroad. Armenia is a party to the Agreement on guaranteeing rights of CIS citizens in the field of pension provision (in force since 1993), very relevant for Armenian migrant workers.	Foreigners have the rights, freedoms, and responsibilities equal to the citizens of the Republic of Armenia, unless otherwise provided for by the Constitution, laws, and the international treaties of the Republic of Armenia. Armenian legislation distinguishes between three types of residence permits: temporary; permanent and special. **Temporary residence permit** is granted by the Police Department for a term of up to one year with a possibility of extension for one year every time. **Permanent residence permit** is granted for a term of five years with a possibility of extension for

		the same term every time. **Special residence status** is granted to foreigners of Armenian origin. Special residence status may also be granted to other foreigners who carry out economic or cultural activities in the Republic of Armenia. Special residence status is granted (by the President) for a term of ten years. It may be granted more than once.
Labour	Armenia ratified ILO Migration for the Employment Convention (C97) and the ILO Migrant Workers Convention (C143). Arts are of particular importance to the employment of Armenian citizens abroad. 2-4 of the ILO C97 Migration for Employment Convention, obliging Armenia: to facilitate the departure of migrant workers; to maintain an adequate and free service to assist migrant workers, and, in particular, to provide them with accurate information, and to take all appropriate steps against misleading emigration and immigration information. Armenia also pre-signed a bilateral Agreement with Qatar on recruitment and effective use of Armenian health workers.	The *Law on Foreigners* of 2006 is a key legal act regulating the employment of foreigners in Armenia. A definition of "Migrant Workers" is not stipulated by the Law. The Law does not classify foreign workers according to their qualifications, specific sectors of employment by the nature of their employment (paid or self-employed, seasonal, etc.). The Law envisages favourable treatment with regard to some categories of foreigners, depending on their legal status. There is no established quota system for migrant workers. Employers have the right to conclude an employment contract (service contract) with foreign employees. They also have the right to use their labour based on the work permits granted to foreigners by the authorized body. When granting work permits to foreign citizens, the needs of the Armenian labour market have to be taken into account. Therefore, time-limits for an employer have been established to fill available vacancies with Armenian citizens before engaging foreign nationals. These provisions from the relevant Articles of the Law on Foreigners and the Code of Administrative Offences have not been fully implemented so far, and all provisions on the principle of national preference and the requirement of a work permit (Arts. 22-26, 28) are not applicable until the Government adopts relevant implementing decisions.

	Armenia has concluded bilateral agreements regulating labour migration with Belarus (entered into force in 2001), Georgia (into force since 1996), the Russian Federation (in force since 1994) and Ukraine (in force since 1997). Moreover, among several agreements within the framework of CIS, it is a party to the 2010 *Convention on the legal status of migrant workers and their families, adopted by CIS Member States*. Together with Azerbaijan, Belarus and Moldova, Armenia is a party to the 2008 CIS Convention on the legal status of migrant workers and members of their families, coming from the CIS participation (in force since 2010, for UA since 2012). Armenia is also a party to the following multilateral agreements in the framework of CIS: Agreement on cooperation within the field of labour migration and social protection for migrant workers of 15 April 1994 Protocol on amendments to the Agreement on cooperation in the field of labour migration and social protection for migrant workers of 25 November 2005.	
Citizenship	The Article 13.1 of the ***Law on the Citizenship of the Republic of Armenia*** of 1995 regulates the state approach to dual citizenship. A person who holds the citizenship of other countries in addition to Armenian citizenship is deemed dual citizen of the Republic of Armenia. For the Republic of Armenia, a dual citizen is recognized only as Armenian citizen. A dual citizen of the Republic of Armenia has the same rights, responsibilities and obligations as other citizens. An Armenian citizen upon accepting or receiving the citizenship of another country shall inform the authorized body of the Armenian Government, no later than one month thereafter.	***Law on the Citizenship of the Republic of Armenia*** of 1995 defines grounds, procedure and conditions for acquisition, cessation and loss of citizenship as well as deprivation of citizenship and its restoration. Bases for the acquisition of RA Citizenship are stipulated in Article 9 of this Law. As a rule, RA Citizenship is acquired: 1. Through recognition of citizenship; 2. By birth; 3. Through naturalization; 4. Through the restoration of citizenship; 5. Through receiving citizenship as a group (group naturalization); According to Art. 10 (2) of the Law, stateless persons or former citizens of other USSR republics who are not foreign citizens and who permanently reside in Armenia can be recognized as citizen of the Republic of Armenia if they have applied for its acquisition up to one year after the entry into force of the Law. That deadline has been prolonged for a few times to encourage refugees from Azerbaijan /1988-1992/ to obtain citizenship of Armenia. According to the last amendment of this Law they can apply for that until 31 December, 2012. Any foreigner of 18 years of age and capable of working may apply for Armenian citizenship, if he/she: 1. has been lawfully residing on the territory of the Republic of Armenia for the preceding 3 years; 2. is proficient in Armenian; 3. is familiar with the Constitution of the Republic of Armenia.

		Receiving RA Citizenship as a group in case of repatriation or other cases prescribed by Law shall be carried out by decree of the President of the Republic.
International Protection	Armenia acceded to the 1951 Geneva Refugee Convention and the 1967 New York Protocol relating to the Status of Refugees in 1993. The following forms of international protection exist in Armenia: a) Asylum granted to refugees and persons in need of temporary protection b) Political Asylum as a special status granted to publicly well-known foreigners and providing protection from political persecution experienced by them in their countries of origin. The RA Law on Refugees and Asylum (Chapter 2) establishes basic rights of the asylum seekers and recognized refugees. Asylum seekers and refugees have the same rights and obligations as foreigners and stateless persons legally residing in Armenia, unless the present Law provides otherwise (Art. 15). They have the right to apply to UNHCR (Art. 16). Asylum seekers and refugees granted asylum have a right to be allowed to seek and find an employment within the territory of Armenia under the same conditions as citizens of Armenia, unless the present Law provides otherwise (Art. 21). The Law On Foreigners envisages favourable treatment with regard to some categories of foreigners, proceeding from their legal status. At the same time, an asylum seeker or recognized refugee cannot fill positions in state and local self-government bodies. Refugees granted asylum have the right to benefit from the social services, state-allowances and other financial assistance, which are defined by the legislation of Armenia for the citizens of the Republic of Armenia, as well as they have the right for social protection with regard to pension security and unemployment prescribed by the legislation of Armenia (Art. 23), the right to accommodation (Art. 24). Refugees do not enjoy political rights.	

The Socio-Political Framework of Migration

In the early 1990s, migration was not a priority in Armenia policy-making. The focus was on mobility after the collapse of the Soviet Union and the flows of Armenian refugees following the conflict in Nagorno-Karabakh. The first decade of independence was characterised by intensive mobility of the population, with growing prevalence of outward migration, but the policies did not follow the phenomena on the ground. At that time, migration was regulated by the state mainly by legislation, i.e. law on citizenship, law on foreigners, law on state border, etc. Only early 2000s brought a change. For the first time, the state policy on migration in Armenia has been formulated in the document "Concept of State Regulation of Migration in Armenia" which was adopted by the Government in November 2000.

The government of Armenia announced EU integration as a political direction for the country. This approach covers all possible policy areas, including migration. The latter is defined by the priorities of the European Neighbourhood Policy (ENP) and Eastern Partnership initiative. In the field of Justice, Freedom and Security of the ENP Action Plan there are more than 20 issues related to migration: starting from the border management, readmission and asylum issues and ending with the combating of illegal migration and trafficking in human beings.

The attitude of the Armenian authorities towards regulation of migration processes, as well as their causes and consequences has become more proactive as evidenced by its **2008-2012 Programme.**

To date, the Armenian government has adopted a number of strategic documents, which are also linked to the area of migration regulation (the Strategy of National Security, the Sustainable Development Programme, the Concept for the Development of Co-operation between Armenia and the Diaspora, the Strategy on Demographic Policy of Armenia, etc.).

Socio-Political Framework	Outward migration	Inward migration
Governmental Institutions	The current migration management model in the Republic of Armenia is decentralized, in the sense that various functions and operations – such as control over entry, stay, residence and exit of foreigners, emigration of nationals, labour migration, asylum, etc. – are performed by different governmental entities. The State Migration Service (SMS) created in 2010 within the Ministry of Territorial Administration is the central authority responsible for the development and implementation of the state policy on management of migration processes, as well as for the coordination of activities of the governmental institutions dealing with migration issues in the area of policy development and drafting legal acts.	
	Ministry of Diasporas, established in 2008, is responsible for the development, implementation and continuous improvement of the state policy on development of the Armenia-Diaspora partnership and the coordination of the activities of the state bodies in this field. **The Police** is responsible for issuance of exit stamps (passport validation) for Armenian citizens and operates the Passport and Residence database of the citizens of the Republic of Armenia. **Ministry of Foreign Affairs** is responsible for passports, and return certificates as well as for the issuance of the special residency status and the relations with Armenians abroad.	**Border Guard Troops under the National Security Service** are in charge of the border management and control. They also manage the Border Management Information System database. **The Police** investigates cases of illegal state border crossings but is also responsible for visa issuance at the borders, visa extension, granting of residence status/residence permits, registration of foreigners on the territory. **Ministry of Foreign Affairs** is responsible for issuance of visas.

Governmental Strategy	Emigration is not separately emphasized in the "Concept for the Policy of State Regulation of Migration in the Republic of Armenia" (2010) as a priority direction. Issues related to emigration are captured in various emigration areas, such as labour emigration, illegal emigration from Armenia, etc. In 2009 the Concept Paper on Development of Armenia and Diaspora Co-operation was approved by the Armenian Government and the Draft of the Concept Paper on Organization of Repatriation Process was developed. The main objectives include protection of the rights of Armenian workers abroad (e.g. through ensuring legal migration); development of economic ties (e.g. through joint projects with Armenian associations abroad); encouragement for investment in Armenia; and return policy.	Recent key policy instruments regarding migration include: – Concept for the Policy of State Regulation of Migration in the Republic of Armenia, 2010 – The Action Plan for Implementation of the Policy Concept for the State Regulation of Migration in the Republic of Armenia, 2012-2016 – Concept on Studying and Preventing Irregular Migration Originating from Armenia, 2012-2016 (adopted in 2011) – Trafficking Policy of Armenia 2010-2012 The new Concept of State Regulation of Migration in the Republic of Armenia has been approved by the Government of Armenia's protocol decision N 51, on December 30, 2010. It is implemented by the "Action Plan for Implementation of the Policy Concept for the State Regulation of Migration in the Republic of Armenia in 2012-2016" As a result of the measures carried out in the framework of the Action Plan, Armenia invests in substantial legislative reforms in the area of migration and in conformity with the EU legislation; improves institutional infrastructure as well as its systems of border management, and provision of asylum. One of the priorities is also the introduction of a migration information database centralizing all the information.
Civil Society	Eurasia Partnership Foundation (EPF) EPF established six Migration and Return Resource Centers **"French-Armenian Development Foundation in Armenia" (FFAD)** **The International Centre for Human Development (ICHD) NGO**	**The International Centre for Human Development (ICHD) NGO**
Migration and economic development	European integration, being a political priority for the development of the Republic of Armenia, the mobility facilitation of people and stimulation and intensification of the contacts between the citizens of Armenia and the EU being important elements of Armenia's European rapprochement, as such **the Joint Declaration on a Mobility Partnership between Armenia and the EU was signed on October 27, 2011**. One of the potential benefits of Armenia-EU Mobility Partnership is regulated labour	

	opportunities in the participating MS, which will offer the Armenian migrant new skills and work experience, increased incomes, equal treatment and rights, the possibility of transfer of pension rights and which will offer Armenia as a country more foreign investment and trade links, transfer of remittances, know-how and innovations and the promotion of brain circulation (via circular migration schemes and increasing the role of the Diaspora communities in the development of their home country). However, there is no concrete step implemented in this framework up to this day. The Armenian government also strongly promotes and facilitates the mobilizing of migrants' assets for the development of the economy of the country. In 2006, the government worked out a project for creating a special All-Armenian bank in Armenia, which allows more efficient use of capital of the Diaspora in the development of Armenian economy. Construction of All-Armenian bank has already started in one of the small towns of the Republic - in Dilijan, which is planned to be turned into a major financial centre of Armenia.
International Cooperation	Armenia is a member of the following association actively working on migration issues: IOM, Council of Europe, Commonwealth of Independent States, and OSCE. It participates in the following regional processes: Budapest Process, Prague Process, and Eastern Partnership. It is subject to the European Neighbourhood Policy and Black Sea Synergy.

AZERBAIJAN

The Demographic-Economic Framework of Migration

Emigration in post-Soviet Azerbaijan went through several phases, each having its own set of characteristics and traits that had different impacts on socio-economic and political life. Generally, mass labour emigration started in 1995, when the Nagorno-Karabakh conflict ceased. These flows were mainly directed towards the Russian Federation until a major financial crisis hit this country in 1998 resulting in decreasing job opportunities for labour migrants there. Since then, Azeri migration has been redirected towards other countries including the US, Germany and Turkey, whilst Russia still represents an important destination country.

As with immigration patterns, in the immediate aftermath of the collapse of the Soviet Union Azerbaijan saw a mass influx of refugees originating from other former Soviet Republics, with large concentrations originating from Armenia; these flows included involuntary repatriation. Once these flows began to decline there was a rise in the amount of immigration from neighboring Middle Eastern states, which included Azerbaijan becoming a transit country to the Middle East. With increased oil production in the new millennium there was an increase in both regular and irregular immigration, attracting migrants from South East Asia. Unfortunately, given the absence of an official registration system for labour migrants, expert and media estimates are the only sources on which one can rely upon.

Outward migration

Stock

According to destination countries' statistics, 952,404 or 291,388 Azeri migrants resided abroad in years around 2012 (table 1), who represent respectively 10.3% or 3.2% of the total population residing in Azerbaijan. The huge difference between the two estimates depends on whether migrants living in Russia are counted according respectively to the country of birth or citizenship criterion.

Table 1 - Azeri emigration stocks by country of residence, most recent data (c. 2012)

Country of residence	Definition (a)	Reference date (Jan 1st)	Number	Number	%	%
European Union			**34,513**		**3.6**	**11.8**
of which Germany	(B)	2012	15,754		1.7	5.4
UK	(A)	2012	3,000		0.3	1.0
Latvia	(A)	2011	2,602		0.3	0.9
CIS countries + Georgia			**854,961**	**193,945**	**89.8**	**66.6**
of which Russia	**(A)**	2002	846,104	X	88.8	X
Russia	**(B)**	2010	X	67,947	X	23.3
Armenia	(A)	2001	115,689		12.1	39.7
Ukraine	(B)	2001	8,479		0.9	2.9
Other countries (b)			**62,930**		**6.6**	**21.6**
of which Israel	(A)	2005	28,837		3.0	9.9
US	(A)	2011	20,531		2.2	7.0
Turkey	(B)	2011	9,884		1.0	3.4
Main total			**952,404**	**291,388**	**100.0**	**100.0**

(a): Azeri migrants are defined according to the country of birth (A) or country of nationality (B) criterion according to countries of residence; in Russia both numbers are reported.

(b): "Other countries" include Iceland, Liechstein, Norway, Switzerland, Jordan, Turkey, Canada, US, Australia, Japan and Israel

Sources: national statistics (Population Censuses, population registers, registers for foreigners, etc.)

The large majority lived in other CIS countries, especially in Russia and Armenia. While European Union countries hosted only a small portion of Azeris, significant numbers were found in Israel and the US.

Females represent the majority of Azeri migrants at 55.2%, even though this value dropped by 12.6% among the stock of Azeri temporary working age migrants in the Russian Federation.

Inward migration

Stock

In 2009, 254,993 individuals who were born abroad and 14,822 foreign citizens resided in Azerbaijan (2.9% and 0.2 of the total population, respectively).

Table 2 - Immigration stocks in Azerbaijan according to different criteria, 2009

Country of citizenship/ country of birth	Number (birth)	Number (citizenship)
CIS countries + Georgia	**248,872**	**8,432**
of which Armenia	143,726	n.a.
Georgia	49,496	4,088
Russia	27,835	3,417
Uzbekistan	16,482	420
Kazakhstan	3,505	138
Ukraine	2,726	252
Kyrgyzstan	2,474	n.a.
Turkmenistan	1,669	117
Belarus	444	n.a.
Moldova	274	n.a.
Tajikistan	241	n.a.
Other countries	**6,121**	**6,390**
of which Turkey	2,053	1,484
Iran	1,481	518
Total migrants	**254,993**	**14,822**
% of the total population	*2.9*	*0.2*
Stateless	**-**	**3,585**
Total migrants + stateless	**254,993**	**18,407**
% of the total population	2.9	0.2

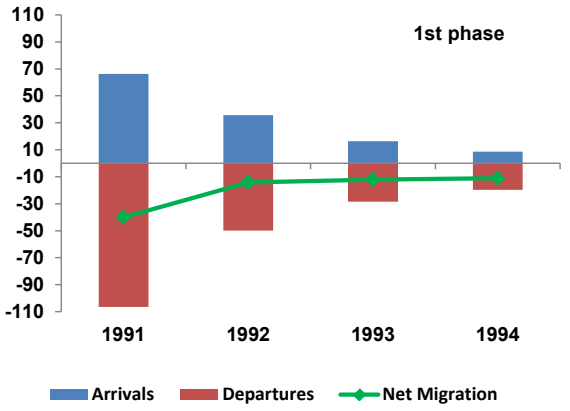
Source: Population Census - 2009

Azeri migrants have an intermediate level of education with 52.7% and 25.0% having a secondary and tertiary level of education, respectively. By looking only at tertiary educated migrants, their proportion is however lower in CIS states (17.1%) than in OECD countries (25.0%). In the OECD region, Azeri migrants are mainly employed as professionals (18.8%), service, shop and market sale workers (18.3%) and craft and related trades workers (15.2%).

Flows

Figures 1a and 1b illustrates the three phases of changes to Azeri migration flows. The *first phase* (1991-1994) was associated with the conflict between Azerbaijan and Armenia over Nagorno-Karabakh, as well as the collapse of the Soviet Union. Both of these caused enormous migration flows from Azerbaijan and led to serious demographic changes in the country. The outflow of the population had a pronounced ethno-linguistic character. The first to leave were national minorities, mostly Armenians and Russians, as well as many Russian speakers, including Azerbaijanis. Most of these moved to Russia and Armenia, as well as to other CIS countries.

Figure 1a - Inward and outward permanent migration flows (in thousands), 1991-1994



Source: State Statistics Committee of Azerbaijan

The *second phase* (1995-1998) came after the conclusion of the 1994 Armenian-Azerbaijani agreement on the suspension of military operations on the front line.

This discrepancy is due to the fact that the majority of people born abroad are individuals born in Armenia with Azeri descent who, during the Azerbaijan-Armenia conflict, 'returned' en masse to their parents' home country. Rather than international migrants, they are today perceived as ethnic Azeris.

Apart from the 2009 Census – which fails to capture both irregular and temporary migrants - in Azerbaijan there is no official registration for labour migrants even of those foreign nationals that work regularly within the country.

Alternative sources may therefore help in this sense.

First, the Turkish presence is likely to be significant. According to the Turkish embassy, in 2012 over 43,846 Turkish citizens lived and worked in Azerbaijan, 30,971 of which are not officially registered, and 12,875 of who work legally (Salam News Agency, 2012). Turkish migrants are mainly employed in construction business and furniture as well as service companies.

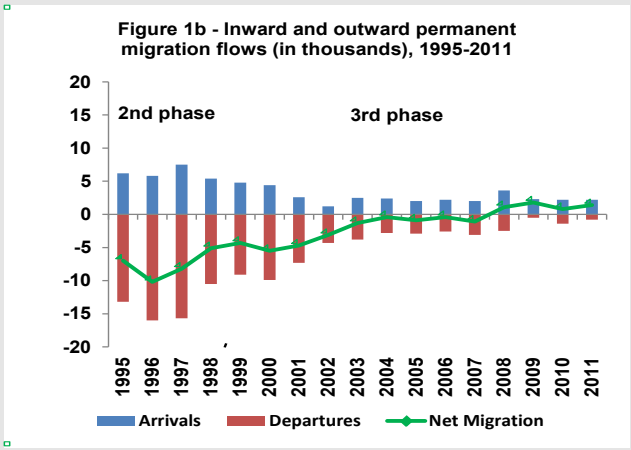
Second, irregular labour migrants also seem to be numerous - recently the Ministry of Labour and Ministry of Social Welfare assessed their number at 25,000.

Flows

From 1991 to 2011 a total of about 410,000 migrants arrived in Azerbaijan for permanent residence according to official statistics (figure 1a and 1b). They were both composed by Azeri return migrants and other foreign citizens. Unfortunately, data do not allow for those categories to be distinguished.

The influx in the early 1990s was the most numerous. It was caused primarily by the Armenian-Azerbaijani conflict and the collapse of the Soviet Union. For the most part they were refugees from Armenia (mostly, Azerbaijanis but also Kurds and Russians) and Uzbekistan (Meskhetian Turks).

In the second half of the 1990s, refugees from other countries began to appear in Azerbaijan, in connection with various conflicts, e.g. from Russia (Chechens), as well as from Afghanistan and Iraq. In addition, religious missionaries and migrant workers from Eastern countries arrived. Among them Turks and Iranians dominated.



Source: State Statistics Committee of Azerbaijan

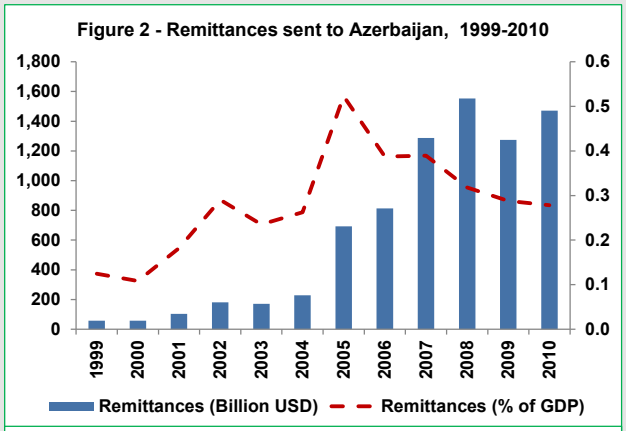
In the second phase ethno-linguistic factors began to fade, and economics took over as the main factor in emigration. It is at this stage that we can start to speak of labour emigration in Azerbaijan, a result of the strong economic crisis. And in this time the main role in the migration flows was played by Azeri citizens, particularly those residing in the provinces. Nevertheless, the main flow of migrants from Azerbaijan headed for Russia and the CIS countries. At the same time, since 1996 Azerbaijani migrants had become interested in emigrating to the West. Most Azeri citizens preferred Germany, as well as the US.

The *third phase* (1998-current) began after the August 1998 economic crisis in Russia, which was a serious blow to the financial hopes of Azeri migrants. They refocused on the West and the Middle East. All this significantly reduced the migration flows from Azerbaijan to Russia.

Remittances have tended to play an increasingly prominent role in Azerbaijan. As figure 2 illustrates there has been a considerable increase in remittances from 2004 onwards. Although there was a noticeable fall in remittances in 2009 attributable to the world financial crisis it is also worthy of noting that a year later in 2010 remittances nearly returned to peak levels in 2008. As a percentage of GDP, they represented 2.8% in 2010.

In the 2000s migrant workers were pulled in by the activities of Western oil companies, which recruited cheap labour from South-East Asia. Initially, most of them came from Pakistan. Further along came migrants from India, Iran, Bangladesh, from the eastern republics of the CIS, mostly from Uzbekistan and Turkmenistan.

The tightening of immigration rules in late 2006 in Russia caused the outflow from this country into Azerbaijan of Chinese migrants as well as citizens of Vietnam, Laos, Cambodia and other far eastern countries. As a result, by the fall of 2008, according to the official data of the Ministry of Interior, there were up to 1,000 Chinese people, while according to NGOs and press agencies; there were nearly 7,000 of them.



Source: World Bank

The majority of remittances were sent from Russia with over 60% being received by persons in the rural regions of Azerbaijan (IFAD, 2006).

References: International Fund for Agricultural Development (IFAD). 2006. Sending Money Home – Worldwide Remittance Flows to Developing and Transition Countries. International Organization of Migration; Salam News Agency. 2012. In Azerbaijan live and work over 43,846 Turkish citizens [in Russian].

The Legal Framework of Migration

The system of migration-related legislation in the Republic of Azerbaijan includes the Constitution, international treaties concluded, national laws and by-laws. The Constitution stipulates that foreigners have same rights and fulfil the same duties as the Azeri citizens, if not prescribed otherwise by the law or by international agreements, which have been ratified by Azerbaijan. However, an implementation gap exists in this area. Although Azerbaijan has ratified a number of Conventions, including the Convention on the Reduction of Statelessness, the Convention relating to the Status of Stateless persons, and the Convention on the Nationality of Married Women, national legal norms are not always in compliance with such instruments, and the relevant implementation mechanisms are not always clearly defined.

A single Migration Code, a draft of which is currently being prepared, purports to eliminate the existing contradictions between the various legal sources that regulate relations within the area of migration.

Legal Framework	Outward migration	Inward migration
General Legal References	2002 Law On State Policy Concerning Citizens Residing Abroad (amended in 2003) 2000 Law On Labour Migration 1999 Law On the Legal Status of Refugees and Displaced Persons 1998 Law On Citizenship 1996 Law On the Legal Status of Foreigners and Stateless Persons 1999 Law On Immigration 1995 Constitution of Azerbaijan (amended 2002) 1994 Law On Exit from the Country, Entry into the Country and Passports	
Entry and Exit	**Visa** Azerbaijan (AZ) is currently in the process of negotiating a Visa Facilitation Agreement with the EU. Azeri citizens are exempted from visa requirements in the CIS countries (except Turkmenistan), as well as in Georgia. Agreements on reciprocal visa-free visits of citizens are signed with the Russian Federation, Kazakhstan, Uzbekistan, and China (for tourists only). Agreements of reciprocal visits of persons with diplomatic and service passports are signed with Egypt, Montenegro, Qatar, Serbia, UAE, Mexico, Vietnam, Libya, Austria, Portugal, Estonia and Slovenia. Usually a person who becomes a citizen of any other country without renouncing the Azeri citizenship is regarded as a foreigner and should obtain a visa to enter Azerbaijan.	**Visa** Agreements on reciprocal visa-free visits for CIS citizens (except Turkmenistan) and Georgia, tourist groups from China and persons with diplomatic and service passports with Egypt, Montenegro, Qatar, Serbia, UAE, Mexico, Vietnam, Libya, Austria, Portugal, Estonia, Slovenia. Maximum period of stay in AZ for citizens coming from visa-free countries is 90 days. Single or multiple transit visas are granted to foreigners going to other countries for passing through the territory of Azerbaijan Republic. If the transit visa has no notes or seals about the non-stop passage, its owner has a right to stay in Azerbaijan Republic for not longer than five days. Singe entry visa is granted for a period from three days to three months, and a multiple entry-exit visa is granted from 1 to 2 years.

	Cross-border mobility Issues related to the exit from and entry into the AR territory of foreigners and stateless persons are regulated by the AR Law on 'Exit from the Country, Entry into the Country and about Passports' (14 June 1994). According to this Law, Azeri citizens have the right to exit and enter the Azerbaijan Republic. Every citizen of the AR has the right to exit from and enter the country freely through the checkpoints established for these purposes. Citizens of Azerbaijan cannot be deprived of the right to exit from and enter their country. The entry/exit procedure is carried out at the border checkpoints and is regulated by the Law 'On State Border' (9 December 1991). The citizens' right to exit from and enter the country is exercised only upon the availability of his/her passport and permit to enter another country, i.e. a visa issued in accordance with international treaties.	**Cross-border mobility** Foreigners and stateless persons are allowed to enter and exit from Azerbaijan when they pass through special checkpoints while holding personal passports and stay permits. The Law forbids entry of foreigners into the Azerbaijan Republic if: 1. it is vital for the protection of national security or public order; 2. it is necessary for the protection of rights and legal interests of the citizens of the AR and other persons; 3. the persons violated requirements of laws of the Azerbaijan Republic during his previous visit to the country; 4. the person gave false information about himself/herself in the application to enter the Azerbaijan Republic; 5. the entry into the AR of the person suffering from mental or infectious (contagious) diseases constitutes a threat to public health (except those persons who do not constitute such threat and arriving at his/her or their legal trustee's expense for medical treatment). The exit of foreigners from the Azerbaijan Republic can be temporarily restricted if: 1. their exit can cause damage to national security - till the removal of this reason; 2. they are suspects or defendants (accused) in committing a crime - till the completion of the case; 3. they are condemned for committing a crime - till the discharge or full serving of the punishment; 4. a civil action is brought against them in court accordingly till a decision on this civil case comes into force as specified by the legislation of the Azerbaijan Republic. Information about the entry and exit of foreigners is registered at the "Entry-Exit and Registration" automated data-retrieval system. Only those persons who have been granted immigrant status in Azerbaijan may exit from and enter the country without a visa by presenting their passports and immigrant identity document. Although there is no

		limitation on the duration of the immigrant's stay out of Azerbaijan, his/her absence in the country for more than six months during a year serves as a basis to discontinue that status[1]. Despite the fact that over half of foreigners entering Azerbaijan are either citizens of the ex-USSR who lived in Azerbaijan in the Soviet times or ethnic Azerbaijanis living now in other countries, there is no simplified procedure for them to enter or exit from Azerbaijan.
Irregular Migration	No bilateral agreements are signed on readmission of illegal migrants. Although in Art. 75(1) of the EC-Azerbaijan Partnership and Cooperation Agreement (entered into force in 1999) Azerbaijan agreed to readmit any of its nationals illegally present within the territory of a Member State, upon request by the latter and without further formalities, this clause has never worked in practice. Azerbaijan ratified Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2003. Azerbaijan is also party to the 1998 Agreement on Cooperation between CIS Member States in Combating Illegal Migration (entered into force for AZ in 1999).	Illegal entry, stay and transit are administrative infringements. The Code of Administrative Offences regulates the removal of irregular migrants and the procedure of reimbursement for expenses related to the removal of individuals. The person expelled from Azerbaijan has no right to re-enter. In case of absence of travel documents or legal grounds to stay in Azerbaijan (except for asylum seekers) migrants are forcibly returned without any possibility to appeal against the return decision. Expulsion of immigrants can be ordered by a court in relation to those whose immigrant status have been annulled because they have fraudulently acquired this status; committed certain administrative infringements; for the purpose of national security; or resided outside AZ longer than 6 months in a year. Seven days are granted for **independent departure**, and the failure to comply leads to **forced expulsion.** Absolute **entry ban** is imposed. **Expulsion of non-immigrant foreigners** can be ordered by the MIA, State Migration Service or a court in relation to foreigners who have seriously infringed the legislation on the legal status of foreigners. 48h are granted for **independent departure,** which can be extended in justified cases. Failure to depart within the fixed time-limit leads to **detention and forced expulsion** ordered by a court. In this case too, an absolute **entry ban** is imposed.

[1] Article 13 of the Law on Immigration.

		Forced expulsion from AR as an additional form of punishment is also provided for by the AR Criminal Code ('RA CC'). Article 52 of the RA CC stipulates that forced expulsion from AR may be imposed on foreign nationals following their initial punishment for serious and very serious crimes. **THB**: The Criminal Code provides for the criminal liability for trafficking in persons (i.e. sale and purchase of human beings, other transactions with respect to human beings, as well as transportation of a person across the border of the Republic of Azerbaijan for the purpose of his/her exploitation, or transfer, harbouring, receipt, transportation), for imposing forced labour, and for illegal sale and purchase and forced withdrawal for transplantation of human organs and tissues**.** In 2005, the **Law on Combating Human Trafficking** was adopted. The Law includes *inter alia* provisions on social rehabilitation of the victims of human trafficking (Art. 15). According to Article 20 foreigners and stateless persons who are victims of human trafficking have the right to apply for residence permit on the territory of the Republic of Azerbaijan. This Article also stipulates that such foreigners and stateless persons who were recognized as victims of human trafficking shall not be subject to expulsion from the country for one year.

Rights and Settlement	**Rights** According to the constitution, Azerbaijan citizens enjoy the protection of their State both at home and abroad. Article 7.1 of the Law 'On State Policy Concerning Citizens Residing Abroad' stipulates that public authorities of the RA assist citizens residing in another country in preservation and development of cultural legacy and national language and assist the citizens of AR in obtaining education in their own language.	**Rights** Chapter 4 of the Law 'On Legal Status of Foreigners and Stateless Persons' stipulates that foreign nationals and stateless persons have the same rights and freedoms and the same responsibilities as citizens of Azerbaijan, if it is not otherwise provided for in the Constitution of AR, other laws and international treaties of AR. Foreign nationals and stateless persons are obliged to adhere to the requirements provided for in the AR legislation, and to respect the customs and traditions of the Azerbaijani people. Foreigners and their family members have a right to social welfare and retirement benefits in Azerbaijan. Foreigners are exempt from military duties. Foreigners do not have a right to participate in elections and referendums. They have the right to participate in municipal elections if they resided within a relevant municipal territory for at least 5 years, and if similar right is in place for foreigners in their country of citizenship[2]. **Settlement** "Rules of Granting Permits for Temporary Residence in the Territory of the Republic of Azerbaijan to Foreigners and Stateless Persons" determine the procedure of granting temporary residence permits to foreigners and stateless persons who arrived in the AR based on a visa or visa-free regime. In order to obtain temporary residence permits, foreigners and stateless persons must file an application to the State Migration Service. When temporary residence permits are issued to foreigners and stateless persons, they are also issued an ID that serves as a valid document for entry and exit. The Law 'On Registration in the Place of Residence and Place of Stay' regulates the procedure of registration of citizens, foreigners and stateless persons in the place of residence and place of stay. Citizens of Azerbaijan, foreigners and stateless persons must register in the place of residence or place of stay[3].

[2] Article 12 of the Electoral Code of Azerbaijan Republic.

[3] Point 1 of the provision on application of the Law 'On Registration in the Place of Residence and Place of Stay';

		Foreigners who want to stay on the territory of the AR less than 30 days are registered at their place of stay. Foreigners intending to reside in the territory of Azerbaijan for more than 30 days must refer to the relevant executive body to register in the place of residence within 3 days after arriving in the place of residence[4]. Persons, having addressed the relevant executive body for registration in the place of residence, are registered immediately[5]. A stateless person is registered at the place of residence. Having referred to the relevant executive body to obtain an identity card replaced, he or she shall be issued a document temporarily proving his or her identity. Foreigners or stateless persons who resided in the territory of Azerbaijan on legal grounds for no less than 2 years have a right to file an application to the State Migration Service to obtain the **status of an immigrant**. Immigrant status is granted by the State Migration Service upon coordination with the Ministry of National Security. Immigrant status is granted for 5 years, but can be extended unlimited number of times for 5 years.
Labour	The main law regulating labour migration issues of the Azeri citizens abroad is the Law 'On Labour Migration'. Article 12 stipulates that: 1. citizens of Azerbaijan who reached the age of 18 have a right to move to another country to be engaged in labour activities; 2. within one month after the date of arrival in another country to be engaged in labour activities they are obliged to register at the diplomatic mission of Azerbaijan. According to Article 14 of the Law, the limitation of labour migration for Azeri citizens in certain qualifications may be determined by higher executive powers. This provision can be interpreted as a restriction on the circular migration of Azeri migrant workers.	According to Art. 13 of the Labour Code, foreigners and stateless persons can benefit from all labour rights on par with the citizens of the AR and bear liabilities in accordance with these rights. It is prohibited to limit the labour rights of foreigners and stateless persons, unless otherwise provided by the law. At the same time, it is inadmissible to set preferential rights for foreigners and stateless persons as regards labour. To employ foreigners, legal and physical persons have to obtain a special permission from the State Migration Service. According to the Law 'On Labour Migration', national preference applies to all job vacancies (Art. 5). There is no recruitment organized on state level.

[4] Point 20 of the provision on application of the Law 'On Registration in the Place of Residence and Place of Stay'.

[5] Point 6 of the provision on application of the Law 'On Registration in the Place of Residence and Place of Stay'.

	Art. 13 regulates the activities of the private employment agencies and the licensing procedure.	Foreigners and stateless persons need a work permit issued by the State Migration Service. In order to obtain this permit, foreigners address the SMS via their employers. Work-permit (valid for 1 year) is obligatory in all cases except for the heads of representative offices and branches of foreign legal entities, as well as for foreigners engaged into business activities in Azerbaijan. Law on Immigration states that only those persons who have been granted immigrant status in Azerbaijan may be employed in Azerbaijan without work permits (Art.13) A labour migrant has a right to terminate the labour contract based on the stipulated legal procedure (Art. 8). Foreigners are granted permits for temporary residence in the territory of Azerbaijan for the period of individual work permit validity. Migrant workers and their family members have the same rights as citizens of Azerbaijan to social security and retirement benefits (Art. 10). This Law and the Regulation 'On Determination of Quotas for Labour Migration' stipulate labour migration quotas. The number of quotas is decided upon by the Cabinet of Ministers.
	Azerbaijan is party to the: – International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ratified in 1999) – CIS Convention on the legal status of migrant workers and members of their families, coming from the CIS participating states (in force since 2010); – Agreement on cooperation in the field of labour migration and social protection for migrant workers, adopted by CIS Member States (in force since 1996); – Protocol on amendments to the Agreement on cooperation in the field of labour migration and social protection for migrant workers, adopted by CIS Member States (signed in 2005). In 2004 Republic of Azerbaijan signed an agreement with Ukraine on the Employment and Social Security of the Ukrainian citizens working temporarily in the territory of Azerbaijan and Azeri citizens temporarily working in Ukraine. The agreement regulates recognition of professional experience, social security, pension rights and health insurance. Azerbaijan signed similar bilateral agreements on cooperation in the field of migration from Moldova, Kazakhstan, Kyrgyzstan, and Belarus.	

Citizenship	The Constitution and the Law 'On Citizenship of the Republic of Azerbaijan' (Art. 1) stipulate that a person belonging to Azerbaijani state, having political and legal ties with it, as well as mutual rights and obligations, is a citizen of the AR. A person born on the territory of the Republic of Azerbaijan is a citizen of the AR. A person, one of whose parents is a citizen of the AR, is a citizen of the AR. The Law 'On State Policy Concerning Citizens Residing Abroad' provides the definition of a citizen residing abroad: citizens of AR and their children, former USSR citizens or former citizens of Azerbaijan and their children. This Law stipulates that residence of an AR citizen in another country shall not serve as a pretext for termination of his or her citizenship. **Dual** or **multiple citizenships** are not recognized for the citizens of the AR. However, the President of the Republic may grant the permission to have dual citizenship. Citizens of Azerbaijan, who are at the same time citizens of other states (if according to the law of the second country, the foreigner that acquires its citizenship does not have to renounce to his/her previous citizenship), in the legal relations with Azerbaijan are recognized only as a citizens of Azerbaijan. The Law on citizenship permits voluntary renunciation of Azerbaijani citizenship. A person, who used to be the citizen of AR but has renounced to it, has a right to recover the citizenship of AR. The grounds for involuntary loss of Azerbaijani citizenship are: 1. A person voluntarily acquires foreign citizenship; 2. A person commits an act that affronts the dignity of the Republic of Azerbaijan.	The main **preconditions for naturalization** are: 1. Permanent lawful residence on the territory of the republic during the last **five** years, 2. Knowledge of the state language (a certificate confirming the knowledge of the language is required), 3. Lawful means of subsistence, 4. Recognition and observance of the Constitution of the AR and national laws. A person willing to obtain the citizenship of the Republic of Azerbaijan submits an application addressed to the President of the Republic of Azerbaijan and all necessary documents to the State Migration Service. All data submitted by the person are verified by the State Migration Service. Decision on granting, recovery or termination of citizenship is made by the President of the AR. Since 1996, Azerbaijan is party to the – 1957 Convention on the Nationality of Married Women, – 1954 Convention relating to the Status of Stateless Persons, and – 1961 Convention on the Reduction of Statelessness.
International Protection	The issues of **political asylum** and **refugee status** are regulated by the Constitution of Azerbaijan, the Law ''On Status of Refugees and Displaced Persons' of 1 May, 1999, and other national legislative acts and regulations. In 1993, Azerbaijan ratified The United Nations Convention Relating to the Status of Refugees. The UN High Commissioner for Refugees has a representation in the Republic of Azerbaijan. According to Art. 70 and 109 of the Constitution of the AR, an asylum in Azerbaijan may be granted to foreigners and stateless persons.	

	In accordance with the 1999 Law on the Status of Refugees and Internally Displaced Persons, **the following forms of international protection** exist in Azerbaijan: – **refugee status**: in compliance with Geneva Convention; – **political asylum**: a person who arrived in the territory of the AR, and applied for refugee status or intends to do so, is considered to be seeking asylum until decision on granting or denying him refugee status is adopted. Paragraph 1.1 of the 'Regulation on the State Committee on Affairs of Refugees and Internally Displaced Persons' of 1 February, 2005, regulates the activities of central executive authority in charge of state practice in the sphere of transportation, accommodation, repatriation, social protection of the persons who became refugees as a result of Nagorno-Karabakh conflict.

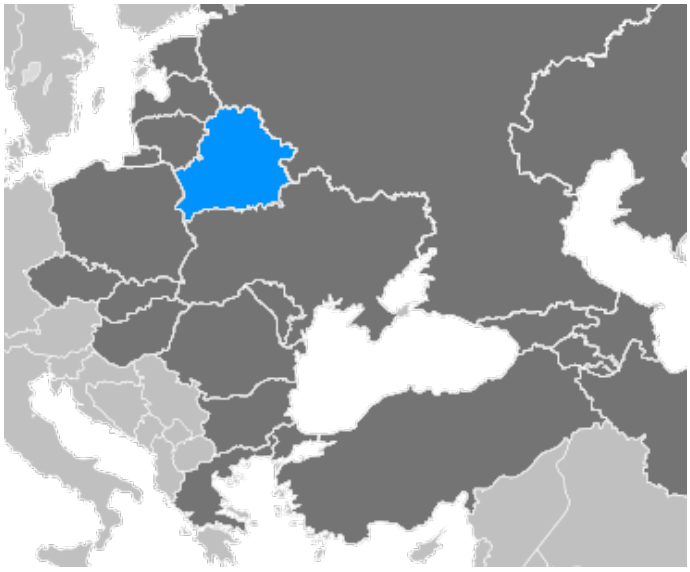
The Socio-Political Framework of Migration

Last two decades have been marked by increasing importance of migration processes in Azerbaijan. The changing character of migration flows has had diverse impact on the socio-political developments of the country. The collapse of the USSR was accompanied by the conflict in Nagorno-Karabakh, pushing hundreds of thousands of Armenians and Russian Jews to leave the country. Refugees and internally displaced persons, most of them ethnic Azeris, flew in the opposite direction. The 1990's saw the revival of oil and gas economy, creating a strong pull factor for international migrant workers as well as for internal migration. At the same time the emigration stayed on high levels. However, these migrations in both directions have not led to the development of a targeted immigration policy. The focus of the authorities is on Diaspora policies. At the same time in the late 2000s the government began to pay closer attention to the control of immigration, one of the consequences being the creation of the State Migration Service. This organ was created in order develop a comprehensive system of migration management, and to forecast migration processes and enhance international cooperation in this field. The implementation of state policy vis-à-vis migration also implies the creation of a unified database and an up-to-the-minute automated control system. As a result, from 2007 onwards, Azeri migration policy has gradually become stricter. The State Migration Service enforces severe sanctions against irregular migrants (but not against employers).

Socio-Political Framework	Outward migration	Inward migration
Governmental Institutions	Ministry of Foreign Affairs protects the rights of citizens abroad, ensures development of ties with the Azeri citizens abroad, provides consular services and registers Azeri citizens who live in foreign countries on permanent or temporary basis. In 2008 the State Committee on Diaspora was established in Azerbaijan. The chairman of the committee is appointed by the President.	The President participates in shaping the migration policy (legislative initiative, signing of laws, veto right, management of foreign affairs). He/she takes decisions regarding acquisition of citizenship, granting of asylum in Azerbaijan, etc. The State Migration Service maintains a database on migration; grants temporary and permanent residence permits to foreigners and stateless persons; grants immigrant status; grants extensions of temporary stay periods for foreigners and stateless persons in the Republic of Azerbaijan; determines citizenship and refugee status. It cooperates with the Ministry of National Security, the Ministry of Labour and Social Protection, the Ministry of Interior and the Ministry of Foreign Affairs. Ministry of Foreign Affairs is responsible for visa policy. The Ministry of Internal Affairs is responsible for registering foreign citizens and persons without citizenship by their residence and whereabouts, issues identity registration documents and grants citizenship. State Border Service is the main state authority responsible for exercising border control. It registers foreigners at border check points, counteracts irregular migration and checks grounds for foreigners' entry.

Governmental Strategy	The main strategic document addressing emigration is 2004 State Concept of the Azerbaijan Republic on the Migration Management Policy. Main challenges include: – social-economic migration, – ecological migration from the Caspian sea region, – labour migration.	The main strategic document addressing immigration is 2004 State Concept of the Azerbaijan Republic on Migration Management Policy. The main challenges include: – refugees and asylum seekers from the Nagorno-Karabakh region and Georgia, – labour migrants, – transit migrants, – irregular migrants, – re-emigrants and their family members. The objectives of the 2006-2008 State Migration Program of Azerbaijan Republic included: – improvement of migration legislation and assurance of its implementation, – development of a system of migration management, – creation of an automated system of control in the field of migration, – prevention of irregular migration, – enhancement of international cooperation. In 2007, State Migration Service was created, which has taken up the implementation of these objectives.
Civil Society	Since 2008, the State Committee on Diaspora carries out state activities in the field of Diaspora relations, expansion of cooperation with Azeri citizens residing abroad, diasporas formed by them and diasporas of other states that demonstrate friendly attitude to Azerbaijani people, as well as coordinates NGO activities in this field.	Forum of Azeri NGOs on Migration "FANGOM" co-ordinates the activity of NGOs in Migration Sector. Centre for Legal Assistance to Migrants provides free of charge legal assistance to all foreigners and stateless persons staying in Azerbaijan and represents them in various public and judicial authorities. Eurasian Civil Initiatives' Platform (ECIP) assists migrants and provides consultations on citizenship issues.
Migration and Economic Growth	Azerbaijan has not yet implemented programs that would visibly link its communities abroad to economic development objectives at home. Migration contributes to the economic growth by means of practice of remittances that are sent to Azerbaijan by circular migrants.	Traditionally immigration to the AR was limited to people originating from the Soviet or post-Soviet area. In the recent years, Azerbaijan saw an influx of immigrants coming from culturally different regions of the world. These new challenges have been recognized by the government strategy of 2006-2008 and are currently addressed by the State Migration Service on a case-by-case basis.
International Cooperation	Azerbaijan is a member of the following: IOM, Council of Europe, Commonwealth of Independent States, OSCE, ILO and BSEC. It participates in the following regional processes: Budapest Process, Prague Process, Eastern Partnership, European Neighbourhood Policy and Black Sea Synergy.	

BELARUS



The Demographic-Economic Framework of Migration

Since gaining independence in 1991, emigration patterns have been particularly centred toward Russia as well as some European Union Member States. The profile of Belarusian migrants tends largely to differ according to destination. The majority of labour migrants moving toward the European Union are female, whilst the contrary is observed regarding flows to Russia and other CIS states. On average, Belarusian migrants show a medium-high level of education and are employed in medium skilled jobs.

According to official Belarusian statistics, since 2000 Belarus has experienced a net positive migration balance. Immigrants are mainly originating in other CIS countries and likely to be employed in the construction, trade and agriculture sector. Despite few estimates available, irregular migrants employed in the informal economy is well known as being a major feature of migration in Belarus.

Outward migration

Stock

According to destination countries' statistics, 1,361,593 or 453,479 Belarusian migrants resided abroad in years around 2012 (table 1), who represent respectively 14.4% or 4.8% of the total population residing in Belarus. The difference between the two estimates depends on whether migrants living in Russia are counted according respectively to the country of birth or citizenship criterion.

Table 1 - Belarusian emigration stocks by country of residence, most recent data (c. 2012)

Country of residence	Definition (a)	Reference date (Jan 1st)	Number	Number	%	%
European Union			**285,187**		**20.9**	**62.9**
of which Poland	(A)	2012	83,620		6.1	18.4
Latvia	(A)	2011	57,867		4.2	12.8
Lithuania	(A)	2008	56,170		4.1	12.4
CIS countries + Georgia			**941,674**	**33,560**	**69.2**	**7.4**
of which Russia	**(A)**	2002	935,782	X	68.7	X
Russia	**(B)**	2010	X	27,668	X	6.1
Ukraine	(B)	2001	5,872		0.4	1.3
Other countries (b)			**134,732**		**9.9**	**29.7**
of which Israel	(A)	2005	62,541		4.6	13.8
US	(A)	2011	60,590		4.4	13.4
Canada	(A)	2006	7,395		0.5	1.6
Main total			**1,361,593**	**453,479**	**100.0**	**100.0**

(a): Belarusian migrants are defined according to the country of birth (A) or country of nationality (B) criterion according to countries of residence, in Russia both numbers are reported.
(b): "Other countries" include Iceland, Liechstein, Norway, Switzerland, Egypt, Jordan, Israel, Turkey, US, Canada, Australia, New Zealand and Japan.
Sources: national statistics (Population Censuses, population registers, registers for foreigners, etc.)

Indeed, in Russia, while individuals born in Belarus are almost 1 million, Belarusian citizens stand only at 27,668. The former (largest) number is the result of massive ethnic repatriation waves occurred just after the collapse of the USSR, according to which millions of people - born in the Belarusian territory before 1991 with Russian descent - decided to 'return' to their origin country. They are the so-called ethnic Russians who are generally not perceived as Belarusian emigrants, but are Russian nationals.

Females account for 59.1% of all migrants. In the European Union, this percentage is even higher especially for some countries. According to Polish and Italian national statistics (the top EU receivers of Belarusian citizens in 2011), females represented 83.6% and 63.1%, respectively (). Female work opportunities in domestic work – often, at least initially, in the informal sector – may explain these figures. According to Russian sources, in 2002, only 10.1% of Belarusian regular temporary worker migrants were females.

Inward migration

Stock

In 2009, 926,635 individuals born abroad and 142,087 foreign citizens resided in Belarus, or 9.8% and 1.5% of the total population, respectively.

Table 2 - Immigration stocks in Belarus according to different criteria, 2009

Country of citizenship/country of birth	Number (birth)	Number (citizenship)
CIS countries + Georgia	**850,173**	**112,978**
of which Russia	524,101	83,561
Ukraine	186,266	16,874
Kazakhstan	72,077	1,811
Uzbekistan	14,653	1,661
Azerbaijan	11,848	1,452
Moldova	8,138	1,636
Turkmenistan	7,627	2,828
Georgia	7,452	1,078
Armenia	7,255	1,622
Tajikistan	5,389	320
Kyrgyzstan	5,367	135
Other countries	**76,462**	**29,109**
of which Germany	17,605	*216*
Lithuania	15,191	*2,995*
Poland	*8,516*	1,553
China	*2,247*	1,545
Total migrants	**926,635**	**142,087**
% of the total population	*9.8*	*1.5*
Stateless	**-**	**16,116**
Country not declared	**188,391**	**179,450**
Total migrants + stateless + country not declared	**1,115,026**	**337,653**
% of the total population	*11.7*	*3.6*

Source: Population Census - 2009

Again, this discrepancy is due to the fact that the majority of individuals born abroad are people born in the USSR with Belarusian descent who, after the dissolution of the USSR, 'returned' en masse to their parents' home country. Rather than international migrants, they are today perceived as ethnic Belarusians.

The majority of the born abroad population is indeed originating from former Soviet Republics (91.7%) and especially Russia (56.6%), Ukraine (20.1%) and Kazakhstan (7.8%).

As with the foreign population, more than 1 out of 2 persons (53.1%) did not declare their country of citizenship at the time of the census, while another 4.8% were stateless.

The age division of migrants shows just under two thirds are within the age group of the working population, with only 3.6% aged less than 15.

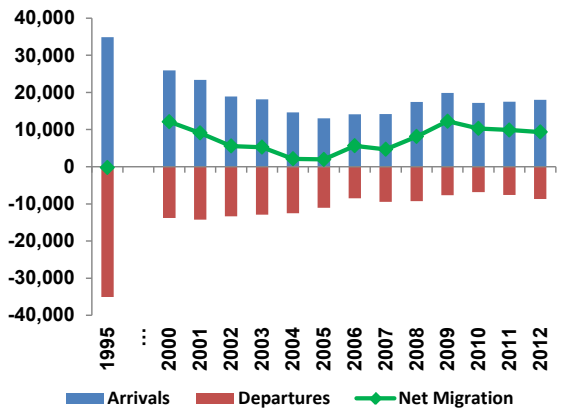
39.9% of Belarusian emigration stocks, sourced in 2006, are educated to the tertiary level. The same value stands at 34.8% in other CIS countries and 40.1% in OECD states. In the latter countries, Belarusian migrants are mainly employed as professionals (26.5%), service workers and shop and market sales workers (17.6%).

Flows

As with other CIS countries major outflows were experienced in the early 1990s peaking at 11.5 persons per thousand in 1990. In 2009 this had fallen to 2.1 persons per thousand. The fall in flows can be attributed to a shift from socio-political push factors in the early 1990s to an increase in the influence of economic push and pull factors.

According to official Belarusian statistics, since 2000 Belarus has experienced net positive (permanent) migration balance (figure 1).

Figure 1 - Inward and outward permanent migration flows to and from Belarus, 1995-2012



Source: National Statistical Committee of the Republic of Belarus (www.belstat.org).

In 2000-2012, permanent departures were recorded at 136,114, among which 66.6% towards CIS countries. The reasons why two-thirds of emigrant flows went there and especially to Russia include: common language, common traditions, family reunification and freedom of movement agreement.

Specifically regarding temporary migration, data highlights that in 2010, 5,000 Belarusians officially registered for temporary work abroad, with 60% aged less than 24 years of age. Belarusian migrants working in CIS countries are heavily distributed within the construction and manufacturing industries, whereas for countries outside of the CIS migrants are employed in trades

These huge numbers reflect a situation shared by most CIS countries. After the dissolution of the USSR, large number of people lost their citizenship as they were unable to confirm or acquire citizenship of any new-born state. This was the result of cumbersome legal requirements adopted in new independent states (for more details, see the section on 'citizenship' in 'The Legal Framework' below). As a result, all these people fell in the category of 'non status migrants'.

Flows

Out of all post-Soviet countries Belarus and Russia were the only countries to have positive migration inflows in the 2000s (figure 1).

On average there was a positive 9,000 inflow of permanent migrants, with 90% emanating from Russia, Ukraine and Kazakhstan. Of these nationalities Ukrainians are more likely to be distributed in in urban centres. Motivations for migrating into Belarus give a telling picture: 32% were family reunifications, 24% return migrants and 24% to work.

Among labour migrants, Ukrainians, Russians and Turks constitute the highest number. Overall, the construction, trade and agriculture sectors are the main sources of employment, despite labour migrants from Russia are from particularly highly paid occupations such as heads of enterprises and organisations, finance, economic and accounting professionals.

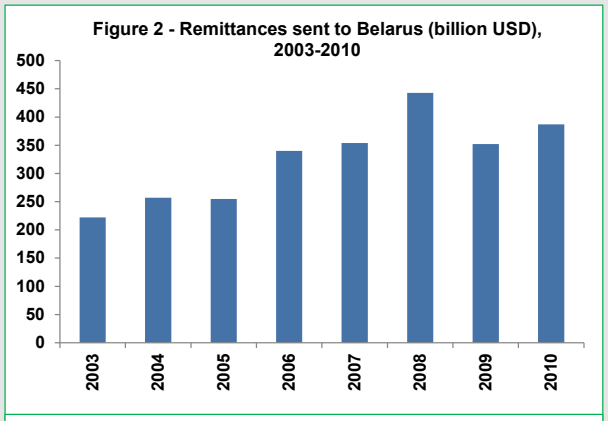
Young males (15-24 years of age) and young women (20-29 years of age) are the dominant age groups. Females generally have high levels of education whereas males tend to have general or incomplete secondary-level education.

There are varying estimates to the size of irregular migration flows into Belarus. The Ministry of Taxes and Duties claim 15% of the workforce are irregular migrants. Another study by Dreher, Schneider (2006) claims nearly half of the workforce is constituted by irregular migrants.

Sectors that have large concentrations of irregular migrants include the service sector, construction, trade, consultancy and catering. One clear conclusion taken from Belarus is the ease in which informal and formal economies can be crossed (Chubrik, Pelipas, and Rakova, 2007).

and services (source: registration cards for labour migrants, in Bobrova and Shakhotska 2012). It is worth mentioning that these data on temporary migration are likely to underestimate current flows as detected at the origin end. For example, in 2011 only in Poland, 10,788 first residence permits for work reasons were granted to Belarusian citizens whereas the Belarusian authorities estimated a total of 1,811 emigrants in all non-CIS countries. This discrepancy is also due to the fact that most Belarusian migrants simply emigrate via tourists or guest visas and then find temporary employment at the destination end. Recent estimates put at 150,000 persons per annum irregularly migrating from Belarus, with 85% going to Russia (Luchenok and Kolesnikova, 2011).

Remittances from Belarus are comparatively small in comparison to other CIS countries. Yet there has been a continual increase (see figure 2), with the exception of the world financial crisis.



Source: World Bank

References: Bobrova A., Shakhotska L., Shymanovich G. 2012. Belarus country report // Social Impact of Emigration and Rural-Urban Migration in Central and Eastern Europe - European Commission DG Employment, Social Affairs and Inclusion, available at http://www.google.it/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CDcQFjAA&url=http%3A%2F%2Fec.europa.eu%2Fsocial%2FBlobServlet%3FdocId%3D8844%26langId%3Den&ei=FGVlUa_YKKX44QT8xYCQDQ&usg=AFQjCNEt4Jvm-eJ5V9VoPJfmhhhkMyLJGg&bvm=bv.44990110,d.bGE, date of access: 10/04/2013; Chubrik, A., Haiduk K., Pelipas. I. (Eds.). 2007. Growth for All? Economy of Belarus: The Challenges Ahead, Minsk, IPM Research Center; Dreher, Axel & Schneider, Friedrich, 2006. "Corruption and the Shadow Economy: An Empirical Analysis," IZA Discussion Papers 1936, Institute for the Study of Labor (IZA); Luchenok, K., Kolesnikova, I. 2011. The influence of migration flows on socio-economic parameters of the country: the experience of Belarus/Belarus fund of public politics, BPPF #2/2011RU, available at http://www.bkdp.org/index.php?showfile=1&fid=14&p=downloads&area=1&categ=7&print=1, date of access: 10/04/2013.

The Legal Framework of Migration

In the early 1990s, after the collapse of the Soviet Union, Belarus had to face the problem of migration management and, in particular, of international labour flows. The development of the Belarusian legislation regulating social relations in the field of labour migration took place against the background of significant social, economic and political changes. Belarus became both the host country for labour migrants and their country of origin. It should be noted that the Republic of Belarus had no experience in the field of legal regulation of international labour migration. Therefore, the development of the Belarusian legislation in this area took place, on the one hand, in accordance with international law. On the other hand, Belarusian legislation took over many provisions from the regulations of the former Soviet Union, with all their advantages and flaws.

In the first half of the 1990s laws were passed, which established the basis of the legal regulation of migration. Belarusian legislation however still lacks comprehensive solutions regulating labour migration, integration of migrants and refugees as well as return and reintegration. Its particular feature is also that it tries to extensively regulate entry and exit of its own citizens.

Legal Framework	Outward migration	Inward migration
General legal references	**Legal and political framework governing migration and mobility** 2010 Law On the Legal Status of Foreign Nationals and Stateless Persons 2010 Law On External Labour Migration 2010 Law On the Legal Status of Foreign Nationals and Stateless Persons 2009 Law On the Procedure of Entry and Exit for the Citizens of the Republic of Belarus 2008 Law On Refugee Status, Subsidiary and Temporary Protection to Foreign Nationals and Stateless Persons 2006 Law On the Legal Status of Foreign Nationals and Stateless Persons in the Republic of Belarus 2002 Law On Citizenship of the Republic of Belarus 1994 Constitution	

Entry and Exit	**Visa** Citizens of Belarus are exempt from short-term visa requirements in the CIS countries, Georgia, Montenegro, Serbia, China (tourist group travels), Cuba, Bolivia and Venezuela. Belarusian citizens enjoy freedom of movement within the Union State of Russia and Belarus, as well as within the Common Economic Space of the Eurasian Economic Community, with the Russian Federation and Kazakhstan. **Cross-border mobility** Local Border Traffic agreements have been signed with Latvia, Lithuania and Poland for visa-free travel of residents of border territories. National legislation related to the right of citizens to exit and enter the Republic of Belarus is based on the following principles (art. 3 of the Law № 49-3 on the rules of entry and exit of the Belarusian citizens): 1. every citizen has a right to exit the Republic of Belarus and enter the Republic of Belarus; 2. citizens cannot be denied the right to enter the Republic of Belarus and exit it; 3. the right to enter the Republic of Belarus can not be restricted. However, according to art. 3 of the Law № 49-3 the right of a citizen to exit the Republic of Belarus can temporarily be restricted. Article 7 of the Law № 49-3 contains a comprehensive list of reasons to temporarily restrict citizens' right to exit the country. Law № 49-3 (art. 23) establishes that citizens, whose right to exit the Republic of Belarus is temporarily restricted, have the right to appeal against the actions (or failure to act) of the state authorities to the superior state authority (superior official) and/or court.	**Visa** Belarus applies 3 types of visa: "B" - transit visa for max 2 days; "C" – short term visa for max 90 days stay; and "D" - long-term visa for a stay of max 90 days during one year, unless stated otherwise in an international agreement. Citizens of CIS countries, Georgia, Serbia, Montenegro, China (tourist group travel), Bolivia, Cuba and Venezuela are exempted from the short-term visa requirement. **Cross-border mobility** In accordance with the *Law № 105-3 on legal status of foreign nationals*, those foreigners who have no valid residence permit can enter the Republic of Belarus, exit it or carry out transit travel through the territory of the Republic of Belarus only with valid travel documents and with a visa. Foreigners applying for visa or entry to the Republic of Belarus are required to have enough funds to cover their expenses during their stay in Belarus and to timely leave the country. Foreigners can only exit the Republic of Belarus if they have visas. A foreigner can temporarily be restricted in his right to leave the Republic of Belarus. Comprehensive list of grounds for such a refusal can be found in art. 33 of the Law № 105-3. Law № 105-3 envisages mandatory non-judicial procedure for foreigners to file an appeal against decisions or actions (including failure to act) of state authorities and officials of the Republic of Belarus related to the execution of Law № 105-3.
Irregular migration	Belarus has no readmission agreements in place. At the legal level, the issues of readmission in the Republic of Belarus are currently poorly developed due to difficulties in concluding such bilateral agreements. The only relevant regulation pertaining to this issue is the	The legal basis for preventing irregular migration to the Republic of Belarus is provided by: a. The Decree by the President of the Republic of Belarus of 2 October 2010 № 518 "*On the State program for the prevention of human trafficking, irregular migration and related unlawful acts for 2011-2013*";

	decree by the Council of Ministers of the Republic of Belarus of 31.12.2010 № 1918 "*On the Approval of the Regulations on the procedure of handing over to neighbouring states foreign nationals and stateless persons, who have violated the rules of local border traffic, set up by international agreements of the Republic of Belarus or who have lost the documents, according to which they had entered the territory of the republic of Belarus.*"	b. *Administrative Code of the Republic of Belarus* of 21 April 2003. № 194-З (arts. 23, 29, 23.55); c. *Criminal Code of the Republic of Belarus* of 9 July 1999. № 275-З (art. 371, 371-1, 371-2). Article 23.29 of the Administrative Code (AC) envisages responsibility for trespassing the State Border of the Republic of Belarus (i.e. at unauthorized points, using counterfeit documents, etc.) The sanction by article 23.29 envisages expulsion of the offender. The remark in article 23.29 indicates, however, that this article does not cover the instances of violating the rules of crossing the State Border of the Republic of Belarus by foreign nationals and stateless persons applying for refugee status, asylum or other kind of protection on the territory of the country. Belarusian legislation also envisages employer's sanctions for employing irregular migrants (including illegal employment) (section 2 art. 23.55 of AC). Art.371-1 of the Criminal Code that defines criminal responsibility for organizing irregular migration (smuggling activities). Art. 371-2 of the Criminal Code establishes responsibility for violating terms of entry ban to the Republic of Belarus in case a foreigner, who had been previously expelled or removed from the country, entered Belarus before the expiration of expulsion term and is staying on its territory.

	Belarus is a party to the following regional agreements: – 1998 Agreement on cooperation between CIS Member States in combating illegal migration (entered into force in Belarus in 1999) – 2010 EurAsEC Cooperation Agreement on Countering Illegal Labour Migration from Third Countries (entry into force on 1 January 2012) The legal basis for prevention of human trafficking in the Republic of Belarus is ensured by: 1. The Law of the Republic of Belarus of 07.01.2012 № 350-З "*On Human Trafficking Prevention*"; 2. A decree by the President of the Republic of Belarus of 02.10.2010 № 518 "*On the State Program for the prevention of human trafficking, irregular migration and related unlawful acts for 2011-2013*"; 3. A decree by the Ministry of Public Health of the Republic of Belarus of 28.04.2012 № 41 "*On establishing a list of required medical services provided by state health service agencies, including in-patient departments, to the victims of human trafficking irrespective of the place of their permanent residence*"; 4. The Criminal Code of the Republic of Belarus (arts. 181, 181-1, 182, 183). Belarus ratified Palermo Protocols in 2003.	
Rights and settlement	The issues of emigration from the Republic of Belarus are addressed in chapter 4 of Law № 49-З *on the rules of entry and exit of the Belarusian citizens*. Permanent residence of Belarusian citizens abroad is formally established by issuing a passport of the citizen of the Republic of Belarus for permanent residence abroad and by registering them at Belarusian consulates. Art 20 of Law № 49-З lists the responsibilities of citizens declaring their will to emigrate permanently before they are issued the above-mentioned passport. Citizens who have received the passport are required to register at a consulate or diplomatic mission of the Republic of Belarus in the country of permanent residence (art. 21 of Law № 49-З). Based on the data provided by the consular register of the citizens permanently residing abroad, the Ministry of Foreign Affairs of Belarus upkeeps the relevant database.	Upon their arrival to Belarus, foreigners are required to register within 5 days with a nearest registering authority (30 days for the citizens of the Russian Federation, Kazakhstan, the Republics of Latvia, Lithuania, and Ukraine). **Permits for temporary stay** are granted to foreigners coming for a period shorter than one year (art. 43, Law № 105-З *on legal status of foreign nationals*). Family members of a temporary resident can likewise apply for similar permits if they authenticate the sources of lawful income. **Permanent residence permit** is granted to foreigners who: 1) are close relatives of the citizens of the Republic of Belarus permanently residing in the country; 2) have been granted refugee status or asylum; 3) have a right to family reunification; 4) have been legally residing in Belarus for past seven or more years; 5) are eligible to obtain Belarusian citizenship; 6) previously had the citizenship of the Republic of Belarus; 7) have sought for skills; 8) have abilities and talents or have performed outstanding services to the Republic of Belarus; 9) have invested in Belarus no less than 150,000 Euros; 10) are ethnic Belarusians or their direct descendants: children, grandchildren, great-grandchildren, born outside the current territory of the Republic of Belarus.

		Foreigners on the territory of Belarus are equal before the law as the citizens of the Republic of Belarus (chapter 2 of the Law № 105-3). *Law № 105-3 on the legal status of foreign nationals and stateless persons* defines the scope of the rights and duties according to the category. In accordance with the Law foreign nationals have the right to freely move and to choose the place of stay (residence). At the same time *temporarily staying and residing* foreigners are obliged to reside only at the address of registration (or for which a permit for temporary residence has been issued). Foreign nationals cannot become members of political parties or other associations pursuing political goals (art. 9, Law № 105-3). Permanent residents enjoy all the socio-economic rights (art. 10, Law № 105-3). Temporary residents are granted the right to legally participate in the state social security system programs with mandatory contributions by employers. All foreigners in the Republic of Belarus are obliged to reimburse the costs spent by the Republic of Belarus for the upkeep of their children in public care (art. 24 of the Law № 105-3). There are exceptions from the general legislation defining the status of foreign nationals related to the citizens of CIS countries. These exceptions are established by agreements between CIS member states.
Labour	The principle normative legal act related to labour migration is the Law № 225-3 "*On External Labour Migration*." It regulates employment of foreigners in the Republic of Belarus, as well as overseas employment according to labour contracts of citizens and foreigners permanently residing in Belarus.	
	Bilateral agreements on labour migration have been concluded with six CIS countries (AM, AZ, KZ, MD, RF, UA) and Lithuania, Poland, Serbia. CIS Convention on the legal status of migrant workers and members of their families, coming from the CIS participating states (2008) and Agreement on Cooperation in the Field of Labour Migration and Social Projection for Migrant Workers (1994) apply vis-à-vis certain CIS states.	Russian and Kazakh citizens enjoy a free access to the Belarusian labour market, with the same right as Belarusian citizens. All other foreigners are subject to Law № 225-3. Foreigners permanently residing in the country have the right to engage in labour or entrepreneurial activities equal to that of the citizens of the Republic of Belarus and according to the procedure established by law.

	2010 EurAsEC Agreement on the Legal Status of Migrant Workers and the Members of their Families with RF and KZ allowing BY citizens to work in these countries without work permits. Law № 225-3 envisages a number of measures to ensure the rights of Belarusian migrant workers abroad. A contract is required for people who plan to work abroad. Activities of private firms engaged in employment abroad are now licensed, precisely regulated by law and put under control of relevant state institutions. Liability for abuses in this field has likewise been established. The powers of state institutions have been defined, including of those responsible for supervision of migrants' contracts with employers. It has also been established that such contracts should include conditions of paying wages, residence, overtime work, social security in case of illness, etc.	Temporary residents do not have the right to carry out entrepreneurial activities without forming a legal entity, unless otherwise specified by law and international agreement of the Republic of Belarus. The procedure of recruitment of foreign labour is regulated by the decree of the Council of Ministers of Belarus № 885. Activities related to attracting foreign labour force to Belarus is not licensed. If an employer intends to bring in and employ 10 or more migrants, an authorization issued by the Department for citizenship and migration of the Ministry of Internal Affairs is needed. The legislation of the Republic of Belarus establishes a comprehensive list of the reasons to refuse or cancel employers' authorizations or special licenses to labour immigrants. Moreover the legislation defines the state guarantees to labour immigrants carrying out their labour activities in the Republic of Belarus (art. 33 of the Law № 225-3). Recently, the Council of Ministers of the Republic of Belarus proposed to establish quotas for labour migrants.
	The peculiarity of international agreements of the Republic of Belarus related to migration is that the greatest progress in developing bilateral agreements has been achieved only in agreements with the countries of the Commonwealth of Independent States (hereinafter – CIS or Commonwealth) on the whole and within the Eurasian Economic Community (Common Economic Space) in particular. The key bilateral agreement related to **free movement of people** is the Agreement between the Republic of Belarus and the Russian Federation on ensuring equal rights of the citizens of the Republic of Belarus and of the Russian Federation to the freedom of movement, free choice of the place of stay and residence on the territories of the member states of the Union State (concluded in Saint-Petersburg on 24.01.2006). Other CIS agreements on labour migration concluded by Belarus mostly duplicate, complement and specify the articles of the Agreement on Cooperation in the Field of Labour Migration and Social Protection for Migrant Workers (concluded in Moscow on 15.04.1994, the version of 25.11.2005). In case there are no bilateral agreements between the Republic of Belarus and a particular CIS state related to the exchange of labour force, the countries apply the aforementioned Agreement of 1994, as well as the 2008 CIS Convention on the legal status of migrant workers and members of their families, coming from the CIS participating states, which apart from Belarus has been ratified by Armenia, Azerbaijan and Ukraine.	

Citizenship	Simplified procedure for granting citizenship is established for Belarusians. For example, as required by the general rules, 7 year residence term can be shortened or omitted for ethnic Belarusians or people identifying themselves as Belarusians, as well as their descendants born outside the territory of the present day Belarus (art. 14 of the Law 136-З "*On the Citizenship of the Republic of Belarus*"). In accordance with article 17 of Law 136-З the citizenship of the Republic of Belarus ceases in case of: 1) renunciation of the citizenship of the Republic of Belarus; 2) loss of the citizenship of the Republic of Belarus. A citizen of the Republic of Belarus upon reaching the age of 18 is eligible to apply for renunciation of the citizenship of the Republic of Belarus (art. 18 of the Law № 136-З). The citizenship of the Republic of Belarus is lost (art. 19 of the Law № 136-З) in case: 1) the person enters military service, police service, national security agencies, justices or other national agencies of a foreign state; 2) parents (single parent) submit application on behalf of their child, who along with the citizenship of a foreign state also acquired the citizenship of the Republic of Belarus. The decision on cessation of the citizenship of the Republic of Belarus is cancelled if it has been made on the basis of deliberately misleading data or counterfeit documents. The decision on cessation of the citizenship of the Republic of Belarus is made by the President of the Republic of Belarus according to procedure established by him.	The principal normative legal act related to citizenship is the Law of the Republic of Belarus of 2002 № 136-З "*On the citizenship of the Republic of Belarus*." Citizenship in the Republic of Belarus can be obtained: 1) by birth (art. 13 of Law № 136-З) to Belarusian citizens or stateless persons, or 2) by acquisition (art. 14 of Law №136-З). This procedure is open to any permanent resident, after 7 years of residence, who can prove links with the country, including knowledge of one of the official languages, has the source of lawful income and has no citizenship or loses the previous citizenship upon acquisition of the Belarusian citizenship. 3) by registration (art. 15 of the Law №136-З). This procedure is open to any permanent resident with a citizenship of the former USSR and no Belarusian citizenship 4) in line with international agreements on simplified acquisition that Belarus concluded with several countries. Simplified procedure for granting citizenship is established for certain categories of persons (art. 14 of Law 136-З). The decision on acquisition of the citizenship of the Republic of Belarus is cancelled if it has been made on the basis of deliberately misleading data or counterfeit documents. The decision on acquisition of the citizenship of the Republic of Belarus is made by the President of the Republic of Belarus according to procedure established by him.
International Protection	The legislation of the Republic of Belarus envisages granting people, persecuted in other states for their political or religious beliefs, ethnic origin etc., 1. refugee status; 2. asylum.	

	According to the Decree of the President № 204 a right to asylum is the right of a foreigner, persecuted in any other state for his/her political or religious beliefs or ethnic origin, to stay on the territory of the Republic of Belarus (point 2). Asylum is granted by the President of the Republic of Belarus. Foreigners who have been granted Asylum in Belarus enjoy the rights and freedoms, as well as the duties, equal to those of foreigners permanently residing in Belarus. Asylum also extends to family members, who have arrived together with the foreigner who has been granted asylum. Law № 354-3 "*On Granting Foreign Nationals and Stateless Persons in the Republic of Belarus with Refugee Status, Subsidiary and Temporary Protection*" defines three categories of foreigners as according to their legal status. 1) Foreigners who have been granted refugee status; 2) Foreigners who have been granted subsidiary protection (up to 1 year); 3) Foreigners who have been granted temporary protection (group protection up to 1 year). Article 47 ("Family reunification") of Law № 354-3 states that members of the family of a foreigner who have been granted refugee status or additional protection, are also granted refugee status or additional protection in accordance with the principle of family unity. The application distribution system is based on **annually established quotas.** These quotas define the number of applications for granting protection which can be filed in each of the six regions of the Republic of Belarus within a calendar year. In case of the exhaustion of the above-mentioned regional quotas, applications can still be filed in Minsk. Refugees obtain special benefits and their socio-economic rights are equal to those of the citizens of the Republic of Belarus: for example, refugees are eligible to free access to national education and health care systems, refugees' children can attend the institutions of pre-school education, etc.

The Socio-Political Framework of Migration

Belarusian migration policy is concerned with national security and economic development. For the first issue, the questions of border management and a fight against irregular migration (including trafficking) has been on the top of policy objectives. Belarus has in place a legislative and policy framework dealing with these topics.

However, since its independence, Belarus has also developed a complex system of normative documents regulating legal status of foreigners in Belarus, as well as labour immigration and emigration. Especially recently, the policy attempts to regulate the import and export of workforce. One of the concerns is the protection of the Belarusian labour market from an uncontrolled inflow of migrant workers, the other: improving the situation on the domestic labour market through employment of Belarusians abroad. The country has set up licensing procedure for recruitment of foreign labour force and for employment of citizens of the Republic of Belarus abroad. This type of activity carried out by legal entities and individual entrepreneurs who have received in due course special permit (license) issued by the authority as the Ministry of Interior of the Republic of Belarus.

Migration is viewed as an important resource in the economy. According to the state program one of the prerequisites for efficient external migration policy is a creation of favourable environment for social and economic adaptation and integration of migrants. In terms of geographic destinations however, Belarus considers only CIS countries (in particular, Russia, Ukraine, and Kazakhstan). This emphasis is not coincidental: Belarus acceded to the Common Economic Space (Eurasian Community).

Socio-Political Framework	Outward migration	Inward migration
Governmental Institutions	Ministry of Foreign Affairs protects the rights of citizens abroad; ensures development of ties with Belarusians abroad.	The President participates in shaping the details of migration policy through decrees and takes decisions regarding acquisition or loss of citizenship Executive power in the country is represented by the Council of Ministers of Belarus which is not elected but appointed by the supreme authorities. Other authorities included in migration policy making: Ministry of Internal Affairs is responsible for a range of migration issues: migration statistics, monitoring migration situation, countering illegal migration, improving legislative acts, migration policy, informing the population about migration issues.
Governmental Strategy	Policy framework on emigration focuses on development of the country. Relevant recent document: – National Demographic Policy and Action Plan of Belarus, 2011-2015 Proposes several measures supporting return of Belarusian scientists from abroad, especially if their skills could be useful for economic development of the country.	Policy framework on immigration covers three policy fields: demographic development, irregular migration and trafficking. Relevant recent documents: – National Demographic Policy and Action Plan of Belarus, 2011-2015 – National Policy and Action Plan on Trafficking and Illegal Migration, 2011-2013

		The National Demographic strategy includes measures aimed at attracting qualified labour force in the priority sectors of the economy, providing migration facilities to those foreign under- graduate and graduate students who successfully completed their studies in Belarus and are invited to work here. Among the foreign labour immigrants priority is given to high-skilled migrants and those foreigners ready to invest in Belarus.
Civil Society	Belarusians establish associations in their countries of destination. There is no central association in Belarus dealing with emigrants.	Immigrants tend to organize themselves in Belarus in ethnic associations, unions or friendship societies. There is no official NGO supporting migrant integration.
Migration and economic development	Belarusian legislation does not regulate legal relations with Belarusian emigrants and the Diaspora abroad. The very term 'Diaspora' is not defined. The legal basis for establishing and regulating activities of ethno-cultural public associations was established by the model law "On Ethno-Cultural Public Associations" which is not binding for CIS countries. As mentioned above, some elements of Belarusian policy strategies include a focus on specific categories of return emigrants: highly skilled specialists.	Immigration to Belarus is seen as a challenge and Belarusian authorities perceive the country as entering the global race for talent. The level of economic development in Belarus is high and thus the most important policy question seems to be: how can migration be tapped to move the country ahead on the way of economic transition. However, the policy discourse has not been matched with concrete policy actions so far.
International Cooperation	Belarus is a member of the following organizations actively working on migration issues: IOM, Commonwealth of Independent States, and OSCE. It participates in the following regional processes: Budapest Process, Prague Process, and Eastern Partnership.	

EGYPT

The Demographic-Economic Framework of Migration

Egyptian emigration, which has never ceased since the 1970s, went through distinct phases. Until 1971, emigration from the country was subject to legal restrictions and limited numbers. Professionals, especially, could migrate permanently to the US, Canada, Australia and Western European countries. The largest boost to outward flows occurred, however, after the adoption of the 1971 Constitution, where "permanent" and "temporary" emigration was authorized and, especially after the 1973 War, when soaring oil prices and increasing demand for migrant labour in Gulf countries triggered massive emigration from Egypt to Saudi Arabia, Iraq and the other Gulf states as well as to Libya. After phases of greater and lesser migration in the 1980s and 1990s, Egypt is currently experiencing what has been called the *permanence of temporary migration,* whereby migration towards Arab countries is becoming less temporary and outnumbers long-term migration to Europe and North America.[1] Recently a rise in migration to Europe – mostly irregular – especially Italy and France, has been recorded.

In terms of immigration, Egypt is host to limited flows of migrant workers, but rising numbers of refugees and asylum seekers. In addition to some 70,000 Palestinian refugees whose families arrived in the wake of the 1948 war, tens of thousands of refugees from Sudan, Ethiopia, Eritrea and Somalia, as well as Iraq, are now stranded in Egypt. During the 2011 Libyan Civil war, large numbers of migrants fleeing Libya reached Egypt. A majority were, however, Egyptian nationals.

Outward migration

Stock

According to Egyptian consular statistics, in 2009 there were 6.5 million Egyptian migrants, among whom 74.0% were temporary migrants.

Egyptian emigration stock by country of residence according to Egyptian consular statistics (year 2009) and destination countries' statistics (years around 2012)

Egyptian consular statistics				Destination countries' statistics (a)
Country of residence	Temporary migrants	Country of residence	Permanent migrants	
Arab countries	**4,783,800**	**North America**	**776,000**	**203,932**
of which Libya	2,000,000	of which US	635,000	162,232
Saudi Arabia	1,300,000	Canada	141,000	41,700
Jordan	525,000	**Europe**	**790,645**	**224,122**
Kuwait	480,000	of which UK	250,000	31,000
UAE	260,000	Italy	190,000	92,001
Qatar	88,500	France	160,000	26,825
Oman	45,000	Greece	80,000	9,461
Lebanon	38,000	Germany	30,000	13,316
Iraq	15,000	Netherlands	30,000	12,038
Bahrain	12,000	Others	48,645	39,481
Yemen	10,300	**Oceania**	**106,000**	**34,838**
Syria	10,000	**Others**	**8,518**	**166,175**
Total temporary migrants	**4,783,800**	**Total permanent migrants**	**1,681,163**	**629,067**
Total temporary and permanent migrants		**6,464,963**		**-**

Notes: (a) Destination countries' statistics are taken from national sources (population censuses, population registers, registers for foreigners, etc.). Such statistics are not available for Arab countries (left-hand side of the table)

Source: Egyptian consular records and destination countries' statistics

The majority live in Libya (30.9%), Saudi Arabia (20.1%), US (9.8%), Jordan (8.1%), and Kuwait (7.4%).

Inward migration

Stock

In 2006, according to census data, 184,070 foreign nationals resided in Egypt representing 0.3% of the total population. They came mainly from Arab (42.8%) and European (31.6%) countries.

Foreign population residing in Egypt by country of nationality and sex, 2006

Country of nationality	Males	Females	Both sexes	
	Number	Number	Number	%
Arab countries	**44,490**	**34,350**	**78,840**	**42.8**
of which Palestine	18,310	13,590	**31,900**	**17.3**
Iraq	5,650	5,670	**11,320**	**6.1**
Saudi Arabia	4,570	2,360	**6,930**	**3.8**
European countries	**29,630**	**28,510**	**58,140**	**31.6**
of which Russia	7,480	9,350	**16,830**	**9.1**
United Kingdom	5,990	4,540	**10,530**	**5.7**
Germany	4,450	3,500	**7,950**	**4.3**
Other countries	**29,250**	**17,840**	**47,090**	**25.6**
of which Somalia	9,410	7,060	**16,470**	**8.9**
United States	2,160	1,590	**3,750**	**2.0**
Indonesia	1,980	620	**2,600**	**1.4**
Total	**103,370**	**80,700**	**184,070**	**100.0**
% of the total resident population	**0.3**			

Source: Egyptian population census (2006)

Among them, males represented the majority (56.2%).

[1] It should be noted that Egyptian statistics use the terminology "temporary" and "permanent" emigration referring respectively to emigration towards "Arab countries" and the "rest of the world". Rather than being based on comparative data on the duration of residence, this criteria may reflect a distinction between the policies pursued by destination countries, which are integration-oriented in Europe and North America, but generally not so in Arab countries.

Data on Egyptians abroad largely depend on where migrants are counted. Indeed, Egyptian and destination countries' statistics show significant divergences for a variety of reasons. First, consular records allow interested parties to recover a significant part of those migrants living in Arab countries – and especially Gulf States and Libya, which do not give detailed nationality breakdowns. Second, they capture specific migrant populations who are usually not counted by destination countries statistics (e.g., naturalized and irregular migrants).

A brief note on migration from Egypt to Libya

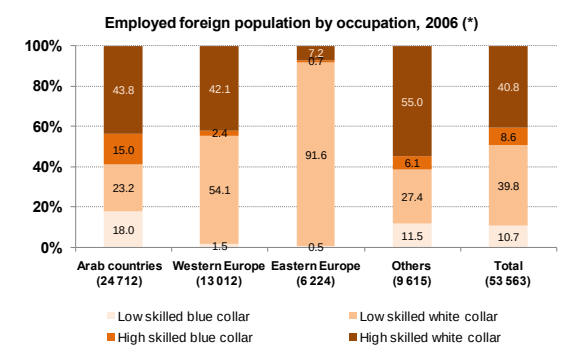
The Egyptian community is considered one of the most important components of the foreign population working in Libya, whose presence can be partially captured only through a variety of sources. The unreliability of Libyan statistics does not help here. This gap is, instead, partially filled by Egyptian consular statistics according to which, in 2009, there were around 2 million Egyptian nationals living in Libya. Most are estimated to work irregularly: according to a recent survey on Egyptian youth (see IOM, 2011), among those who had migrated to Libya in the past, the majority entered it without "a valid visa" (56.0%) or "a work contract" (8.0%). As to their profile, Egyptian workers tend to be employed in agriculture and teaching (Pliez, 2004), though the aforementioned IOM survey reveals that the great majority of young Egyptians in Libya are likely to experience a dramatic mismatch between their educational and occupational profile (IOM, 2011). Moreover, recent data collected by IOM during the Libyan civil war (February-November 2011) registered 154,634 Egyptian nationals fleeing Libya and going back to Egypt.

While emigration to Europe is characterized by a more gender-balanced profile (men are 58.1%), labor emigration towards Arab countries is a male phenomenon; here, in 2007, men accounted for 96.6% of the total of (employed) emigrants.

As to their educational and occupational characteristics, Egyptian emigrants tend to have an intermediate skill profile. Migration towards OECD countries is mainly skilled: in c. 2006, 86.5% had a medium-high level of education and 66.4% were employed in highly-skilled occupations (OECD.stat).[2] On the contrary, migration towards other Arab countries is mainly low-skilled: according to the Egyptian Central Agency for Public Mobilization and Statistics (CAPMAS), in 2007 the proportion of tertiary educated Egyptians living in other Arab countries equalled 26.4% on average ranking from 4.1% in Jordan to 71.1% in Bahrain.

As to their occupational profile, in 2006, foreign nationals tended to be employed in low-skilled professions (50.5%). Arab and Western European nationals had a medium-high occupational profile, and respectively 58.8% and 44.5% were employed in highly-skilled jobs (e.g. professionals, technicians and associate professionals, etc.).

Otherwise, foreign workers from Eastern European countries were, for the most part, employed in low-skilled white collar occupations (91.6%), predominantly as sales and service workers (90.4%).



(*) Occupation is defined according to the ISCO-88 and the European Working Conditions Observatory (EWCO).
Source: Central Agency for Public Mobilization and Statistics (CAPMAS), Egypt.

Flows

Economic migrants are fewer than refugees, who though hardly appear in the official statistics. Among refugees, Palestinians form the largest group, followed by Sudanese, Somali and Ethiopian nationals, who mainly arrived in the 1990s as a result of civil wars and political instability in the Horn of Africa. In addition, Iraqi refugees have increased massively especially since 2006.

Despite the lack of reliable figures, it seems that many refugees do not register with the United Nations High Commissioner for Refugees (UNHCR): this is because of the difficulty in obtaining refugee status in Egypt (as indicated too by the low/high values of the acceptance/resettlement rates). Further, a huge gap exists between official figures and media or NGO estimates.

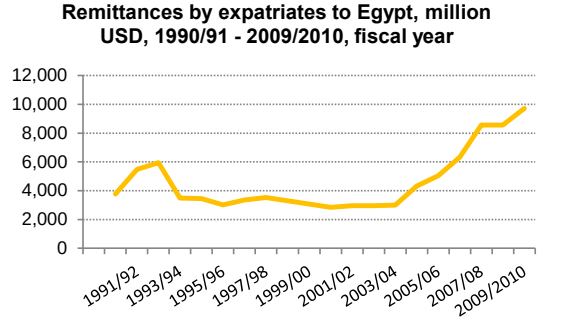
[2] The type and level of occupation is defined respectively according to the International Standard Classification of Occupations, ISCO-88 and the European Working Conditions Observatory. Specifically, four categories of employees are distinguished: 1) highly-skilled white collar (legislators, senior officials and managers, professionals, technicians and associate professionals); 2) highly-skilled blue collar (skilled agricultural and fishery workers, craft and related trades workers); 3) low-skilled white collar (clerks, service workers and shop and market sales workers); 4) low-skilled blue collar (plant and machine operators and assemblers, elementary occupations).

Flows

In the last three decades, notwithstanding high fluctuations in outward flows – mainly linked to wars in the Gulf and the international embargo against Libya – temporary flows towards Arab countries exceeded permanent flows to the US and Europe.

Meanwhile, in the last 15-20 years new migration streams directed towards Europe have been observed. For instance, in 2011, Italy registered the largest inflows of Egyptian nationals (12,855) compared with other OECD countries. Many of these migrants are poorly educated men in irregular situations.

Two surveys conducted in 1997 (Eurostat) and 2007 (European Training Foundation) may give some idea of the rising importance of Europe for Egyptians: among those who desire to migrate. In 1997 only 6.0% chose Europe as their preferred destination, while this percentage had reached 33.7% by 2007. This pattern is probably due to an interplay of factors, including the competition Egyptians face in the Arab Gulf from cheap South East Asian labour and geographical proximity.



Source: Ministry of Manpower and Emigration, Emigration Sector (1990/91-1998/99); Central Bank of Egypt (1999/2000 - 2009/2010)

Today, Egypt is the fourteenth main receiver of remittances in the world and the second one among MENA countries. In the fiscal year 2009/2010 the amount of remittances was 9.7 million USD, 5.1% of Egyptian GDP. 75.5% of these flows come from five countries: UK (50.9%), the US (14.7%), Libya (3.5%), Saudi Arabia (3.3%), and United Arab Emirates (3.1%).

From 1990/91 to 2009/2010, remittances grew from 3,775 to 9,706 million USD at an annual average growth rate of 8.3%. Until 2003/3004, a stable trend was evident, except for a peak in the early 1990s, due to: a) an upsurge in oil prices until 2007, which led to an increase in the demand for workers in Arab oil countries; and b) the stability of the Egyptian pound. Since 2003/04, remittances have, instead, continuously increased.

Refugees and asylum seekers in Egypt, 2001-2011

Refugees	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Palestine	134	70,195	70,215	70,245	70,255	70,198	70,213	70,174	70,024	70,026	70,029
Sudan	4,659	7,629	14,178	14,904	13,446	12,157	10,499	10,146	9,818	10,035	10,324
Somalia	1,177	1,639	3,068	3,809	3,940	4,317	5,139	5,600	6,096	6,172	6,328
Others	5,883	8,624	15,433	16,250	14,716	13,464	11,931	11,996	11,714	12,086	12,693
Asylum seekers	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**	**2011**
Sudan	9,529	6,253	5,726	9,720	2,400	2,523	1,343	782	1,310	1,409	2,735
Somalia	2,559	1,977	224	340	538	1,135	770	450	659	516	713
Ethiopia	545	299	325	289	189	193	248	266	217	183	671
Others	543	473	405	353	352	3,159	1,180	773	423	497	1,057
Acceptance and resettlement rate	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**	**2011**
Asylum seekers	13,176	8,920	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Recognized refugees	3,921	4,944	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Resettled refugees	2,057	1,716	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Acceptance rate (*)	29.8	55.4	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
Resettlement rate	52.5	34.7	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.

Notes: (*) Acceptance rate=(recognized refugees/asylum seekers)*100; (**) Resettlement rate: (resettled refugees/recognized refugees)*100

Source: United Nations High Commissioner for Refugees (UNHCR)

Sudanese refugees mainly arrived during the 1990s and 2000s as a consequence of the Civil War in Southern Sudan then in Darfur. Their true numbers are unknown and estimates are in the order of tens of thousands.

Local conflicts and political instability during the 1990s were also the cause of massive inflows of Somali, Ethiopian and Eritrean nationals.

The Iraqi refugee exodus, which started shortly after the 2003 invasion, began to seriously involve Egypt from 2006. According to a survey carried out by the Center for Migration and Refugee Studies and the Institute of Decision and Support Center of Cairo, in 2008 the number of Iraqi refugees stood at 16,853, a figure which is much lower than the 100,000-150,000 often claimed.

Finally, as a consequence of the Libyan civil war, Egypt received large numbers of Sub-Saharan and Egyptian nationals fleeing Libya. According to IOM data, 242,797 migrants reached Egyptian borders, among whom 154,634 were Egyptian nationals. Of the remaining 88,163 Third Country Nationals, around 38,436 were repatriated through IOM schemes.

References: International Organization for Migration (IOM). 2011. Egyptian Migration to Libya, IOM; Pliez, O. 2004. *De l'immigration au transit? La Libye, dans l'espace migratoire euro-africain* in Pliez O. (ed.), *La nouvelle Libye, Sociétés, espaces et géopolitique au lendemain de l'embargo*, Karthala, Paris

The Legal Framework of Migration

The rules governing foreign nationals' entry, stay and exit from Egypt, which dated back to the 1960s, were modified in 2005. The reform records the dissolution, in 1961, of the United Arab Republic, and submits Syrian and Arab citizens to the same entry conditions as other foreign nationals. Sanctions for irregular entry were also slightly strengthened. Though, sentences for irregular entry or stay are much lower than those adopted during the same period by new legislation in Maghreb countries, and the irregular emigration of nationals is not punished. In 2010, Egypt further reformed its penal code to include the crime of human trafficking and enumerated punishments for foreigners and nationals, as well as stipulated protection and rehabilitation for victims.

Following Egypt's revolution in 2011, the country ratified a new Constitution on 26 December 2012. While constitutional guarantees such as the right of entry and exit for Egyptian citizens were stipulated in the 1971 Constitution, Egypt's 2012 Constitution introduces rights and protections for Egyptians living abroad. Article 56 reads: "The state represents and protects the interests of citizens living abroad, and it guarantees their rights and freedoms and holds them to fulfilling their public duties towards the Egyptian state and Egyptian society. It encourages their contribution to developing the homeland."

The new constitution also affirms the right of political asylum in Article 57: "The state grants asylum to foreigners deprived in their home country of rights and freedoms that are guaranteed by the Constitution. The extradition of political refugees is prohibited."

Concerning access to residence and rights, different treatment is set out for nationals and foreign nationals, foreign nationals are then treated differently according to their citizenship, and men and women are also treated differently.

Reformed in 2004, the 1975 Citizenship Law now gives women the right to transmit their nationality to their children. The reform's implementation regarding children born before the adoption of the law varies, however, according to the citizenship of any foreign father.

Egypt receives a large number of refugees whose status is determined by UNHCR, since no national procedure exists. Unlike its neighbours (Syria, Lebanon, Jordan) that along with Egypt received most Palestinian refugees, Cairo ratified the 1951 Geneva Convention and UNRWA[3] has no competence on its territory. Resettlement constitutes a fundamental stake for the development of asylum right in the country.

[3] United Nations Relief and Works Agency for Palestine refugees in the Near East.

Legal Framework	Outward migration	Inward migration
General Legal References	• 2012 Egyptian Constitution of 26 December 2012[4] • 2010 Law n° 64 of 2010 regarding Combating Human Trafficking[5] • 2005 Law n° 88 of 5 May 2005 (entry, residence, and exit of foreigners)[6] • 2004 Law n° 154 of 14 July 2004 amending Law n° 26 of 29 May 1975 (concerning Egyptian nationality)[7] • 2003 Decree 12025 of 26 July 2003 (on citizenship)[8] • 2003 Labour code of 7 April 2003[9] • 2003 Minister of Manpower Decree 136 of 2003 (work of foreigners)[10] • 1983 Law n° 111 of 1983 - Law on Emigration and Egyptians Welfare Abroad[11]	
Entry and Exit	**Visa** No exit visa required. But exit is submitted to the presentation of a passport and is controlled.	**Visa** Passport (or equivalent) and visa are required to enter the country (citizens of Hong Kong, Guinea Conakry and Macau are exempt from visa requirements).
Irregular Migration	*Law n° 88* of 5 May 2005: **Irregular exit:** migrant or the person who assists him/her is punished with up to a 6 month prison sentence and a 200-1,000 pound fine (or one of these); 2-5 years prison sentence and 1,000-5,000 pounds fine if the migrant or violator comes from a country in conflict with Egypt or from a country with which political relations have been cut.	*Law n° 88* of 5 May 2005: **Irregular entry:** migrant or the person who assists him/her is punished with up to a 6 month prison sentence and a 200-1,000 pound fine (or one of these); 2-5 year prison sentence and 1,000-5,000 pound fine if the migrant or violator comes from a country in conflict with Egypt or from a country with which political relations have been cut. **Document falsification** up to 2-year prison sentence and up to 2,000 pound fine (or one of these). **Non-compliance of a deportation decision** prison sentence with labour for a period up to 2 years and fine of 500-2,000 pounds (or one of these).

[4] Draft Constitution of the Arab Republic of Egypt, signed into law on 26 December 2012 (30 November 2012). Retrieved from http://egelections-2011.appspot.com/Referendum2012/dostor_masr_final.pdf.

[5] Protection Project. Law n° 64 of 2010 regarding Combating Human Trafficking. Retrieved from http://www.protectionproject.org/wp-content/uploads/2010/09/Law_regarding_Combating_Human_Trafficking_FINAL.pdf.

[6] CARIM. *Law n° 88* of 2005 on the Entry, Stay and Exit of Foreigners on the Territory of Egypt. http://www.carim.org/public/legaltexts/LE3EGY1050_839.pdf.

[7] CARIM. *Law n° 154* of 14 July 2004. Retrieved from http://www.carim.org/public/legaltexts/LE3EGY1047_834.pdf.

[8] CARIM. Decree 12025 of 26 July 2003. Retrieved from http://www.carim.org/public/legaltexts/LE3EGY1047_834.pdf

[9] CARIM. Labour code of 7 April 2003. Retrieved from http://www.carim.org/public/legaltexts/LE2EGY002_EN.pdf

[10] CARIM. Minister of Manpower Decree 136 of 2003. Retrieved from http://www.carim.org/public/legaltexts/LE3EGY1049_838.pdf

[11] CARIM. *Law n° 111* of 1983 - Law on Emigration and Egyptians Welfare Abroad. Retrieved from http://www.carim.org/public/legaltexts/EGYLaw_111_1983.pdf

		Irregular stay is punished with fines. **Refugees who violate the particular reason for entry or stay** are punished with 200-1,000 pound fine and possible deportation.

Human Trafficking

- **Penalisations**: Anyone who has committed the **crime of human trafficking** is punished with imprisonment and a fine from 50,000-200,000 pounds or a fine equal to the value of the benefit gained, whichever is greater; **aggravating circumstances** (e.g., victim was a minor) punished with life imprisonment and a fine from 100,000-500,000 pounds; **threatening or bribing** witnesses**,** knowingly **concealing the crime, revealing the identity or endangering a victim** punished with imprisonment; **failing to alert the authorities** is punished with no less than 6 months imprisonment and a fine from 10,000-20,000 pounds (*Law n° 64* of 2010).
- **Protection of victims**: State shall guarantee protection of the victim and work to create the appropriate conditions for: assistance, health, psychological, educational and social care; rehabilitation and reintegration into the society; and return victim to their homeland, if they were a foreigner or a non-permanent resident in the State. The State will also return Egyptian victims back to Egypt and provide rehabilitation programs (*Law n° 64* of 2010).

Agreements regarding irregular migration

- **Readmission agreements** include:
  - **EU-Egypt Association Agreement** (2004) Egypt agrees to readmit any of its nationals illegally present on the territory of a Member State.
  - **Italy** (2007) for readmission of Egyptian nationals and third-country nationals.
- **Other**:
  - **Greece-Egypt Agreement** (1998) on cooperation against transnational crime, including the fight against human trafficking and smuggling.
  - In 2002, Egypt ratified ***Palermo protocols***[12], which entered into force in 2004.
  - **EU-Egypt Association Agreement** (2004) stipulates cooperation for the prevention and control of illegal migration.

[12] **Protocol** to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, and Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

Rights and Settlement	**Right to exit**: no citizen may be prevented from leaving the country (Article 42, Constitution). **No citizen may be deported from the country** (Article 42, Constitution). **Protection of Egyptians abroad** stipulated in the Constitution: the State guarantees to safeguard the interests of Egyptians living abroad, protect them and protect their rights and freedoms, help them perform their public duties toward the Egyptian State and society, and encourage their contribution to the development of the nation (Article 56, Constitution) **Diaspora participation in elections and referendums** is regulated by law (Article 56, Constitution) **Egyptian Diaspora rights** as stipulated by *Law n° 111* of 1983, including: recognition of some rights (tax exemption from investments, right to be reintegrated in civil service); emigration permits delivery to "permanent migrants"; state commitment to links with the diaspora; and registration of people willing to emigrate and distribution to them of emigration opportunities.	**Right to return**: no citizen may be prevented from returning to the country (Article 42, Constitution). **Stay permits**: special (10 years) and regular (5 years) residence permits handed out in very specific situations (persons of Egyptian origin or long-lasting residence from before 1952). **Three other permit categories**: 5 years residence (e.g., for investors and the wives of Egyptians); 3 years residence (e.g., for the husbands of Egyptians, some Palestinians, refugees); and temporary residence (e.g., for students, people whose bank account is at least $50,000). **Family reunification**: yes (spouse and children, sometimes parents). Different treatment of men and women. **Access to Employment**: Subject to reciprocity conditions. A maximum of 10% of a company's workforce may be foreign workers. National preference for access to employment. Civil service reserved to nationals, and to Arab citizens issued from countries guaranteeing reciprocity. No access to liberal professions, with exceptions. Preferential treatment for some nationalities (e.g., Greece, Italy, Palestine, Sudan, Jordan, Syria). Proof of absence of HIV required. **Access to public services**: no equal access to public education, except for some nationalities. Equal access to health service. Access to social security after ten years residence. High cost of access to university. **Access to estate ownership**: for investment or residence.
	The Constitution stipulates that freedom of movement, residence, and immigration shall be safeguarded (Article 42).	
	Bilateral agreements regarding entry, stay and work ➢ In 2004, **Egypt and Sudan** signed the **Four Freedoms Agreement** that guarantees freedoms of movement, stay, ownership and work for Egyptians and Sudanese while in the other's country. However, there have been reported discrepancies regarding implementation of the agreement.[13]	

[13] For more information, see: Jacobsen, K. and Ayoub, M. (September 2012). *Remittances to Transit Countries: The impact on Sudanese refugee livelihoods in Cairo*. Retrieved from http://www.aucegypt.edu/GAPP/cmrs/reports/Documents/paper%20No.%203.pdf ; Sudan Tribune. (24 February 2013). *Sudan-Egypt relations hit speed bump over Four Freedoms accord*. Retrieved from http://www.sudantribune.com/spip.php?article45646; and Badawy, T. (2007). *Comments on Egypt's Report to the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families*. Retrieved from www2.ohchr.org/english/bodies/cmw/docs/tarek_badawy.doc

Labour	**Bilateral agreements related to labour** include: **Jordan-Egypt** Organization of Egyptian labour force in (2007); **Italy-Egypt** agreements, including: in 2005 regulating Egyptian labour migration to Italy; Joint Declaration to enhance and regulate seasonal labour migration (2010); and Memorandum of Understanding (2011) establishing new modalities of cooperation and establishment of Local Coordination Office in Egypt to select labour migrants to Italy; and **Libya-Egypt** agreement (2010) regarding Egyptian labour in Libya, especially in construction fields. **International agreements related to labour** include the 1990 Convention on the Protection of all Migrant Workers and Members of their Family (ratified with slight reservations), and several International Labour Organization (ILO) conventions.	
Citizenship	**Dual citizenship** is allowed for long-term emigrants (*Law n°111* of 1983). For others, the acquisition of another nationality requires permission from the Minister of Interior (*Law n° 26* of 1975).	***Law n°54* of 2004** gives women the right to transmit their nationality to their children. *Jus sanguinis* by descent of father or mother, whatever the birthplace. *Jus soli:* nationality on request at the age of majority for children born in Egypt, if the foreign father was also born in Egypt and belongs to an Arab speaking and Muslim community; and for persons of "Egyptian origin". Access to nationality for foreign women after 2 years of marriage with a male citizen. No right to nationality through marriage with an Egyptian woman. Possible naturalization of foreign children born and raised in the country.
International Protection		**Political asylum** shall be granted by the State to every foreigner deprived in their country of public rights and freedoms guaranteed by the Constitution, and **no political refugee will be extradited** (Article 57, Constitution). **Agreement with UNHCR** in 1954. Recognition of the UNHCR refugee status determination and delivery of residence permits which must be checked every 6 months. **Egypt lacks a national procedure for refugees**. **International agreements related to international protection**: Egypt ratified the 1951 Convention relating to the status of refugees (in 1981); the 1967 Protocol relating to the status of refugees (in 1981); the 1969 OAU Convention governing specific aspects of refugees in Africa (in 1980); and is a party to the Protocol for the Treatment of Palestinians in Arab States.

The Socio-Political Framework of Migration

An important regional player in migration-agenda setting, Egypt has embarked upon cooperation initiatives with Arab and OECD countries. Yet, Egypt's position as a nexus between the turbulent Middle East, Northern and Sub-Saharan Africa routes has also added further challenges to an already encumbered migration agenda.[14] Egypt has, in the last years, received massive inflows of refugees and undocumented migrants whose mobility is to a large extent conflict-induced. We cite for example the case of Syrian, Iraqi, and Sudanese migrants, but also Somali and Eritrean refugees, the magnitude and desperateness of such flows having attracted much international attention in the last years.

Irregular migration, including human trafficking, is a policy concern for the Egyptian State. In addition to the international legal instruments it has signed to tackle the issue, the Egyptian Government has also created the National Coordinating Committee on Combatting and Prevention of Human Trafficking, which collaborates with all governmental and non-governmental agencies dealing with human trafficking. In 2010, the Committee designed its *National Plan of Action Against Human Trafficking* (implemented from January 2011 through January 2013)[15].

In emigration-related fields, Egypt has made sure – at least in its political stances – that Egyptian emigration flows are linked to Egypt's internal development and national imperatives. The Ministry of Manpower and Emigration (MME) has consolidated cooperation frameworks with international organizations and Arab as well as EU countries with a view to: (a) organizing legal emigration flows; (b) stimulating demand for Egyptian labor; (c) curbing irregular emigration from Egypt to Europe; and (d) sharing information on irregular migration patterns with selected destination countries.[16] In the longer term however, tackling the root causes behind the irregular emigration of Egyptians (unemployment, poverty etc.) is a challenge.[17]

Whereas Egypt has achieved high levels of institutionalization in its emigration policies, the institutional framework regulating its immigration apparatus remains frail. For instance, openness to labour immigration contributes to the growth of the informal sector (particularly in low skilled workforce sectors such as domestic work). Moreover, the absence of a clear framework regarding refugees means large numbers of stranded migrants and *de facto* refugees in the country. Furthermore, while various initiatives in the local associative sector have attempted to improve the lot of refugees in the greater Cairo area, there is some question over whether civil society initiatives succeed in altering governmental policies.[18]

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[14] A case in a point are the border tensions between Egypt and Israel as irregular migrants originating from Sub-Saharan Africa attempt to cross Egyptian borders to Israel.

[15] The Arab Republic of Egypt - National Coordinating Committee on Preventing and Combatting Human Trafficking. (2 December 2012). *National Plan of Action Against Human Trafficking*. Retrieved from http://www.ungift.org/doc/knowledgehub/resource-centre/Governments/Egypt_National_Action_Plan_2011-2013-en.pdf

[16] See Howaida Roman, "Irregular Migration of Egyptians", *CARIM Synthetic Notes* 2008, http://cadmus.eui.eu/bitstream/handle/1814/10113/CARIM_AS&N_2008_68.pdf?sequence=1. , p. 8.

[17] Ibid, p. 8-9.

[18] See Samy, "The Impact of Civil Society", op.cit.

Socio-Political Framework	Outward migration	Inward migration
Governmental Institutions	• Ministry of Manpower and Emigration • Ministry of Foreign Affairs • Ministry of Interior • Higher Committee for Migration • National Coordinating Committee on Preventing and Combating Human Trafficking	• Ministry of Interior • Ministry of Foreign Affairs • Ministry of Manpower and Emigration • Higher Committee for Migration • National Coordinating Committee on Preventing and Combating Human Trafficking
Governmental Strategy	**Organise and facilitate legal emigration flows** by: establishing bilateral agreements or frameworks with the Arab world (e.g., posting foreign jobs on Ministry of Manpower and Emigration website and assistance in applying for such positions –for example, jobs in Kuwait[19]); and OECD countries; cooperation with international organisations (e.g., IOM); creating training centers for would-be migrants; legalising irregular Egyptian emigration through regularisation by negotiating with other destination countries (e.g., in Jordan[20]); assessing new labour markets as well as security situations in countries to provide Egyptians with new jobs and ensure safe working environments (e.g., in Iraq[21]); and stimulate the demand for Egyptian labour.[22] **Enhance links with the Egyptian Diaspora**, including: sponsor Egyptians abroad and encourage them to establish unions and associations; benefit from Egyptian potential abroad in the field of development and technology; encourage remittances; establish an integrated database on Egyptians abroad; collect information on Egyptian diasporas and their profiles by cooperating with	**Set up rules concerning the entry and residence** of foreign nationals. **Establish recruitment procedures with regard to economic immigrants**, including establishing recruitment agencies for hiring skilled foreign labour. **Recruitment of skilled foreign workforce** by consolidating bilateral cooperation with external parties. **Fight illegal immigration** by cooperating with other bodies through joint technical, security, policy-making and legislative mechanisms. **Identify refugees and define their status and rights** and devise action plans regarding their presence and stay in Egypt; and **develop collaborative mechanisms to deal with refugees' stay** in Egyptian territory with NGOs and international organisations (e.g., collaboration with UNHCR and WFP, among others, to provide for Syrian refugees in Egypt).

[19] Egyptian Ministry of Manpower and Emigration. (3 March 2013). Kuwaiti companies request workers in construction and building. Retrieved from http://www.manpower.gov.eg/(S(f1flxc45jeqr5rivlgqokgf0))/NewsDetails.aspx?MeetingBasicInfo=953

[20] For example, the 2007 agreement signed between Jordan and Egypt extended the registration period for Egyptian workers to regularise their status. The Egyptian Government has also called upon irregular Egyptian workers in Jordan to regularise their status (for example see: http://www.dailynewsegypt.com/2013/02/04/jordan-offers-grace-period-for-egyptian-migrant-workers/). For more information, see also: The Jordan Times. (26 March 2013). Authorities crackdown on illegal workers. Retrieved from http://jordantimes.com/article/authorities-halt-crackdown-on-illegal-workers----official

[21] Egyptian Ministry of Manpower and Emigration. (5 March 2013). *Hisham Qandil of Iraq to open the labor market between the two countries.* Retrieved from http://www.manpower.gov.eg/(S(uahk0k454jwbkd55jnmyq455))/NewsDetails.aspx?MeetingBasicInfo=955

[22] See Nadina Sika, "Highly-Skilled Migration Patterns and Development: The Case of Egypt", CARIM Analytical and Synthetic Notes 2010, p.12, retrieved from http://cadmus.eui.eu/handle/1814/13454.

	international stakeholders; improving Egyptian migrants' integration in receiving contexts (e.g., cooperation between the Ministry of Manpower and Emigration with the IOM). **Support policies linking migration and development** (e.g., previous Joint Migration and Development Initiative with IOM, UNHCR, European Union and the UNDP). **Fight against and dissuade Egyptian irregular emigration** by organising information and awareness-raising campaigns, and providing migrants with information on legal migration possibilities, and working with international organisations to enhance migration management.[23] **Developing information-sharing mechanisms with international stakeholders** in order to mitigate the effects of irregular emigration. **Fight against human trafficking** with creation of the National Coordinating Committee to collaborate with Egyptian Government and other institutions, and cooperation with IOM (e.g., judicial trainings and diplomat trainings[24]).	
Civil Society	➢ **Initiatives of Egyptian migrant associations** as well as professional and student **Diaspora networks** aimed at: • Protecting emigrants' rights (e.g., The Egyptian Organisation for Human Rights). • Reinforcing ties among Egyptian emigrants (e.g., Egyptian Association in the United Kingdom). ➢ **Initiatives of research institutions** aimed at: • Researching Egyptian emigration (e.g. The Egyptian centre for Economic Studies), collecting data on the Diaspora and carrying out research studies on the potential role of Egyptian expatriates in their country's development.	➢ **Civil society networks and initiatives** aimed at: • Improving regular and irregular immigrants' socio-economic and cultural rights (e.g., Tadamon, Caritas, and Egyptian Initiative for Personal Rights). • Assisting refugees and developing integration projects (e.g., Africa and Middle East Refugee Assistance; Tadamon; the South Center for Human Rights (SCHR); the Somali Association for Refugee Affairs). ➢ **Initiatives of research institutions** aimed at: • Filling in knowledge gaps concerning the presence of refugees on Egyptian territory [e.g., the survey carried out by the American University of Cairo together with the Government Decision and Support Center (GDSC) on Iraqi households in Egypt].

[23] For example, the IOM programs in which Egypt participates, including the "Education and Training for Egyptian Youth in Fayoum Governorate: Alternatives to Promote Regular Migration and Positive Alternatives" program, and the "Stabilizing At-risk Communities and Enhancing Migration Management to Enable Smooth Transitions in Egypt, Tunisia and Libya" program. For more information on these programs, see: http://www.egypt.iom.int/projects.htm. .

[24] For more information regarding cooperation between Egypt and the IOM regarding cooperation on human trafficking, see: http://www.egypt.iom.int/Doc/Counter%20Trafficking%20Fact%20Sheet%20Egypt%20(2012).pdf

International Cooperation	Egypt is a member of several **international organisations** in which it actively works to address issues of migration, including: International Organization for Migration (IOM); International Labour Organization (ILO); UNHCR; Arab League; and Organization for African Union (OAU), among others. Egypt is a participant to the **European Neighbourhood Policy** (ENP) and is a member of the **Union for the Mediterranean** (a multilateral partnership within the European Neighbourhood Policy).

GEORGIA

The Demographic-Economic Framework of Migration

From the early to mid-nineties the national economic output of Georgia fell by a factor of four. This drastic economic decline was complemented by significant flows of people who permanently moved abroad. Historically, migration patterns have been heavily influenced by the Georgian civil war in the early 1990s as well as ethnic conflicts in South Ossetia and Abkhazia. Still, the major motivation for most emigrants has been to gain employment and improve their economic situation. Emigration flows are mainly directed toward the EU, the US and the Russian Federation.

Immigration stocks in Georgia are relatively small flows in comparison to countries in the CIS region. However in the past decade flows have steadily increased. Labour immigrants move to Georgia mostly from India, Turkey and China.

Outward migration

Stock

According to destination countries' statistics, 767,489 or 198,904 Georgian migrants resided abroad in years around 2012 (table 1), who represent respectively 17.1% or 4.4% of the total population residing in Georgia. The huge difference between the two estimates depends on whether migrants living in Russia are counted according respectively to the country of birth or citizenship criterion.

Table 1 - Georgian emigration stocks by country of residence, most recent data (c. 2012)

Country of residence	Definition (a)	Reference date (Jan 1st)	Number	Number	%	%
European Union			**68,726**		**9.0**	**34.6**
of which Germany	(B)	2012	17,163		2.2	8.6
Greece	(A)	2006	13,254		1.7	6.7
Spain	(A)	2012	10,501		1.4	**5.3**
CIS countries + Georgia			**635,419**	**66,834**	**82.8**	**33.6**
of which Russia	**(A)**	2002	628,973	X	82.0	
Russia	**(B)**	2002	X	52,918		26.6
Ukraine	(B)	2001	6,446		0.8	3.2
Azerbaijan	(B)	2009	4,008		0.5	2.0
Other countries (b)			**63,344**		**8.3**	**31.8**
of which Israel	(A)	2005	44,462		5.8	22.4
US	(A)	2011	14,270		1.9	7.2
Turkey	(B)	2011	1,740		0.2	0.9
Main total			**767,489**	**198,904**	**100.0**	**100.0**

(a): Georgian migrants are defined according to the country of birth (A) or country of nationality (B) criterion according to countries of residence, in Russia both numbers are reported.

(b): "Other countries" include Iceland, Liechstein, Norway, Switzerland, Israel, US, Turkey, Canada, Australia and Japan.

Sources: national statistics (Population Censuses, population registers, registers for foreigners, etc.)

Indeed, in Russia, while individuals born in Georgia are 628,973, Georgian citizens stand only at 52,918. The former (largest) number is the result of large scale ethnic repatriation waves which occurred just after the collapse of the USSR, whereby a significant amount of persons born in the Georgian territory before 1991 with Russian descent, decided to 'return' to their origin country. They are the so-called ethnic Russians who are generally not perceived as Georgian emigrants, but Russian nationals.

Significant stocks are also found in Israel (44,462) and the US (14,270).

Inward migration

Stock

In 2002, 74,434 individuals born abroad and 8,058 foreigners resided in Georgia (1.7% and 0.2% of the total population, respectively).

Table 2 - Immigration stocks in Georgia according to different criteria, 2002

Country of citizenship/ country of birth	Number (birth)	Number (citizenship)
CIS countries	**70,922**	**7,026**
of which Russia	38,672	5,316
Armenia	12,268	859
Ukraine	9,706	360
Azerbaijan	5,780	378
Kazakhstan	1,651	45
Belarus	1,059	20
Uzbekistan	736	12
Moldova	466	24
Kyrgyzstan	242	3
Turkmenistan	197	5
Tajikistan	145	4
Other countries	**3,512**	**1,032**
of which Germany	607	81
Turkey	455	300
Total	**74,434**	**8,058**
% of the total population	**1.7**	**0.2**

Source: Population Census - 2002

The vast majority of immigrants are from former Soviet countries, and especially Russia and Ukraine.

The age distribution of immigrant stocks by age highlights that only 10% are 0-14 years of age, whereas 29% are within the retirement age range of 65 years and over. The remaining 61% are of working age.

Half of the immigrant stocks have a medium-level education to ISCED level 4 (post-secondary, non-tertiary education). Of the remaining population 22% were educated to the tertiary-level and 30% were educated to basic education or below.

It is worth mentioning that Georgian consular statistics found stocks to amount to 405,433 emigrants. Based on country of citizenship criterion, these statistics likely include a part of irregular migrants - who want to be in a regular position at least with their origin country institutions - and some second generation migrants. According to these figures over half of all migrant stocks are in Russia.

Migrants are heavily distributed across the working ages. As to their gender composition, males are much more represented in other former Soviet republics (64.0%), while a more gender balanced profile is observed in other countries (males are 49.2%).

Georgian migrants tend to be medium-highly educated with 45.3% holding a secondary diploma and 32.8% a tertiary education. It should be mentioned that migrants in OECD countries tend however to be higher skilled with the same percentage being at 35.7% and 38.7% compared with those staying in other former Soviet republics (where the same values stand at 53.8% and 27.7%, respectively).

In OECD countries, there are three main occupational shares for Georgian emigrants – professionals (18.4%), service workers and shop and market sales workers (16.4%) and craft and related trades workers (14.8%).

According to the 2002 Georgian Census (Emigration module), the main motivation to migrate for 78.4% of all emigrants was to improve their current economic situation. Study (6.6%) and asylum (1.1%) were the other motivations of note. Skills mismatch is a likely trend amongst Georgian stocks, as one in four potential migrants has been found not to have a particular job preference. Instead gaining employment is their major aim. For example, potential emigrants are willing to accept lowly qualified jobs such as domestic help/caregiving.

Flows

According to Georgian official statistics, in 2000s Georgia experienced a positive migration balance except for the year 2000 because of the 'Rose' revolution and for the 2009-2011 period. However, these data do not include either irregular migration - which is said to be a large phenomenon in Georgia (Badurashvili, 2012) – or temporary migration to Russia.

To deal with this, looking at the evolution of remittances of expatriates from Georgia as a rough proxy of migrants' stock and their annual variations as flow proxies seems a reasonable exercise (figure 1).

Flows

Data on residence permits granted to foreign people in 2009-2011 signals that temporary migration to Georgia is the more popular migration option in comparison to permanent migration (table 3).

Table 3 - Granted residence permits to foreign citizens by type of permit, 2009-Jan/2011-Apr

Year	Temporary permits (T)	Permanent permits (P)	Total	Ratio T/P
2009	2,725	1,350	4,075	2.0
2010	4,858	2,530	7,388	1.9
2011 (Jan-Apr)	1,524	632	2,156	2.4

Source: National Statistics Office - Georgia

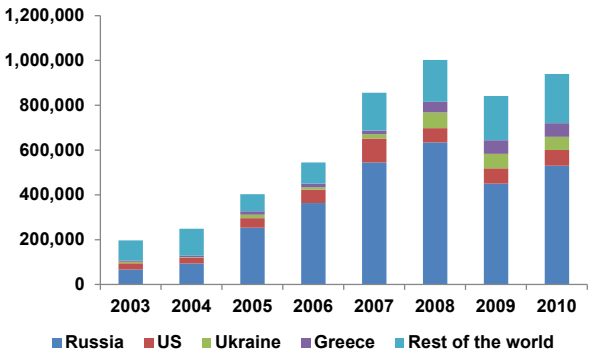
Among recent temporary migrants, the most represented nationalities are from India, Turkey and China (table 4).

Table 4 - Granted temporary residence permits by country of citizenship, 2009-Jan/2011-Apr

Country of citizenship	2009	2010	2011 (Jan-Apr)	Total
India	390	1,645	448	**2,483**
Turkey	981	1,020	276	**2,277**
China	404	904	400	**1,708**
Russia	184	218	46	**448**
Others	766	1,071	354	**2,191**
Total	**2,725**	**4,858**	**1,524**	**9,107**

Source: National Statistics Office - Georgia

Figure 1 - Remittances sent to Georgia by country of origin of remittances, thousand USD, 2003-2010



Source: Central Bank of Georgia

Figure 1 seems to show that emigration started to be significant since 2004, without interruption till 2009 (one year after the start of the global economic recession) and started again to increase in 2010.

In 2010, remittances equalled 8.1% of the GDP with Russia being the first country of origin of remittances.

References: Badurashvili, I. 2012. The Socio-Political Impact of Labour Migration on Georgia. , Carim-East Research Report 2012/21, Migration Policy Centre, European University Institute, San Domenico di Fiesole.

The Legal Framework of Migration

In 1993, soon after independence, the Georgian Parliament adopted several laws, which constituted a core of the migration legislation: the Law on the Citizenship of Georgia; the Law on Foreigners' Temporary Entry into, Stay in and Exit from Georgia; the Law on the Legal Status of Foreigners; the Law on Immigration, and the Law on Emigration. It took a relatively long time before a legislative act regulating the granting of refugee status was adopted by the Parliament in 1998, which was declared invalid recently upon the entry into force of the Law on Refugee and Humanitarian Status on 18 March 2012.

The most important event with regard to regulating migration was the adoption of the new Law on Legal Status of Foreigners on 27 December 2005, which came into force on 1 July 2006, declaring invalid the previous Law on the Legal Status of Foreigners, the Law on Temporary Entry of Foreigners as well as the Law on Immigration. The aforementioned law is a legal document regulating legal grounds of foreign citizens' entry into, stay in and exit from Georgia, determining their legal status and regulating most of the relations with participation of foreign citizens. The abovementioned Law on Emigration was declared void on 2 February 2009 when its provisions were incorporated in the Law on the Rules of Georgian Citizen's Entry into and Exit from Georgia, which was renamed in the "Law of Georgia on the Rules of Georgian Citizen's Entry into and Exit from Georgia".

As to the legislation on citizenship, worth mentioning are the amendments of 6 December 2004 to the Constitution of Georgia and the Constitutional Law on Citizenship of Georgia which empowered the President of Georgia to grant citizenship to a citizen of a foreign country who has a special merit before Georgia or whose citizenship is in the state' interest.

Finally, at the end of 2011, the Law on Compatriots Living Abroad and Diaspora Organizations was adopted (it entered into force on 1 March 2012), which, among other, defines the basis for acquiring the status of compatriots living abroad and benefits deriving from that status.

Legal Framework	Outward migration	Inward migration
General legal references	**Legal framework governing migration and mobility** 2011 Law on the Refugee Status and Humanitarian Status 2011 Law Compatriots Living Abroad and Diaspora Organizations 2009 (1993) Law on the Rules of Georgian Citizen's Entry into and Exit from Georgia 2006 Law on Combating Human Trafficking 2005 Law on the Legal Status of Foreigners 1996 Law on the Rules of Registration of Georgian Citizens and Foreigners Residing in Georgia 1995 Constitution of Georgia 1993 Law on the Citizenship of Georgia	

Entry and Exit	**Visa** Georgian citizens are exempted from the visa requirements in Mongolia, Turkey and the CIS countries, except for the Russian Federation. - EU-Georgia Visa Facilitation Agreement is in force since 1 March 2011. The EU-Georgia Visa Dialogue with a view to visa-free travel of GE citizens to the Schengen MS was launched in June 2012, and the relevant Visa Liberalisation Action Plan, which needs to be implemented by Georgia before the visa requirement for GE citizens is waved, was handed to Georgian government by Commissioner Malmström in February 2013. **Cross-border mobility** According to Art. 22.2 of the Constitution, everyone legally residing in Georgia shall be free to leave Georgia. This right may be restricted only: in accordance with the law; in the interests of securing national security or public safety; for the protection of health; for the prevention of crime; and for the administration of justice that is necessary for maintaining a democratic society. Special restrictions regarding the exit of citizens of Georgia are set in the Law on the Rules of Georgian Citizen's Entry into and Exit from Georgia. In particular, a Georgian citizen may be refused to exit Georgia if he/she is wanted by the law enforcement agencies of Georgia or if he/she has presented any invalid or false documents. Reference should also be made to the Decree of the President of Georgia of 27 February 2012, No 142 regulating the issue, validity and use of the return certificate to Georgia, which is a document to be issued to Georgian citizens in specific cases so that they can return to Georgia.	**Visa** Georgia has in place a visa-free regime for the citizens of more than 90 countries (including the CIS and EU/EFTA MS) - 4 types of visa exist: diplomatic, service, ordinary, study. Diplomatic, service and ordinary visas can be for stays up to 90 or 360 days; study visas are up to 360 days. **Cross-border mobility** Foreigners can enter the territory of Georgia and exit from Georgia through the border checkpoints open for international travel when they have a valid travel document and a stay permit in Georgia. The types of stay permits are: a) GE Visa; b) residence permit; c) Certificate of temporary residence for a refugee or a person with humanitarian status. An foreigner may be denied entry into GE, if a) he/she does not have documents required for entry into GE; b) there were established facts of violation of the GE Criminal Law during his/her previous stay in GE, or during the last year before submission of an application, the person concerned was expelled or has not paid the fine imposed for illegal stay in GE; c) he/she has presented any false information or documents in order to receive a visa or enter GE; d) he/she does not have sufficient financial means for staying and living in GE, or for returning back; e) his/her presence in GE may pose threat to public order and security, to the protection of health, or to the rights and legitimate interests of citizens and residents of GE; f) his/her presence in GE will harm relationships between the latter and any other foreign country; g) he/she does not provide information or provides false information about himself/herself and his/her travel intentions; h) other grounds for refusal envisaged by the legislation of Georgia. Refusal to enter Georgia has to be made in a written form indicating grounds for refusal.
Irregular migration	The Agreement between the European Union and Georgia on the Readmission of Persons Residing without Authorization was signed on 22 November 2010 and came into force on 1 march 2011. It has concluded before readmission agreements with Italy (signed in 1997, not entered into force),	The Criminal Code sets sanctions for the illegal crossing of Georgian borders (Article 344) and for assisting a migrant in illegal border crossing (Art. 344[1]). The violation of the rules of stay/residence and illegal employment of foreigners are administrative infringements.

	Bulgaria (2003), Switzerland (2005), Germany (2008) and Latvia (2009). The most recent readmission agreement was signed on 10 November 2011 between Georgia and the Kingdom of Norway (it came into force on 3 February 2012). The Readmission Agreement concluded between the EU and Georgia does not supersede all previous agreements between individual Member States and Georgia. However, its provisions take precedence over the provisions of any bilateral agreement. For example, under the EU-Georgia readmission agreement, a readmission application must be replied to within 12 calendar days. The Agreement between GE and Bulgaria sets 30 days as the time limit for replying a readmission agreement. In such cases of difference as this, the provisions of the EU-Georgia Readmission Agreement take precedence. The Decree of the President of Georgia of 26 April 2011, N225 designates the Ministry of Interior as the competent authority for the implementation of the EU-Georgia readmission agreement. Georgia has concluded a readmission agreement with Ukraine in 2004 and a relevant readmission protocol in 2005.	After the loss of the right to stay and before being apprehended, a foreigner, although de jure in irregular situation, can depart independently within 10 days. In this case neither administrative fine nor an entry ban is imposed. After 10 days, the border guard fines the foreigner. The fine can be paid either before or after leaving the territory. No entry ban will be imposed as long as the fine is paid. A foreigner who entered or stays illegally or who poses a risk to public policy, public security or national security can be expelled from Georgia. The decision-making body in case of illegal entry/stay is the Ministry of Justice while in other cases it is a court of justice. If the decision is taken by the Ministry of Justice, 3 days are fixed for independent departure (non-compliance leads to forced expulsion). A court's decision on expulsion has to be implemented immediately (i.e. forced expulsion carried out by the National Bureau of Enforcement). Administrative detention is possible for the purposes of identification or carrying out the expulsion decision. After 48h, a court's decision is needed. No time limit for such a detention is set. 1 year entry ban is imposed in case of expulsion. Georgia ratified the so-called Palermo Protocols on THB and smuggling in 2006. 2006 Law Combating Trafficking in Persons lays down legal and organisational grounds for preventing and combating trafficking in persons in Georgia. It also defines the responsibilities and obligations of state agencies, officials and legal bodies, as well as the rules for the coordination of their activities. The Law determines the legal status of victims of trafficking and sets guarantees to their social and legal protection.

Rights and settlement	The Georgian legislation provides citizens of Georgia with the right to exit from Georgia for permanent residence to another state.[1] Whereas, Georgian citizens who decide to emigrate from Georgia have to obtain an emigration permit.[2] In practice, most emigrants do not apply for it. Consequently, the numbers of the emigrants registered by Georgian authorities do not reflect the scale of emigration from Georgia. The Georgian legislation provides for a special status of compatriots and Diaspora organizations. A compatriot residing abroad is defined as a citizen of Georgia, who resides in other state for a long period of time, or a citizen of other state, who is of Georgian descent or/and whose native language belongs to the Georgian-Caucasian language group. The Georgian descent means when a person or his/her ancestor belongs to any ethnic group living within the territory of Georgia, and recognizes Georgia as own country of origin.[3] A Diaspora organization is defined as community established pursuant to the laws of the state of residence, for the purpose of popularization of Georgian culture, national language and traditions, initiation of communication between the diasporas, cooperation with Georgia in cultural, scientific and technical, and other fields.[4] Persons with a status of compatriots living abroad are allowed to enter Georgia without visa and stay in Georgia for up to 30 days.[5] They also have the right to receive state study grants for secondary and higher education.[6] In case of the approval of a respective sport's governing body, compatriots living abroad will have an opportunity to represent Georgia at sport events.[7]	Foreigners have the same rights as the citizens with the exception of the right to found/join or donate to political parties, vote in national or local elections. Foreigners qualify to social and retirement benefits if they have legally resided in Georgia during the last 10 years. Persons with asylum, refugee or humanitarian status have the same rights to education as Georgian citizens. There are two types of residence permits in Georgia: temporary and permanent. The temporary residence permit is issued for no more than six years to a foreigner who: a) has been engaged in labour activities in Georgia; b) has arrived in Georgia for the purpose of medical treatment or study; c) has been invited by a relevant governmental agency, as a highly skilled expert or a cultural worker and such invitation is in the interests of Georgia; d) is a guardian or custodian of a Georgian citizen; e) is under the guardianship or custody of a Georgian citizen; f) is a family member a GE citizen or of a foreign citizen having a residence permit in Georgia; g) upon a grounded assumption can be a victim of trafficking; h) has been suspended citizenship of Georgia. The permanent residence permit is issued, as a rule, to: a) a foreigner who has legally lived in Georgia for the last six years, excluding the living period for study or medical treatment and working period within the diplomatic and equivalent representation; b) a family member of a GE citizen; c) highly qualified specialists-technicians, sportsmen and art workers whose arrival is in the interests of Georgia; d) a person who has been suspended citizenship of Georgia.

[1] Article 3 (1) of the Law on the Rules of Georgian Citizen's Entry into and Exit from Georgia.

[2] Article 20 of the Law on the Rules of Georgian Citizen's Entry into and Exit from Georgia.

[3] Article 3 (b) and (c) of the Law on Diaspora Organizations and Compatriots.

[4] Article 3 (g) of the Law on Diaspora Organizations and Compatriots.

[5] Article 11 (1) (c) of the Law on Diaspora Organizations and Compatriots; Article 4 (5^4) of the Law on Legal Status of Foreigners.

[6] Article 11 (1) (d) of the Law on Diaspora Organizations and Compatriots; Article 22 (7) of the Law on General Education; Articles 80 and 80^1 of the Law on Higher Education.

[7] Article 11 (1) (a) of the Law on Diaspora Organizations and Compatriots; Article 20 (4) of the Law on Sport.

		A foreign citizen having a residence permit in Georgia has to register him or herself at the place of his or her residence within one month after entering the territory of Georgia or in case of being on the territory of Georgia after receiving the residence permit.
Labour	Accession to the ILO Discrimination (Employment and Occupation) Convention in 1995. Accession to the ILO Convention on Private Employment Agencies in 2002. In 1996, Georgia ratified Revised European Social Charter. Among those provisions of the Charter which are binding for Georgia is Article 19 which deals with the right of migrant workers and their families to protection and assistance. Though, the Revised Social Charter is not yet ratified by eleven member states of the Council of Europe, including Germany, the Czech Republic and the United Kingdom. This reduces the application area of the Charter. According to Art. 20 of the 1996 EC-Georgia Partnership and Cooperation Agreement, "the Community and the Member States shall endeavour to ensure that the treatment accorded to Georgian nationals legally employed in the territory of a Member State shall be free from any discrimination based on nationality, as regards working conditions, remuneration or dismissal, as compared to its own nationals." In the framework of the EU-Georgia Mobility Partnership signed in 2009, Georgia is the process of negotiating two labour migration agreements: one with Germany and another with France. There are also other measures enacted by some individual EU MS in the framework of the MP, which aim to support circular or temporary migration of GE citizens. In particular, Georgian Citizens can take up temporary employment in Poland without a work permit, and Germany allows Georgian citizens who have legal residence permits in Germany to leave Germany for longer periods (up to two years) than the usual six months without losing their residence titles.	The Georgian legislation stipulates some limitations only with regard to the employment in the public service and also to becoming an attorney and occupying a notary's position. The Labour Code and the Law on Entrepreneurs do not provide for any limitations for foreigners to engage in employment relations or establish commercial legal entities or get registered as individual entrepreneurs in Georgia. In order to enter Georgia for work purposes and perform labour activities in Georgia foreigners do not need to obtain work permits. They may enter into Georgia with ordinary visas, unless they fall under the visa exemptions. Ordinary visa is issued for a period of 360 days, in the case of issuing ordinary visas at the border crossing points – for a period up to 90 days. After the expiry of the validity period of the ordinary visa, a foreign citizen willing to work or study in Georgia has to obtain a temporary residence permit. A temporary residence permit in Georgia is issued to those foreign citizens willing to stay in Georgia for not more than six years who are engaged in labour activity. After 6 years the person may apply for a permanent residence permit. In order to obtain a temporary residence permit on the basis of performing labour activities in Georgia the foreign citizen has to submit along with other necessary documents a document confirming labour activity in Georgia (labour contract or any other employment document); for persons of free profession - a certificate from bank, depicting turnover of sums on his/her personal account for the last year. The termination of residence permit occurs automatically upon the expiry of its validity period. One of the grounds for termination of the term of stay in Georgia is the termination of labour activities on the ground of which the residence permit was obtained.

Citizenship	Dual citizenship is not allowed for citizens of Georgia, unless granting Georgian citizenship to the person is in the interest of the Georgian state or if the person has made special contribution to the Georgia state (granted by the president). The grounds for termination of citizenship of Georgia are: a) withdrawal from citizenship of Georgia; b) loss of citizenship of Georgia; c) other circumstances provided for by international treaties of Georgia. A person loses citizenship of Georgia if he or she: a) enters into military service, police, bodies of justice, government or state power of a foreign state, without permission of competent bodies of Georgia; b) permanently resides on the territory of another state and has not registered in the consulate within two years, without due excuse; c) has acquired citizenship of Georgia by providing false documents; d) obtains citizenship of another state. In 2011, Georgia acceded to the Convention relating to the Status of Stateless Persons.	**Georgian** citizenship is based primarily on the principle of jus sanguinis. Namely, a child whose parents were citizens of Georgia as of the date of its birth is a citizen of Georgia regardless of the place of birth. In the case where only one of the parents is a Georgian citizen, the child is considered to be a citizen of Georgia if it was born: a) on the territory of Georgia; b) outside the borders of Georgia but one of the parents has a permanent place of residence on the territory of Georgia; c) one of the parents, at the date of a birth of a child (regardless of the place of birth) is a citizen of Georgia and the other is a stateless person or unknown. Where only one of parents is a Georgian citizen and both of the parents reside outside the territory of Georgia, the question of citizenship of the child born outside the borders of Georgia shall be determined by an agreement of parents. In the absence of such agreement - by the legislation of the state of birth. Preconditions for naturalization are: 5 years of permanent residence, knowledge of the Georgian language, history and legislation, legal means of income or real estate in Georgia or shares in either capital or stocks of companies, registered in Georgia. Facilitated naturalization for persons with merit to Georgia or mankind or profession or qualifications, which are of interest to Georgia, for spouses of Georgian citizens and for persons with repatriate status.
International Protection	Georgia ratified 1951 Geneva Refugee Convention and the 1967 New York Protocol in 1999. The Georgian legislation differentiates between the procedures of granting of asylum, the refugee status and the humanitarian status. Asylum is granted by the President of Georgia, whereas the refugee status and the humanitarian status are granted by the Ministry of IDP, Accommodation and Refugees. Asylum is granted to those foreigners who are persecuted in their home countries for promoting human rights protection and peace, as well as for carrying out progressive socio-political, scientific and other intellectual activities. Asylum is granted by the President of Georgia, whereas the refugee status and the humanitarian status are granted by the Ministry of IDPs from the Occupied Territories, Accommodation and Refugees. A refugee status may be granted to a person who is not a Georgian citizen and is not a stateless person permanently residing in Georgia and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself	

	of the protection of that country or to return it[8]. As to the humanitarian status, it can be obtained by a person, who cannot fulfil the requirements of the refugee status, but is unable to return to his or her place of permanent residence due to certain humanitarian reasons[9]. After illegally crossing the border, a person seeking asylum in Georgia is obliged to apply to a state body within 24 hours. The Ministry of IDPs, Accommodation and Refugees has to reach a decision on the registration of the person as asylum seeker within 10 days from the date of filing the application.[10] The decision on the granting to the person a refugee or humanitarian status is made by the Ministry within 6 months after the registration, whereas, this period may be extended by up to 9 months. Persons who apply for protection in Georgia are offered accommodation in the asylum reception centre.[11] Persons who were granted the refugee or humanitarian status has the right to stay in the reception centre up to 3 months and then either to choose accommodation provided by Ministry of IDPs, Accommodation and Refugees or find their own accommodation. Persons with the refugee or humanitarian status receive the temporary residence permit.

[8] Article 2 of the Law on Refugee and Humanitarian Status.

[9] Article 4 of the Law on Refugee and Humanitarian Status.

[10] Article 12 (1) of the Law on Refugee and Humanitarian Status.

[11] Article 18 (1) (b) of the Law on Refugee and Humanitarian Status.

The Socio-Political Framework of Migration

Due to Georgia's geopolitical location and its demographic and economic development, the migration process management is one of the priorities in the country. Local politicians are well aware of the potential economic and demographic consequences resulting from large-scale labour emigration. At the same time, they are aware of the benefits that could be derived from the remittances sent by the migrants to their country of origin, and the Georgian Diaspora's contribution to this process. In terms of the development of migration processes, Georgia is a country of both origin and destination and transit. Prior to the "Rose Revolution", the need for migration regulation was not present in the political priorities of the ruling party. Several laws regulating the migration sphere at the time have been declared ineffective today or amended legislatively substantially. Since 2004, fundamental institutional reforms have been carried out and strategic goals for Georgia's foreign policy have been defined. In order to promote regional stability, the strategic document of Georgia's foreign policy for 2006-2009 sought to fight illegal migration and establish a respective legislative base for legal employment of Georgian citizens abroad. Migration regulation is also one of the priorities in terms of cooperation between Georgia and the European Union. In the early spring 2013 the government adopted a new State Strategy on Migration (see below).

In order to determine overall policy line of Georgia's government for internal and external migration and improve the state system for migration management, the Governmental Commission on Migration Issues was established in fall 2010. It comprises the following entities: the Ministry of Justice, the Ministry of Internal Affairs, the Ministry of IDPs, Accommodation and Refugees, the Ministry of Foreign Affairs, the Ministry of Economy and Sustainable Development, the Ministry of Labour, Health and Social Protection, the Ministry of Finance, the Office of the State Minister for Diaspora Issues and the National Statistics Office.

Socio-Political Framework	Outward migration	Inward migration
Governmental Institutions	Ministry of Foreign Affairs through its consulates protects the rights of Georgian citizens abroad and keeps record of registered migrants, provides them with consular services. The Office of the State Minister of Georgia for Diaspora Issues works with Diaspora organisations, creates contact databases of these organizations and Diaspora members, supports various cultural events to foster links between Georgia and its Diaspora. Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees works mainly on social and economic reintegration of refugees and IDPs in Georgia, and return migrants, including returnees, readmitted in accordance with the readmission agreements (see above).	**Asylum:** Public Service Development Agency (formerly: the Civil Registry Agency) of the Ministry of Justice is responsible for issuing travel documents for stateless persons and refugees, residing in Georgia. Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees is responsible for the policies regarding refugees, asylum seekers, internally displaced persons, return migrants, repatriation, disaster victims, and resettlement. The Ministry is in charge of the refugee status determination and granting refugee or humanitarian statuses. **Border Management:** Ministry of Internal Affairs, namely its Patrol Police Department (PPD) is responsible for border management and border protection of the country. PPD is also responsible for issuing visas at the state border. **Legal and Labour Migration:** Ministry of Foreign Affairs through its consulates issues visas abroad. Ministry of Justice/Public Service Development Agency (formerly: the Civil Registry Agency) issues temporary and permanent residence permits. Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees is responsible for monitoring of processes connected to labour migration.

		Irregular migration: Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees works to prevent illegal/irregular migration. Ministry of Internal Affairs/Patrol Police Department controls the borders to ensure the legal regime of the Georgian state border; to combat irregular migration and trafficking in human beings. **Citizenship:** The President of Georgia has the authority to grant/revoke citizenship, grant dual citizenship. Public Service Development Agency of the Ministry of Justice is responsible for issuing citizenship documents, processing citizenship applications and preparing relevant conclusions for the President.
Governmental Strategy	The newly adopted State Migration Strategy aims at: – Supporting legal emigration (providing assistance to Georgian citizens for emigrating legally, getting temporary employment abroad, also supporting educational exchange programs and raising awareness of the public); – Supporting Georgian citizens' repatriation and reintegration with dignity (the implementation of the international treaties and national legislation with regard to the return of Georgian citizens, reintegration of Georgian citizens, strengthening of the capacities of the institutions involved in reintegration process and development of a legal framework, the increase of awareness with respect to reintegration, recognition of the skills and education acquired abroad).	The newly adopted State Migration Strategy aims at: – Supporting legal immigration; – Fighting and preventing illegal migration (enhancement of combating against human trafficking and illegal smuggling of migrants across borders and improvement of relevant mechanisms, general public awareness raising, identification of legal deficiencies and their follow-up elimination, institutional development, improvement of inter-agency and international cooperation, implementation of preventive activities, improvement of shelter (refuge) system and the process of refugees' integration); – Developing an asylum system (formation of a legal and institutional framework within the asylum system, the development of an efficient system for obtaining information on the country of origin, further improvement of the integration mechanism for refugees and the persons under humanitarian status and provision for their employment, education and healthcare, creation of favourable conditions for the persons living in a reception centre);
Civil Society	Civil Development Agency (CiDA) Open Society Georgia Foundation United Nations Association of Georgia Danish Refugee Council Eurasia Partnership Foundation People's Harmonious Development Society	Innovations and Reforms Centre Liberal Academy – Tbilisi Georgian Young Lawyers Association

Migration and development	Strengthening cooperation with Georgian diasporas abroad has already become one of the major goals reflected within the Foreign Policy Strategy of Georgia, strategy documents for migration and the EU-Georgia Joint Declaration on Mobility Partnership signed in 2009. In 2008, the Office of the State Minister for Diaspora Issues has been established in Georgia. Since that time, the Parliamentary Committee for Diaspora and the Caucasus Region Issues has started working on the affairs related to Georgian compatriots residing abroad. The joint efforts undertaken by these two agencies resulted in adopting a "Law of Georgia on Compatriots and Diaspora Organizations Residing Abroad" in 2011, a major step taken forward in this direction. As mentioned above, granting the status of compatriots according to the law gives certain advantages: the certificate holders may enter the territory of Georgia without a visa; they can get state-funded general and higher education, while being able to participate in various targeted programs designated for diasporas and financed by state. In compliance with the action plan for 2011 developed by the Office of the State Minister for Diaspora Issues, some of the priorities of the Office included economy, education and culture. In terms of economy, the Office is planning to attract diasporas investments, arrange business forums and promote the attraction of labour migrants' savings and investments into Georgian economy; propose and popularize specific projects based on active cooperation with respective state agencies.
International Cooperation	Georgia is a member of the following forums actively working on migration issues: IOM, Council of Europe, and OSCE. It participates in the following regional processes: Budapest Process, Prague Process, and Eastern Partnership. It is subject to the European Neighbourhood Policy and Black Sea Synergy.

JORDAN

The Demographic-Economic Framework of Migration

Various forms of migration movements from, to and through Jordan have played a key role in shaping the country's demographic, economic and political structure.

As to emigration patterns, since the 1973 oil price increases, large outflows of Jordanian citizens – mainly highly-skilled and of Palestinian origins – emigrated overseas and towards the oil-producing states, states which still represent today the most important destination for Jordanians.

In the same period, Jordan became the recipient of unskilled and semi-skilled workers destined to fill shortages in the agrarian, construction and service sectors. Considered as a sort of replacement migration, today's foreign workers are fundamental in the Jordanian labor market. However, the combination of high levels of unemployment among nationals and large numbers of foreign workers is much debated. Furthermore, being at the crossroads of two major areas of instability and prolonged conflicts, Jordan has become a destination for several waves of forced migrants from Palestine –the majority of whom were granted Jordanian citizenship – but also forced migrants from Lebanon, Iraq and, recently, Syria.

Outward migration

Stock

Data on Jordanians abroad are scarce and fragmentary. Only by using origin and destination sources, can a quantitative picture of the phenomenon be partially traced.[1]

Jordanian emigration stocks (a) by country of residence, most recent data (c. 2012)

JORDANIAN STATISTICS (available only for oil-producing countries, 2008)			DESTINATION COUNTRIES' STATISTICS (most recent data, c. 2012)		
UAE	54,834	33.9	**European Union**	**33,066**	**18.6**
Qatar	50,928	31.5	of which UK (2012)	9,000	5.1
Kuwait	30,748	19.0	Germany (2012)	7,686	4.3
Oman	18,888	11.7	Italy (2012)	3,260	1.8
Saudi Arabia	3,396	2.1	**SEM countries (b)**	**56,295**	**31.6**
Libya	3,060	1.9	of which Palestine (2007)	50,350	28.3
Total	**161,854**	**100.0**	**Other countries (b)**	**88,540**	**49.8**
			of which US (2011)	74,166	41.7
			Canada (2006)	7,920	4.5
			Total	**177,901**	**100.0**
Main total			**339,755**		

(a) : In destination countries' statistics, Jordanian migrants are defined according to the country of birth (A) or country of citizenship (B) criterion according to countries of residence. In Jordanian statistcs, Jordanian migrants are defined according to the country of citizenship criterion.
(b): According to data availability, "Southern and Eastern Mediterranean (SEM) countries" Algeria, Egypt, Morocco, Palestine and Turkey, while "Other countries" include Iceland, Liechtenstein, Norway, Switzerland, Belarus, Georgia, Russia, Ukraine, Canada, US, Australia, New Zealand, Japan and Israel.

Sources: Jordanian Ministry of Labor (**Jordanian statistics**); population censuses, population registers, registers for foreigners, etc. (**destination countries' statistics**).

In 2009, according to the national Ministry of Labor, Jordanians residing in oil-producing countries stood at 140,722. The majority of them lived in the United Arab Emirates (39.0%), Saudi Arabia (36.2%), Kuwait (13.4%) and Qatar (6.8%). As to the rest of the world, the most recent data (c. 2012) would put the figure at 177,901, of whom a very large proportion (41.7%) live in the US. 31.6% live, instead, in other southern and eastern Mediterranean (SEM) countries and 'only' 18.6% in the European Union. The total number of Jordanian migrants thus stands at 339,755, or 5.4% of the total population in Jordan. Men represent 52.4%.

Inward migration

Stock

In 2004, according to census data, 342,273 foreign nationals resided in Jordan or 7.7% of the total resident population. Among them, 191,307 were economically active – or 13.2% of the total active population – of which 178,636 were employed. The unemployment rate of foreign nationals was thus estimated at 6.6% *vs* 22.8% of the total resident population and 25.2% among Jordanian nationals. In this regard, the Census revealed the seriousness of unemployment in Jordan which, until the dissemination of the Census results, was instead estimated at 'only' 12.5% by the *2004 Employment and Unemployment Survey*.

Foreign resident population by country/region of citizenship, 1994, 2004

Country/region of citizenship	1994		2004		Average annual growth rate (%)	2004 Economically active population	
	Total	%	Total	%		Total	%
Arab Asian countries	**157,998**	**50.2**	**205,887**	**52.5**	**3.0**	**58,576**	**30.6**
of which Palestine	*92,131*	***29.3***	*115,190*	***29.4***	***2.5***	*29,696*	*15.5*
Iraq	*24,501*	***7.8***	*40,084*	***10.2***	***6.4***	*13,148*	*6.9*
Syria	*31,805*	***10.1***	*38,130*	***9.7***	***2.0***	*14,185*	*7.4*
Arab African Countries	**127,976**	**40.6**	**117,754**	**30.0**	**-0.8**	**80,023**	**41.8**
of which Egypt	*124,566*	***39.5***	*112,392*	***28.7***	***-1.0***	*78,486*	*41.0*
Non-Arab Asian Countries	**21,608**	**6.9**	***58,146***	**14.8**	**16.9**	**51,101**	**26.7**
of which Sri Lanka	*9,933*	***3.2***	*13,552*	***3.5***	***3.6***	*13,369*	*7.0*
Other countries	**7,383**	**2.3**	**10,486**	**2.7**	**4.2**	1,607	0.8
Total	**314,965**	**100.0**	**392,273**	**100.0**	**2.5**	**191,307**	**100.0**
%of foreigners on the total resident population	**7.6**		**7.7**			**13,2 (*)**	

(*) Percentage of economically active foreigners on the total economically active population.
Source: Jordanian national Census (1994 and 2004)

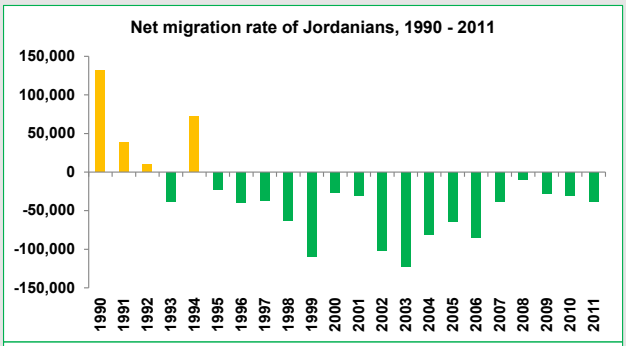
Foreign nationals came mainly from other Arab Asian countries (52.5%) especially Palestine (29.4%), Iraq (10.2%) and Syria (9.7%) and Arab African countries (30.0%) – of which the vast majority were Egyptian nationals (28.7%).

[1] For Jordan, the issue of where emigrants are counted emerges strikingly. Indeed, using statistics provided by destination countries would underestimate Jordanian emigrants since the Gulf states (the main destination for Jordanians) do not disseminate data on population by nationality; on the other hand, using only Jordanian statistics is not feasible either since the Ministry of Labor does not collect data on destination countries from the "oil-producing countries". Finally, the national Census only considers migrants away from home for less than one year, leading again to an underestimation of emigrants.

Due to data limitations, the socio-economic profile of Jordanians abroad is available only for those who reside in OECD countries. In c. 2006, Jordanians abroad had a highly-skilled profile both in terms of educational skills (43.2% held a tertiary education and 39.8% a secondary or post-secondary degree) and occupational position (57.6% were employed in medium-highly-skilled jobs, especially as professionals, 21.8%; legislators, senior officials and managers, 13.7%; technicians and associate professionals, 11.4% and clerks, 10.6%) (OECD.stat). Finally, it is worth noting that, unlike the majority of southern and eastern Mediterranean countries, the profile of Jordanian emigrants is very similar in all OECD countries. It is apparently determined more by educational conditions at home than by destination countries' selective migratory policies.

Flows

Data provided by the Jordanian Public Security Department permit a history of Jordanian migration flows from 1990 to 2011.



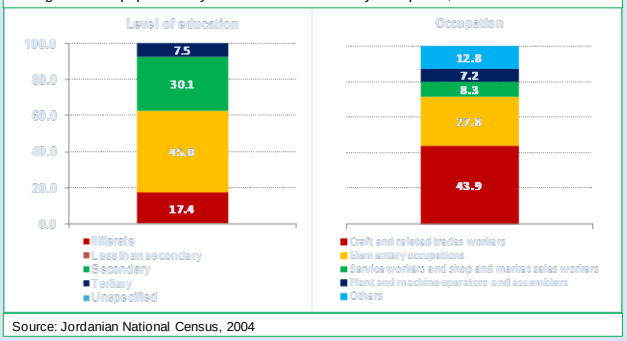
Source: Jordanian Public Security Department

As a consequence of the 1990-1991 Gulf War, around 300,000 Palestinians, many of them born in the Gulf, became forced migrants from Kuwait and Saudi Arabia and headed for Jordan, whether it was home for them or not. Emigration started growing again in the mid-1990s – just after the signing of the peace accord between Jordan and Israel – and persists though fluctuating.

By looking at the evolution of remittances of expatriates to Jordan from 1961 to 2009, the same trend is observable. In this regard, the use of remittances as a rough proxy of migrants' stock and their annual variations as flow proxies seems a reasonable exercise.

Nevertheless, by comparing the two censuses (1994 and 2004), the growing importance of non-Arab nationals emerged: their annual average growth rate stood at 16.9% (vs 2.5% for the total foreign population), while the proportion of the total foreign population more than doubled from 6.9% to 14.8%, reaching 26.7% when only the economically active foreign population is considered.

Foreign resident population by level of education and by occupation, 2004

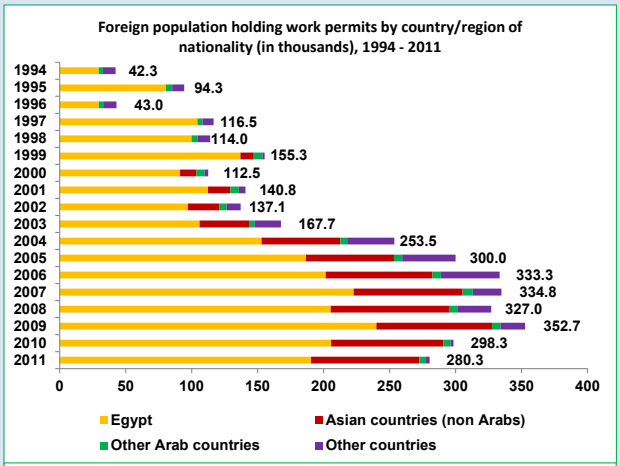


Source: Jordanian National Census, 2004

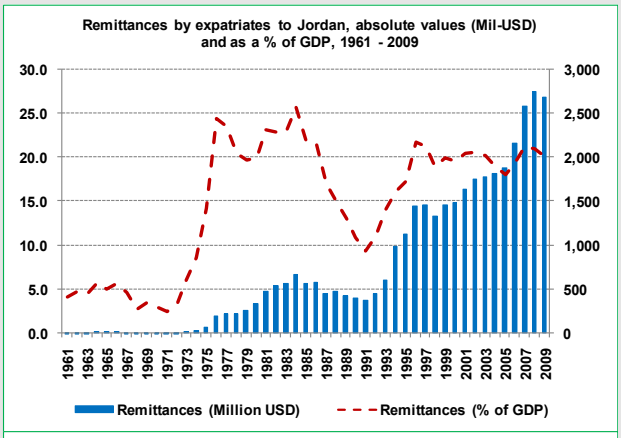
As to their profile, foreign nationals in Jordan are: **a)** mainly men (59.0%), **b)** young (mean age of 26.2), **c)** poorly educated (62.4% have less than secondary level), **d)** employed at low occupational levels (e.g. 43.9% as craft and related trades workers and 27.8% in elementary occupations) and **e)** mainly working in the manufacturing (26.6%), construction (22.5%), in the service sector (17.9%, of whom 82.6% employed in private households) and in the agricultural sector (11.7%).

Flows

Data on the evolution of foreign workers holding work permits confirm the growing importance of Asian nationals: from 12.0% in 2001 to 29.2% in 2011 as a percentage of all foreign nationals holding work permits. There was a parallel rise in the percentage of foreign nationals employed in the service sector (where Asian nationals are mainly employed).



Source: Jordanian Ministry of Labor, Annual Report, various years



Source: Central Bank of Jordan

Here, the two previous phases of Jordanian emigration emerge: the start of massive emigration after 1973 and the gradual return in the mid-1980s as a consequence of the progressive replacement of Arab by Asian workers in the Gulf countries. Furthermore, the importance of remittances comes out strikingly. In 2009 they equalled 2,682 Million USD or 20.0% of GDP.

They also confirm the relevance of Egyptian nationals in the Jordanian labour market: in the period 1994-2011, they always represented more than 60% of all foreign nationals holding work permits.

After decades of an 'open door' policy, in 2007, Jordan initiated a protectionist policy aimed at granting certain jobs to nationals. For instance, in 2007-2011, the number of foreign nationals holding work permits dropped – except for 2009 – as a consequence of changes in the labor law which made many foreign nationals with a valid work permit irregular. In 2005-2006, just a few years before these normative changes, 34,586 foreign nationals were expelled from Jordan, while another 5,000 Bangladeshis were repatriated in 2008. (www.smc.org in Fargues, 2009).

"Refugees" in Jordan: a complex issue

Starting in 2011, the Syrian civil war has resulted in large numbers of Syrian nationals fleeing to neighbouring states. As of 14 April 2013, according to the United Nations High Commissioner for Refugees (UNHCR), 424,771 Syrian nationals reached Jordan, among whom 360,731 registered with the UN Refugee Agency. These flows have strikingly increased in the last 6 months: as of 16 October 2012, registered refugees were 'only' 58,005. Similar increasing numbers were observed in all countries neighbouring Syria confirming a further recent escalation of violence there and a consequent aggravation of the refuge crisis.

The UN refugee agency warns that its statistics do not include a number of Syrians who simply did not seek refuge as they were either able to establish themselves or were hosted by relatives or friends. According to the Jordanian government, the total number of Syrian nationals reaching Jordanian borders since the beginning of the 2011 revolts stands at 470,000 people as of 28 March 2013. Most of them live in Ramtha and Mafraq at the Syrian border, as well as in housing which was rented at low prices or donated by the Jordanian government (Olwan and Shiyab, 2012).

A recent survey, targeting Syrians arriving in Jordan due to the crisis, assessed their characteristics as well as their socio-economic conditions and needs (for more details, see Olwan and Shiyab, 2012). They are predominantly male (83.5%), young (80.9% are younger than 40), and have low education (83.8% have no or only primary education). Most probably, the part belonging to the Syrian middle class (*la bourgeoisie syrienne*) has resorted more distant and safer destinations, e.g. the EU and the US. Most of them were married (68.6%), arrived with other family members (81.9%) and 'chose' Jordan as a refuge for 'security and stability reasons' (29.4%), and its safe 'economic and democratic environment' (21.2%). Indeed, despite Jordan not being a signatory of the Refuge Convention of 1951, 90.5% of the respondents had no fear of expulsion. Here, Syrians are certainly perceived as guests rather than as refugees.[2]

In addition, the survey shows that Syrians arriving in Jordan after 2011 have faced difficult economic conditions (61.9% did not receive any aid from families at home; 80% do not have a job). There is a need, then, to provide them with the means to afford basic health, education and housing services. Despite the Jordanian authorities providing them with basic school and health facilities, Jordan alone has modest potential to deal with the worsening of the refugee crisis. This begs the question of how long Jordan will be able to manage, while also flagging up the responsibilities of international actors.

[2] It is worth mentioning that Syrians going to Jordan do not need any visa or residence permit to enter, provided they have a valid passport (Olwan and Shiyab, 2012).

As well as recent Syrians' flows, massive inflows of Palestinian and Lebanese and Iraqi forced migrants have, over time, reinforced the idea of Jordan as 'a refugee haven' (Chatelard, 2010).

As to Palestinians, following the Arab-Israeli 1948-war and the subsequent extension of Jordanian sovereignty over the West Bank and East Jerusalem, the Palestinians who settled in Jordan in that period stood at around 506,200 (100,000 on the East Bank and the rest on the West Bank, source: United Nations Relief and Works Agency for Palestine refugees in the Near East - UNRWA). All of them were granted Jordanian citizenship by the Jordanian state together with refugee status (including their descendants) by UNRWA. Later, after the Israeli occupation of West Bank and East Jerusalem in 1967, about 240,000 Jordanians of Palestinian origin fled from the West Bank to the East Bank (Jordanian Ministry of the Occupied Territories); however, they were considered as Internally Displaced Persons since *they had just moved from one part of Jordan to another*. In addition, a smaller group of around 15,000 Palestinians (Olwan, 2010), who fled from Gaza to Jordan ,had been granted refugee status under UNWRA but had not been granted citizenship rights. A major change in the status of Jordanians of Palestinian origins occurred in 1988 when the Jordanian authorities' decision to sever administrative and legal ties with the WB meant that Jordanians of Palestinian origins residing there (before July 1988) lost their nationality and full citizenship: according to McDowall (1989) around one million individuals (860,000 from the West Bank and 130,000 from East Jerusalem) became stateless Palestinians.

Today, as a result of this complex situation, there are 2.0 million Palestinian refugees in Jordan (UNRWA, 2012 data) the majority of whom are not migrants under the 'country of birth criterion' since they were born in Jordan. Furthermore, most of them (except for about 120,000 refugees originally from the Gaza Strip) have full Jordanian citizenship so they cannot be considered migrants either under the 'country of citizenship' criterion.[3] However, since 1988 and especially over the past few years, the Jordanian government has been arbitrarily withdrawing Jordanian nationality from its citizens of Palestinian origin, making them stateless. According to Human Rights Watch (2010), between 2004 and 2008, the Jordanian authorities had withdrawn nationality from over 2,700 of its citizens of Palestinian origins.

As to Iraqi refugees, some of them fled to Jordan in the 1990s and the rest after the US-led invasion of Iraq in 2003. However, they have never been counted and due to the political sensitivity of this issue, estimates have to be taken with caution. For instance, in 2007 UNHCR estimated that there were 750,000 Iraqi refugees in Jordan. In the same year the Norwegian research centre FAFO suggested a much lower number, 161,000, an estimate which was later revised upwards to 450,000-500,000. Still today, the number of Iraqis refugees in Jordan is unknown.

References: Chatelard G. 2010. Jordan: A Refugee Haven, Country Profiles, Migration Policy Institute; Fargues P. 2009. "Work, Refuge, Transit: An Emerging Pattern of Irregular Immigration South and East of the Mediterranean", International Migration Review, Vol. 43, Issue 3, pages 544–577; Fargues P. 2006. International migration in the Arab region: trends and policies, paper presented at the United Nations Expert Group Meeting on International Migration and Development in the Arab Region, Beirut, 15-17 May 2006; Human Right Watch. 2010. Stateless again, New York; McDowall D. 1989. A profile of the population of the West Bank and Gaza Strip, Journal of Refugee Studies, Vol.2, No.1; Olwan M., Shiyab A. 2012. Forced Migration of Syrians to Jordan: An Exploratory Study, MPC Research Report 2012/06, Migration Policy Centre, European University Institute, San Domenico di Fiesole; Olwan M. 2010. Palestinians in Jordan, CARIM, RSCAS, European University Institute, internal note.

[3] Again, UNRWA data on Jordanians of Palestinian origins residing in Jordan (i.e. refugees) have to be taken with caution because registration is a voluntary act. However, while declaring a birth implies an interest, the same does not apply to registering a death or a departure (Fargues, 2006).

The Legal Framework of Migration

Foreign nationals' entry and stay in Jordan are mainly governed by law n°24 of 1973, as modified in 1998. The status of foreign nationals in Jordan varies greatly according to, inter alia, activity, place of work, and national origin. Overall, immigration is considered temporary- as a response to needs in the national economy, which is legally protected from foreign competition and speculation. Arab nationals are privileged as far as entry, stay and access to citizenship are concerned.

In the last years, Jordan has attempted to improve the framework and the rights of some foreign worker categories, especially domestic workers who mostly come from the Philippines, Indonesia and Sri Lanka, but also foreign workers employed in Qualifying Industrialised Zones where already lax rules are regularly violated. Like in neighbouring countries, exploited workers organised some strikes – considered as illegal. Besides, the work of Egyptian citizens, who are numerous in Jordan, was further regulated in 2007, the same year as in Libya.

Palestinians form a specific category, or rather several categories. Among the Palestinians who were granted Jordanian citizenship between 1948 and 1988, one million would have lost it after Jordan withdrew from the West Bank. If they resided in the West Bank before 1988, they are considered foreign nationals whose entry into Jordan is not guaranteed, while they can obtain a five-year passport enabling them to travel. Palestinians from Gaza are not entitled to Jordan citizenship, but can also be granted a five-year passport, which is a residence permit as well as a travel document. They constitute a part of Palestinian refugees received in Jordan and placed under the mandate of UNRWA. The most part of Palestinian refugees have Jordanian citizenship. The status of Palestinians varies then, be they in Jordan or in Palestine. This status is in the thrall of the "Jordan solution", which is sometimes proclaimed in the region as an alternative to the Palestinians' right of return, and as a threat of a new influx of Palestinians.

While UNRWA is in charge of Palestinian refugees in Jordan, UNHCR, which has been in Jordan since 1991, deals with other nationalities. Although Jordan has not ratified the 1951 Geneva Convention, it has recognized refugee status granted by UNHCR since 1998. Protection can only be temporary in Jordan, which rejects the idea of local integration. Longer-term solutions depend for the most part on resettlement opportunities in third countries.

Legal Framework	Outward migration	Inward migration
General Legal References	• 2009 By-law n°89 governing the employment of non-Jordanian domestic workers by the private recruitment agencies[4] • 2009 Law n°9 on Prevention of Trafficking in Persons[5] • 2009 Foreign Workers Recruitment Regulation[6] • 2008 Law n°48 amending labour law[7] • 2005 and 2007 Regulations concerning the employment of foreign workers[8] • 1973 Law n°24 on Residence and Foreign Nationals' Affairs, modified by Amendment n°90 of 1998[9] • 1954 Law n° 6 on Nationality, amended in 1987[10] • 1952 Constitution of the Hashemite Kingdom of Jordan, and amendments[11]	
Entry and Exit	Exit and entry freedom for Jordanian citizens with a valid passport.	Circulation simplified in border zones for neighbouring countries' citizens. Citizens from CCG[12] member states can get entry visas at the border, as do many other nationalities, including Europeans.
Irregular Migration		Law n°24 of 1973 includes: **Irregular entry** is penalised with one to six months in prison or a 10 to 50 dinar-fine (or both). **Facilitation of irregular entry** penalised with imprisonment or fines (or both). **Irregular stay** is punished with a fines for each month overstayed. **Employment of irregular workers** is punished with a fine. Any other offence can be sanctioned by a 1 week to a 1 month-prison sentence, or at least a 10 dinar-fine (or both).

[4] CARIM. *By-law n°89 governing the employment of non-Jordanian domestic workers by the private recruitment agencies*. Retrieved from http://www.carim.org/index.php?callContent=401&callText=1410

[5] National Information System. http://www.lob.gov.jo/ui/laws/search_no.jsp?no=9&year=2009

[6] CARIM. *Passport Regulation n°5 of 2003*. Retrieved from http://www.carim.org/public/legaltexts/JordLegN52003.pdf

[7] CARIM. *Law n°48 amending labour law*. Retrieved from http://www.carim.org/index.php?callContent=401&callText=1043

[8] CARIM. *Legal Database – Jordan*. Retrieved from http://www.carim.org/index.php?callContent=400&callCountry=2400

[9] CARIM. *1973 Law n°24 on Residence and Foreign Nationals' Affairs*. Retrieved from http://www.carim.org/public/legaltexts/JordLegResForAff.pdf

[10] CARIM. *1954 Law n° 6 on Nationality*. Retrieved from http://www.carim.org/index.php?callContent=401&callText=312

[11] Jordanian Judicial Council. *Constitution of the Hashemite Kingdom of Jordan*. Retrieved from http://www.jc.jo/rules_and_regulations/jordanian_constitution

[12] The Cooperation Council for the Arab States of the Gulf.

	Human Trafficking ➢ **Penalisations**: anyone who commits human trafficking penalised with imprisonment no less than 6 months or a fine no less than 1,000 dinars (or both). Imprisonment up to 10 years with hard labour and a fine no less than 5,000 dinars in aggravating circumstances. Failing to alert authorities penalised with imprisonment up to 6 months. (Law n°9 of 2009, Prevention of Trafficking in Persons). ➢ **Protection**: measures to facilitate the return of victims and others affected to home countries or other countries, and supervision of housing of victims and those affected in facilities providing necessary support. (Law n°9 of 2009, Prevention of Trafficking in Persons).	
	International agreements regarding irregular migration ➢ **EU-Jordan Association Agreement** (1997) includes establishing dialogue on illegal immigration and the conditions attaching to the repatriation of illegal immigrants. Jordan also agrees to give priority to social cooperation actions regarding the reintegration of repatriated illegal immigrants. ➢ **Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons** (acceptance in 2009).	
Rights and Settlement	**No citizen may be deported** from the country (Article 9, Constitution). **Freedom to stay abroad**. **Right to participation in local or general elections** with a residence in Jordan. **Access to Social Security** (law n°30 of 1978).	Any foreign national should be registered if staying more than two weeks. Any estate rented to a foreign national should be declared. **Stay permits**: temporary permit of one year renewable; residence permit of 5 years for women married to Jordanian citizens, and for people living regularly in the country for ten years. **Residence permit** is delivered in the case of professional activity, sufficient means of living, commercial or industrial investments, locally unavailable skills, or for studies. Arabs and students, among others, are exempted from residence fees. Arab investors and their families can obtain a 3-year permit. **Family reunification**: minor children in the charge of the migrant. For Egyptians, one-year residence in Jordan and sufficient income (350 dinar *per* month) enable the right of visit for the wife, ascendants, minor children and non-married daughters (*Regulation on Egyptian workers' families to visit Jordan* August 2009[13]). **Access to Employment**: modified in 2007. Linked to a stay permit and a work permit. Employer's statement. National preference + Arab priority. Professional activity, as employee or not, should not

[13] CARIM. *Regulation on Egyptian workers' families visit to Jordan*. Retrieved from http://www.carim.org/index.php?callContent=401&callText=1046

		compete with Jordanians' activities (certificate to be obtained from authorities). Liberal professions, government employment and a list of professions are reserved for nationals. Improvements in domestic workers' labour since 2003. Since *Law n°48 of 2008*, domestic and agriculture workers have been covered by Labour Law. *Law n°89 of 2009* reforms recruitment agencies. Specific stay and employment conditions in Qualifying Industrial Zones (*Decree n°90 of 2000* and *28 of 2002*). **Limited social rights for foreign citizens** (strike, union participation). **Access to public services** (health, education): no. **Access to estate ownership**: yes, for residence, upon ministerial authorisation with reciprocity condition. Re-sale to a Jordan citizen is forbidden for 3 years after purchase. Arab citizens are exempted from reciprocity condition and they can also buy to invest. (*Law n°24 of 2002*)
Labour	➢ **Bilateral Agreements regarding labour migration**, including: Jordan-Yemen (1987); Jordan-Qatar (1997); Jordan-Libya (1998); Jordan-Kuwait (2001); agreements on manpower with Algeria (2004), the Philippines (2006), the United Arab Emirates (2006), Pakistan (2007), and Sri Lanka (2007); Jordan-Syria (2007) on recruitment and use of workers; agreements with Egypt on Egyptian workers' employment in Jordan (2007 and 2012); Memorandum of Understanding with Indonesia on the placement and protection of Indonesian domestic workers (2001 and 2009), among others. ➢ **International Agreements regarding labour migration** 20 ILO conventions ratified[14]; Memorandum of Understanding between Jordan and United Nations Development Fund for Women (UNIFEM) regarding empowering women migrant workers in Asia (2001).	
Citizenship	**Dual Citizenship** there is the possibility for Jordan nationals to acquire another citizenship without losing their Jordan citizenship.	***Law n° 6 on Nationality*** provides *jus sanguinis* by descent of father. Jordan mothers only transmit their citizenship to their children in case of the risk of statelessness and if the children are born in Jordan. No *Jus soli.* Specific provisions for Arabs concerning access to nationality through marriage (3 years instead of 5) or naturalization (possible exemption of the previous 4 year-residency requirement). Specific

[14] Including conventions C111 concerning Discrimination in Respect of Employment and Occupation and C118 Equality of Treatment of Nationals and Non-Nationals in Social Security, but excluding conventions C97 concerning Migration for Employment and C143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers.

		naturalization procedure for Arabs after 15-year residency. Marriage with a Jordan woman does not grant a foreign male any right to Jordan citizenship. Jordanian naturalization is conditioned to the loss of the nationality of origin. Specific citizenship granting conditions for Arab investors after 3-year residency (*1999 Decision*).
	Palestinians and Citizenship: granting of Jordan Citizenship to Palestinians who lived in the West Bank – annexed to Jordan – from 20/12/1949 to 16/02/1954. No extension to Palestinians in Gaza. End of granting citizenship with the end of territorial claims on the West Bank in 1988.	
International Protection		**Political refugees shall not be extradited on account of their political beliefs or for their defense of liberty** (Article 21, Constitution). UNHCR in the country since 1991. **Agreement with UNHCR** in 1997 and Memorandum of Understanding in 1998: recognition of the UNHCR refugee status determination. Refugees' stay in Jordan limited to 6 months with the right to work. **UNRWA competence** on Palestinian refugees, whether Jordanian or not, who are granted a five-year passport. **No national procedure**. Jordan has **not ratified** the 1951 Convention relating to the status of refugees. **International agreements regarding international protection:** Protocol for the Treatment of Palestinians in Arab States 1965; Memorandum of Understanding between Norway and Jordan (2011) regarding studies of Palestinian refugees in Jordan.[15]

[15] Royal Norwegian Embassy in Amman. *Signing of bilateral agreements between Norway and Jordan*. Retrieved from http://www.norway.jo/News_and_events/Signing-of-bilateral-agreements-between-Norway-and-Jordan/

The Socio-Political Framework of Migration

Jordan's migration scene has been shaped by economic, political, and security considerations.[16] In the last decades, Jordan has undergone a process of economic liberalization that has had a deep impact on emigration and immigration policies and flows from, through and into the country.

The Jordanian government has, first and foremost, galvanized bilateral cooperation for economic emigration with receiving countries, notably the Gulf States, so as to export Jordanian skilled labour.[17] Policies spurring skilled emigration from Jordan are to be read against an economic and socio-political backdrop; namely as a governmental reaction to rising challenges such as the need to relieve unemployment, to attract foreign aid, to increase private revenues through emigrants' financial transfers, and to ensure control over political opposition.[18] It was also a response to the Gulf States' high demand for skilled Jordanian labour. Spurring skilled emigration has, however, raised contentions, especially when it comes to evaluating the extent to which the departure of professionals leads to human-capital drainage in the country.[19]

Historically characterized by its pan-Arab stance, Jordan has welcomed, since the 1920s, massive inflows of Arab (and to a lesser extent non-Arab) economic migrants (e.g. From Egypt, Syria etc.) and refugees.[20] With a relatively open-door policy for semi-skilled and low-skilled economic immigration, Jordan has devised an immigration policy apparatus that focuses on regulating the status of foreign labour and allocating quotas for their recruitment. These policies have responded to economic and labour needs in the country, while sparing the Jordanian government from having to implement drastic and structural socio-economic adjustments in the country.

Formerly labeled as a "refugee haven"[21,] Jordan has received massive inflows of refugees, transit and undocumented migrants whose mobility and displacement are intricately connected to the Arab-Israeli conflict and to other regional tensions. The latest massive refugee inflows that took place were in the wake of the 2003 war in Iraq and the 2011 uprisings in Syria. Similar to the Iraqi refugee crisis, Jordan has kept an open door policy allowing Syrians to freely cross into Jordan. Unlike the situation of Iraqi refugees in Jordan, however, whereby refugee camps were not built to accommodate Iraqi refugees, the majority of Syrian refugees in Jordan registered with UNHCR are housed in the Za'atri refugee camp in Jordan (further camps are being planned - in addition to the King Abdullah Park and Cyber City camps - between the UNHCR and the Jordanian Government[22]).

Although Jordan has an active civil society carrying out humanitarian and awareness-raising functions, local actors are in many ways kept in check and are unable to significantly alter or infiltrate policy-making in the migration realm, especially with regard to the refugee question.

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[16] See Geraldine Chatelard, "Jordan: A Refugee Haven", Migration Information Source, 2004. http://www.migrationinformation.org/Feature/display.cfm?id=236.

[17] Ali S. Zaghal and Arda Freij Dergarabedian, "Migration-Related Institutions and Policies in Jordan" *CARIM Analytical Paper*, 2004 http://www.carim.org/Publications/CARIM-AS04_04-Dergarabedian-Zaghal.pdf.

[18] See Laurie Brand, "State, Citizenship, and Diaspora: the cases of Jordan and Lebanon", Working Paper, School of International Relations USC, February 2007, p.3; Francoise de Bel Air 2010, "Highly-skilled Migration from Jordan: a response to socio-political challenges", *CARIM Analytical Paper* , 2010, p.12.

[19] Brain drain has been acknowledged at governmental level, yet no clear action is undertaken. See http://www.carim.org/public/polsoctexts/PO3JOR1095_922.pd.

[20] In addition to the Palestinian and Iraqi refugees who have fled to Jordan in different waves, we cite the cases of Armenian and Circassian migrants who arrived to Jordan in the 1920 and the 1930s .

[21] See Chatelard, op.cit. See also p.4 in the migration profile.

[22] UNHCR. (March 2013). UN Weekly Inter-Agency Situational Report – Jordan 10 March- 17 March 2013. Retrieved from http://data.unhcr.org/syrianrefugees/documents.php?page=1&view=grid&Country%5B%5D=107

Socio-Political Framework	Outward migration	Inward migration
Governmental Institutions	Ministry of Interior Ministry of Labour Ministry of Foreign Affairs Ministry of Higher Education	Ministry of Interior Ministry of Labour Ministry of Foreign Affairs Ministry of Planning and International Cooperation Ministry of Health
Governmental Strategy	**Facilitate successful Jordanian emigration** pass bilateral labour agreements to employ Jordanians abroad (notably in the Gulf states); consolidating bilateral cooperation with external parties for the recruitment of skilled Jordanian workforce (close cooperation with neighbouring Arab states as well as the Gulf[23]); forming consultative committees in conjunction with international organisations (e.g. IOM) in issues related to economic emigration and reform of labour legislation. **Devise policies on return migration.** **Establish links with the Jordanian Diaspora** and encourage remittances and local investments; organise expatriate conferences so as to consolidate business links between Jordan and its Diaspora communities; collect information on Jordanian professionals abroad working in OECD and Arab countries[24]. **Protecting the rights and national interests of Jordanian citizens abroad** is listed as a strategic objective of Jordan's Strategic Plan 2012-2014.[25]	**Set up rules concerning the entry and residence of foreign nationals** and regulate their residence for legal periods of time. **Regulate labour migration to the country**: provide estimates pertaining to the actual figures and location of foreign workers; enforce work permits' fees collection; define quotas for the employment of foreign manpower and design employment conditions and minimum salaries of foreign workers in the Jordanian labour market; set up bilateral agreements in the labour field (including the recruitment and bringing of guest workers);[26] work with foreign governments and international organisations (e.g., UNIFEM and ILO) to improve working conditions of domestic workers in Jordan (especially those from Southeast Asia); reduce the number of undocumented workers through practices such as deportation. **Fight against irregular and transit immigration** in, through, and from Jordan, and **combat human trafficking and protection of victims** (e.g., counter-trafficking awareness and capacity building program between IOM and Jordanian Government).

[23] Most recently, for example, discussions between Jordan and the UAE to increase skilled Jordanian labour to the UAE. For more information, see: http://www.mfa.gov.jo/ar/%D8%A7%D9%84%D9%82%D8%A7%D8%A6%D9%85%D8%A9%D8%A7%D9%84%D8%B1%D8%A6%D9%8A%D8%B3%D9%8A%D8%A9/%D8%A7%D9%84%D8%A3%D8%AE%D8%A8%D8%A7%D8%B1/%D8%A7%D9%84%D8%A3%D8%AE%D8%A8%D8%A7%D8%B1/tabid/159/ArticleId/228/-228.aspx

[24] Jordanian embassies in the Gulf (labour attachés, i.e., seconded from the Ministry of Labour) are now organising a round of survey in order to identify characteristics of expatriates in the Gulf (questionnaire forms are available at the embassies' websites).

[25] Jordanian Ministry of Foreign Affairs. *Strategic Plan 2012-2014*. Retrieved from http://www.mfa.gov.jo/ar/%D8%A7%D9%84%D9%82%D8%A7%D8%A6%D9%85%D8%A9%D8%A7%D9%84%D8%B1%D8%A6%D9%8A%D8%B3%D9%8A%D8%A9/%D9%88%D8%B2%D8%A7%D8%B1%D8%A9%D8%A7%D9%84%D8%AE%D8%A7%D8%B1%D8%AC%D9%8A%D8%A9/tabid/92/Default.aspx

[26] For a list of the endorsed bilateral agreements in the field of workforce, see http://www.carim.org/public/polsoctexts/PS2JOR031_EN.pdf

		Identify refugees and define their "status" and legal as well as social rights. **Managing immigration** by collaborating with international organisations so as to reinforce the Jordanian government's capacity building in (e.g. collaboration with IOM for the establishment of **the Center for Studies and Analysis of Immigration Policies in Jordan)**[27]**;** developing collaborative mechanisms with the UNRWA, UNHCR and IOM so as to deal with refugees' stay and provide them with services. **Host Syrian refugees and coordinate with international organizations and governments to assist them,**[28] **and work with the international community for their safe return** (Strategic Plan 2012-2014).
Civil Society	➢ **Initiatives of Jordanian organisations, migrant associations as well as professional and student Diaspora** networks aimed at: providing special services to Jordanians working abroad and fostering and consolidating links among them (e.g. Jordan Medical Association; the Jordanian Engineers Association abroad; the businessmen Association for the organisation of bi-yearly expatriate investors' conference; and Jordanian social clubs abroad (e.g., *Nadi al Ijtima'i al-Urduni*).	➢ **Associations' and labour unions' initiatives** aimed at improving the socio-economic rights of immigrants and immigrant workers, providing assistance to refugees, loosening restrictions targeting them as well as safeguarding and improving their civil and human rights or offering legal aid (e.g. National Centre for Human Rights, Jordanian Domestic Helpers Agencies Association (DHAA); the General Federation of Jordanian Trade Unions; the Textile Workers' Union; Jordanian Red Cross; Caritas, Jordanian Women Union, Nour al Hussein Foundation) ➢ **Associations operating strictly as socio-cultural clubs** or "jama'iyat khairia" (benevolent associations) targeting Palestinian and Caucasian refugees; ➢ **Professional associations' initiatives** aimed at banning the hiring of foreigners in sixteen professions so as to reduce unemployment in Jordan and support the Palestinians' right of return (e.g. The Professional Association Complex)
International Cooperation	Jordan is a member of several **international organisations** in which it actively works to address issues of migration, including: International Organization for Migration (IOM); International Labour Organization (ILO); UNHCR; Arab League, among others. Jordan is a participant to the **European Neighbourhood Policy** (ENP). Jordan is a member of the **Union for the Mediterranean** (a multilateral partnership within the European Neighbourhood Policy).	

[27] See section on immigration policies, Ministry of Labour, Jordan, http://www.mol.gov.jo/Default.aspx?tabid=225.

[28] Jordanian Foreign Ministry. *Working with the organisations of the United Nations to assist Syrian refugees*. Retrieved from http://www.mfa.gov.jo/ar/%D8%A7%D9%84%D9%82%D8%A7%D8%A6%D9%85%D8%A9%D8%A7%D9%84%D8%B1%D8%A6%D9%8A%D8%B3%D9%8A%D8%A9/%D8%A7%D9%84%D8%A3%D8%AE%D8%A8%D8%A7%D8%B1/%D8%A7%D9%84%D8%A3%D8%AE%D8%A8%D8%A7%D8%B1/tabid/159/ArticleId/240/-240.aspx

LEBANON

The Demographic-Economic Framework of Migration

Lebanon is the Arab country with the longest history of emigration. Starting in the second half of the nineteenth century, the first emigration flows were a response to a number of factors, in particular Christian-Muslim communal conflicts and the economic crisis around Mount-Lebanon. Emigration was concentrated in Latin America and to a lesser extent Europe and the US. Later waves, during most of the twentieth century, headed to the US, Canada, Australia and France (permanently) as well as to Western Africa (temporarily) and, starting from the 1960s, to the Gulf States. The Civil War of 1975-1989 meant increased emigration to all the countries and regions mentioned above and included emigrants with greatly varying socio-economic profiles.

Today, notwithstanding national efforts to slow emigration, outward flows remain significant. They are mainly directed to the Gulf countries and include a high proportion of highly-skilled individuals.

Lebanon has also a long history of immigration and is currently a destination for temporary workers coming mainly from Syria and Asia. Meanwhile, it hosts large numbers of refugees and asylum seekers, especially Palestinians and Iraqis, who today go to make up important parts of the population residing in Lebanon. In addition, Lebanon has been the most affected country (together with Jordan) in terms of the arrival of forced migrants fleeing Syria: for Lebanon their number stood at 450,639 Syrians as of 29 April 2013.

Outward migration

Stock

Data on the number of Lebanese emigrants and their characteristics are fragmented and uncertain. Historical controversies over the true size of the Lebanese population give some idea of how emigration is perceived (e.g. in 2009, UN and national population estimates differed by almost 400,000 individuals). Much depends on whether children and grandchildren of former migrants are considered.

A quantitative picture of the phenomenon can, however, be traced by using origin and destination sources[1], the latter allowing us to partially recover Lebanese workers living in the Gulf States.

Lebanese emigration stocks by country of residence, most recent data (c. 2012)

Country of residence	Definition (a)	Reference date (Jan 1st)	Source	Number	%
European Union				**148,717**	**24.7**
of which France	(A)	2009	Population Census	36,112	6.0
Germany	(B)	2012	Register of foreigners	35,025	5.8
Sweden	(A)	2012	Population Register	24,394	4.1
Arab countries	(B)	2007	Lebanese statistics (see "sources")	**162,663**	**27.0**
Other countries (b)				**290,900**	**48.3**
of which US	(A)	2011	American Community Survey	122,594	20.4
Canada	(A)	2006	Population Census	77,390	12.8
Australia	(A)	2006	Population Census	74,850	12.4
Main total				**602,280**	**100.0**

(a): Lebanese migrants are defined according to the country of birth (A) or country of nationality criterion according to countries of residence.

(b): "Other countries" include other European countries (Iceland, Liechtenstein, Norway, Switzerland, Armenia, Belarus, Georgia, Russia and Ukraine), Canada, United States, Australia, New Zealand, Chile, Japan, Mexico and Israel.

Sources: national statistics of destination countries (Population Censuses, population registers, registers for foreigners, etc.). As with Lebanese emigrants residing in Arab countries, data are taken from Lebanese statistics (i.e. "Estimation USJ, OURSE – L'estimation des jeunes libanais et leurs projets d'avenir 1992-2007") and refer to the number of Lebanese people who emigrated in the period 1992-2007 and were still abroad in 2007

Inward migration

Stock

In 2007, foreign nationals (including Palestinians) represented 9.0% of the resident population (Lebanese Central Administration of Statistics, ACS).

Estimation of the resident population by citizenship, years 1997, 2004 and 2007

Citizenship	1997	2004 (*)	2007
Lebanese	3,702,710	3,506,429	4,042,858
Foreign	302,315	248,605	n.a.
of which Syrians	*44,129*	*n.a.*	*n.a.*
Palestinians	*198,258*	*n.a.*	*n.a.*
Other Arabs	*18,032*	*n.a.*	*n.a.*
Others	*41,896*	*n.a.*	*n.a.*
Total	**4,005,025**	**3,755,034**	**4,042,858**

(*) In 2004 Palestinans in the camps were not included

n.a.: not available

Source: Estimation ACS Conditions de vie des ménages (years 1997, 2004); Estimation USJ, OURSE: L'émigration des jeunes libanais et leurs projets d'avenir 1992-2007 (year 2007)

Foreign immigration in Lebanon includes migrant workers, whose stay is mainly temporary or seasonal, together with refugees and asylum seekers. Among this second group, Palestinian refugees are predominantly longstanding (post-1948): in January 2012, the number of Palestinian refugees recorded by UNWRA in Lebanon was 436,154, a number which includes an unknown proportion of persons whose ancestors found refuge in Lebanon, but who are currently living outside Lebanon. To this number, one should add another 32,000 Palestinians, who had arrived in Lebanon due to the on-going Syrian civil war as of 11 March 2013 (UNHCR data).

[1] As with origin sources, here the survey carried out by St. Joseph University (USJ) in 2007 "L'estimation des jeunes libanais et leurs projets d'avenir 1992-2007", is employed. This survey refers to the number of Lebanese people who emigrated 1992-2007 and who were still abroad in 2007.

Around 2012, there were 602,280 Lebanese migrants residing abroad. Lebanese emigrants are well known for being widely dispersed. Indeed, very high proportions are found in Arab countries (27.0%), North America (33.2%), European Union (24.7%) and Australia (12.5%).

It is worth noting that there have been frequent attempts to assess the total number of people of Lebanese descent, though such estimates are often politically-driven. Frequent but unfounded claims are made for several million Lebanese in the Diaspora.

As to their gender profile, a majority of emigrants are men (53.6%). In OECD countries, Lebanese emigrants have, on average, a highly-skilled profile, which substantially improved over generations thanks to the growth in women's education. c.2005, the percentage of tertiary-educated migrants ranged respectively from 37.6% to 47.2% among migrants aged 35+ and 20-34. This highly-skilled profile reflects the Lebanese job profile as migrants are mainly employed in highly-skilled occupations: e.g. professionals and technicians (29.2%), legislators, senior officials and managers (15.7%) and clerks (10.3%).

Flows

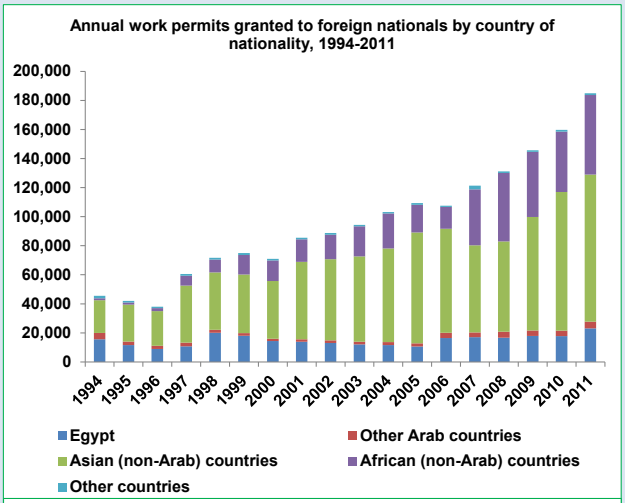
From 1880 to the end of WWI, around 350,000 Lebanese citizens emigrated (Issawi, 1992). During the post WWII emigration wave, these flows were less intense with peaks during the Middle-East conflicts. According to Labaki (1992) and Labaki and Abu Rjaili (2005), the annual number of emigrants averaged around 3,000 from 1945 to 1960, 9,000 from 1960 to 1970 and 10,000 from 1970 to 1975. Based on cross-border exits and entries data, Labaki (1992) estimated that the migration balance during the civil war (1975-1989) stood at (-) 822,913. Meanwhile, large numbers were recorded in the post-war period.

It is noteworthy that in the last ten years (1997-2007) half of those Lebanese nationals who left the country went to the Gulf states (49.8%), whereas in the same period highly-skilled emigrants (with a university degree) were at about 38.9% of the total (USJ estimates).

Meanwhile, after the US-led occupation of Iraq in the 2000s, the presence of Iraqi refugees sharply increased, though current estimates are largely unreliable. According to UNHCR, in 2013 there were 8,130.

Flows

Today, despite its economic uncertainties, Lebanon remains an important destination country for migrant workers. In 2011, 184,960 work permits were granted to foreign nationals, especially to Asian (54.8%) and African (29.6%) non-Arab nationals. An important proportion (12.5%) was granted to Egyptians.



Source: Ministry of Labour - Lebanon

The main limitation of these figures lies in the fact that, due to peculiar Lebanese-Syrian relations, Syrian workers have never been counted. However, it is well known that they represent an important proportion of temporary immigrants in the country working mostly in the construction and agricultural sector. Some estimates of NGOs and the media talk of hundreds of thousands or even of half a million.

This has changed as a consequence of the on-going Syrian civil war. Indeed, it is estimated that, since the beginning of hostilities, as of 29 April 2013, 450,639 Syrians fled to Lebanon. Of these 339,293 registered with UNHCR. These flows increased dramatically in recent months: as of 29 October 2012, registered refugees stood at 'only' 74,720. This confirms a further recent escalation of violence in Syria and a consequent aggravation of the refuge crisis.

References: Issawi, C. 1992. The Historical Background of Lebanese Emigration: 1800-1914" in *The Lebanese in the World: A Century of Migration*, Ed. Hourani and Shehadi. London; Labaki, B. 1992. Lebanese Emigration during the War (1975-1989), in *The Lebanese in the World. A Century of Emigration*, Ed. Hourani and Shehadi, London; Labaki, B. and Abu Rjaili, Khalil. 2005. Jardat Hisab al-Hurub min 'Ajl 'Al'Akhareen 'ala 'ArdLubnan, 1975-1990, Beirut.

The Legal Framework of Migration

Lebanese legislation concerning entry, stay and exit of foreign nationals (adopted in 1962) as well as access to nationality (1925 regulation last amended in 1960) dates back to the 1960s. Since this multi-confessional country is based on a fragile political balance, these issues are considered as potential sources of instability and susceptible to be politically manipulated. In the absence of consensus, regulation usually appears in an *ad hoc*, opportunist and executive/administrative manner: not as legislation. It is thus unstable and linked to the different categories of foreign nationals concerned (by categories of workers or by nationality). Lebanon does not commit itself to international agreements much, even avoiding fundamental texts (1951 Geneva Convention, 1990 Convention), aware that it will not be able to apply them. As for immigrants or emigrants, Lebanese legislation has been paralyzed in as much as it is politicized. A case in point is the right for Lebanese expatriates to vote in parliamentary elections while residing abroad, which was allowed under the 2008 Parliamentary Elections Law. Although the law is to be implemented during the 2013 elections, multi-confessional debates may postpone the elections.

Legal Framework	Outward migration	Inward migration
General Legal References	• 2011 Anti-Trafficking Law n° 164 • 2010 Decree n° 4186, amending Decree n° 10188 of 28 July 1962 on the implementation of the law regulating the entry and stay in Lebanon, as well as leaving the country • 2010 Law n° 129 amending article 59 of the Labour Code of 1946 • 2008 Parliamentary Elections Law n° 25 • 1995 Decision n°. 621/1 on occupations reserved to Lebanese nationals • 1964 By-Law n° 17561 regulating the work of foreigners in Lebanon and its amendment • 1962 Law regulating the entry of foreigners into Lebanon, their stay and their exit from Lebanon • 1962 Law n° 320 on the control of entry and exit from Lebanese border posts • 1925 Decree n°15 modified by law of January 11, 1960	
Entry and Exit	No formal requirement for nationals to exit. Circulation between Lebanon and Syria is facilitated for nationals from both countries as well as for Palestinian Refugees. Exit of foreign nationals may be submitted to a visa.	No visa requirement for nationals of Jordan and GCC states. A free one-month visa (renewable 3 months) is delivered at airports and frontier posts to nationals from 80 non-Arab countries, and only at airports to nationals from 11 Arab states and 3 African states. 6 to 11- month visas are delivered to some categories of foreign nationals (company leader, investors, etc). Workers entry submitted to an authorization of the Ministry of Labour and of the General Security Direction. List of countries whose nationals have easier access to Lebanon. Women from Indonesia, Guinea and Sierra Leone are not allowed to work as servants. Syrian nationals enter with their identity card.

Irregular Migration	**Penalization of irregular entry, stay and exit**: stay prohibition, duration according to nationality and status. Sanctions against employers of irregular migrants but high rate of informal employment. Annual regularization of irregular migrants through labour authorization. **Human trafficking** is prohibited and punished under Lebanese law. The prescribed penalties for sex trafficking and forced labour range from five to 15 years' imprisonment (2011 Anti-Trafficking Law n° 164).	
	Agreements regarding irregular migration ➢ **Readmission agreements** • **Romania** (2002) • **Bulgaria** (2002) • **Cyprus** (2002) • **Switzerland** (2004) • **EU-Lebanon Association Agreement** (2006) whereby EU Member States and Lebanon agree to readmit any of their nationals illegally present on their respective territories. ➢ **Bilateral agreements** • **Lebanon-Bulgaria** (2001) Cooperation agreement on organized crime (including the fight against illegal immigration and trafficking of human members and the resulting crimes) • **Lebanon-Cyprus** (2002) Cooperation agreement on organized crime (including cooperation on trafficking in human beings and illegal immigration) ➢ **International Agreements** • **Palermo Protocols:** Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air (both signed in 2002, ratified in 2005). • **EU-Lebanon Association Agreement** (2006): includes dialogue on illegal immigration, and cooperation for the prevention and control of illegal immigration.	
Rights and Settlement	**Right to vote in parliamentary elections while abroad** beginning in 2013 for Lebanese expatriates - Parliamentary Elections Law No. 25 of 2008 (previously, expatriates had to be physically present in Lebanon in order to vote).	**Courtesy residence** giving foreign husbands and children of Lebanese women a three-year residence permit provided they have been previously living in Lebanon for a year (Decree n° 4186). **Family reunification**: with permit of residence. **Access to Employment**: annual list of professions reserved to nationals. Labour contract submitted to work authorization and a sponsor. No access to the liberal professions, except through bilateral agreements. National preference. Exceptions for Palestinians. **Equal access to public services**: No. **No access to estate ownership**

Labour	**Agreements regarding labour migration** ➢ **Bilateral agreements**: Lebanon-Syria agreement on employment of nationals (1994); agreements with Syria and Egypt (2009) granting equal treatment of Syrian/Egyptian workers in Lebanon. ➢ **International agreements**: 49 ILO conventions ratified	
Citizenship	**Decree n°15 of January 19, 1925 modified by law of January 11, 1960**: *jus sanguinis* by descent of a father. Women do not transmit their nationality. No *jus soli* except for stateless children born in the country. Access to nationality for foreign women after one year of marriage with a male citizen. No access to nationality through marriage with a Lebanese woman. No naturalization rules, but *ad hoc* naturalization processes (latest by decree 5247 of June 20, 1994: between 100,000 and 300,000 naturalizations).	
International Protection	UNHCR competence to organize the return of Lebanese refugees from Syria.	**No national asylum procedure**, yet Article 26 of the 1962 Law of entry and exit of foreigners states that any foreigner condemned for a political crime by a non-Lebanese authority or whose lifeor freedom is threatened for political reasons can request to be granted political asylum. Registration, refugee status determination ad and resettlement by the UNHCR. UNRWA in charge of Palestinian refugees. Granting of a 6-month permit before resettlement (2003 Memorandum). In case of non-resettlement, the refugee is considered an irregular immigrant. **International agreements regarding international protection**: Lebanon is not a party to the 1951 Convention or 1967 Protocol on refugees. Lebanon is a party to the Protocol for the Treatment of Palestinians in Arab States, ratified with reservation.

The Socio-Political Framework of Migration

Lebanon's migration agenda has been sidelined by the country's entanglement in several conflicts that have overburdened its domestic and foreign policies. Currently, the country is coordinating with UNHCR and other international organisations in order to provide humanitarian assistance to the 400,000 (by April 2013) Syrian refugees who have sought protection within Lebanon.

Although the Lebanese Diaspora spans all continents and its size has become incontrovertible, concrete efforts aimed at overhauling emigration policies so as to channel contributions from the Diaspora communities and counter the repercussions of brain drain (especially brain drain in the post-1990 era) are still lacking. Notwithstanding the fact that political leaders praise the role of the Diaspora in their rhetorical discourses or 'court' them in pre-electoral periods, sustainable initiatives that boost expatriates' participation in the homeland remain half-hearted. However, after enactment of the 2008 Parliamentary Elections Law, which guaranteed the right to vote while residing abroad for Lebanese expatriates, the Lebanese Government has been engaging with the Diaspora and encouraging them to register and vote in the upcoming 2013 elections.

Despite the increasing number of migrant workers in Lebanon, regulatory frameworks are inadequate. The rights and socio-economic status of migrant workers are generally curtailed and are contingent upon changing public policies. It is noteworthy that the Lebanese government has come under fire in the last decade for undermining immigrant rights (migrant workers and refugees). On the other hand, the Lebanese state has delayed devising clear-cut policies for refugees. A case in point is that of the Palestinian professionals who, despite their longstanding presence in the country, still face various national labour policy restrictions.

This incapacity or lack of readiness to reform policies can be explained by many factors, which are both exogenous and endogenous. On the one hand, due to the country's circumscribed sovereignty, post-war Lebanese governments have been unable to ensure a full and efficient control of their borders and of their domestic political agenda. Moreover, the fate of Palestinian refugees (naturalisation, return, or the right to choose) in Lebanon does not only depend on the Lebanese state's political agenda but is contingent on the Arab-Israeli peace settlement. There is today a general political consensus in Lebanon that Palestinian refugees should maintain the right of return and that any future naturalisation would risk disturbing Lebanon's shaky confessional balance.

While state-led policies in the realm of migration have lagged behind, Lebanese civil society has shown increasing commitment to consolidate links with the Diaspora and to improve migrants' rights. Since the end of the Civil War (1975-1990), Lebanon has witnessed a proliferation of transnational and Diaspora networks that have financed development projects or contributed to expanding the country's social capital. These networks have also lobbied local and foreign governments so as to boost Lebanon's derailed post-war democratic transition or to exert pressure over Syrian influence in Lebanon. Still, even if these groups are very active, they mirror in one way or another Lebanon's internal confessional and political divisions.

Socio-Political Framework	Outward migration	Inward migration
Governmental Institutions	Ministry of Foreign Affairs and Lebanese Expatriates Abroad	Ministry of Interior Ministry of Labour Ministry of Social Affairs
Governmental Strategy	**Sustain links with the Lebanese Diaspora**: encourage pacific links among different Lebanese confessional groups residing abroad through what the Ministry of Emigration calls a policy of 'concord'; encourage Lebanese abroad to establish unions and associations and organise events (e.g., Lebanese Emigrants Youth Camp); benefit from Lebanese potential abroad in the field of development and technology; encourage remittances and the circularity of social capital; encourage Lebanese living abroad to return regularly to Lebanon; launching a moderately active dialogue with international organisations (mainly UNDP and IOM) on the Diaspora's potential contribution to development in the homeland with a view to mobilising their competencies (UNDP through TOKTEN and Live Lebanon in coordination with the Foreign Ministry); urge Lebanese abroad to register and participate in elections.[2]	**Regulate immigration with regard to the admission, residency and work permits of foreign nationals and migrant workers**; reduce the number of undocumented workers by apprehending, regularising and deportation procedures. **Mitigate irregular and transit immigration** by developing action plans with international organisations (e.g., IOM). **Prevent and address human trafficking** (e.g., Lebanese government awareness campaign in 2012 distributing booklets to migrant domestic workers upon their arrival at the airport on the anti-trafficking law and rights and obligations; Lebanon-IOM programs to assist victims of trafficking and strengthen capacity of government bodies to deal with the issue). **Identify refugees; devise action plans with regard to their presence and stay** in Lebanon or with regard to their resettlement. **Developing cooperative mechanisms with international organisations** (e.g. IOM, UNHCR and UNRWA) so as to: deal with internal migration in Lebanon stemming from the severe conflicts that have afflicted the country since 1975 (e.g. the 1975-1990 war; the 2006 July war); and coordinate with the UNRWA for Palestinian refugees and with UNHCR for non-Palestinian refugees (e.g., coordination between federal and municipal governments and UNHCR and other humanitarian organisations to provide basic humanitarian services to Syrian refugees inside Lebanon).

[2] The Daily Star. (5 December 2012). *Lebanese expats urged to register to vote*. Retrieved from http://www.dailystar.com.lb/News/Politics/2012/Dec-05/197363-lebanese-expats-urged-to-register-to-vote-before-dec-31.ashx#axzz2QWY0TUtt

Civil Society	**Initiatives of migrant advocacy groups, migrant organisations, professional expatriates' networks as well as local civil society groups** focusing on: • Consolidating links among the Diaspora communities in different destination countries, and providing them with services (e.g. transnational organisations such as the World Cultural Lebanese Union, the Union of Parliamentarians originally from Lebanon, the Lebanese International Council of Affairs, not to mention local organisations promoting links with expatriates such as the Maronite League and the Hariri Foundation, and World House of Lebanon, a non-profit that seeks to foster co-operation and unity among resident and non-resident Lebanese). • Promoting projects in coordination with the Lebanese government and international organisations allowing for Diaspora involvement in the country's development. • Promoting projects so as to boost Lebanon's economy (encourage tourism and increase real estate value in the country). • Mobilising expatriates in conflict periods so as to lobby the homeland's or the host land's governments (e.g. during the 2005 Independence Intifada which was followed by the departure of Syrian troops in 2005 or during the 2006 July War between Hezbollah and Israel). • Organising demonstrations in host lands (e.g. during the Independence Intifada in 2005) in order to show solidarity with political movements in the homeland or attempt to provide a political and confessional counterweight to opposing political movements.	**Initiatives in the associative sector** (Lebanese and non-Lebanese) aimed at: • Improving the status as well as the civil and socio-economic rights of immigrants (e.g. The General Confederation of Lebanese Workers; the Beirut Bar Association). • Disseminating information on vulnerable migrant categories (Lebanese NGO Forum). • Improving the socio-economic conditions of vulnerable migrant groups such as undocumented workers and domestic workers (e.g. The Afro-Asian Migrant Center, Caritas Migration Centre, Council of Middle Eastern Churches, Najdeh). • Raising awareness as to the human rights of refugee communities (e.g. synergy between the Council of Middle Eastern Churches and the UNHCR); lobbying the government to waive restrictions on Palestinian refugees and to improve prevailing socio-economic conditions within refugee camps (CEDAW, TADAMON).
International Cooperation	Lebanon is a member of several **international organisations** in which it actively works to address issues of migration, including: International Organization for Migration (IOM); International Labour Organization (ILO); UNHCR; Arab League, among others. Lebanon is a participant to the **European Neighbourhood Policy** (ENP), and is a member of the **Union for the Mediterranean** (a multilateral partnership within the European Neighbourhood Policy).	

LIBYA

The Demographic-Economic Framework of Migration

The 2011 war in Libya had severe consequences for international migration movements as, since the 1970s, Libya has been an important country of immigration in the framework of international south-south movements: 768,372 migrants fled the country in 2011.

Historically, immigration flows into Libya began in the 1960s just after the discovery of oil and hydrocarbons there. In the following two decades, the rise in oil revenues together with ambitious economic and social programs and the country's lack of sufficient indigenous manpower, continued to attract large numbers of immigrants, particularly those from neighbouring Arab countries, and especially Egypt and Tunisia. Meanwhile, a number of severe droughts and violent conflicts in the Sahel region triggered other refugee and migrant flows to Libya – mostly Nigerien Tuaregs and also Tubu refugees (Bredeloup and Pliez, 2011).

An important change in the national composition of inward flows occurred, however, in the 1990s when Sub-Saharan nationals began to reach Libya in large numbers. Among various push factors,[1] Col. Gaddafi's disappointment in what he believed was a lack of support from other Arab regimes following the 1992 UN embargo, led to the beginning of Libyan Pan Africanism, with its open-door policy towards nationals from the Sub-Saharan region. Finally, during the 2000s, with the desire to reach a balance between an open-door policy welcoming needed migrants from Sub-Saharan countries and Libya's involvement in international discussions on illegal immigration control – a factor in the removal of the international embargo and a consequent return of foreign investments – (Bredeloup and Pliez, 2011), Libya started to cooperate with European countries over irregular migration. After years of an open door policy, in 2007 Libya imposed visas on both Arabs and Africans and adopted normative changes concerning stay and labour, turning an unknown number of immigrants into 'irregulars' overnight[2] (see Fargues, 2009). Large scale expulsions were carried out by the Libyan government in the 2000s, in order to adjust labour migrations to its labour-market needs with the aim too of pleasing Europe. Expulsions passed from 4,000 in 2000 (official figure) to 43,000 in 2003 (EC, 2005), 54,000 in 2004 (EC, 2005), 84,000 in 2005 (according to the European Parliament), 64,330 in 2006 (official figure) and over 5,000 in the first two months of 2007 (ECRE, 2007). Most of the expelled were Sub Saharan Africans (HRW, 2006).

Despite Libya being, first and foremost, a country of immigration, the deterioration of immigrants' conditions in the country has also made it an important country for transit migration and particularly for the many migrants trying to reach Malta and the Italian Isle of Lampedusa.

As to emigration patterns, Libya has never recorded significant outward migration flows. However, during the 2011 unrest, there was an upsurge of Libyan nationals fleeing the country. According, though, to the authorities in neighbouring countries, the great majority are believed to already have returned to Libya (IOM, 2012).

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[1] The most important trigger to emigration for Sub Saharan nationals was the proliferation of conflicts in Western Africa and the Horn of Africa: Liberia, 1989–1996 and 1999–2003; Sierra Leone, 1991-2001; Congo, 1996-7 and again 1998-2003; Ethiopia-Eritrea 1998-2000; Sudan (the so-called Second Sudanese Civil War, 1983-2005; and the conflict in Darfur, 2003-present); Ivory Coast, 2002-onwards; Somalia (Pastore, 2007).

[2] It is worth mentioning as in the "2011-2013 EU/Libya - Strategy Paper" delivered by the European Commission (EC) in the framework of the European Neighborhood Policy (see the document at http://ec.europa.eu/world/enp/documents_en.htm), the EC states 'In recent years, Libya has become a very important destination country for irregular migration, mostly originating from neighboring countries and sub-Saharan countries […] In 2007, however, irregular migration flows through Libya started to increase substantially in an unprecedented manner.' The failure to mention the normative change in 2007 should be a point for debate.

Outward migration

Stock

Until the 2011 crisis, outward migration was not an issue for the Libyan population. The few Libyans abroad were mainly businessmen and students, who tended to emigrate on a temporary basis. Around 2012, according to destination countries' statistics, Libyan emigrants residing abroad stood at 100,565, or 1.6% of the total resident population in Libya.

Libyan emigration stocks by country of residence, most recent data (c. 2012)

Country of residence	Definition (a)	Reference date (Jan 1st)	Source	Number	%
European Union				**66,344**	**66.0**
of which Italy	(A)	2012	Population Register	36,475	36.3
UK	(A)	2012	Annual Population Survey	16,000	15.9
Germany	(B)	2012	Register of foreigners	4,901	4.9
France	(A)	2009	Population Census	1,755	1.7
Southern-Eastern Mediterranean (SEM) countries (b)				**9,824**	**9.8**
of which Egypt	(B)	2006	Population Census	3,720	3.7
Other countries (c)				**24,397**	**24.3**
of which Israel	(A)	2006	Labour Force Survey	17,460	17.4
Canada	(A)	2006	Population Census	3,615	3.6
Main total				**100,565**	**100.0**

(a): Libyan migrants are defined according to the country of birth (A) or country of nationality criterion according to countries of residence.
(b): Depending on data availability, SEM countries include Algeria, Egypt, Jordan, Mauritania, Morocco, Tunisia and Turkey.
(c): "Other countries" include other European countries (Iceland, Liechtenstein, Norway, Switzerland, Belarus, Russia and Ukraine), Canada, Australia, New Zealand, Japan and Israel.
Sources: national statistics (Population Censuses, population registers, registers for foreigners, etc.)

They were mainly found in Italy (36.3%) and the UK (15.9%). Migrants from Libya to Israel (17.4% of the total) deserve a special mention: they are Jewish, Israeli citizens born in Libya, almost all of them (95%) aged 55 and above at the time of the survey. Migrants from Libya have gender parity (men equalled 51.1% of the total). In OECD countries, they were likely to have a medium level of education (62.6%), and to be employed in medium-highly-skilled jobs, particularly as professionals or technicians (18.2%), legislators, senior officials or managers (14.8%) and clerks (14.2%) (year 2006 - OECD.stat)

Flows

Intense movements between the country and neighbouring states were registered during the generalised unrest in 2011: the International Organization of Migration (IOM) estimates around 768,372 foreign-nationals and 422,912 Libyan nationals fled the country during the crisis (as of 8 June, 2011)[3]. At present, most Libyans are, however, believed to have returned to Libya (IOM, 2012).

In any case, a detailed analysis of these movements allows a better understanding of the impact that the 2011 crisis had on Libyans and their families.

Inward migration

Stock

Like immigration policies, official statistics on the number of immigrants in Libya have been continuously manipulated and used by the Libyan government according to its changing (national and international) political and economic interests.

Before the crisis, the most quoted figure was that of 600,000 regular *plus* between 750,000 and 1.2 million irregular foreign workers living in Libya, as provided by official Libyan authorities to the European Commission delegation in 2004 (EC, 2005). As of 28 March 2011, IOM estimated the total number of foreign nationals living in Libya before the crisis at 2.5 million including 1 million Egyptians, 80,000 Pakistanis, 59,000 Sudanese, 63,000 Bangladeshis, 26,000 Filipinos, 10,500 Vietnamese and 'a large population of Sub-Saharan Africans mainly from Niger, Chad, Mali, Nigeria and Ghana' (IOM, 2011a). Apart from the abovementioned and uncertain figures (given without clear foundations), data on migrants fleeing the crisis in Libya – as reported by international agencies allowed to work at the country borders – confirm the importance of Libya as an immigration country. Despite their partial and limited nature,[4] these figures are still today the only source of information on the consequences of the current crisis on immigrants in Libya.

According to IOM estimates, during the 2011 crisis, 768,372 migrants fled violence in Libya.

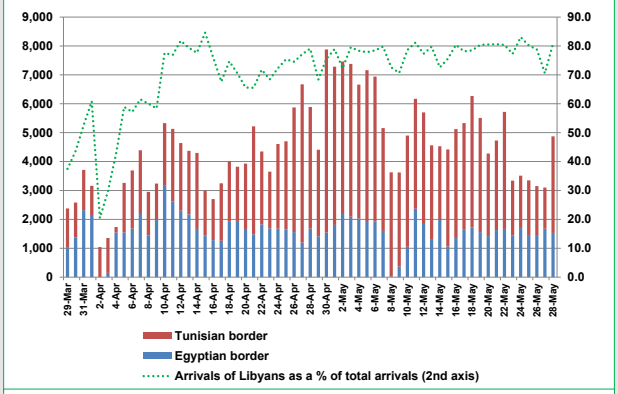
[3] On June 8, 2011, IOM stopped collecting data on Libyan nationals exiting the country.

[4] Even assuming that UNHCR and IOM figures are reliable, they certainly underestimate the total of migrants fleeing Libya since figures were collected at the main border points of transit, where international agencies worked. They thus exclude all migrants who entered neighboring countries from other border points.

At the beginning of the unrest, the majority of these movements occurred on a temporary basis. For example, the main reasons Libyans came to Egypt included medical assistance, trade and 'visiting relatives' (UNHCR, 2011b). Moreover, very few Libyans asked for humanitarian assistance at the transit border areas because, unlike other migrants, they were allowed to enter Egypt and Tunisia without restrictions.

Two major changes occurred mid-April 2011. First, a substantial increase was observed in Libyan families crossing both the Egyptian and the Tunisian borders.

Daily arrivals of Libyan nationals at the Egyptian and Tunisian borders, 29th March-28th May



Source: Author's elaboration on IOM data (as retrieved from the IOM website on 30th May, 2011)

The average daily number of Libyans who crossed the two borders passed in fact from 3,165 individuals in the first 10 days of April reaching 6,019 individuals in the first 10 days of May and decreasing again to 4,296 in the ten-day period 18-28 May. Among them, the vast majority still did not ask for humanitarian assistance, travelling to other cities in Egypt or Tunisia (UNHCR, various reports on 'Humanitarian Situation in Libya and the Neighbouring Countries'), and waiting there for the conflict's resolution.

Second, a major change occurred at the southern Libyan-Tunisian border. In mid-April, numerous Libyans crossed this border, passing through the city of Deheba. Here, for the first time a significant proportion of Libyans asked to remain in border camps and asked for the United Nations High Commissioner for Refugees (UNHCR) assistance. Most were Berbers, from western mountain areas.

Foreign nationals fled from Libya during the 2011 unrest by country of arrival and country of nationality

Country of arrival	Country of nationality	Number	%
Egypt	Egypt	154,634	20.1
	TCNs (*)	88,163	11.5
	Total	**242,797**	**31.6**
Tunisia	Tunisia	136,749	17.8
	TCNs	208,489	27.1
	Total	**345,238**	**44.9**
Algeria	Algeria	1,666	0.2
	TCNs	12,296	1.6
	Total	**13,962**	**1.8**
Niger	Niger	79,015	10.3
	TCNs	5,413	0.7
	Total	**84,428**	**11.0**
Chad	Chad	50,874	6.6
	TCNs	808	0.1
	Total	**51,682**	**6.7**
Sudan	**Total**	**2,800**	**0.4**
Italy	**Total**	**25,935**	**3.4**
Malta	**Total**	**1,530**	**0.2**
Total		**768,372**	**100.0**
of which TCNs		*315,169*	*41.0*

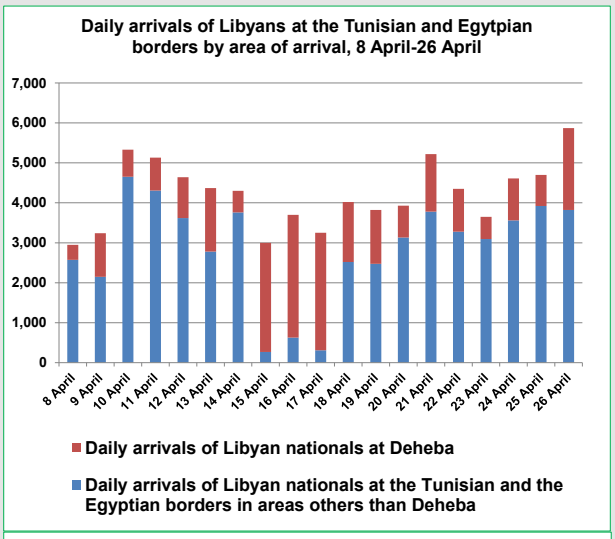
(*) Third Country Nationals

Source: IOM

Even if we allow the unrealistic hypothesis that these estimates are correct and that these migrants represent all foreign nationals living in Libya before the crisis, Libya can already be defined as a main country of immigration, close to the largest European receiving states in terms of immigrants' share of the total population, i.e. 12.0%.

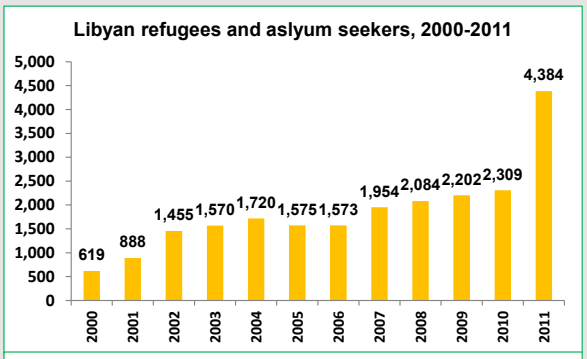
Migrants fled mainly to Tunisia (44.9%) and Egypt (31.6%). The Nigerien and Chadian borders have also experienced waves of migrants with respectively 11.0% and 6.7% of the total flows. Algeria would seem to be the neighbouring country least touched by these movements – having received 'only' 13,962 migrants since the beginning of the crisis. However it should be noted that international agencies were only partially allowed to enter Algerian transit border areas.

As to European neighbourhoods, only 27,465 migrants (3.6%) reached the European coasts of Italy and Malta, dampening alarmism among European.



Source: Author's elaborations on UNHCR's various External Situation Reports

This is confirmed by the fact that the number of Libyan refugees and asylum seekers registered with UNHCR almost doubled in 2011 compared with 2010. Their numbers passed from 2,309 to 4,384.



Source: UNHCR

For the first time, in 2011, large numbers of forced Libyan migrants are found in neighbouring countries, especially in Tunisia (23.9%).

A brief note on migration from Egypt and Tunisia to Libya

Egyptians and Tunisians are correctly considered two of the most important foreign communities in Libya. As to the former, according to Egyptian consular statistics, in 2009, there were around 2 million Egyptian nationals living in Libya. The majority of them are estimated to work there irregularly: according to a recent survey on Egyptian youth (see IOM, 2011b), among those who had migrated to Libya in the past, the majority entered it without 'a valid visa' (56.0%) or 'a work contract' (8.0%). As to their profile, Egyptian workers tend be mainly employed in agriculture and teaching (Pliez, 2004) though the aforementioned IOM survey reveals that the great majority of young Egyptians in Libya are likely to experience a dramatic mismatch between their educational and occupational profile (IOM, 2011b). As to Tunisians, according to consular statistics their presence was estimated at 87,200 individuals in 2009. Given the poor diplomatic relations between the two states (between 1966 to 1985, Tunisians' flows to Libya had been characterized by 8 waves of expulsion and 3 waves of open-door policy, (see Bredeloup and Pliez, 2011), Tunisian emigration directed towards Libya has been historically quantitatively significant.

Flows

As to the national composition of migrants fleeing the crisis, this changed rapidly after the beginning of the unrest. At the beginning, Egyptian and Tunisian male migrants represented the majority of these flows. Their governments immediately responded to the crisis by organizing large-scale repatriation programs. As of 22 March 2011, around 140,000 Egyptians and 20,000 Tunisians had made it back safely to their country of origin (IOM, 2011a).

After Egyptians and Tunisians, a second wave of Asian and Sub-Saharan nationals followed. As of 8 March 2011, UNHCR declared that 'the critical gap at present is in long haul flights to Bangladesh and to other countries in Asia and Sub Saharan Africans' (UNHCR, 2011a).

As to the former, contacts were gradually made with the origin countries' authorities so that thanks to the repatriation of around 10,000 Vietnamese and more than 30,000 Bangladeshi, the emergency had wound down by the end of March (IOM, 2011c), while Asian nationals' arrivals fell significantly in April.

The most critical situation was instead linked to those migrants who 'make it out of Libya but were unable to return to their countries of origin' (UNHCR, 2011a), mainly Sub Saharan nationals, whose governments were not in the position to help them. Most of these were stranded in overcrowded transit areas in countries bordering Libya.

Sub-Saharans, in particular, were in the most dangerous position being constantly threatened both by Col. Gaddafi's forces and the opposition. At the end of March, Sub Saharan nationals who reached Dirkou reported that several thousand other African migrants were still trapped in Sabha, unable to leave Libya because of a lack of means to travel south towards the border (IOM, 2011d). In the first week of May 2011, IOM was informed that around 4,000 Sub-Saharan Africans stranded in and around Misrata have no assistance or food.

According to IOM data, a total of 62,058 Sub-Saharan migrants were repatriated during the civil war in Libya from neighbouring countries. Among them, 1 out of 2 (50.4%) were repatriated to Chad, 18.3% to Ghana, 16.0% to Mali and 14.4% to Niger.

Repatriations of Sub-Saharan migrants fled from Libya during the 2011 unrest by country of nationality

Country of nationality	Number	%
Chad	31,279	50.4
Ghana	11,327	18.3
Mali	9,955	16.0
Niger	8,964	14.4
Nigeria	533	0.9
Total	**62,058**	**100.0**

Source: IOM

To conclude, two considerations can be made about the impact of the Libyan crisis on international migration movements. On the one hand, Sub Saharan nationals were without any doubt the people most at risk, both in Libya and at the borders (where repatriation activities led to an *impasse*). On the other hand, the capacity of neighbouring African countries to manage the crisis in terms of the reception of migrants was remarkable.

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The Legal Framework of Migration

The legal framework for foreign nationals saw its most important developments in the 1980s. Law n°6 of 1987 stated the general conditions for foreigners to enter and stay in Libya, but a series of decisions and bilateral conventions demonstrated Qaddafi's Pan-Arab policy with special preferences for Arab nationals.

When Libya swapped Pan-Arabism for Pan-Africanism in response to more explicit support from the OAU[5] against the international embargo, the diplomatic switch was introduced into law. Regulations were adapted to the official declarations calling for African manpower and advertising the end of visa requirements for Sub-Saharan Africans, as was foreseen in the objectives of CENSAD[6], created in Tripoli in 1998. From 2001, African manpower, claimed to be temporary and with low qualifications, was given access to the private and public sectors of agriculture, building and cleaning.

Important legal changes characterised 2004, when Decision n°1 related to the conditions of employing foreign manpower introduced a new distinction between nationals from countries with which Libya has concluded bilateral agreements and nationals from other countries. The former were given priority over the latter. Libya gave up a (pro)regional approach for a bilateral and case-by-case policy, but diplomacy has remained crucial in the creation and implementation of the law.

When Libya began to be perceived as a transit zone for migrants and consequently as a priority for the European Union's migration policy, it brought in a more rational and repressive law. From 2004, the vocabulary turned back to the 1970s, a vocabulary which distinguishes between Libyan and foreign nationals. In 2007, a visa requirement returned for all nationalities, except for the Maghreb nationalities. Also an ultimatum was set for regularising the employment of foreign nationals, who also lost free access to health and education public services.

The multiplication of decisions regarding aliens, added to the absence of implementation, explains the legal insecurity and the risk of arbitrary treatment which weigh so heavily on migrants. Informality and easy access to the territory and work are matched by an absence of legal protection for immigrants, who may be arrested, expelled and locked up with relative ease.

Several bilateral agreements have been made with EU Member States, particularly Italy, in order to combat irregular migration. In 2008, a "Friendship Pact" was signed between Italy and Libya, whereby Libya agreed to collaborate with Italy on the return of boats intercepted on international waters (or so-called 'pushed-backs'). Although the Transitional National Council, the ruling entity after the overthrow of Qaddafi, reaffirmed the Pact in December 2011, in February 2012 the European Court of Human Rights pronounced in the Hirsi case that the pact between Italy and Libya was unacceptable. The agreement, therefore, was suspended. Even so, in April 2012 Italy-Libya migration cooperation was reinforced with an agreement on training programs, the detention of migrants, and voluntary return programs.

One of the top priorities for the new Libyan government is increasing border security in order to combat irregular migration, trafficking in arms and drugs, and organized crime. Throughout 2012, Libya increased cooperation with European countries to secure borders, and in December 2012, Libya made agreements with Algeria, Niger, Chad, and Sudan to secure borders and setup joint border forces.

Like its neighbours, Libya is still without any national asylum procedure. UNHCR has been tolerated since 1991 and offers humanitarian aid to a few thousands of people under its informal mandate, with status certificates that are not always recognised by the official authorities. In April 2009, a plan for elaborating a national asylum system was launched. Following on from this agreement, UNHCR got the right to visit migrant detention camps to identify possible refugees.

Although Libya has yet to draft a permanent constitution since the revolution, it is notable to mention that the interim constitution, promulgated by the Transitional National Council in August 2011, prohibits the extradition of political refugees

[5] Organisation of African Unity, replaced by the African Union (AU) in 2002.

[6] The Community of Sahel-Saharan States.

Legal Framework	Outward migration	Inward migration
General Legal References	• 2011 Draft Constitutional Charter for the Transition Stage[7] • 2010 Law n°19 related to the combating of irregular migration • 2007 Decree n. 6 of 2007 regarding norms and rules for recruitment and employment of non-national manpower • 2007 Decree n. 98 of 2007 regarding norms and rules organizing work and residency of non-national manpower • 2005 Decree n° 125 of 2005 amending the implementation of Law n° 6 of 1987 on admission and residency of foreigners • 1954 Law on Libyan Citizenship, amended in 1980 and 1984	
Entry and Exit	Suppression of exit visas for nationals in 1991.	To enter, foreign nationals must present passport and a Libyan invitation or, if not, 500 dinars. Border posts are specified (Ras Jdir from Tunisia, Salloum from Egypt). Access by land from Niger, Chad, Sudan and Algeria is reserved to nationals from these states, unless special authorisation is given. Exit visas are needed for foreign residents.
Irregular Migration	**Facilitation of irregular exit** from the territory penalised with prison penalty and fine. (Law n°02 of 2004, Law n°19 of 2010).	**Irregular entry or stay** punished with prison penalty and fine of at least 1,000 dinars for preceding deportation. **Facilitation of irregular entry** penalised with prison penalty and fine. (Law n°02 of 2004, Law n°19 of 2010). The labour contract of an alien in an irregular situation is considered null.
	Agreements regarding irregular migration ➢ **Bilateral agreements:** Libya-Italy agreement (2000) including cooperation against irregular migration, (2003) readmission agreement; and (2007) the two countries signed an agreement to conduct joint patrolling of maritime borders in order to reduce irregular migration; Italy-Algeria (2006) agreement on combating clandestine immigration; repatriation agreements with Niger, Chad and Egypt; Libya-France Framework Agreement of a Global Partnership (2007) including active cooperation to combat illegal immigration, border cooperation and migration management, and work towards the establishment of readmission; Joint Mali-Libya security committee for repatriation (2008); Libya-Italy Memorandum of Understanding (2012) on migration cooperation (agreement on training programs, the detention of migrants, and voluntary return programs); agreements with Algeria, Niger, Chad, and Sudan to secure borders and setup joint border forces (2012). ➢ **International Agreements: Palermo Protocols**: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and Protocol against the Smuggling of Migrants by Land, Sea and Air (both signed in 2001, ratified in 2004).	

[7] Cline Center for Democracy (2011). *Draft Constitutional Charter for the Transition Stage*. Retrieved from http://portal.clinecenter.illinois.edu/REPOSITORYCACHE/114/w1R3bTIKElG95H3MH5nvrSxchm9QLb8T6EK87RZQ9pfnC4py47DaBn9jLA742IFN3d70VnOYueW7t67gWXEs3XiVJJxM8n18U9Wi8vAoO7_24166.pdf

Rights and Settlement		**Five-year stay visa** issued to persons residing regularly in the country for ten years; to students registered in a Libyan institution; to foreign nationals on an economic or State basis; to family members of foreign residents; to non-Libyan spouses and children of Libyan citizens. Arab nationals' rights and duties defined by a series of decisions, including decision n°456 of 1988 and law n°10 of 1989. Subsequent and progressive disappearance of their privileges. **Access to Employment**: Ordinances n°238 and 260 of 1989 on employment conditions of foreign workers: labour visa as long as there is a labour contract and a health card; employment has to be approved by the Central Bureau of Employment; national and Arab preference. Possibility of regularizing labour visa after the entry (Ordinance n°125 of 2005). Decision n°403 of 2001 on the employment of African manpower. List of non-qualified professions. Medical care and accommodation charged to the employer. Decree n°6 of 2007 listing professions open to foreigners, especially in the oil industry and the health sector. Suppression of commerce. Employment is allowed in highly qualified (consulting, expertise) or non-qualified professions (building, catering, agriculture). Decision 98 of 2007: for nationals from states linked to Libya by a bilateral agreement, migrants can stay for three months while job searching (red card). 70% cap on foreign manpower in the private and public sectors (GPC Letter to the Labour Ministry in March 2007). Labour Code Reform in 2010 extending its scope to domestic and agriculture workers. **Family reunification**: recognised for spouses, children, non married adult daughters, parents, minor brothers and sisters, provided the foreign resident provides for their needs and host them. **Access to public services**: Yes. Theoretically paying since Ordinance n°98 of 2007.

Labour	➢ **Bilateral Agreements**: agreements on agriculture manpower (1971) and circulation of persons and establishment (1988) with Niger; convention of establishment with Tunisia (1973); labour agreement with Morocco (1983); convention in the field of work and the use of human resources with Algeria (1987); labour agreement with Jordan (1998); convention for cooperation in the field of employment with Ukraine (2004); Libya-Yemen agreement (2013) to form a joint committee to develop procedures for the exchange of labour; among others. ➢ **International Agreements**: 1990 Convention on the Protection of all Migrant Workers and Members of their Family; 29 ILO conventions ratified.[8]	
Citizenship	**Dual citizenship** theoretically needs authorization.	Law n°17 of 1954 on Libyan nationality: *jus sanguinis* by male descent. Libyan mothers transmit their nationality only in cases of an unknown or stateless father. Their child can be naturalized when of age if a 3-year residence in Libya is demonstrated. Till then, no free access to public services. No *Jus soli.* A foreign woman married to a Libyan man can get Libyan citizenship if she renounces her original nationality. Naturalisation, generally allowed after a ten-year-residence, possible for Arab descendants after a five-year residence or even without previous residence for scientists useful for the country. Law n°18 of 1980 on Arab nationality: extending Arab nationals' privileges in acceding citizenship. Citizenship often offered as a political gesture towards Tuaregs or Chadians.
International Protection		**Right of asylum** guaranteed by virtue of the law. The **extradition of political refugees** shall be prohibited (Article 10, Interim Constitution). **No formal agreement** between Libya and UNHCR, yet UNHCR tolerated since 1991. In April 2009, agreement with UNHCR, the Libyan NGO IOPCR (International Organization for Peace, Care and Relief), CIR (Italian Council for Refugees) and ICMPD (International Centre for Migration Policy Development) with the objective of creating a national asylum policy. **International agreements regarding international protection:** 1969 OAU Convention governing specific aspects of refugees in Africa; and the Protocol for the Treatment of Palestinians in Arab States (with reservation: Palestinians considered as other Arab citizens residing in Libya).

[8] Including conventions C111 concerning Discrimination in Respect of Employment and Occupation and C118 Equality of Treatment of Nationals and Non-Nationals in Social Security, but excluding conventions C97 concerning Migration for Employment, and C143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers.

The Socio-Political Framework of Migration

The socio-political framework of migration to and through Libya raises various and complex issues in relation to Libyan migration policy and the control of the southern borders of the EU in the face of irregular migration. Moreover, Libyan out-migration is disregarded here because it represents a marginal phenomenon whose socio-political consequences are very limited.

The evolution of Libyan migration policy depends, to a certain extent, on the need of workforce for an economy boosted by gigantic oil and gas wealth. During Qaddafi's reign, hosting, or expelling, foreign workers was been one of the key instruments of Libyan foreign policy since the 1970s, in order to influence diplomatic relationships with Arab neighbours, then sub-Saharan neighbours, then later on, European neighbours. In other words, the Libyan migration policy, driven by multiple, and sometime contradictory interests and logics, was characterized by its versatility and by a large gap between strongly ideological political discourses, and the reality of migration to and through Libya.

In the meantime, migration flows from the Sub Sahara to Libya were increasing significant: Malians and Nigeriens first, then Western and Central Africans afterwards (Senegalese, Ghanaians, Nigerians, etc.). This movement, along with the end of the Tuareg rebellions in Niger (1995) and Mali (1996), contributed to the augmentation of trans-Saharan migration and circulation, in other words the development of the trans-Saharan migration system. Again, in 1995, the Libyan regime expelled foreign nationals on a massive scale, mainly because of the economic consequences of the international embargo, targeting in particular Palestinians and Mauritanians under the pretext of the normalization of the diplomatic ties between Israel and their countries in the framework of the peace process.

In the second half of the 1990s, while the international community imposed a severe embargo on Libya, Muammar Gaddafi choose pan-Africanism as the new spearhead of his foreign policy. The CENSAD (Community of Sahelian-Saharan States) was created with the aim of suppressing all obstacles to African unity and, in particular, authorized the free circulation of persons. However, the venue and the stay of the migrants in Libya have remained largely informal and subject to the arbitrary decisions of the Libyan police.

The year 2000 marked a new turn in Libya's migration policy with the signature of an agreement with Italy to fight terrorism, drug trafficking and irregular migration, at a time when the relations between Libya and the international community was normalizing. This agreement responded to the interests of both the Libyan and the Italian government. In Italy, the centre-left government of Massimo d'Alema faced strong political and media pressure because of the arrival of increasing number of irregular migrants on the coast of Sicily. Then in Libya, inconstancy in migration policy and the presence of large numbers of foreign workers contributed to the deterioration of relations between the migrants and the locals, while unemployment was becoming more and more an issue among the second group. In the autumn of 2000, xenophobic unrest led to the death of hundreds of sub-Saharan migrants. In the following years, Italy signed several bilateral cooperation agreements with Libya. In 2003, an agreement dealt with the readmission of irregular migrants arriving on the island of Lampedusa, of whom 3,000 migrants were deported between 2006 and 2008. Then, in 2007, another agreement was signed to create a common maritime patrol, but only a few operations were held in 2009 resulting in the *refoulement* of 900 migrants.

In parallel, Italy demanded that the EU assume a greater role in the fight against irregular migration. After the European summit of The Hague in 2004, which marked the beginning of the implementation of the European policy of externalization of border control, the European commission developed cooperation with Libya, focusing on the fight against irregular migration.[9] Following the 2011 Libyan crisis, the EU renewed its interest to assist the Libyan authorities in migration management, especially securing Libyan borders, with increased aid packages and the approval of a crisis management concept for a possible civilian Common Security and Defence Policy mission to support border management in Libya.[10]

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[9] See Technical mission to Libya in 2004; Conclusions of the Council of Justice and Home Affairs in June 2005; Euro-African ministerial conference on development held in Tripoli in November 2006; Memorandum of Understanding in July 2007; first round of negotiations for the signature of a Framework agreement for Political dialogue and Cooperation in 2008.

[10] European Commission. (20 March 2013). *ENP Package – Libya*. Retrieved from http://europa.eu/rapid/press-release_MEMO-13-250_en.htm

In July 2012, Libya held a nationwide election, which resulted in the formation of the General National Congress, and the election, later that year, of a President and Prime Minister. The current and most pressing migration policy issue for the fledgling regime is border management and security, especially as the deterioration of security following the crisis has led to an increase in irregular migration, smuggling and other trans-border crimes. Libya is also currently working with its neighbours Algeria and Tunisia, and others, on joint border security measures. As the fighting also resulted in hundreds of thousands of migrants fleeing towards Egypt and Tunisia, and, to a lesser extent, Chad, in addition to the internal displacement of migrants, the Libyan Government has worked with the IOM and UNHCR to organize their repatriation to their countries of origin, as well as the evacuation of other migrants trapped in Libya.

Socio-Political Framework	Outward migration	Inward migration
Governmental Institutions	• Ministry of Interior • Ministry of Foreign Affairs and International Cooperation • Ministry of Justice • Ministry of Defence	• Ministry of Interior • Ministry of Foreign Affairs and International Cooperation • Ministry of Justice • Ministry of Defence
Governmental Strategy	**Facilitate outmigration of Libyan students** for educational purposes (e.g., with Maltese universities,[11] among others).	**Address concerns of displaced migrants and refugees** within Libya (e.g., working with the UN Support Mission in Libya and other international organisations for protection and humanitarian assistance, and IOM for the repatriation and return of migrants –especially from Chad, Niger, Tunisia and Egypt). Combat human trafficking (e.g., recent joint IOM-Libyan Ministry of Justice workshop on combatting human trafficking, building capacity of judiciary[12]). Encourage foreign companies to engage in development projects within Libya (bringing in foreign workforce to carryout project, e.g., from India, China, Brazil among others[13]).

[11] Libyan Ministry of Foreign Affairs. (10 February 2013). *Minister of Foreign Affairs and International Cooperation speaking with the Foreign Affairs Minister of Malta for ways to support and strengthen the existing bilateral relations between the two countries*. Retrieved from http://www.foreign.gov.ly/ar/news_details.php?id=7460

[12] Libyan Ministry of Justice. (3April 2013). *Closure of workshops on capacity building of the judicial corps in the fight against human trafficking.* Retrieved from http://www.aladel.gov.ly/main/modules/news/article.php?storyid=544

[13] For more information, see Libyan Ministry of Planning at http://www.planning.gov.ly/?cat=4

	Irregular migration **Limit irregular migration** by working with EU[14], the UN Support Mission in Libya[15], and other international partners[16] to increase capacity building to patrol land and maritime borders, and receive training for police and border forces (e.g., with Italy and UK[17]). **Intensification of efforts within Ministry of Defense to combat irregular migration** (e.g. intensification of reconnaissance and surveillance and the reorganization of border guards and strengthening personnel and equipment[18]). **Increase border security with neighbouring countries** to limit irregular migration and trans-border crimes (e.g., with Egypt[19], and Tunisia and Algeria, among others).	
Civil Society		• **LibAid** (activities including provision of food and other services, mainly to IDPs) • **Al-Wafa Charity Society** (activities including assistance for refugees and asylum seekers) • **Centre for Fact-finding and Monitoring of Human Rights Violations** (activities including documenting abuse of migrants and IDPs in Libya)
International Cooperation	Libya is a member of several **international organisations** in which it actively works to address issues of migration, including: International Organization for Migration (IOM); International Labour Organization (ILO); UNHCR; Arab League; and Organization for African Union (OAU), among others. Libya is a participant to the **European Neighbourhood Policy (ENP)**; the **Union for the Mediterranean** (a multilateral partnership within the European Neighbourhood Policy); and participates in the **5 + 5 Dialogue**.	

[14] Libyan Ministry of Defence. (18 March 2013). *Deputy Defence Minister meets EU delegation.* Retrieved from http://www.defense.gov.ly/modules/publisher/category.php?categoryid=1

[15] Security and management of borders is one of the areas the UN Support Mission in Libya assists the Libyan Government. For more information, see http://unsmil.unmissions.org/Default.aspx?tabid=3544&language=en-US

[16] Libyan Ministry of Defence. (1 January 2013). Meeting in London in preparation for the Ministerial Conference in Paris. Retrieved from http://www.defense.gov.ly/modules/publisher/category.php?categoryid=1

[17] Libyan Ministry of Ministry of Foreign Affairs (4 April 2013). *Minister of Foreign Affairs and International Cooperation receives British Minister of National Security Strategies*. Retrieved from http://www.foreign.gov.ly/ar/news_details.php?id=7496

[18] Libyan Ministry of Defence. (2 February 2013). *Defence Minister confirms the formation of the modern armed forces.* Retrieved from http://www.defense.gov.ly/modules/publisher/category.php?categoryid=1

[19] Libyan Ministry of Defence. (10 April 2013). *Defence Minister receives Chief of Staff of the Egyptian Armed Forces.* Retrieved from http://www.defense.gov.ly/modules/publisher/category.php?categoryid=1

MAURITANIA

The Demographic-Economic Framework of Migration

Since its independence in 1960 Mauritania has seen intense migratory movements.

Outward flows started in the 1970s due to an interplay of several factors, including the degradation of the agro-pastoral system caused by severe and frequent droughts, together with high levels of poverty and unemployment. Early flows were mainly directed towards African countries, such as Senegal, Mali, the Ivory Coast and Gambia. During the late 1980s and early 1990s, buoyed by the violent 1989 Mauritania-Senegal conflict, outward flows were directed towards the oil-producing Gulf countries as well as to other areas, such as Libya and the European countries, where jobs were available.

Inward flows have even more ancient roots. Coming mainly from neighbouring countries, immigrants' flows should be understood against the background of state-building efforts in Mauritania. The arrival of labor migrants was, in fact, motivated by the need to fill gaps in the labour market and to address construction and infrastructure challenges. Later, while the 1990s had been characterized by large inward flows of refugees and asylum seekers due to civil conflicts in African countries (i.e. Liberia, Sierra Leone and the Ivory Coast), during the 2000s, Mauritania evolved into a transit country, attracting irregular migrants attempting to cross to Europe via the Canary Islands.

Outward migration

Stock

According to the combination of destination countries' (c. 2012) and Mauritanian (2004) statistics[1], the number of Mauritanian emigrants stands at 198,307.

Mauritanian emigration stocks by country of residence, most recent data (c. 2012)

Country of residence	Definition (a)	Reference date (Jan 1st)	Source	Number	%
African countries				**145,500**	**73.4**
of which Ivory Coast				50,000	25.2
Mali	(B)	2004	Mauritanian statistics (see "sources")	40,000	20.2
Gambia				20,000	10.1
Senegal				10,000	5.0
Gulf countries				**24,000**	**12.1**
of which Saudi Arabia	(B)	2004	Mauritanian statistics (see "sources")	20,000	10.1
UAE				4,000	2.0
Other countries (b)				**28,807**	**14.5**
of which France	(A)	2009	Population Census	13,699	6.9
Spain	(A)	2012	Population Register	10,821	5.5
Main total				**198,307**	**100.0**

(a): Mauritanian migrants are defined according to the country of birth (A) or country of nationality criterion according to countries of residence.

(b): "Other countries" include European countries, Canada and Japan.

Sources: national statistics of destination countries (Population Censuses, population registers, registers for foreigners, etc.). As with Mauritanian emigrants residing in African and Gulf countries, data are taken from Mauritanian statistics (i.e. the Mauritanian Ministry of Foreign Affairs and Cooperation).

Most (73.4%) live in other African countries and especially in the west, as in the Ivory Coast (25.2%), Mali (20.2%), and Gambia (10.1%). Important numbers are also found in Gulf States (12.1%) and in France (6.9%). It is worth mentioning that the numbers of Mauritanians residing abroad do not take into account the 25,000 or so refugees still living in Senegal.

In OECD countries, Mauritanian emigrants are more likely to be men (67.6%), with a low level of education (59.2%). They are, likewise, employed in low skilled occupations, including elementary jobs

Inward migration

Stock

At the time of writing, the results of the 2011 Mauritanian census are unfortunately not yet available.

According to the 2000 census, 43,519 migrants resided in Mauritania, or 1.7% of the total resident population. These originated in Mali (38.4%) and Senegal (33.7%). This number has to be used carefully since it is out of date and the census took place in November 2000 just after new political tensions flared up between Mauritania and Senegal and the subsequent programme of return migration on the part of Senegalese residents in Mauritania. In this regard, it is worth mentioning that in 1988 (one year before the Mauritania-Senegal Conflict), Senegalese immigrants accounted for 63.8% of the total migrant population, while after 1989 thousands of Senegalese residents in Mauritania had been repatriated, as well as their Mauritanian counterparts in Senegal.

Born-abroad population residing in Mauritania by country of birth, 2000, 2010

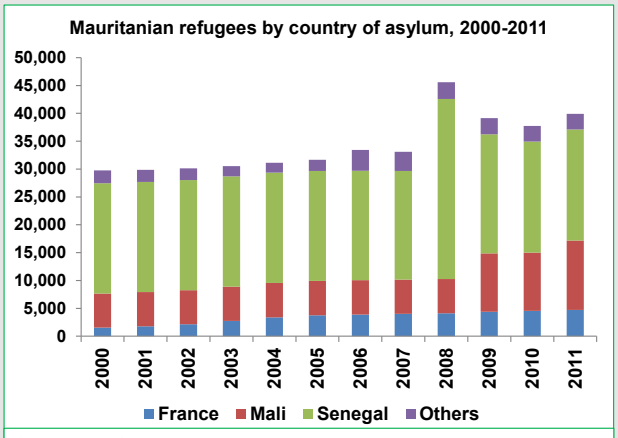
Country of birth	2000 Number	2000 %	2010 Number
Mali	16,712	38.4	n.a.
Senegal	14,681	33.7	n.a.
Guinea Conakry	1,651	3.8	n.a.
Ivory Coast	1,462	3.4	n.a.
Maghreb countries	1,721	4.0	n.a.
Other countries	7,292	16.8	n.a.
Total	**43,519**	**100.0**	**99,229**
% of the total resident population	*1.7*		*3.0*

Source: Mauritanian Census (2000), United Nations Population Division, UNDP (2010)

[1] Origin statistics (as derived from the Mauritanian Ministry of Foreign Affair and Cooperation) were used as they unable to capture the majority of Mauritanian migrants who live in both African and Gulf countries, where statistics on the population by country of nationality are well-known being scarcely available.

(29.0%), as service workers and shop and market sales workers (15.9%), as craft and related trades workers (10.9%) and as plant and machine operators and assemblers (10.3%) (c. 2006, OECD.stat). As to their occupational profile in West Africa, they are, there, predominantly employed in the retail market, while in Gulf countries they have worked in well remunerated but temporary jobs, e.g. in the police and the security services.

Many Mauritanian emigrants are refugees. They are concentrated in Senegal and Mali as a result of the 1989 Senegal-Mauritania conflict which ultimately led to the expulsion of around 53,000 Mauritanian nationals with black-African origins and the contemporaneous repatriation of thousands of Mauritanians expelled by the Senegalese authorities.



Source: UNHCR

Flows

According to the Mauritanian Ministry of Interior, in 2007 the migratory balance for nationals was around (+) 1,700 (46,000 exits vs. 47,700 entries). An important characteristic of Mauritanian outward flows is the shift – during the 1990s – in the choice of destination from West Africa to the Gulf, to Libya as well as to Europe, a tendency which is likely to continue in the next years.

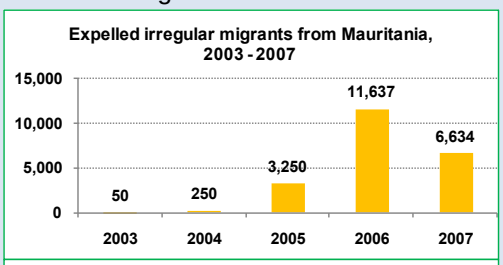
As to the refugee repatriation programme, 24,000 refugees returned home until March 2012 (United Nations High Commissioner for Refugees - UNHCR).

For 2010, the UN Population Division provides an estimate of 99,229 migrants, representing 3.0% of the residing population.

Besides labor migrants, Mauritania hosts large numbers of refugees who arrived during the 1990s as a consequence of internal conflicts in the neighbouring countries including Liberia, Sierra Leone and the Ivory Coast. In 2011, 26,535 asylum seekers and refugees were registered with UNHCR there.

Flows

One of the most important feature characterizing Mauritanian inward flows is the complex phenomenon of irregular and transit immigration. For a long time, irregular migration was not considered a national issue but rather a structural phenomenon in Mauritanian society. The legislation on immigration has not been much applied and as a matter of fact being an irregular worker was almost 'normal'. According to a survey carried out by the Ministry of Employment and Vocational Training in 2007, 80.0% of foreign workers do not have a work permit and 7.0% do not declare their legal status.



Source: Mauritanian Interior Ministry

During the mid 2000s due to the strengthening of Southern Europe's border controls, together with the more severe migration norms put in place by Maghreb countries, Mauritania evolved into an important transit country towards the Canary Islands, which had become one of the major points of entry to Europe. However, its importance as a transit country considerably decreased starting from 2007. As to their profile, transit migrants come mainly from Senegal and Mali (72.8%) and tend to be men (88.0%). Finally, several surveys found that the main reason for taking this risky route to Europe was not the search for jobs, strictly speaking, but, rather, family pressure.

In addition, as a result of the conflict that started in Mali in January 2012, hundreds of thousands of Malians were displaced within the country and across its borders. Indeed, more than 100,000 Malians, mostly Tuaregs, had sought refuge in Mauritania by the end of August 2012 (UNHCR).

The Legal Framework of Migration

Mauritania has embarked on a global reform of its legal framework governing foreign nationals in the country. Legal updates have been related to: the repression of human trafficking (2003) and smuggling (2010); the status of the refugee (2005); and the employment conditions of foreign manpower (reforms in 2008 and 2009).

Foreign nationals' entry and stay conditions are currently defined by two decrees from 1964 and 1965, but a reform is being discussed. As happened in neighbouring Maghreb countries, this reform may strengthen sanctions against irregularity, but also give protection to some categories of foreign nationals, especially protection from expulsion. It might also govern emigration. Whereas exit visas were suppressed in 1985 as part of the country's democratisation, Mauritania has worked with Spain and FRONTEX since 2006 to combat irregular emigration by readmitting foreign nationals who transited through the country and who are placed in detention camps before repatriation.

The Nationality Code has not changed in thirty years.

Mauritania has concluded a large number of bilateral agreements in order to facilitate circulation and the stay of people, and to regulate the use of manpower. It is also party to several international conventions.

Legal Framework	Outward migration	Inward migration
General Legal References	• 2010 Law of 10 February 2010 related to combating the smuggling of migrants • 2009 Decree n° 224 repealing and replacing Decree No. 92 of 19 April 1974 laying down the conditions employment of foreign labour and establishing a work permit for foreign workers • 2005 Decree of 3 March 2005 related to the implementation in Mauritania of International Conventions on refugees • 2003 Law 25-2003 of 17 July 2003 (human trafficking) • 1991 Mauritania Constitution of 12 July 1991 • 1965 Law 65-046 (irregular entry) • 1961 Law n°1961-112 of June 20, 1961 enabling the Mauritanian Nationality Code, modified in 1962 and 1976	
Entry and Exit	Suppression of exit visa for nationals in 1985. There are still exit visas for foreign nationals. The legal conditions to enter the country of destination may be checked by national authorities before leaving.	No visa requirement for nationals of states linked to Mauritania by circulation or/and establishment conventions. Visa required for other foreign nationals. Distinction between non-immigrant and immigrant foreign nationals. The former have to present their passport and a return ticket. The latter have to present: passport/visa; vaccination certificate; medical certificate; police record; consignment receipt; labour contract or an authorization necessary for their planned activity.
Irregular Migration		**Irregular entry or stay** (Law 65-046) punishes foreign nationals who irregularly enter or stay in Mauritania with a two-month to a two-year prison sentence. Involvement in fraud is also penalized. **Enabling a non-legal resident to remain in Mauritania** punished 1-4 years imprisonment and fine (2010 Law combating the smuggling of migrants)

	Human trafficking punished by law 25-2003 with a five- to ten-year hard-labour confinement and a fine of between 500,000 and 1 million ouguiyas. 2010 Law on human trafficking aims at: preventing the smuggling of migrants; combating smuggling of migrants; protecting the rights of victims; and promoting cooperation. Punishments include: **migrant smuggling** (5-10 years imprisonment and fine); **making false documents** and (2-4 years imprisonment and fine); amongst others.	
	Agreements regarding irregular migration ➢ **The Contonou Agreement** (2000): the EU and Mauritania agree to readmit any of their nationals illegally present on the other's territory, and to conclude agreements on the readmission of third-country nationals if deemed necessary. The parties agree to strengthen cooperation on illegal migration, including smuggling and trafficking. ➢ **Mauritania-Spain Agreement** on the control of migratory flows and readmission in 2003 and 2006. Arrested transit migrants are detained and repatriated. ➢ **Palermo Protocols**: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air (both accepted in 2005).	
Rights and settlement	Mauritanian citizens have the **right to leave the country** (Article 10, 1991 Constitution). **Electoral representation of expatriates** in the Senate and the Economic and Social Council. **Expatriates' right to parliamentary eligibility**.	Stay and residence: distinction between privileged (on an establishment convention basis) and ordinary foreign nationals. The former have the right to stay (with a resident card) indefinitely. The latter have to apply for a foreign-national identity card, for an indeterminate period, but which needs a visa every year. **Family reunification:** legal silence. **Access to employment:** Decree n° 224 of 2009 lays out conditions for work permits for foreign nationals. Work Permit A (2-year work permit) is given to foreigners when no Mauritanian can fill the position; Work Permit B (4-year work permit) for any position, based on reciprocity or for foreigners living in Mauritania for 8 years without interruption. **Equal access to public services and access to estate ownership.**
Labour	➢ **Bilateral agreements** on circulation and establishment of people with Mali (1963) and Algeria (1996); on entry and stay with France (1992); on manpower with Senegal (1972), Algeria (2004), Spain (2007), and some Gulf countries. ➢ **International agreements**: 1990 Convention on the protection of all migrant workers and members of their family ratified; 42 ILO conventions ratified[2]	

[2] Including convention C111 concerning Discrimination in Respect of Employment and Occupation, but excluding conventions C118 Equality of Treatment of Nationals and Non-Nationals in Social Security, C97 concerning Migration for Employment and C143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers.

Citizenship	**Dual nationality prohibited.**	**Law n°1961-112 of June 20, 1961** enabling the Mauritanian Nationality Code, modified in 1962 and 1976: *jus sanguinis* by descent of father or mother, though persisting sex discrimination. Children born to a Mauritanian mother in the country are given citizenship, but have the right to repudiate citizenship when they come of age; yet born abroad, they can opt for their mother's nationality when they come of age. *Jus soli :* simple, with a declaration at age (birth + 5 years residency); and double right of soil. Automatic acquisition of nationality through marriage with a male Mauritanian (unless otherwise requested). No right to nationality through marriage with a female Mauritanian. Possibility of naturalization without past residency requirement. Dual nationality prohibited.
International Protection	Tripartite agreement with Senegal and UNHCR for the voluntary return of Mauritanian refugees from Senegal (2007).	**Rights and obligations of refugees** defined in 2005 Decree of 3 March 2005 related to the implementation in Mauritania of International Conventions on refugees. **National Consultative Commission on Refugees** to the Ministry of Interior, in charge of eligibility to refugee status, based on UNHCR refugee status determination. (Conditions of implementation in decree 2005 of 3 March 2005). **International agreements regarding international protection**: Mauritania has ratified the 1951 Convention relating to the status of refugees and the 1967 Protocol, and the 1969 OAU Convention governing specific aspects of refugees in Africa.

The Socio-Political Framework of Migration

Depicted as an intersectional and multifunctional junction[3] connecting various migratory corridors across the Sahel and the Mediterranean, Mauritania has an overburdened migration agenda where emigration, immigration and transit-migration imperatives converge.

Notwithstanding the country's diversity, ethnic divisions and confrontations, particularly during the 1980s, have cast doubt on Mauritania's stability and human-rights record. Illustrative of the country's difficult migration legacy was the 1989 refugee crisis. Following Mauritania-Senegal border tensions, ethno-political upheavals culminated in the expulsion of Senegalese and Black Mauritanians from the country. In the wake of this crisis, Mauritanian-Senegalese relations degenerated and the balance of power in the country tipped[4].

In the last decade, with a view to dealing with pressing migration matters, Mauritania has invested considerable effort in institutionalising its migration apparatus. Mauritania has, moreover, consolidated cooperation in the fields of irregular and transit migration with international stakeholders. Further, in the wake of Mauritania's unconsolidated political opening,[5] the government has, since 2008, coordinated the return and reintegration of Mauritanian refugees from Sub-Saharan Africa (Senegal and Mali). Specialised committees formed to study the governance of migration and to oversee the return of Mauritanian refugees expelled from the country in 1989[6] have been set up. Mauritania is also a receiver of refugees, and the Government works with international organisations to address the inflows. Since 2012, the Malian refugee crisis has sent over 100,000 Malian refugees to Mauritania. The Mauritanian Government has been working with UNHCR to provide humanitarian assistance, and it has allowed the UNHCR to develop a refugee camp in Mbera[7].

Mauritania has also assumed an increasingly important role on the Euro-Mediterranean migration scene in the last years. A participant in the 5+5 Dialogue (2005) and a founding member of the Union for the Mediterranean (2008), the country has taken on a more visible role in the governance of migration flows from Sub-Saharan Africa to Europe.

In an effort to boost the country's development and alleviate unemployment, the government has consolidated temporary economic migration frameworks with the EU and its member states (e.g. Spain) and with Arab and Gulf countries.

Despite these reforms, which should be read against the backdrop of Mauritania's fragile political liberalisation, the country's migration apparatus still lacks an integrative and strategic perspective to put emigration as well as immigration in the context of sustainable development. Emigration policies remain fragmented, and have so far not consolidated links with Mauritanian emigrants; nor have they developed adequate channels to ensure that remittances spur structural development. A case in point is the establishment of a transitory State Secretariat in charge of Mauritanians abroad in 2008, which was dissolved as a consequence of governmental change.

It is also noteworthy that the country relies on some immigrants' skills in certain sectors (education, services and the like). This need for professional immigrants can be partly explained by the lack of concentrated Diaspora groups of skilled Mauritanian professionals. The scarcity of Mauritanian skilled emigrants established abroad notwithstanding, the government has not devised action plans to incite these

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[3] See Ali Ben Saad "Mauritanie: la dimension politique et sociale des migrations", *Rapport sur les Migrations Méditerranéennes 2008-2009*, sous la direction de Philippe Fargues, CARIM, RSCAS, p. 195.

[4] It was only in 1991 that an agreement was negotiated by the Senegalese President Abdou Diouf to reopen the borders between Senegal and Mauritania.

[5] In 2007, the election of the new president Sidi Mohamed Ould Cheikh Abdallahi marked the beginning of a new phase of political liberalization as well as the beginning of the refugee repatriation process. The Abdallahi government initiated measures so as to repatriate thousands of Mauritanian refugees in Mali and Senegal under UNHCR assistance programme.

[6] For instance, the National Agency ANAIR that supervised the repatriation of Mauritanian refugees.

[7] UNHCR. (2013). *2013 UNHCR country operations profile – Mauritania*. Retrieved from http://www.unhcr.org/pages/49e486026.html

professionals to return and take up positions in their homeland.[8] In this context, it is also important to highlight the paucity of local knowledge regarding these professionals' trends.

Due to Mauritania's position as a juncture between Northern and Sub-Saharan Africa, its proximity with a peripheral part of EU territory (the Canary Islands) as well as its relatively lax border controls,9 today's challenges include managing clandestine and transit migration, and sensitizing the local population and government officials to the human rights of asylum seekers and undocumented migrants. In spite of a flourishing civil society advocating democracy and a human-rightist approach towards migration governance, Mauritania has been severely criticized for its treatment of undocumented immigrants and refugees in the last years (Amnesty International Report 2008).

Socio-Political Framework	Outward migration	Inward migration
Governmental Institutions	• Ministry of Interior • Ministry of Foreign Affairs and Cooperation • Ministry of Employment • Ministry of Economic Affairs and Development • Specific governmental committees dealing with migration management: e.g. the inter-ministerial committee overseeing the return and repatriation of Mauritanian refugees from Mali and Senegal; the study group on the management of migratory flows (GEFM) etc.	• Ministry of Interior • Ministry of National Defense • Ministry of Employment; Ministry of Justice • Ministry of Economic Affairs and Development • Specific governmental committees dealing with migration flows and migration management: e.g. the inter-ministerial committee, the study group on the management of migratory flows (GEFM), the Consultative Committee on Asylum.
Governmental Strategy	Development of policies regulating emigration and exit; Sustaining links with the Mauritanian Diaspora; encouraging remittances; spurring Mauritanians abroad to invest in the country; Monitoring bilateral agreements related to economic emigration; promoting temporary labour migration or circular migration schemes (mainly between Mauritania and Europe – e.g. Spain – as well as with the Gulf countries); Devising plans for the return and repatriation of Mauritanian refugees: e.g. the Mauritanian refugees in Sub-Saharan Africa (Senegal and Mali) whose return has been monitored since 2008);	Regulate immigration with regard to admission, residency and work permits of foreign nationals; Assess the labour market's need for foreign labour; develop action plans for attracting economic immigrants in certain job sectors (services, fishery, education) and for ensuring that employment contributes to local economic development; Reinforcing border management and developing policy frameworks so as to deal with the increasing trends of irregular and transit immigration; reducing the number of undocumented immigrants by apprehending, regularising or deportation procedures; Identifying asylum seekers on Mauritanian territory and defining their status and rights as well as conditions for their stay; allowing UNHCR to operate refugee camp for Malians;

[8] It is noteworthy that the issue of highly-skilled emigration is not central in Mauritania. Still, the educated Mauritanian religious elites in several Muslim countries as well as the skilled Mauritanian Diaspora in high-tech sectors in northern countries are worth mentioning. Statistical information for these trends remains nevertheless scarce. See Zekeria Ahmed Salem. "La migration hautement qualifiée: aspects et questions sociopolitiques en Mauritanie ». *CARIM analytical note* 2010.

[9] Lax border controls are a question of a historical tradition of free circularity, largely due to Mauritania's multi-ethnic and varied socio-economic structure.

	Multiplying bilateral and multilateral cooperation frameworks (e.g. with the EU and IOM) in migration-related fields so as to ensure that Mauritanian outward migration (particularly temporary migration) contributes to local economic and human development; cooperating with international organisms such as the IOM so as to craft a sustainable labour migration policy; consolidating cooperative mechanisms with international organisations (e.g. IOM) with a view to mobilising Mauritanian expatriates' competencies abroad and facilitating their return; defining cooperation frameworks with external stakeholders (IOM, UNHCR, EU, Spain) with a view to identifying the root causes of irregular emigration and reinforcing border management (e.g. Mauritania-FRONTEX cooperation); developing cooperative mechanisms with UNHCR and the UNDP so as to ensure the repatriation of Mauritanian refugees following the 1989 refugee crisis.	Developing cooperative mechanisms with international and external parties (e.g. UNHCR, IOM, EU, Spain) in order to mitigate the effects of irregular and transit immigration on Mauritanian territory and to reinforce sea and land control; consolidating national capacity-building in collaboration with international organisations (IOM) so as to craft labour-migration policies; developing collaborative mechanisms with UNHCR so as to sensitise the population as well as governmental authorities regarding the human and socio-economic rights of refugees on Mauritanian territory.
Civil Society Action	**Initiatives of Mauritanian migrant associations as well as professional and student transnational networks** aimed at: – providing services for Mauritanians abroad and establishing links between them as well as maintaining ties with Mauritania (e.g. *L'Association Culturelle des Etudiants Mauritaniens* (ACEM)); – carrying out research studies on the potential role of Mauritanian expatriates in their country's development and collecting data on the Mauritanian Diaspora; – involving Mauritanian expatriates in local development or in homeland politics: e.g. the "For Mauritania initiative" created by Mauritanian expatriates in the US for endorsing democratic reform in the homeland; the Citizen Call for Recognising Mauritanians Abroad (*L'Appel Citoyen pour la Reconnaissance des Mauritaniens de l'Etranger* (ACREME)) **Local Initiatives** aimed at: – raising awareness against irregular emigration and dissuading potential irregular emigrants from moving (e.g. *l'Association mauritanienne de lutte contre l'immigration illégale* - AMLII);	**Civil society initiatives** aimed at: – providing services and safeguarding the interests of immigrants and immigrant workers (*La Confédération Générale des Travailleurs de Mauritanie*); – encouraging a national debate on migration management (e.g. *Association pour la Protection de l'Environnement et Action Humanitaire* (APEAH), Le Centre Guide pour la Migration); – providing services and assistance to vulnerable migrant categories such as irregular migrants, refugees and asylum seekers (e.g. *le Croissant rouge, le programme pour le développement durable et la réduction de la pauvreté de Dar Naim*).

	– sensitising the local population and governmental officials with the reinsertion of Mauritanian refugees into Mauritanian society.	
International Cooperation	Mauritania is a member of several **international organisations** in which it actively works to address issues of migration, including: International Organization for Migration (IOM); International Labour Organization (ILO); UNHCR; Arab League; and Organization for African Union (OAU), among others. Mauritania receives funding through the EUs **European Development Fund (EDF)** where several migration-related projects are financed (e.g., national migration strategies, integration, judicial training, etc.). Mauritania is a member of the **Union for the Mediterranean** and is a member of the **5+5 Dialogue**.	

MOLDOVA

The Demographic-Economic Framework of Migration

With the dissolution of the Soviet Union in 1991 and the military conflict in Transnistria in 1992, a wave of emigration was prompted from Moldova toward Russia and Ukraine. These trends were exacerbated during the Russian financial crisis in 1998. A major and consistent migration push factor is the high levels of extreme poverty within Moldova. In Europe, in terms of GDP and GDP p/c Moldova is the poorest country and has the highest share of GDP supported by remittances (year 2011). Emigrants comprise 17.3% of the total population residing in Moldova.

In the short-term migration trends are motivated by employment to the Russian Federation and other CIS countries, where a predominance of males employed in the construction sector is found. Permanent emigration trends are directed instead towards the European Union; especially Italy, Poland and Romania, where a majority of females, mainly employed in family services are observed.

Source countries for the small levels of immigration into Moldova are Israel and other CIS countries.

Outward migration

Stock

According to destination countries' statistics, 615,171 or 390,280 Moldovan migrants resided abroad in years around 2012 (table 1), who represent in both cases very high percentages of the total population residing in Moldova (17.3% and 11.0%, respectively). The difference between the two estimates depends on whether migrants living in Russia are counted according respectively to the country of birth or citizenship criterion.

Table 1 - Moldovan emigration stocks by country of residence, most recent data (c. 2012)

Country of residence	Definition (a)	Reference date (Jan 1st)	Number	Number	%	%
European Union			**276,642**		**45.0**	**70.9**
of which Italy	(A)	2012	143,174		23.3	36.7
Romania	(A)	2012	49,020		8.0	12.6
Spain	(A)	2012	16,704		2.7	4.3
CIS countries + Georgia			**292,638**	**67,735**	**47.6**	**17.4**
of which Russia	**(A)**	2002	277,527		45.1	X
Russia	**(B)**	2010		50,988	X	13.1
Ukraine	(B)	2001	15,087		2.5	3.9
Belarus	(B)	2009	1,636		0.3	0.4
Other countries (b)			**45,891**		**7.5**	**11.8**
of which US	(A)	2011	35,325		5.7	9.1
Canada	(A)	2006	5,505		0.9	1.4
Turkey	(B)	2011	2,854		0.5	0.7
Main total			**615,171**	**390,268**	**100.0**	**100.0**

(a): Moldovan migrants are defined according to the country of birth (A) or country of nationality (B) criterion according to countries of residence; in Russia both numbers are reported.

(b): "Other countries" include Iceland, Liechstein, Norway, Switzerland, Jordan, Turkey, Canada, US, Australia and Japan.

Sources: national statistics (Population Censuses, population registers, registers for foreigners, etc.)

Indeed, in Russia, while individuals born in Moldova are 277,527, Moldovan citizens stand only at 51,000. The former (largest) number is the result of massive ethnic repatriation waves which occurred just after the collapse of the USSR, according to which large numbers of people - born in the Moldovan territory before 1991 with Russian descent - decided to 'return' to their origin country. They are the so-called ethnic Russians who are generally not perceived as Moldovan emigrants, but Russian nationals.

Inward migration

Stock

In 2004, 259,368 individuals born abroad and 17,846 foreign citizens resided in Moldova, or 7.7% and 0.5% of the total population, respectively.

Table 2 - Immigration stocks in Moldova according to different criteria, 2004

Country of citizenship/country of birth	Number (birth)	Number (citizenship)
CIS countries + Georgia	**247,862**	**15,341**
of which Ukraine	125,455	7,298
Russia	115,929	7,269
Uzbekistan	2,336	0
Turkmenistan	1,296	0
Georgia	1,185	0
Kyrgyzstan	916	0
Tajikistan	745	0
Belarus	0	271
Kazakhstan	0	194
Azerbaijan	0	154
Armenia	0	155
Other countries	**11,506**	**2,505**
of which Romania	4,071	462
Turkey	1,689	340
Total migrants	**259,368**	**17,846**
% of the total population	*7.7*	*0.5*
Stateless	**-**	**14,110**
Country not declared	**3,123**	**158,539**
Total migrants + stateless + country not declared	**262,491**	**190,495**
% of the total population	*7.8*	*5.6*

Source: Population Census - 2004

Again, this discrepancy is due to the fact that the majority of individuals born abroad are people born in the USSR with Moldovan descent who, after the dissolution of the USSR, 'returned' en masse to their parents' home country. Rather than international migrants, they are today perceived as ethnic Moldovans. The majority of the born abroad population is indeed originating in CIS countries (95.6%) and especially in Ukraine (48.8%) and Russia (44.7%).

Stocks in Russia were also amassed in the aftermath of the 1998 financial crisis in the Russian Federation as the impact of the crisis was more widespread in Moldova than in Russia. This was especially the case for rural Moldovans who experienced the collapse of the agriculture industry.

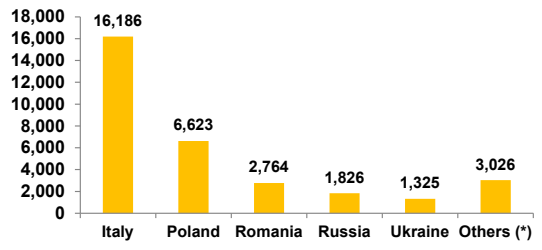
Apart from Russia, the largest emigrant stocks are found in Italy (143,174). Here, although the labour market is more difficult and costlier to access than that of Russia, remuneration is on average higher.

Migrants' characteristics tend to largely vary according to their destination point shedding light on two main migration strategies. Migration directed towards the West (mainly EU countries) is more likely to be characterised by a preponderance of females (60.1%), well-educated persons (53.2% have a tertiary education) but employed in low skilled jobs, including service (17.4%) and craft and related trades (15.2%) workers and, finally, to occur on a more permanent basis. On the contrary, migrants going to the 'East' (mainly to Russia) are more likely to be male (56.2%), with a medium level of education (58.4% hold a secondary diploma) and employed in construction (around 68%) (source: Moldovan Labour Force Survey) which occurs on a more temporary/circular basis (Ganta, 2012).

Flows

In 1991 there were large-scale industrial and agricultural sectors of the Moldovan economy that saw high levels of unemployment and underemployment. Both factors set up large scale labour emigration flows which continue to the present day. Occupational outflows are due to surpluses in highly educated fields such as economics and law as well as skilled crafts including electricians. These flows are attributed to a lack of synchronisation between education policy and the labour market. Outflow data (figure 1) confirm Italy as a preferred destination for recent Moldovan labour migrants. In 2011, 1 out of 2 Moldovans emigrated there, followed by Poland (21%).

Figure 1 - Outflows of Moldovan nationals to selected countries of destination – year 2011



Notes (*) Others include Australia, Belarus, Norway, United States and Ukraine.
Source: flow data are proxied by granted first residence permits (EU MS + Norway), issued visas (US + Australia) and the number of registrations to a

As with the foreign population, a very impressive number did not declare their country of citizenship (158,539) or were classified as stateless (14,110). As in other CIS countries, this depends on the fact that after the collapse of the Soviet Union, large number of people lost their citizenship as they were unable to confirm or acquire citizenship of any new-born state. This was the result of cumbersome legal requirements adopted in new independent states (for more details, see the section on 'citizenship' in 'The Legal Framework' below). Looking at numbers, this situation seems still to be unsolved.

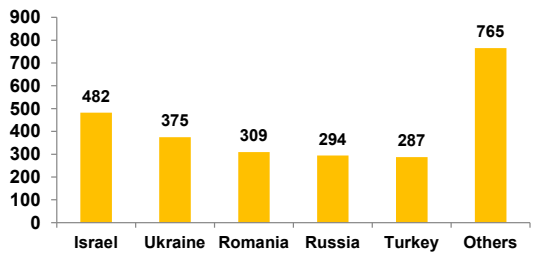
More recent data from the Population State Register (PSR) immigration data shows that in 2012 there were 26,200 foreign citizens residing in Moldova, providing evidence of a slight rise in immigration trends.

Flows

Immigration flows to Moldova are small. Population State Register immigration data show that in the 2000s there was an inflow of only 19,279 migrants to Moldova. The same data source signals that 35% of migrants moved for work-related reasons, 35% for family reunification and 30% to study. For the latter the main source country was Israel (59%), with Turkey and Syria being other major source countries. For family reunification the vast majority were from Ukraine, Russia and Romania – all three have strong cultural links with Moldova. Since the turn of the millennium the annual average flows of repatriation are 1,600.

In 2010, 2,512 foreign citizens migrated to Moldova. Although Israelis constitute the largest share of immigrants there were only 482 entrants in the same year (figure 2).

Figure 2 - Inflows of foreign citizens to Moldova, year 2010

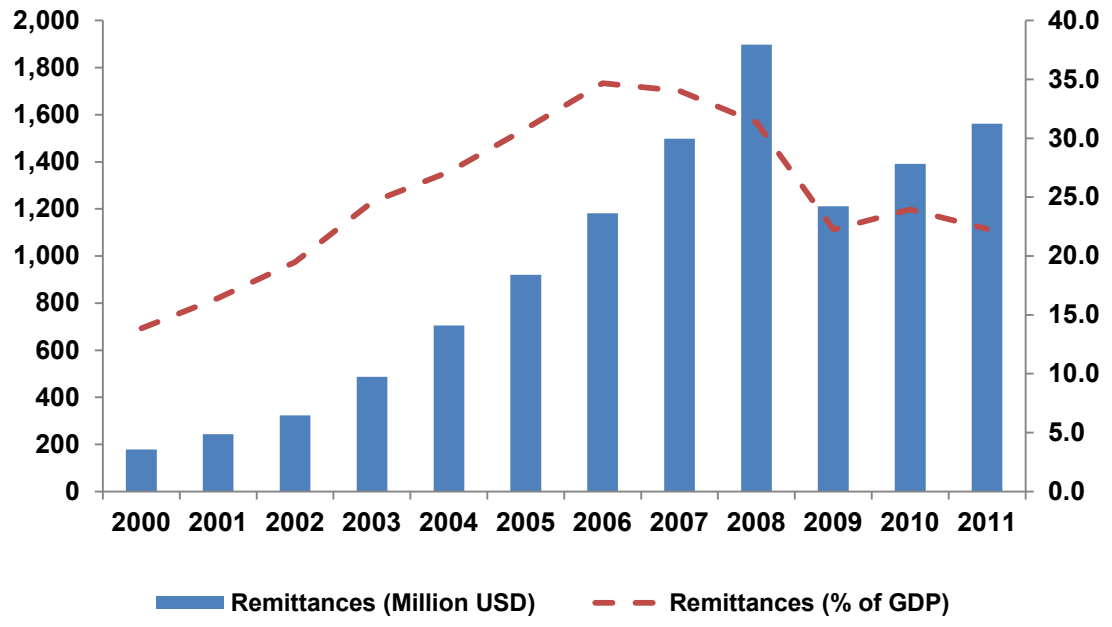


Source: flow data are proxied by the number of registrations to a place of permanent residence in Moldova (Population State Register - Moldova)

Moldova, an increased reliance on remittances

There are three major transfer mechanisms for remittances entering Moldova: (i) bank transfers; (ii) express money transfers and (iii) informal couriers (Lücke et al., 2007). The use of which mechanism is selected is dependent upon where migrants are located. Seasonal migrants such as those working in the agricultural sector in Russia tend to bring their remittances by hand, whereas those living from farther away tend to send remittances by method (i) and/or (ii).

Figure 3 - Remittances by expatriates to Moldova, absolute values (Mil-USD) and as a % of GDP, 2000-2010



Source: World Bank

Over time, remittances have become an important source of income of emigrant's families and a relevant factor of national economy development. According to World Bank data, they amounted to 1561.7 million USD in 2011, considerably exceeding the FDI and ODA inflows that constituted, the respective and approximate totals of 274 million USD and 470.4 million USD (2010). Remittances form near 51% of FDI stock in the economy and 72.5% of earnings obtained from exports. A slight slowdown in remittances growth since the second half of the last decade caused a reduction of their share in GDP, from 34.7% in 2006 to 22.3% in 2011, yet the Republic of Moldova ranks the third country in the region of Europe and Central Asia as regard remittances' weight in GDP and their per capita value (Stratan et al., 2013).

Over 30% of Moldova's exports are tied to remittance based finances. Remittances therefore look set to play an increasingly important role in the Moldovan economy and may see an increase in the emigration flows of Moldovans in the foreseeable future.

References: Ganta V. 2012. The demographic and economic framework of circular migration in Moldova, CARIM-East Explanatory Note 12/69, Migration Policy Centre, European University Institute, San Domenico di Fiesole; Lücke M.M., Mahmoud T.O., Pinger P. 2007. Patterns and Trends of Migration and Remittances in Moldova, International Organization for Migration. World Bank. 2011. Migration and Remittances Factbook 2011, Washington, DC; Stratan A., Chistruga M., Clipa V., Fala A., V. Septelici. 2013. Development and side effects of remittances in the CIS countries: the case of Republic of Moldova CARIM-East Research Report 2013/2, Migration Policy Centre, European University Institute, San Domenico di Fiesole.

The Legal Framework of Migration

State migration policy is reflected in National Strategies, programs and plans and in domestic legislation of the Republic of Moldova (RM). The current legislative framework regulates the immigration of foreigners and strictly divides competences between responsible bodies and favours strengthening relations with Moldovan citizens residing abroad; providing services for returning migrants; and stimulating conditions to prevent the emigration of citizens. In September 2011, the National Strategy in the migration and asylum domain (2011-2020) was approved, providing the basis for a comprehensive regulation of migration and asylum management, the harmonization of the national legal framework with international and EU law, and the regulation of migration flows. This strategy is intended to contribute towards socio-economic development, state security and towards the achievement of European integration goals. In December 2011, the Action Plan for 2011-2015 regarding the implementation of the Strategy was approved. The activities included a Plan describing how the state intends to improve migration management. The cooperation with the CIS countries is maintained within the framework of regional or bilateral agreements. The Moldova-EU Action Plan includes the strategic objectives in the domain of migration. Based on this document, Moldova adopted National Programs, where the European vector has become a must when implementing policies for all public authorities.

Legal Framework	Outward migration	Inward migration
General Legal References	2013 Government Decision for the approval of the Regulation on issuing identity documents and evidence of the inhabitants of the Republic of Moldova (2nd generation of identity documents) 2013 Government Decision on the approval of the Regulation regarding issuance of visas 2011 Law on Integration of Foreigners in the Republic of Moldova 2011 National Strategy in the Domain of Migration and Asylum (2011-2020) 2011 National Action Plan for the Implementation of the National Strategy in the Domain of Migration and Asylum (2011-2015) 2011 National Program for the implementation of the Moldova –EU Action Plan in the field of visa liberalization regime 2010 Government Decision regarding the Commission for Coordination of Certain Activities Relating to Migration 2010 Law on the Regime of Foreigners in the Republic of Moldova 2008 Law on Labour Migration 2008 Law on Asylum in the Republic of Moldova 1994 Law on the Legal Status of Foreign Citizens and Stateless Persons 1994 Law on exit from and entry into the Republic of Moldova 1994 Constitution of the Republic of Moldova	
Entry and Exit	**Visa** The Republic of Moldova is a party to the 1992 Agreement on Visa-free Movement of Citizens of the CIS-Countries on the Territory of the Member States, according to which the citizens of the RM are exempted from the visa requirements for the CIS countries (except Turkmenistan) and Georgia. In 2007, Moldova singed a Visa Facilitation Agreement with the EU (amended in 2012). The Agreement facilitates the issuance of visas to the citizens of the Republic of Moldova for a stay of no more than 90 days per period of 180 days.	**Visa** Citizens of Canada, the CIS (except Turkmenistan with some exceptions), Georgia, EEA, the Holy See, Israel, Japan and the USA are exempted from the visa requirement for a period of stay until 90 days, during six months from the moment of the first entry. Under Art. 6(5) of the Law on the Regime for Foreigners, foreigners who reside in the Republic of Moldova legally and temporarily leave its territory are entitled to re-enter the country without an entry/exit visa during the whole validity period of their residence permit. 4 types of visa are granted:

	Cross-border mobility According to Art. 1 of the **Law on Exit and Entry** to the Republic of Moldova, citizens of the RM have the right to exit and enter the Republic of Moldova based on their passports. Art. 8 of the law sets out the conditions when issuance or extension of a new passport or travel document is refused, mainly referring to national security and public order. Since May 2012, citizens of the RM, regardless of their domicile or residence or legal status abroad, have the right to enter the country based on a travel authorization issued by the diplomatic missions or consular posts. The Regulation allows requesting travel authorization in cases of justified emergencies. Though legislation proclaims freedom of movement, the **Law on Labour Migration** of 10 July 2008 sets **restrictions** for the emigrations of citizens abroad in Art. 23 referring to: – a court decision in a criminal case; – a court decision regarding debtors; – a document regarding the established guardianship over the minors who remain within the country.	"A" Type – airport transit visa. "B" Type – transit visa. "C" Type – short-term visa for the period of up to 90 days during 6 months; "D" Type – long-term visa for a period not exceeding 12 months. The Regulation regarding issuance of visas which partially transposed the EU Visa Code entered into force on 1 April; 2013. **Cross-border mobility** Foreigners can enter Moldova through state border crossing points with a valid passport, an entry visa or a document attesting the residence status. Foreign citizens, holders of a valid permanent residence permit are exempted from the visa requirement. According to Art. 1 of the national Law on Exit and Entry, stateless persons, refugees and beneficiaries of humanitarian protection have the right to exit and enter the RM based on their travel documents. Stateless persons and foreign citizens with permanent resident rights in the Republic of Moldova who are abroad and who have no valid travel documents for returning to the Republic of Moldova, have the right to enter based on a travel authorization issued by the diplomatic missions or consular posts of the Republic of Moldova. The exit of a foreigner may be prohibited in case of criminal charges or a court sentence.
Irregular Migration	In 2007, the **Agreement** between the EU and the Republic of Moldova on the readmission of persons residing without authorization was signed (entered into force 1 January 2008). Under Article 19 of the 2007 Agreement, Moldova signed implementation protocols with the Czech Republic, Estonia, Lithuania, Poland, Romania, Hungary, Slovakia, Germany, Austria, Latvia, Bulgaria, Malta and Benelux. Moldova signed also the Agreement and implementation protocol with Switzerland and with Denmark following the joint declaration under the Agreement of 2007. Apart from the EU, **readmission agreements are in place** with Bosnia and Herzegovina, Macedonia, Montenegro, Norway, Serbia, Turkey and Ukraine.	The *Law on the Regime of Foreigners in the Republic of Moldova* of 16 July 2010 partially transposed the European legislation, including the Directive 2008/115/CE (*Return Directive*). The *Regulation on return, expulsion and readmission procedures of foreigners from the territory of the Republic of Moldova* establishes the return, expulsion, and readmission procedures. The return measure applies to foreigners: 1) who entered illegally to the territory of the Republic of Moldova; 2) whose stay became illegal; 3) whose visa/residence right was cancelled or revoked; 4) who were denied the extension of the temporary residence right; 5) whose permanent residence right has ceased; 6) whose application for recognition of stateless status was rejected, the procedure was ceased or the stateless status was cancelled; 7) who are former asylum seekers or whose refugee status or humanitarian protection was cancelled.

	Agreement on **cooperation between CIS Member States** in **combating illegal migration** of 6 March 1998 regulates cooperation between Moldova and other countries within the CIS area. On this basis, Moldova must develop instruments curbing irregular migration of its own nationals, in accordance with international law.	**Return** (forced) decision is taken by the Bureau of Migration and Asylum in relation to the foreigner who entered illegally or lost the right to stay (including rejected asylum seekers). Foreign nationals have the obligation of **independent departure** (from 5 days to 3 months depending upon the category of persons), non-compliance leads to **removal.** The right to appeal within 5 days (no suspensory effect) is granted. Suspensory effect of the application for international protection has a suspensory effect upon the execution of the return decision. 1-5 year entry ban can be imposed. **Removal** under escort, i.e. when the personnel of the BMA accompanies a foreigner to the State Border, applies to those foreigners who have not departed independently; crossed illegally the state border; who have been declared persona non grata (i.e. pose a risk to national security and public order); who have mental or physical disabilities; who pose a risk for the public health. Removal is implemented within 24h if no further formalities are needed. Otherwise, the foreigners are placed into **public custody** (detention at the Centre for Temporary Placement of Foreigners, ordered by a court) for 30 days (can be extended by a court up to 6 months). The decision on removal can be appealed but with no suspensory effect. 1.5 to 5.5 year **entry ban** is imposed on removed persons. If the removal is impossible, **a tolerated status** valid for 6 months (renewable) is granted. Another form of forced return is **Expulsion, i.e.** removal as an additional measure ordered by a court in relation to foreigners who have committed criminal or administrative offences. Foreigners are taken into **public custody** by a court decision (the same rules as mentioned above), and an e**ntry ban** of 5 years or 10 years is imposed if foreigners pose a serious danger to the public order or national security. **Tolerated status** is granted if the expulsion is impossible.

	Moldova ratified Palermo Protocols in 2005, with a reservation regarding the territorial applicability of the Protocol (excluding Transnistria). In 2011 Moldova approved the Agreement regarding collaboration between ministries of internal affairs (police) of the CIS countries in their fight against trafficking in human beings, signed in Saint Petersburg on 17 September 2010. Other relevant legal acts: 1. Law no. 241 of 20 October 2005 on prevention and combating trafficking in human beings. 2. Penal Code of 18 April 2002 sets the following actions as crimes: trafficking in human beings (Article 165), slavery and conditions similar to slavery (Article 167), forced labour (Article 168), perverse actions (Article 175), approaching children for sexual purposes (Article 1751), trafficking in children (Article 206), illegal removal of children from the country (Article 207), attracting minors in criminal activity or their determination to commit immoral acts (Article 208), child pornography (Article 2081), use of child prostitution (Article 2082), pimping (Article 220), organization of illegal migration (Article 3621). 3. Regulation on the repatriation procedure of children and adults – victims of trafficking in human beings, illegal trafficking of migrants, as well as of unaccompanied children, approved through the Government Decision no. 948 of 7 August 2008. 4. Law no. 105 of 16 May 2008 on the protection of witnesses and other participants of the penal process. 5. Law introduced on the regime of foreigners was amended in December 2012 granting an extension of temporary residence right for victims of human being trafficking in for a period of 6 months with the possibility of extension, being granted free of charge (Article 421). 6. Regulation-framework for the organization and functioning of the centres for the assistance and protection of victims of trafficking in human beings, approved through the Government Decision no. 1362 of 29 November 2006.	
Rights and Settlement	Article 27.2 of the Constitution stipulates that the citizens of Moldova enjoy the protection of their State both at home and abroad, as well as the right to exit, to emigrate and to return to the country.	According to Article 19 para.1 of the Constitution and Article 5 of the 1994 **Law on Legal Status of Foreign Citizens and Stateless Persons**, foreign citizens and stateless persons have same rights and duties as the citizens of the Republic of Moldova, with exceptions established by the law, for the most part relating to political rights. **Law on the Regime for Foreigners in the Republic of Moldova** (in force since December 2010) regulates foreigners' entry into, stay on and departure from the territory of the RM, the granting and extension of the residence right, the repatriation and documentation thereof; specifies enforcement measures in case of violation of the residence regime and immigration registration measures. Holders of temporary/permanent resident rights cannot be subject to any restrictions regarding their freedom of movement during the validity of their permit.

		The right to **temporary residence** is granted up to 5 years. The right to **permanent residence** can be granted, as a rule, after 5 years of temporary residence. The Law on integration of foreigners in the Republic of Moldova was adopted on 27 December 2011 and entered into force only on 1 July 2012. The Law establishes the categories of foreigners who have access to integration activities namely temporary and permanent residents; stateless persons; persons under international protection. The Law on integration set that these foreigners have access to the preschool, primary and secondary general education, public system of social insurance and to the national system of social assistance in the same conditions established by the law as for citizens of the Republic of Moldova. Access to the compulsory health insurance system for foreigners is conditioned by one of the following criteria: 1) residence on the territory of the Republic of Moldova and employment based on an individual employment contract; 2) domicile in the Republic of Moldova.
Labour	The Law on Labour migration of 10 July 2008 regulates the conditions for the temporary employment of RM citizens abroad. The Law defines emigrant workers as citizens of the Republic of Moldova, with permanent domicile on its territory, who voluntarily left the country to go to another country in order to perform a temporary labour activity. There are five criteria set in legislation for examining emigration cases: Moldovan citizenship, permanent domicile in Moldova, voluntary departure from the country, a state of destination different from Moldova and performance of a temporary labour activity. The Law also defines 2 categories of workers: the seasonal worker, namely, a citizen of the Republic of Moldova employed within the territory of another state based on an individual employment contract for a determined period of time or for determined work performed within a certain period of the calendar year; and a border worker, namely, a citizen of the Republic of Moldova employed in a	From 2008 onwards, labour migration has been regulated by a *special Law on labour migration*, according to which the responsibilities on regulating labour migration are divided between the Bureau of Migration and Asylum under the Ministry of Interior and the National Agency of Employment (Law No. 691 of 27 August 1991) under the Ministry of Labour, Social Protection and Family. There is a strict distinction between the right to work and the right to stay for the purpose of work. Labour immigration is possible only when the vacancies cannot be filled from domestic human resources. The right to work is conferred by the decision of the National Employment Agency, based on which the Bureau of Migration and Asylum grants the temporary residence right for the purpose of work and issues the temporary residence permit. Foreigners holding permanent resident permit or temporary residence right for family

	border zone of the state who returns at least once per week to the Republic of Moldova where he/she is a citizen. Practically, the Law provides for the following forms of temporary employment abroad for Moldovan nationals: 1) on a voluntary basis, based on an individual employment contract concluded with the employer before exiting the country; 2) through private employment agencies, which have licenses; 3) according to the provisions of bilateral agreements. The licensing of private recruitment agencies is provided for in the Law no. 180 and Law no. 451 regarding the licensing of business activity of 30 July 2001. In order to protect the citizens who work abroad, the Law on the labour migration was modified in 2013 with a special focus on the regulation of the activity of the private agencies. On 5 July 2011, the Government of Moldova signed an **Agreement on Labour Migration** and an **Implementation Protocol** thereof with the Government of **Italy**. With this agreement the Italian Government grants the RM citizens a special entry quota. The Agreement specifies that a quarter of this quota will be managed by the relevant Moldovan Ministry. The agreement provides for: the development of circular migration schemes for Moldovan workers, joint projects for technical assistance, the implementation of common initiatives for Moldovans staying in Italy, the organization of vocational training and Italian language courses, offered by Italian institutions in Moldova. Moreover, the Republic of Moldova has concluded agreements in the field of social security / protection with Austria, Azerbaijan, Belarus, Belgium, Czech Republic, Bulgaria, Estonia, Luxembourg, Romania, Portugal, the Russian Federation, Ukraine and Uzbekistan.	reunification have been excluded from the provision under the law on labour migration as of 29 March 2013. Students can perform a labour activity on the territory of the country for a period of time that won't exceed 10 hours per week or the equivalent in days in one year (Article 5 para. (4) of the Law on labour migration). Moldova introduced a new category of beneficiaries of residence right in 2013, namely foreign investors. Thus according to Article 36 of the law on the regime of foreigners the temporary residence right for foreign investors is granted to foreigners to make investments into the Republic of Moldova. It is mentioned in Article 8 para. (4), which sets the amount of said investments, which was modified in 2013.
	Moldova is a party to following multilateral agreements within the framework of the CIS: – Convention on the legal status of migrant workers and their families, adopted by CIS Member States of 14 November 2008; – Agreement on cooperation within the field of labour migration and social protection for migrant workers of 15 April 1994; – Protocol on amendments to the Agreement on cooperation within the field of labour migration and social protection for migrant workers of 25 November 2005.	

Citizenship	According to the **Constitution** (Art. 17), the citizenship of the Republic of Moldova can be acquired, retained or lost only under the conditions provided for by the basic law, and no one may be deprived arbitrarily of his or her citizenship or the right to change it. Citizens of the Republic of Moldova shall enjoy the protection of their State both at home and abroad. Until 2002, the Constitution contained in Article 18 restrictions regarding possession of non-Moldovan citizenship. In 2002, by the Law No. 1469 of 21 November 2002, this Article was modified. Art. 24 of the Law On Citizenship authorizes the plurality of citizenship. According to the **Law on Citizenship,** citizens of the Republic of Moldova, who reside lawfully and habitually in the territory of the Republic of Moldova and are in legal possession of the citizenship of another state, shall enjoy the same rights and duties as other citizens of the Republic of Moldova (Art. 25). An RM citizen who is in legal possession of the citizenship of another state shall be subject to military service by the Republic of Moldova, if that person resides lawfully and habitually in its territory, irrespective of exemption from military service in the other state (Article 26). RM citizens who are at the same time the citizens of other states are recognized in relation to the RM only as its citizens. Moldovan citizens have the right to apply for Romanian citizenship.	Under Article 88 of the **Constitution**, the President of the Republic of Moldova is empowered to solve the issues relating to citizenship. **Law on Citizenship** (entry into force: 10 August 2000) stipulates that foreigners can acquire the citizenship of the RM by: birth (Article 11), adoption (Article 13), naturalization (Article 17). Citizenship of the Republic of Moldova may also be acquired on the basis of international agreements to which the Republic of Moldova is a party (Article 10.2). Citizenship may be lost by renunciation, deprivation or on grounds deriving from international agreements to which the Republic of Moldova is a Party (Article 21). Chapter VI of the Law establishes the procedure for citizenship acquisition and loss for the Republic of Moldova. Preconditions for the naturalization are: 10 years of lawful and habitual residence (8 years for refugees and stateless persons, 3 years for persons married to RM citizens); knowledge and observance of the constitution, knowledge of the state language; having legal sources of subsistence; loss or renunciation to another citizenship, if it is possible. Due to the fact that beneficiaries of humanitarian protection have the same rights and duties as refugees according to Article 33 of the Law on asylum, the provisions relating to refugees on citizenship are applied to them. In 2011, the Republic of Moldova acceded to the Conventions regulating the statelessness from 1954 and 1961. The Law on the Republic of Moldova's accession to the Convention on the Status of Stateless Persons was adopted on 27 December 2011.
International Protection	Moldovan legislation in the area of refugee protection is largely in line with international standards. The Law on asylum in the Republic of Moldova of 2008 replaced the former Law on the status of refugees, partially transposing the European legislation on asylum. In 2002, Moldova ratified The United Nations Convention Relating to the Status of Refugees. UN High Commissioner for Refugees has a national office in Moldova. Forms of protection granted in Moldova are: – refugee status: in compliance with Geneva Convention; – humanitarian protection, – temporary protection, – political asylum: granted by the President.	

	The Law on Asylum differentiates between the status of refugees and the status of beneficiaries of humanitarian protection. For a recognized refugee, holding an ID valid for five years there is no restriction of movement within this period of time. In case of a beneficiary of humanitarian protection, his/her situation is limited to ID validity for one year. The rights of asylum seekers are set in Article 28-31 of the Law, and the rights of refugees and beneficiaries of humanitarian protection in Article 33, 35-38. The beneficiaries of political asylum have the same rights and duties as the refugees.

The Socio-Political Framework of Migration

Since its independence, the Republic of Moldova has been strongly affected by emigration for labour purposes. Well into the new millennium the Moldovan authorities were not paying due attention to this phenomena as emigration reduced the acuteness of ethnic, economic and social clashes within the country. The growing labour migration brought about multimillion financial transfers into the country from migrants, thereby economically facilitating the remaining population. The government found this situation convenient and satisfactory. In the new millennium, under the influence of international organizations and the European Union institutions, the attitude of Moldovan authorities to emigration started to change. Trying to minimize negative effects and risks associated with mass emigration, the Moldovan government began to undertake certain measures. International organizations and national institutions began working together on the development and implementation of appropriate policies in order to decrease the negative impact of temporary and permanent emigration.

After a decade of vacillation, the relations between the RM and the EU have started to be been seen as a priority. The National Strategy in the Migration and Asylum Domain (2011-2020) sets out the main priorities regarding emigration and circular migration. The Action Plan for 2011-2015 for the implementation of the National Strategy in the Migration and Asylum Domain (2011-2020) stipulates the importance of the compatibility of skills and qualifications of migrants. The recognition, evaluation and certification of competences and skills acquired by Moldovan migrants abroad are seen as vital.

Despite the presence of some contradictions between the various political actors in Moldova regarding the paths of the national social development, Moldovan migration policy of the last decade is characterized by a certain degree of continuity, accumulation and use of conceptual and practical experience, both international and national.

Socio-Political Framework	Outward migration	Inward migration
Governmental Institutions	The **Ministry of Labour, Social Protection and Family** (MLSPF) promotes and assures migrants' rights. It is responsible for (re)integration, labour migration, granting migrant worker status and the organization of employment abroad. The **Commission for the Coordination of Activities relating to the Migration Process** is a permanent advisory body under the Government. The Commission was created for the coordination and monitoring of activities in the migration domain. The **National Employment Agency** is responsible for the implementation of state policy and intergovernmental agreements regarding labour activity and the social protection of migrant workers, the elaboration of employment mechanisms abroad for the citizens of the Republic of Moldova The **Ministry of Education** is responsible for the recognition of qualifications in secondary vocational education, specialized secondary and high education, obtained abroad by the RM citizens and other persons with domicile and/or with permanent places of work in Moldova.	The **President** participates in shaping the migration policy (legislative initiative, signing of laws, veto right, management of foreign affairs). He/she takes decisions regarding acquisition of citizenship, granting of political asylum in the RM, etc. The **Ministry of La bour, Social Protection and Family** (MLSPF) is responsible for the elaboration and implementation of policies in the labour migration domain and integration, the issuance of work permits to foreign citizens and granting of migrant worker status. The **Ministry of Interior** is responsible for management of the entry flow of foreigners, issuance and extension of visas, granting of repatriation and immigrant statuses, asylum and refugees, and for border management. **Bureau of Migration and Asylum** (a subdivision of the Ministry of Internal Affairs) *inter alia* coordinates integration of foreigners.

	Bureau for Diaspora Relations in the structure of the State Chancellery develops relations with the Moldovan communities abroad	The **National Agency of Employment** is responsible for issuance, extension and cancellation of work permits of foreign citizens and stateless persons. The Asylum and Integration Directorate (former **Refugee Directorate)** of the Bureau of Migration and Asylum under the Ministry of Interior is responsible for asylum procedure and implementation of the integration legislation.
Governmental Strategy	In 2011, the **National Strategy in the migration and asylum domain** (2011-2020) and the **Action Plan for 2011-2015** regarding the implementation of the Strategy were approved. The activities included in the Plan describe how the state intends to improve migration management, focusing mainly on: the implementation of present initiatives; the strengthening of legal migration mechanisms; the promotion of circular migration; the assurance of social protection for Moldovan migrants; the assurance of the compatibility of the skills and qualifications of migrants; reintegration. Overall, the migration policy is directed towards work with Moldovan diaspora; development of policies that would stimulate the migrants' desire to return home; interacting with different international organizations and creating a visa-free regime between Moldova and the European Union.	The **National Strategy in the migration and asylum domain** (2011-2020) and the **Action Plan for 2011-2015** foresee as main priorities the regulation of migration flows to and through Moldova; the creation of facilities for foreign investors; and the admission of foreigners, for working purposes according to necessities identified within the internal labour market, particularly persons with high levels of qualification who would have a direct impact upon the economic development.
Civil Society	Coordination Council of Persons Originating from the Republic of Moldova and Residing Abroad; Scientific Diaspora of the RM (the Academy of Sciences of Moldova);	La Strada, Centre for Prevention of Trafficking in Women (CPTW), Medicine du Monde, Terre des Hommes, Stimul, CNPAC.
Migration and Economic Growth	Within the existing framework for their cooperation, in particular the European Neighbourhood Policy and the Partnership and Cooperation Agreement signed on 28 November 1994, as well as the EU/Republic of Moldova European Neighbourhood Policy Action Plan agreed on the 22 February 2005, **the Joint Declaration on a Mobility Partnership between Moldova and the EU** was sighed on May 21, 2008. Taking into consideration the European integration as a political priority for the development of the RM, the mobility facilitation of people and stimulation of contacts between the RM citizens and the EU are set as goals. The Moldovan government strongly promotes and facilitates mobilizing of migrants' assets to the development of the economy of the country. A pilot program PARE 1+1 was implemented in 2010-2012 and then extended in 2013 until 2015. The purpose behind the pilot program is to mobilize human and financial resources of people going	

	abroad voluntarily to perform labour activities, for sustainable economic development of the country. The rule 1+1 of the program means that the applicant will pay 50% of the price of the entrepreneurial training. The program gives priority to creation of work places, export orientation, replacement of imports, implementation of energy-efficiency projects, creation and development of businesses in areas and application of modern technologies, know-how transfer, innovations. Since 2008, the Government developed and started to implement the action plan to stimulate the return of Moldovan labour migrants. The plan envisages complex measures to inform migrants about employment opportunities in the home country, repatriation procedures, founding their own business, expanding employment opportunities for young people, social protection, etc. So far the effect of such actions is not large, which is associated primarily with socio-economic situation in the country. The government further strengthens complex, strategic and future-oriented approach to migration issues that are included in a number of national programs and strategies (Strategy in Workforce Employment Area (2007-2015), Strategy of Youth Affairs (2009-2013), Strategy in Migration and Asylum (2011-2020), Strategic program in demographic security (2011-2025), Action plan in the field of human rights (2011-2014), Plan of protection of children left without parental care (2010-2011) etc.).
International Cooperation	Republic of Moldova is a member of the following: IOM, Council of Europe, Commonwealth of Independent States, OSCE, ILO and BSEC. It participates in the following regional processes: Budapest Process, Prague Process, Eastern Partnership, European Neighbourhood Policy and Black Sea Synergy. Partially ratified the revised European Social Charter in 2001.

MOROCCO

The Demographic-Economic Framework of Migration

Today, Morocco remains a major sender of migrants with annual flows towards OECD countries estimated at 123,754 individuals in 2010 (OECD.stat). It has been continuously so since the 1960s. At that time, emigration from Morocco was mainly directed towards France, Belgium and the Netherlands. In the 1980s, however, after limitations had been put in place by the traditional receiving countries in Europe, Moroccan low–skilled, often irregular migration, instead increased in Spain and Italy. In North America, the United States and Canada currently play an important role in attracting highly-skilled Moroccans.

Since 1990s, Morocco has also evolved into an important transit and immigration country, receiving migration flows mainly from Sub-Saharan countries. Sub-Saharan migrants generally attempt to cross to Europe illegally, but many of them also tend to stay in Morocco to improve their life conditions.

Outward migration

Stock

Data from Moroccan Consulates shows evidence of a rising propensity to emigrate: Moroccans residing abroad more than doubled from 1993 (1.5 million) to 2012 (3.4 million), with an average annual growth rate of 9.9% (compared with a 2.2% population growth rate in Morocco).

Moroccan emigration stocks by country of residence according to Moroccan consular statistics (1993, 2012) and destination countries' statistics (years around 2012)

Country of residence	Moroccan consular statistics		Destination countries' statistics
	1993	2012	
Europe	**1,275,567**	**3,056,109**	**2,320,262**
of which France	678,917	1,193,540	663,985
Spain	65,847	671,628	759,590
Italy	91,699	486,558	402,318
Arab countries	**196,017**	**214,438**	**27,834**
of which Libya	102,413	69,276	n.a.
Algeria	54,576	45,451	18,661
North America	**70,000**	**86,843**	**109,453**
of which Canada	40,000	53,707	40,570
Other countries	**3,452**	**14,589**	**158,088**
Total	**1,545,036**	**3,371,979**	**2,615,637**

Source: Moroccan consular records and destination countries' statistics (population censuses, population registers, register of foreigners, etc.).

In 2012, 90.6% of Moroccans abroad lived in Europe, mainly in France (35.4%), Spain (19.9%) and Italy (14.4%). Since 1981, about 445,000 Moroccans have been regularized in four EU countries (France, Belgium, Italy and Spain), highlighting Moroccan irregular migration. Gender parity has been attained through family reunification in the traditional receiving countries. For example, in France 56.0% of Moroccan migrants are male, while women are underrepresented in the new destinations: 64.9% of Moroccan migrants in Spain and 63.2% in Italy are male.

As to their socio-economic profile, Moroccan emigrants in OECD countries are more likely to have a low level of education (59.3%), especially in Italy (76.6%) and Spain (78.6%), and to be

Inward migration

Stock

In 2012, 77,798 foreign nationals held a valid residence permit, or 0.2% of the total population living in Morocco. Most of them came from France (29.2%) and Algeria (13.4%).

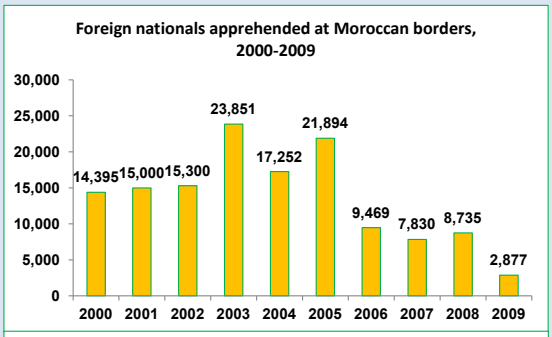
Foreign population holding residence permits in Morocco by country of nationality, 2012

Country of nationality	Number	%
African countries	**29,650**	**38.1**
of which Algeria	10,424	13.4
Senegal	2,889	3.7
Mauritania	1,956	2.5
European countries	**31,483**	**40.5**
of which France	22,683	29.2
Italy	1,595	2.1
Turkey	1,524	2.0
Other countries	**16,665**	**21.4**
of which US	1,648	2.1
China	1,319	1.7
Total	**77,798**	**100.0**
% of the total resident population	**0.2**	

Source: *Direction Générale de la Sûreté Nationale* - Morocco

Flows

Besides regular migrants, Morocco has received large irregular flows from sub-Saharan African countries. 2000-2009, 136,603 foreign nationals were apprehended at Morocco's borders.



Source: Ministry of Interior - Morocco

employed in low-skilled occupations: plant and machine operators, assemblers or elementary occupations (27.0%), craft and related trades workers (13.4%), service, shop and market sales workers (13.1%) and plant and machine operators. In North America, 51.7% of Moroccan emigrants are tertiary-educated (44.9% in the US and 62.7% in Canada) showing how selective migration policies adopted in these countries have helped in progressively building a skilled profile of Moroccans (year 2006 - OECD.stat.)

Flows

In 2010, the flow of Moroccan emigrants towards OECD countries was 123,754 (against 52,300 in 2000). The highest annual growth rates have been registered in Spain (63.7%, from 10,600 to 71,400) and Italy (34.2%, from 7,300 to 29,800) confirming the continual and growing importance of these destinations. In Canada too the growth rate is notable (24.1% from 1,200 to 3,800) (OECD.stat).

Emigration brings important resources to Morocco. These financial transfers, in fact, represent the second source of hard currency after tourism receipts, themselves brought by Moroccan expatriates spending the summer break in Morocco. In 2011, transfers amounted to 6,877.4 million USD, 6.9% of GDP (source: Office des changes – Maroc).

Remittances sent to Morocco by country of origin of remittances, 2011

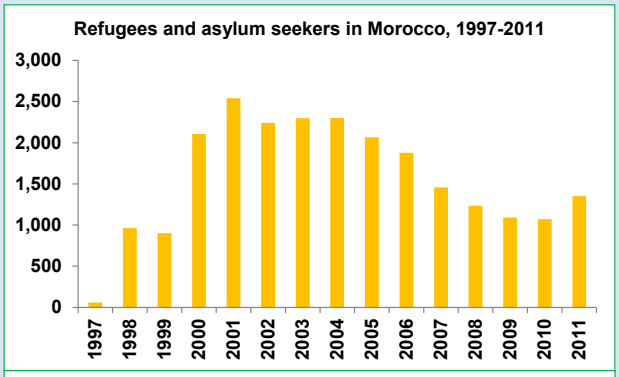
Country of origin	Number	%
France	2,781.5	40.4
Spain	740.0	10.8
Italy	734.2	10.7
Belgium	417.7	6.1
US	343.3	5.0
Others	1,860.7	27.1
Total	**6,877.4**	100.0

Source: *Office des changes* - Morocco

Remittances mainly arrived from France (40.4%), Spain (10.8%) and Italy (10.7%).

The number of apprehended migrants and dismantled trafficking networks has, however, decreased. After 23,851 apprehended migrants in 2003 – the highest to date – the number went down to 2,877 in 2009. A survey conducted by the *Association Marocaine d'Etudes et de Recherches sur les Migrations* drew an interesting profile for the sub-Saharan migrant: male (79.7%), relatively young (mean age 27.7 years old), single (82.2%) with a medium-high level of education (48.5%).

Morocco is a transit and immigration country for asylum seekers and refugees as well as normal migrants. At present, it plays host to 1,351 individuals. These come mainly from sub-Saharan and Middle Eastern countries: 25.0% are minors and, among the adult population, 17.0% are women. After a peak in 2001 (2,540), this population has fallen, mainly due to border control measures and the difficulty involved in obtaining refugee status.



Source: UNHCR

The Legal Framework of Migration

In recent years Morocco has seen intense legislative activity, a large part of which has affected migratory issues. Six months after adopting a law related to struggle against terrorism, the government issued its law n°02-03 of November 11, 2003 on the "entry and stay of foreigners in Morocco, irregular emigration and immigration". This new regulation amounted to a comprehensive reform of the legal framework governing migration, previously adopted under the French Protectorate. It aims at ruling every aspects of migration. Besides clarifying the rules concerning the entry and stay of foreign nationals in Morocco, the new law sets conditions and sanctions regarding irregular emigration and immigration. It strengthens sanctions against irregular migration, but also guarantees some rights.

The revision of the family Code in 2004 was followed by the 2007 reform of the nationality Code, which enables women to transmit their nationality to their children.

Managing opportunities of employment abroad and maintaining a strong link with Moroccan expatriates is a priority for the Kingdom, as evidenced by Morocco's long history of establishing governmental institutions to address the issue. Beginning in 1949, Royal Decree of 8 November created a service to centralize applications of Moroccan workers for employment abroad, and during the 1990s several royal decrees established the Ministry for the Moroccan Community Residing Abroad and the Hassan II Foundation for Moroccans Living Abroad. Most recently, in December 2007 a royal decree established the Council for the Moroccan Community Abroad.

In the past, Morocco was reluctant to conclude international agreements on human trafficking as well as a general readmission agreement with the European Union. On 25 April 2011, however, Morocco accepted the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and in 2013, after multiple rounds of negotiations, Morocco and the EU signed a political agreement agreeing to the text of a Mobility Partnership between the two parties which would include readmission.

In the wake of the Arab Spring, and following protests for democratic reform, the Moroccan Kingdom promulgated a new constitution in July 2011. Whereas the 1996 Constitution made no reference to Moroccan citizens abroad or foreigners within the Kingdom, the 2011 Constitution guarantees protection of rights for Moroccans abroad and foreigners within the country, as well as the right for Moroccans abroad to participate in Moroccan elections.

Currently, Morocco does not have a national procedure for asylum, yet it has in recent years requested UNHCR assistance in developing and establishing a national asylum system.[1]

[1] UNHCR (2013). *2013 UNHCR Regional Operations Profile – North Africa*. Retrieved from http://www.unhcr.org/pages/49e4860d6.html

Legal Framework	Outward migration	Inward migration
General Legal References	• 2011 Moroccan Constitution[2] • 2004 Judgment of the Court of First Instance of Tetouan on the crime of illegal immigration and emigration and encouraging illegal immigration[3] • 2003 Law n°02-03 on the entry and stay of foreign nationals into Morocco, emigration and irregular immigration[4] • 2003 Law n° 65-69 on the Labour Code[5] • 1958 Code of Moroccan nationality modified in 2007[6]	
Entry and Exit	**Visa** Even if not required by law, the authorities expect foreign and national citizens leaving the country to show an entry visa for the country of destination. Since 1994, the border with Algeria has been officially closed.	**Visa** Foreigners may be asked for means of living, reasons for entering, and repatriation guarantees. Visa exemption for citizens from Algeria, Libya, Tunisia, Mali, Niger, Senegal, Guinea, Congo-Brazzaville, Ivory Coast; the European Union, the United States, Mexico, among others.
Irregular Migration	**Law n°02-03** strengthens repression against people who, even without taking advantage of this opportunity, facilitate or organize irregular entry into or exit from the country. It also penalizes irregular immigrants or emigrants, should they be foreign or national citizens. Retention of foreign nationals waiting for deportation or being readmitted after a transit through the country (15 days, possible extension to 10 more days). Protection of some foreign national categories from deportation (pregnant women or minors).	
	Agreements regarding irregular migration ➢ **Readmission agreements** (for Moroccan nationals only) • **Spain** (1992, 2003, as well as 2007 agreement on cooperation to prevent the illegal emigration of unaccompanied minors, for their protection and their concerted return). • **France** (1993, 2001) • **Germany** (1998) • **Italy** (1998, 1999) • **Portugal** (1999) ➢ **Other** • **EU-Morocco Association Agreement** (1996, entering into force in 2000): parties agree to a dialogue on illegal immigration and the conditions governing the return of irregular immigrants. • **Palermo Protocols**: in 2011, Morocco accepted the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.	

[2] Kingdom of Morocco General Secretariat of the Government. (2011). *La Constitution Edition 2011*. http://www.sgg.gov.ma/constitution_2011_Fr.pdf

[3] CARIM. *Legal Database – Morocco*. Retrieved from http://www.carim.org/index.php?callContent=400&callCountry=1310

[4] Ibid.

[5] Ibid.

[6] Ibid.

Rights and Settlement	**Right of foreigners to leave** the country when and where they want (Law n°02-03). **Protection of the rights of Moroccan citizens abroad and encourage their contribution to development of Morocco** (Article 16 and 163, Constitution). **Full rights of citizenship granted to** residents abroad including the right to vote and run as candidates to the elections at the local, regional and national electoral levels (Article 17, Constitution).	**Foreigners enjoy fundamental freedoms** recognised to Moroccan citizens; those who reside in Morocco can participate in local elections by virtue of the law, application of international conventions or reciprocity (Article 30, Constitution). **Family reunification**: with card of residence (Law n°02-03). **Access to Employment**: labour contract submitted for work authorization. No access to the liberal professions, except through bilateral agreements. **Equal access to public services**: Yes.
Labour	➢ **Bilateral agreements regarding labour migration** • **Morocco-Jordan** (1983) on manpower • **Morocco-France** (1987) regarding stay and employment of Moroccans in France • **Morocco-Spain** (2001 and 2005) regarding employment of Moroccan seasonal agricultural workers ➢ **International agreements regarding labour migration** • **1990 Convention** on the protection of all migrant workers and members of their family (ratified in 1993) • Several **ILO** conventions ratified (49 conventions total)[7]	
Citizenship	**Dual citizenship** allowed by Moroccan legislation. Dual citizenship granted at birth from children born to a Moroccan father and foreign woman or Moroccan mother and foreign man (provided that the law of the foreigners' country of origin enables them to pass on their nationality).	**Nationality Code 2007**: *jus sanguinis* by descent of a father and a mother, whatever the birthplace (optional right for children of a Moroccan mother). Double *jus soli* (nationality at the age of majority for resident children born in Morocco from parents born in Morocco; nationality of origin for children born in Morocco from resident parents if the father born in Morocco belongs to an Arab or a Muslim country). The time needed for a foreign woman married to a Moroccan citizen to apply for Moroccan nationality has been extended from 2 to 5 years. A foreign man married to a Moroccan woman does not gain any specific right in applying for Moroccan nationality.

[7] Including convention C111 concerning Discrimination in Respect of Employment and Occupation, but excluding conventions C118 Equality of Treatment of Nationals and Non-Nationals in Social Security, C97 concerning Migration for Employment and C143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers.

International Protection		**No national procedure** for refugees and asylum. **Country agreement with UNHCR** in 2008. Recognition of the UNHCR refugee status determination, granting of a residence permit, though a previous regular entry is required. **International agreements:** 1951 Convention relating to the status of refugees (succession in 1956) and 1967 Protocol relating to the status of refugees (accession in 1971).

The Socio-Political Framework of Migration

While emigration is still high on the Moroccan government's political agenda, new forms of migration, namely transit and irregular migration patterns, have gained importance, requiring the government to redefine its policy-making imperatives. Notwithstanding the uneasy relationship between governmental policies and immigrant status in Morocco, a vibrant associative sector - consolidating links with Moroccan Diaspora communities and safeguarding undocumented immigrants and asylum-seekers' rights in the country - has flourished.

In regional terms, Morocco has, since the 1990s, acquired a pivotal role in border management and control. This status has conferred a key position for Morocco in Euro-Mediterranean migration governance, while leading to significant controversies regarding Morocco's regional role in the management of migration flows.

Socio-Political Framework	Outward migration	Inward migration
Governmental Institutions	• Ministry of the Interior • Ministry of Labour • Ministry of Foreign Affairs and Cooperation • Ministry of Justice • Delegated Ministry in Charge of Moroccans Residing Abroad (MRE) • Council of the Moroccan Community Residing Abroad (CCME) • Advisory Council on Human Rights	• Ministry of the Interior • Ministry of Labour • Ministry of Justice • Ministry of Foreign Affairs and Cooperation • Ministry of Justice
Governmental Strategy	**Devising policies for successful Moroccan emigration**; passing bilateral agreements for economic emigration. **Establishing and enhancing links with Moroccan Diaspora communities**; devising action plans for the socio-economic, cultural and political integration of Moroccans abroad; devising policies facilitating remittances and return. **Fighting irregular emigration**; combating the long-term causes of irregular emigration; assisting Moroccan institutions in creating awareness as to the negative effects of irregular emigration. **Launching and sustaining an active regional and international cooperation on outward migration**; consolidating cooperative mechanisms with international organisations (e.g. IOM) with a view to mobilising Moroccan expatriate competencies abroad and facilitating participation in development (e.g.,Mobilization of Moroccans residing in Belgium for the Development of Morocco two-year pilot project started in August 2012), and their return and reintegration; facilitating cooperation between	**Regulate the entrance, residence and departure of foreign nationals** **Regulating the status of foreign workers**; issuing permission for the recruitment of foreign workers. **Fighting irregular immigration and transit migration** through various practices such as frontier control, expulsion, and increasing cooperation with neighboring countries (e.g., Morocco convened the International Conference on Cooperation in the field of border control in the Sahel and the Maghreb in March 2013 to cooperate with neighbouring countries to fight against cross-border terrorist threats and criminal). **Combat trafficking and smuggling** through development of cooperative mechanisms with international organisations (e.g. IOM) and with the EU. **Identifying asylum seekers and refugees**; defining their status as well as conditions for their stay; **engaging in Confidence-Building Measures (CBM) with the Polisario Front** such as expanded family visits programme bringing via aircraft Sahrawi refugees in Tindouf (Algeria) and their families in Western Sahara; **providing humanitarian assistance to refugee populations** (recently Mali and Syria).

	national institutions and international organisations so as to identify the root causes of irregular emigration, finding common ground for action and facilitating the reintegration of irregular migrants in Morocco (e.g., the IOM Assisted Voluntary Return and Reintegration Project of 2010 followed by a new Assisted Voluntary Return and Reintegration Project in 2013, and projects with Italy, Spain and Belgium to return minor Moroccan migrants); enhancing cooperation with the EU in mobility partnership and circular migration; exploring with the EU – in addition to the migration dialogue – alternative ways in order to enhance development in Morocco (e.g. EU-Moroccan cooperation in the field of economic liberalisation and transition).	**Engaging in consultative processes on migration** such as the 5+5 Dialogue in order to promote more efficient migration governance in the Euro-Mediterranean area. **Strengthening partnerships with international organizations** dealing with immigration issues such as UNHCR and IOM – e.g. signing the *accord de siège* with UNHCR in 2007 which gives the international organisation full-fledged representation and which has various implications for improving the situation of asylum seekers and refugees in Morocco.
Civil Society	**Initiatives of civil society groups and transnational associations** focusing on: • Fostering and consolidating links among Moroccan Diaspora communities; safeguarding their rights; providing them with services; ensuring their socio-economic integration; and contributing to development in the homeland (e.g. Association des *Jeunes Marocains de France* (AJMF), *Migrations et Développement*, *Club des investisseurs des Marocains Résidant à l'Étranger* (CIMRE) • Sensitising the population to the negative effects of irregular emigration through awareness raising and advocacy.	**Initiatives in the associative sector** aimed at: • Providing immigrants with services as well as safeguarding and enhancing their socio-economic and human rights (*Groupe Antiraciste d'Accompagnement de Défense des Etrangers et des Migrants* (GADEM); *Association Beni Znassen pour la Culture, le Développement et la Solidarité*) • Safeguarding the rights of immigrant categories, especially undocumented ones (e.g. *Association des Amis et Familles des Victimes de l'Immigration Clandestine* (AFVIC), *Organisation Marocaine des Droits de l'Homme* (OMDH), *Association Marocaine des Droits Humains* (AMDH), ASILMAROC, CARITAS)
International Cooperation	Morocco is a member of several **international organisations** in which it actively works to address issues of migration, including: International Organization for Migration (IOM); International Labour Organization (ILO); UNHCR; Arab League; and Organization for African Union (OAU), among others. Morocco is a participant to the **European Neighbourhood Policy (ENP)**. Morocco is a member of the **Union for the Mediterranean** (a multilateral partnership within the European Neighbourhood Policy) and participates in the **5 + 5 Dialogue**.	

PALESTINE

The Demographic-Economic Framework of Migration

The Israeli-Arab wars in 1948-49 and 1967 caused the Palestinian exodus which saw respectively about 725,000 and 250,000 Palestinians fleeing their homes seeking refuge from the Israel army, mainly in neighbouring countries (Kossaifi, 1989). The precarious living conditions of displaced people as well as some other events (including the expulsion of Palestine Liberation Organization – PLO from Jordan in 1970, the Israel invasion of Lebanon in 1982, the first Gulf war in 1990-1991 together with the recent expulsion of Palestinians from Iraq in 2006) sent out additional waves of Palestinian refugees around the world, and sometimes saw these refugees return home.

As well as forced migration, Palestinians have experienced increasingly high rates of outward labour migration, too. In the 1960s, searching for jobs and aiming at improving their overall living conditions, Palestinians from the West Bank started to emigrate towards the East Bank (especially to the capital Amman) in the period when the West Bank was annexed by Jordan (1949-1988): they also traveled to the oil-producing Gulf countries. After 1967, Palestinians from Gaza were also involved in large scale emigration movements to the Gulf and – a minor part – to Europe and North America (Fargues, 2000). These labour migration flows were largely composed of medium and highly-skilled individuals, often accompanied by their families. Later, in the 1990s, this form of emigration was gradually reduced as a consequence of the closure of the Gulf labour markets. By the end of these migration movements, the Oslo agreements resulted in the opposite phenomenon: namely, the return of around 100,000 dispersed Palestinians to the occupied Palestinian territory (oPt) in the 1990s. However, the political impasse, the security chaos and the worsening of socio-economic conditions, which followed these negotiations, led to new waves of outward flows – particularly of young and well educated individuals, in the 2000s.

A large number of Palestinian commuters used to go on a daily basis to Israel in order to cover unskilled and semi-skilled jobs in the construction, agriculture and basic services. In the early 2000s, following the eruption of the second Intifada and the construction of the Separation Wall, these movements were stopped by Israel, thus causing additional pressures on the Palestinian labour market.

As to immigration patterns, nationals born abroad living in the oPt include both first-generation refugees forced to emigrate from Israel in 1948 and returnees, i.e. the descendants of Palestinian refugees born abroad who returned during the Oslo process between 1993 and 2000 and, to a lesser extent, expelled Palestinians from the Gulf States – especially Kuwait – in 1991. Palestine has also been, in the last decades, the destination of Israeli settlers whose number – almost half a million – represents 12.7% of the population of the oPt in 2008.

Outward migration

Stock

'Counting' Palestinian emigrants abroad is not straightforward. To the voluntary emigrants, one should add the total of Palestinian refugees around the world – as registered by the UN High Commissioner for Human Rights (UNHCR) – and in Jordan, Lebanon and Syria – as registered by the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). As to the latter, depending on UNRWA's operative definition,[1] *Palestine refugees* include both post-48 refugees and their descendants, i.e. persons of Palestinian origin born outside the oPt. As a matter of fact, second and third generation migrants represent the great majority of these and consequently any estimates of Palestinians living abroad depends on which *Palestine refugees* are considered. For example, official estimates provided by the Palestinian Central Bureau of Statistics (PCBS) put the number of Palestinians abroad at 7 million in 2010, mainly composed of Palestinian descendants.

Palestinian emigration stocks by country of residence, most recent data (c. 2012)

Country of residence	Definition (*)	Reference date (Jan 1st)	Source	Number	%
European Union				**14,627**	**1.7**
of which UK	(A)	2012	Annual Population Survey	8,000	0.9
Sweden	(A)	2012	Population register	3,843	0.4
Southern-Eastern Mediterranean (SEM) countries (**)				**844,063**	**96.8**
of which Syria	(B)	2009	PCBS (Damascus)	467,596	53.6
Lebanon	(B)	2007	ACS Survey	198,258	22.7
Jordan	(B)	2004	Population Census	115,190	13.2
Egypt	(B)	2006	Population Census	31,900	3.7
Other countries (***)				**13,234**	**1.5**
of which Canada	(A)	2006	Population Census	6,565	0.8
Norway	(A)	2012	Population register	3,150	0.4
Total (a)				**871,924**	**100.0**
UNHCR refugees - 2011 (b)				**94,150**	
UNRWA refugees in Jordan - 2012 (c)				**1,979,580**	
Grand total (a+b+c)				**2,945,654**	

(*): Palestinian migrants are defined according to the country of birth (A) or country of nationality criterion according to countries of residence.

(**): Depending on data availability, SEM countries include Algeria, Egypt, Jordan, Lebanon, Mauritania, Morocco, Syria, Tunisia and Turkey.

(***): "Other countries" include other European countries (Iceland, Liechtenstein, Norway, Switzerland, Belarus, Russia and Ukraine), Canada, Australia and New Zealand.

Sources: national statistics (Population Censuses, population registers, registers for foreigners, etc.)

According to statistics provided by destination countries (see figure above), c. 2012, the number of Palestinians residing abroad was, instead, very much lower: 871,924. Unlike the PCBS's estimates, this figure does not include either Palestinians residing in the Gulf States (because of data unavailability), or persons of Palestinian origins with another nationality (especially in Jordan). Indeed, it

Inward migration

Stock

In the oPt, the population born abroad includes both first-generation refugees forced to emigrate from Israel in 1948 and returnees. The latter group is composed of Palestinian refugees born abroad who returned during the Oslo process between 1993 and 2000 – and who were mainly employed by various civilian and military institutions of the PLO – as well as other returnees, especially those who were expelled from Kuwait in 1991.

Population born abroad residing in Palestine by country of birth, 1997, 2007

Country of birth	1997		2007		Average annual growth rate (%)
	Number	%	Number	%	
Gulf Countries	65,708	26.3	70,297	30.4	0.7
Jordan	47,865	19.2	50,350	21.8	0.5
1948 Areas (*)	76,955	30.8	46,976	20.3	-3.9
Egypt	15,517	6.2	16,676	7.2	0.7
Israel	8,129	3.3	9,868	4.3	2.1
Syria	4,522	1.8	4,223	1.8	-0.7
Lebanon	2,027	0.8	2,993	1.3	4.8
Yemen	1,287	0.5	1,326	0.6	0.3
Tunisia	735	0.3	542	0.2	-2.6
Other Arab Countries	13,243	5.3	13,351	5.8	0.1
USA	7,299	2.9	7,074	3.1	-0.3
Others	6,275	2.5	6,854	3.0	0.9
Not Stated	0	0.0	400	0.2	
Total	**249,562**	**100.0**	**230,930**	**100.0**	-0.7
% on the total resident population	**9.6**		**6.1**		

Notes: (*): 1948 Areas include the parts of historical Palestine now known as Israel, as defined after the 1948 war.

Source: Population Censuses - 1997, 2007

According to census data, in 2007 there were 230,930 individuals born abroad, or 6.1% of the total population residing in Palestine. As to their provenance, they were mainly born in the Gulf countries (30.4%), Jordan (21.8%), and the 1948 Areas (20.3%).

By comparing the 1997 and 2007 censuses, because of the high mortality rates of those coming from 1948 Areas (who were all aged 60 or more), the total number of the total population born abroad decreased from 1997 to 2007 at an annual average rate of -0.7%. Without considering the first-generation refugees born in 1948 Areas, foreign born nationals are, instead, a very young population with 81.0% aged 10-39.

[1] Under UNRWA, a Palestine refugee is any person whose 'normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948 and who lost both home and means of livelihood as a result of the 1948 conflict […] Palestine Refugees, and descendants of Palestine refugee males, including legally adopted children, are eligible to register for UNRWA services'. This definition, beyond implying that all descendants of 1948 refugees would automatically be granted a refugee status, leads to the paradoxical consequence that this population increases over time because of natural demography (not of political events) while the number of migrants among them decreases (see Fargues, 2006).

is worth mentioning that UNRWA refugees have been subjected to different regulatory systems according to which, in Syria and Lebanon, they are considered 'stateless' (until a solution to the Palestine cause is found), while in Jordan all of the 1948-refugees were granted nationality (and so they are not counted as Palestinians by official statistics).[2] Consequently, if we add to this total the figure provided by UNRWA in Jordan (1,979,580 Palestine refugees) and by UNHCR (94,150 Palestinian refugees)[3], the number would be much larger, i.e. 2.9 million, a number which fits much better with the reality of the Palestinian Diaspora. Again, figures on the numbers of Palestinians in the Gulf States are unknown.

As to their characteristics, in OECD countries women represent 44.8% of Palestinian migrants. As a whole, they show an extremely high socio-economic profile, their education being historically considered as the main tool of empowerment within the Palestinian community. c. 2006, 49.2% had a university degree or higher while 30.2% had a medium level of education. Their educational profile matches their occupational one: they are mainly employed as professionals (21.9%), legislators, senior officials and managers (17.6%), and technicians (10.8%).

Further, the living conditions of Palestinian refugees deserve attention. Their integration varies by country of settlement, ranging from a quasi-parity condition in Syria to an institutional discriminatory regime in Lebanon. This depends, above all, on demographic[4] and internal political pressures related to the presence of Palestinians. According to two surveys conducted by FAFO in 2000, despite the fact that the unemployment rate of Palestinians is not that different from natives in both countries (8.7% in Syria and 10.0% in Lebanon), what emerges strikingly is their very low participation in the labour market (respectively 49.3% and 42.2%), especially among women (respectively 18.0% and 16.8%). These figures are likely to suggest that a high number of Palestinians work in the informal sector and demonstrate as well the existence of a strong gender dimension in Palestinians' propensity to work.

Another important component of the immigrant population residing in the oPt is represented by Israeli settlers. In 2011, there were 337,285 in the West Bank, among whom a large majority lived between the Green Line and the Separation Wall. Moreover, 199,647 Israelis lived in East Jerusalem, meaning a total number of 536,932 Israeli settlers living in the oPt (including annexed East Jerusalem) in 2011.

Israeli settlers in the oPt, 1983-2011

Year	West Bank	Gaza Strip	East Jerusalem	Total
1983	22,800	900	76,095	99,795
1984	n.a.	n.a.	n.a.	n.a.
1985	44,100	1,900	n.a.	46,000
1986	n.a.	n.a.	103,900	n.a.
1987	n.a.	n.a.	n.a.	n.a.
1988	n.a.	n.a.	n.a.	n.a.
1989	69,800	3,000	117,100	189,900
1990	78,600	3,300	135,000	216,900
1991	90,300	3,800	137,300	231,400
1992	101,100	4,300	141,000	246,400
1993	111,600	4,800	152,800	269,200
1994	n.a.	n.a.	n.a.	n.a.
1995	133,200	5,300	157,300	295,800
1996	142,700	5,600	160,400	308,700
1997	154,400	5,700	161,416	321,516
1998	163,300	6,100	165,967	335,367
1999	177,411	6,337	170,123	353,871
2000	192,976	6,678	172,250	371,904
2001	n.a.	n.a.	n.a.	n.a.
2002	214,722	7,277	175,617	397,616
2003	224,669	7,556	178,601	410,826
2004	234,487	7,826	181,587	423,900
2005	258,988	0	184,057	443,045
2006	268,400	0	186,857	455,257
2007	276,462	0	189,708	466,170
2008	295,380	0	193,091	488,471
2009	299,440	0	n.a.	299,440
2010	322,796	0	196,178	518,974
2011	337,285	0	199,647	536,932

Source: Statistical Abstracts of Israel, Central Bureau of Statistics; Statistical Yearbook of Jerusalem, Jerusalem institute for Israel studies (in Foundation for the Middle East Peace's website); Palestinian Central Bureau of Statistics, 2011. Israeli Settlements in the Palestinian Territory, Annual Statistical Report 2010- 2011.

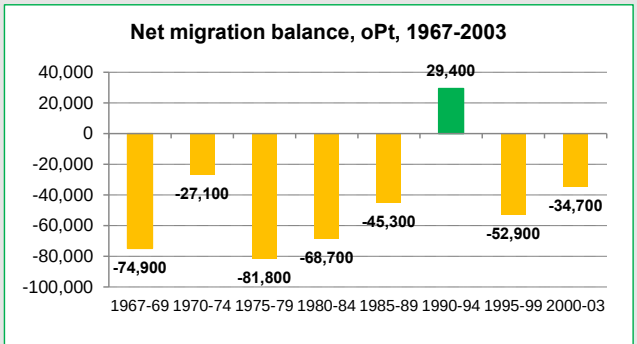
[2] While in Jordan, it is strictly important to highlight the difference encountered between UNRWA estimates and official ones in order to consider the large number of Jordanians with Palestinian origins, figures provided by destination countries statistics in Syria and Lebanon are instead more reliable than UNRWA estimates. As to the former, Palestinian refugees are counted on an annual basis by the Palestinian Central Bureau of Statistics and Natural Resources of Damascus (and published by the Syrian Central Bureau of Statistics). In Lebanon, the *Enquête Conditions de vie de Ménages* conducted by the Lebanese Central Administration of Statistics allows us to exclude a large number of Palestinians who were initially registered under UNRWA in Lebanon but who are not currently residing there but who are still registered under UNRWA (see Fargues, 2006).

[3] UNHCR refugees should be added to the total since in many developing countries refugees are not included in censuses or population registers (see http://www.migrationobservatory.ox.ac.uk/data-and-resources/data-sources-and-limitations/undp-international-migrant-stock-data).

[4] It is worth mentioning that while in Syria Palestinians account for 1.7% of the total resident population, in Lebanon the same value equals 5.0%.

Flows

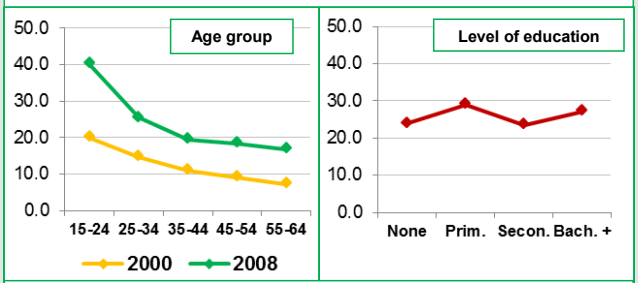
From 1960 to 1967 around 140,000 Palestinians emigrated from the West Bank towards the East Bank (25,000) and other Arab countries (115,000) (Kossaifi, 1989). According to Israeli statistics, from 1967 to 2003, the net migration balance of the Palestinian territories was negative, apart from the period 1990-1994, during which many Palestinians returned home following the Oslo agreements.



Source: Statistical Abstracts, various years, State of Israel

In recent years, migration has continued as a consequence of the second *Intifada* (2000) and the associated worsening socio-economic conditions. Among other problems there is the rise in unemployment, especially for the most educated individuals, the political impasse in peace negotiations and the shrinking chances of the establishment of an independent Palestinian state: all these have triggered intense outward emigration flows from the oPt. For example, the unemployment rate increased from 14.3% in 2000 to 26.2% in 2008. Among the youngest population, the same value passed from 20.0% to 40.2% for those aged 15-24 and from 14.8% to 25.5% for the 25-34 population. Moreover, the unemployment rate of university graduates reached, in 2008, 27.2% (source: Labour Force Survey).

Unemployment rate by age group (2000, 2008) and level of education (2008), oPt

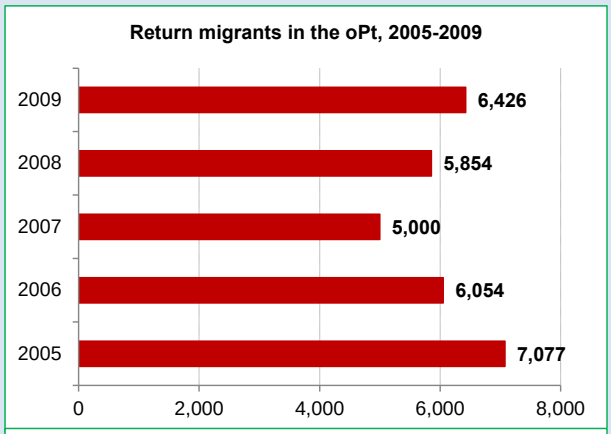


Source: Labour Force Survey - Palestinian Central Bureau of Statistics (PCBS)

Emigration has, thus, become a serious option for a worrying percentage of the young and educated people living in Palestine. According to a recent survey conducted by the PCBS in 2009, an average number of 6,570 Palestinians left the country each year 2005-2009. These emigrants

Flows

According to the Migration's Survey - 2010, from 2005 to 2009 an annual average number of 6,082 migrants returned in the oPt (PCBS, 2010).



Source: Migration Survey-2010, PCBS

The survey investigated the profile of all return migrants living in the oPt (*stock*). It is shown that one out of four return migrants had come back before 1990 (25.5%), while one out of two had done the same 1991-1999. The rest (24.4%) returned home in the 2000s, a period when the number of returnees declined sharply as a result of the refusal of Israel to accept their return and the dangerous living conditions in Palestine.

Return migrants by some characteristics, oPt, 2010

Last country of residence abroad	%	Age at return	%	Main reason of migration abroad	%
Arab countries	**79.1**	"0-14"	38.5	Family reasons	33.2
of which Jordan	*36.1*	"15-29"	36.4	Education and study	21.7
Gulf c.	*29.0*	"30-44"	18.1	Improving living standards	15.0
Egypt	*5.1*	"45-59"	5.6	Unemployed/lack of opportunities in the oPt	9.7
Other countries	**20.6**	"60+"	1.3	Others	20.4
of which USA	*9.5*	Not stated	0.1	Not stated	0.0
Not stated	**0.3**	**Total**	**100.0**	**Total**	**100.0**
Total	**100.0**				

Source: Migration Survey-2010, PCBS

As expected, 79.1% returned from Arab countries, especially from Jordan (36.1%) and the Gulf countries (29.0%). A significant proportion came back also from the US (9.5%). Moreover, more than half (54.5%) returned aged between 15 and 44 years old, while an important percent came back when younger than 14 years old.

If we compare the main reason why returnees emigrated in the past and the reasons declared by recent emigrants (see 'outward migration' section), a raw proxy of the evolution of the reasons to emigrate can be drawn.

were more likely to be: 1) young (33.0% aged 15-29), 2) male (sex ratio equals 152.2), 3) directed to non-Arab countries (46.6%, among which 21.6% to the US), Jordan (23.5%) and the Gulf countries (20.4%) and 4) well educated (35.7% have a bachelor degree or above and 41.9% have a secondary degree) (source: Migration's Survey–2010, PCBS, 2010).

As to the reason for emigration, most left the country to study abroad (34.4%), for family reasons (21.9%, especially women, 64.0%), improving their standards of living (14.6%) or the hunt for a job (13.7%) (ibid.).

Palestinians emigrating during the period 2005-2009 by some characteristics

Country of residence	%	Educational level	%	Main reason to emigrate	%
Arab countries	**52,0**	Illiterate	1,3	Studying abroad	34,4
of which Jordan	23,5	Elementary	4,9	Family reasons	21,9
Gulf countries	20,4	Preparatory	15,4	Improving living standards	14,6
Egypt	4,0	Secondary	35,7	Searching for a job	13,7
Other countries	**47,6**	Associate Diploma	6,2	Others	15,2
of which USA	21,6	Bachelor and above	35,7	Not stated	0,2
Not stated	**0,4**	Not stated	0,8	**Total**	**43,7**
Total	**100,0**	**Total**	**100,0**		

Source: Migration Survey 2010, PCBS

Another survey, conducted by PCBS in 2005 on the wish to migrate among university graduates in the oPt, shows that while the majority of men (69.0%) would hypothetically accept work abroad at any or no conditions, only 14.9% of women would do the same (PCBS, 2006).

Two main conclusions can be drawn from the recent emigration tendencies from Palestine. First, the reasons which trigger individuals to leave the country are similar to those of other countries in the region (studying, unemployment, etc.) so that less importance is attributed to the specific political situation of the oPt. Second, both the preponderance of family reasons among female emigrants and the scarce propensity to leave the country among female university graduates suggest that emigration is still largely seen as a 'male activity'. Notwithstanding the overall worsening of living conditions, the existence of family networks around the world and the improvement of the Palestinian educational profile regardless of sex, women still face strong cultural constraints. These mean that it is not easy for them to work, to be socially emancipated or to think about migration as a way of improving their socio-economic status.

First, return migrants had a higher propensity to emigrate for family reasons (33.2% *vs* 21.9%) highlighting the family framework under which labour migration from the Palestinian territories took place. Second, recent emigrants tend to emigrate more for education and study reasons (34.4% *vs* 21.7%) or because they are unemployed, perceiving lack of opportunities at home or simply because they aim to improve their living conditions (28.3% *vs* 24.7%), shedding light on the difficult conditions that young people face in Palestine today.

To conclude, it seems that the choice to migrate to work abroad has gradually shifted from a family framework to an individual one, involving increasing numbers of young (male) Palestinians affected by negative socio-economic conditions at home.

References: Fargues P. 2000. "Protracted National Conflict and Fertility Change: Palestinians and Israelis in the Twentieth Century", Population and Development Review, Vol. 26, No. 3, pp. 441-482; Fargues P. 2006. International migration in the Arab region: trends and policies, paper presented at the United Nations Expert Group Meeting on International Migration and Development in the Arab Region, Beirut, 15-17 May 2006; Kossaifi, G. 1989. *L'enjeu démographique en Palestine* in Mansour C. (eds.), *Les Palestiniens de l'intérieur*, Washington, DC: Les livres de la revue des études Palestiniennes; Palestinian Central Bureau of Statistics – PCBS. 2006. Conditions of Graduates From High Education and Vocational Training Survey (December, 2005 – January, 2006), Press Conference on the Survey Preliminary Results Ramallah; Palestinian Central Bureau of Statistics – PCBS. 2010. Migration's Survey in the Palestinian Territory 2010, Press Release, Ramallah.

The Legal Framework of Migration

After more than forty years of Israeli occupation, Palestine has few means to impact migration in the territory which the international community recognized as being its own. The Oslo peace agreements through which the PLO and Israel recognized each other in 1993 included some interim arrangements as to the division of competences between the two entities on the Gaza Strip and the West Bank, prior to further negotiations towards the creation of a Palestinian state. The Palestinian territories were divided into three areas: Area A under Palestinian control, Area B under Palestinian civil control and Israeli military control, Area C under Israeli control.

The legal situation in the Occupied Palestinian Territories (oPt) is extremely complex. Beyond the distinction between administrative statuses stipulated by the Oslo agreements, the Gaza Strip is still regulated by some Egyptian laws and the West Bank by some Jordanian laws. Besides this, while the Oslo agreements consider the Gaza Strip and the West Bank as one sole unit, they have been administrated as two separate entities since 1948. Consequently, circulation is discontinuous between both, as well as between each of them and Israel, Jerusalem included, not mentioning of course the external countries. Hence the oPt are characterized by a multiplicity of borders, obstacles and statuses. To this imbroglio has to be added the constant violation of rules and limits for determined competences as a result of the Israeli occupation.

The commonly used distinction between citizens and non-citizens, propping up rules governing migration, entry, stay and exit, does not apply to the oPt. The Palestinian Authority (PA) generally considers the persons considered as foreign by Israel as Palestinian. The “Palestinian citizens” of the Gaza Strip and the West Bank who hold the corresponding identity card are thus considered “foreign residents” by Israel and come under PA jurisdiction. Any other individual, be s/he of Palestinian origin, refugee or of another nationality, if s/he does not hold an identity card of the Gaza Strip or the West Bank, is considered a “non-citizen”. Entry, stay and exit from the Palestinian Territories are dependent on the Israeli authorities, but are also subject to the PA regulations in area A. Israeli citizens fall under Israeli jurisdiction, wherever they are. The Palestinians from East-Jerusalem are considered as foreign residents in Israel and hold special identity cards.

The Palestinians who fled the 1948 war were not readmitted afterwards, since they had not been counted among the citizens when the state of Israel was created. Likewise, the “Displaced” of 1967 were not readmitted, as they had not been registered by the Israeli census of Palestinians in the West Bank of 1967. The Palestinians who had been registered by the census have been considered regular residents and got an identification number. Some of them had their resident status revoked after too long spent abroad (6 years). All the others had then to obtain a resident permit as foreign citizens, as well as authorizations to work or to have a commercial activity.

The Palestinian Authority has no power over the Territories’ external borders and cannot hand out visas. Israel retains full control over borders, civil registry, family reunification and entry and stay visa issuance. It also controls the circulation of residents and non-residents between the Gaza Strip and the West Bank. Hence it is difficult to talk of a Palestinian migratory policy.

Refugees in the oPt come under the mandate of UNRWA, which was created in 1949 when it became apparent that Israel would be opposed to the return of Palestinian refugees. Recognized Palestinian refugees are people whose normal place of residence was Palestine during the two years before the 1948 conflict, who lost both their home and means of livelihood and then came back. Their descendants are eligible for services from UNRWA, which is also competent in Jordan, Syria and Lebanon. The 1951 convention on the status of refugees was not supposed to apply to Palestinians, insofar as a collective repatriation right had been recognized for them.

Since Palestine is not a fully constituted state – though the Palestinian state was proclaimed in 1988, and the UN granted the “State of Palestine” ‘non-member observer state’ status in 2012– its adhesions to international conventions beg some questions. Nevertheless, as an occupying power, Israel is constrained to respect, in the Palestinian Territories as well as *vis-à-vis* people living there, the international conventions it has ratified. This was stated by the International Court of Justice (ICJ) in its advisory opinion in 2004, which concluded that the wall built by Israel was illegal. The Court indicated that the wall impeded Palestinians’ liberty of movement as guaranteed under article 12 of the International Covenant on Civil and Political Rights. In the exercise of its competences, Israel is obliged to comply with the provisions of the Covenant on Economic, Social and Cultural Rights, those of the Covenant on Civil and Political Rights and

those of the UN Convention on the Rights of the Child. Moreover, Israel is also under obligation not to raise any obstacle to the exercise of such rights in those fields where competence has been transferred to the Palestinian authorities.

The part of the West Bank lying between the Green Line and the wall is considered a "Closed Area". Residents of this area may no longer remain in it, nor may non-residents enter it, unless they hold a permit or identity card issued by the Israeli authorities. According to the report of the UN Secretary-General, most residents have received permits for a limited period. Israeli citizens, Israeli permanent residents and those eligible to immigrate to Israel in accordance with the Law of Return may remain in, or move freely to, from and within the Closed Area without a permit. Access to and exit from the Closed Area can only be made through access gates, which are opened infrequently and then only for short periods[5].

Moreover, the Separation Wall being constructed around the West Bank by Israel – beginning in 2000 and continuing through present –severely restricts the movement inside or outside of the West Bank.

Legal Framework	Outward migration	Inward migration
General Legal References	• 2009 Israeli Military Order n°1650 • 2006 Presidential Decree n°16 Concerning the Regulation of the Public Administration of the Crossing Points and Border • 2004 Council of Ministers' Decision n°45 on work permits • 2003 Basic Law • 2000 Labour Law n°7 • 1995 Interim Agreement on the Gaza Strip and the West Bank • 1994 Agreement on the Gaza Strip and the Jericho area	
Entry and Exit	**Each Palestinian has to have an identity number (issued by Israel) and a travel document (issued by the PA)**. The Palestinian passport for people from the Gaza Strip and the West Bank is recognized by Israel and internationally, but it has to include the identity numbers issued by the Israeli authorities to enable entry into the territory (2005 Council of Ministers' Decision n°244 on "VIP" Passports). **Entry and exit visas** delivered by the Israeli authorities. **Palestinians need a permit** handed out by the Israeli authorities to stay in the West Bank and Gaza Strip. **Non-residents** need a temporary visitor permit to enter. **The Territories' border crossing** for Palestinians is by land. Palestinian holders of an identity document, including those with foreign citizenship, must pass through border posts reserved to Palestinians. **West Bank Palestinians** wishing to reach Jordan and travel further afield have only the Allenby bridge (Jericho) as crossing point. It is fully and exclusively controlled by Israel. **Gaza Strip Palestinians** have two crossing points: the first one links the Gaza Strip to Israel (Eretz) and a permit has to be issued by Israel, also for a possible transit by the West Bank; the second one is Rafah from where Palestinians can get to Egypt. Since 2006, Egypt has severely limited access, in both directions. The Palestinian 2003 Basic Law stipulates that no Palestinian may be deported from the homeland, prevented or prohibited from returning to it (Article 28).	

[5] ICJ Report, Legal consequences of the construction of a wall in the Occupied Palestinian Territory, advisory opinion of 9 July 2004, retrieved from http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6.

Irregular Migration		**Israeli Military Order n°1650 of 2009**: any person who irregularly enters into or stays without permit in the West Bank will be considered an infiltrator and may be punished with a seven-year prison sentence.
Rights and Settlement	**Palestinians' rights and stay conditions** vary considerably in time and space. In Syria, they enjoy equal rights with nationals, except regarding estate ownership and political matters, but the Palestinians who fled from Iraq after 2003 do not enjoy the same treatment. In Jordan, Palestinians from the West Bank got citizenship till 1988. Palestinians from the Gaza Strip who fled after 1967 were not treated though in the same fashion. Generally, Palestinians enjoy the same rights as foreign nationals, with some variances either more favourable (e.g, in Egypt till 1978), or less favourable (e.g, access to work in Lebanon till the 2010 reform; access to citizenship in Egypt despite the 2004 reform).	**Residence**: the right of residence is transmitted by one of both resident parents, upon registration. Those not considered as residents since 1967 or after Oslo (on the basis of the negotiated *returnees* list) can become residents only through family reunification if agreed to by Israel. **Access to Employment**: Based on article 15 of the Labour Code, the council of ministers issued Decision n° 45/2004 on granting work permits to non-Palestinian workers. Four conditions: 1) the absence of competition with national workers; 2) the need for a foreign worker instead of a national; 3) the relevant qualifications and experience for the job for which the license is requested; 4) a condition of reciprocity may be imposed by the Ministry of Labour. No grounds need be given for rejection. If the application is accepted, a license is granted for one year. Non-residents have to obtain Israeli authorization to exercise a commercial activity. Domestic workers are not covered by Labour Law. **Family reunification**: this is dependent on Israeli measures, though it theoretically falls under the general jurisdiction of Palestinian civil affairs. Reunification for first degree relatives (spouses and minor children) of residents (with ID number). **Access to estate ownership**: submitted to administrative authorization and a reciprocity condition (1996 Case-Law).
Citizenship	The PA has not adopted a nationality law yet. The Palestinian Charter and the Declaration of Principles recognize that any Palestinian has the right to (later) Palestinian citizenship whose consequences on the right to return, refused by Israel, is an issue. A number of Arab states within the Arab League proclaimed their wish to preserve the right to return and, to do so, adopted the *Casablanca Protocol for the treatment of Palestinians in Arab States* which contains the commitment to ensure Palestinians the same rights as nationals without granting them citizenship. Although the PA and some stakeholders argue that granting a second citizenship would not impede the right to return, the question of extending citizenship to Palestinians is a very delicate issue. Yet, a large part of the Palestinian diaspora has got effective second citizenship.	

International Protection	Palestinian refugees in Jordan, Syria and Lebanon fall under the UNRWA mandate. In October 2002, UNHCR stated that the 1951 Geneva Convention would apply to Palestinians outside UNRWA zones, such as Egypt and Libya. Palestinians are thus considered as refugees by both UNRWA and UNHCR.	Palestinian refugees come under the UNRWA mandate and are granted identity documents. They are subject to Israeli occupation. They enjoy equal rights to other Palestinians. The refugee status is transmitted by descent. Till 2006, a female refugee marrying a male non-refugee would lose her status. She also could not transmit her status to her children – unlike a male refugee. These discriminatory laws ended in 2006. Case-Law related to refugees in the Gaza Strip and the West Bank considers that they do not have a right of estate ownership in camps. They lose the use of housing if they leave.

The Socio-Political Framework of Migration

The sociopolitical framework of migration from, to and through the occupied Palestinian territory raises issues different from those in the other countries of the Southern and the Eastern Mediterranean. These issues are related to the different nature of migration from and to Palestine since the end of the nineteenth century, and the inability of the Palestinian authority (PA) to implement any migration policy given Israel's control over migration and circulation.

The oPt was divided into three areas after the Oslo agreements. The administration of areas A and B, which include the main towns and the refugee camps, has been transferred to the PA, while Israel has retained control over area C. In 2005, Israel unilaterally retired from the Gaza Strip, but the fragmentation of the West Bank and Israel's colonization there make the creation of a sustainable and independent Palestinian state within the 1967 borders all but impossible.

Moreover, the history of migration from and to Palestine is deeply rooted in the Arab-Israeli conflict. After a first wave of migration during the Ottoman Empire and the British mandate, Palestine has witnessed two major waves of forced migration toward neighbouring countries as a consequence of the 1948 and 1967 wars. Since then, while economic migration from the oPt continued toward the Gulf and the West, Israel progressively built up Jewish settlements in East Jerusalem, the West Bank, and the Gaza Strip. Today, the Palestinian diaspora actively supports the Palestinian cause and maintains strong ties with Palestine, though the circulation of Palestinians there is extremely difficult.

Given that the PA is unable to implement any migration policy, and ignoring here the numerous initiatives of the international community and civil society in relation to migration, the following focuses on the political dimensions of three main issues: (1) out-migration and circulation in the oPt; (2) the right of return for Palestinian refugees; and (3) the Israeli settlements in the West Bank and East Jerusalem.

(1) After the beginning of the second Intifada, the Israeli state put strong limits on the employment of Palestinians workers from the oPt, who have been, in the meantime, replaced by Asian and African migrants, while the construction of the Separation Wall also stopped irregular migration. Since then, while the socioeconomic and the security situation had deteriorated dramatically in the oPt, migration to the Arab states seems to have risen, despite the numerous difficulties in leaving the West Bank and, a fortiori, the Gaza Strip. Indeed, Palestinians are not allowed to access Ben Gurioun airport in Tel Aviv; Jordan carefully controls the transit of Palestinians through its territory; and Egypt closed until recently its borders with the Gaza Strip (Rafah) following the conflict between Hamas and Fatah (2006), and authorizes only a few humanitarian convoys, and tries to destroy any communicating tunnels. Furthermore, circulating within the oPt is extremely difficult: both because of the lack of territorial continuity between the West Bank and the Gaza Strip, and because of the numerous checkpoints between areas A, B and C on the West Bank. Therefore, in the face of the blockade of Gaza and the untimely closing of the checkpoints on the West Bank according to the evolution of the political situation, the oPt resembles so many Bantustans where it is impossible for the PA to develop any policy for managing and valorizing the mobility of its population.

(2) The return of the refugees who fled Palestine in 1948 and of the displaced persons who fled the West Bank and the Gaza Strip in 1967, and their descendants, also illustrates the lack of sovereignty of the PA over the oPt. The population registry remains at the Israeli Ministry of Interior which, therefore, controls who can and who cannot reside in the oPt. After the Oslo agreement, the Israeli state authorized the return of tens of thousands of Palestinians, among whom many who were enrolled in the PA civil service and security forces. However, Israel did not fulfill its engagements, though limited, regarding family reunification and temporary visits to the oPt, interpreting, in the strictest possible way, the agreements negotiated after the Madrid conference (1991), and systematically expelling illegal residents in the oPt.

The right of the 1948 refugees to return to their towns and villages of origin (in Israel) and for the 1967 displaced persons to be able to return to the oPt – one of the main Palestinian and Arab demands – is mentioned in resolution 194 of the United Nations General Assembly (for the first) and in resolution 242 of the UN Security Council (for the second). In the Palestinian refugee camps, the right to return and the crucial role of UNRWA helped preserve the sense of a common faith and belonging. Then, the determination of the Arab League to maintain the stateless condition of displaced and refugee Palestinians, officially to guarantee their right to return, responded to the concerns of the Arab states given the likely social and political consequences of any assimilation of Palestinians residing in their lands. Given this, it

should be recalled that the frame (bilateral) of negotiations between Israel and the PA prevents any Arab state hosting Palestinians from making their positions felt, and that the search for a solution to the Palestinian refugee problem should not be limited to the payment of financial compensation which would, in any case, be difficult to implement.

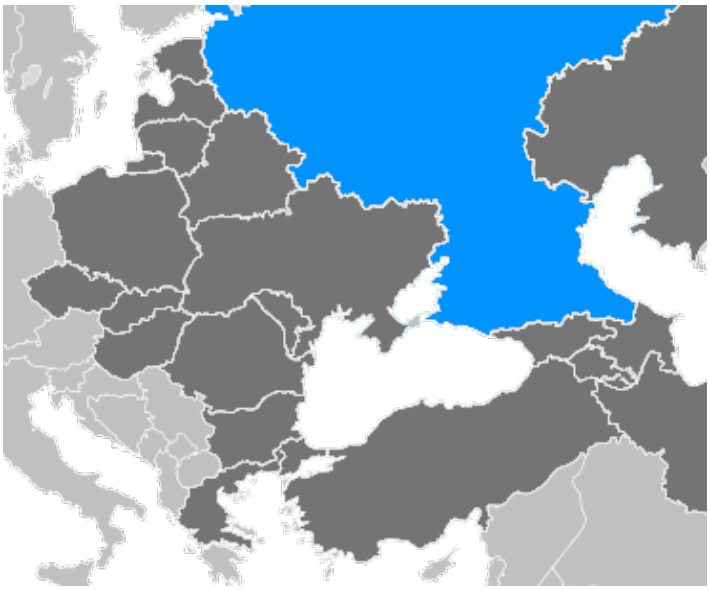
(3) The development of Jewish settlements in East Jerusalem and on the West Bank shows again the lack of sovereignty of the PA over its own territory. The Israeli Defense Forces (IDF) protect the settlements and the Israeli Ministry of Housing and Construction is in charge of planning and carrying out projects. In addition, numerous legal and illegal settlements have been created by settlers' organizations. Colonization has accelerated since the Oslo agreements and Israel accepted only a limited moratorium under pressure from the United States. In addition, Israeli disengagement from the Gaza Strip, and the dismantlement of the settlements there, supervised by the former Prime Minister Ariel Sharon, notwithstanding strong internal opposition, appeared a strategic move aimed at concentrating colonization on the West Bank. Last, but not least, the construction of the Separation Wall, whose route does not respect the 1967 border and that penetrates deeply into the West Bank, clearly aims at confirming the fait accompli of colonization to the detriment of oPt territorial unity.

The sociopolitical analysis of migration from, to and through the oPt shows that the creation of a sustainable Palestinian state demands, in political and economic terms, significant concessions on the part of Israel, in particular concerning the territorial unity of the oPt, which would entail the dismantlement of the settlements and the transfer of the administration and the security of area C to the PA. Ultimately, the negotiations for a global solution to the problem of refugees should include the Arab states.

Sociopolitical framework		**Out-migration**		**In-migration**	
		Forced migration	**Voluntary migrations**	**Return migration**	**Colonization**
Government Institutions	**PA**	– Department of Refugees Affairs	– Ministry of Interior – Ministry of Labour – Ministry of Health – Ministry of Planning – Ministry of Education	CAC (Committee for Civil Affairs)	N/A
	Israel	N/A	– IDF (Israeli Defense Forces) – Ministry of Interior	– IDF (Israeli Defense Forces) – Ministry of Interior – DCO (District Coordination Office)	– IDF (Israeli Defense Forces) – Ministry of Housing and Construction – Jew Agency

Government Strategy	**PA**	Work with Israel to uphold the rights of refugees in accordance with resolution 194, which guarantees them the right of return and compensation.	Limit brain drain and increase links with Diaspora (e.g., previous collaboration with UNDP TOKTEN program - 'Transfer of Knowledge through Expatriate Nationals').	Obtain from Israel the fulfillment of its engagements regarding family reunification and temporary visits.	Work towards: Full Israeli withdrawal to the borders of June 1967 pursuant to Security Council resolution 242; Full Israeli evacuation of it so as to return to Arab Jerusalem to Palestinian sovereignty as the capital of the future state of Palestine; Termination of settlement structures pursuant to Security Council resolution No. 465 of 1980, and all other relevant United Nations resolutions.
	Israel	Reject the right to return, in particular for the 1948 refugees.	Limit the migration of Palestinian workers to Israel.	Strictly limit family reunification and temporary visits	Carry on the colonization of the West Bank and East Jerusalem.
Civil Society		Because of the international dimension of the Israeli-Palestinian conflict, actions of civil society are numerous. The following associations are cited as examples: – BADIL (Resource centre for Palestinian Residency and Refuge) – Al-Awda (Palestinian Right to Return Coalition) – Welfare Association (Ta'aoun)			
International Cooperation		– UNRWA – UNHCR	– Numerous grants (from Arab and Western states) to support Palestinians studying abroad.	– RWG (Refugee Working Group, after the Madrid conference in 1991)	N/A

RUSSIA



The Demographic-Economic Framework of Migration

Today, Russia has the largest regional pool of attraction for labour migrants from the Commonwealth of Independent States (CIS) countries, primarily from Central Asian countries. Its labour market demands migrants with high and low qualifications for employment and given the imperfection of migration legislation, the overwhelming majority of unskilled migrants work in Russia irregularly.

As to emigration patterns, since 1991, when citizens of the Russian Federation became relatively free to travel abroad following from the fall of the 'iron curtain', the country has witnessed significant population outflows i.e. in 1991 over 676,000 persons left Russia. In the 1990's Germany, Israel and the US were the major destination countries of Russian emigrants, whereas from 2000 onwards patterns diversified to many other countries whilst outflows significantly diminished. A more recent major stimulus for out-migration is temporary paid employment.

Outward migration

Stock

In 2011, consular statistics estimated 1,706,103 Russian citizens residing permanently abroad and 162,301 living abroad on a temporary basis, equalling a total of 1,868,404 migrants. These numbers are confirmed by looking at destination countries' statistics, according to which 2,149,607 Russian migrants lived abroad in years around 2012 (table 1).

Table 1 - Russian emigration stocks by country of residence according to different sources, most recent data, c.2012 (a)

Country of residence	Destination countries' statistics (A)		Consular statistics (2011) (B)		Ratio A/B
	Number	%	Number	%	
European Union	**1,172,850**	**54.6**	**934,030**	**50.0**	**1.3**
of which Germany	238,503	11.1	553,686	29.6	0.4
Estonia	190,599	8.9	127,291	6.8	1.5
Latvia	172,336	8.0	53,549	2.9	3.2
CIS countries + Georgia	**205,245**	**9.5**	**557,137**	**29.8**	**0.4**
of which Ukraine	103,728	4.8	102,075	5.5	1.0
Belarus	83,561	3.9	55,692	3.0	1.5
Armenia	7,623	0.4	17,738	0.9	0.4
Other countries	**771,512**	**35.9**	**377,237**	**20.2**	**2.0**
of which US	415,438	19.3	123,022	6.6	3.4
Israel	268,375	12.5	161,957	8.7	1.7
Switzerland	17,509	0.8	3,298	0.2	5.3
Main total	**2,149,607**	**100.0**	**1,868,404**	**100.0**	**1.2**

(a): In destination countries' statistics (c. 2012), Russian migrants are defined according to the country of birth (A) or country of citizenship (B) criterion according to countries of residence. The used sources are population censuses, population registers, registers for foreigners. In consular statistcs (2011), Russian migrants are defined according to the country of citizenship criterion.

By looking at preferred destinations, both sources report that at least 1 out of 2 Russian migrants lives in the European Union, with Germany hosting the largest number, followed by Estonia and Latvia[1]. Other countries which host significant numbers of Russian migrants are Ukraine, Israel, and the US.

Inward migration

Stock

Since 1991 Russia has become one of the largest receivers of migrants in the world, with the majority having migrated from former USSR countries. That being said, answering the question "how many migrants live in Russia today?" is not straightforward, for a variety of reasons. First, data based on only one criterion (country of birth vs country of citizenship) are usually unsatisfactory for capturing international migrants in Russia. The total obtained by the country of birth criterion includes indeed a large majority of people who are individuals born in the USSR with Russian descent who, after the dissolution of the USSR, 'returned' en masse to their parents' home country. Rather than international migrants, they are today perceived as ethnic Russians. Moreover, according to the country of birth criterion, all people born in the post-Soviet zone and migrated within the USSR before 1991 are counted as international migrants' even though they were internal migrants. According to the country of nationality criterion, all people migrated to Russia with the USSR nationality who soon acquired the Russian nationality or fell into the category stateless are here counted regardless of the period of emigration.

Table 3 shows immigration stocks in Russia according to both criteria shedding light on the huge discrepancy between estimates.

In 2002, the population census recorded almost 12 mln individuals born abroad and around 1 mln of foreign citizens in Russia (8.3% and 0.7% of the total resident population, respectively). In both cases, the very large majority is originating in other CIS states (94.0% and 88.4% respectively) confirming the exceptional importance of Russia within the CIS migratory area for cultural, historical and language affinities as well as its scarce attractiveness with respect to the rest of the world.

[1] The majority of population considered as Russian immigrants in the Baltic states are Russian-speakers who moved there in the Soviet times. They faced considerable difficulties obtaining local citizenships after 1991 but qualified for the Russian passport (avoiding thus statelessness).

However, by comparing destination and consular statistics, some differences are found according to destinations. Indeed, in non-CIS countries, consular statistics seem to underestimate Russian migrants mainly because registering is not compulsory: in the European Union, the ratio between destination and consular statistics stands at 1.3, while in the US and Israel, the same value stand respectively at 3.4 and 1.7. On the contrary, in the post-Soviet area, consular statistics seem to give better (and larger) estimates of Russian migrants as they probably capture a portion of temporary migrants who are here not counted by official statistics: in CIS countries, the ratio between destination and consular statistics stands in fact at 0.4 (table 1).

Overall, Russian migrants have an intermediate skill profile with 70.0% persons with a medium-high level of education (c. 2006) with no significant differences according to destinations. In OECD countries, a huge mismatch between educational and occupational level is observed: 2 out of 3 (65.9%) of Russian migrants were indeed employed in low-skilled jobs, such as 'service, shop, craft and related trade workers' as well as 'plant and machine operators or assemblers' or simply in 'elementary occupations'.

Table 2 - Russian refugees by country of asylum, 2000-2011

Country of asylum	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Germany	0	0	44,284	45,568	45,030	41,732	25,347	30,424	35,505	37,642	39,460	39,816
Austria	201	186	150	911	4,152	6,438	8,723	11,571	14,122	15,828	17,229	18,473
Poland	37	244	469	674	1,671	3,785	6,024	8,987	12,034	14,510	14,730	14,897
France	499	718	1,794	2,613	3,991	5,292	5,945	6,613	7,615	8,942	9,858	10,882
USA	11,916	16,294	18,499	18,964	15,891	18,812	86,914	7,915	7,652	7,434	7,043	6,863
Norway	104	245	457	1,204	2,249	2,694	3,034	3,552	3,790	3,969	4,104	4,056
Belgium	35	107	112	168	1,081	3,899	5,425	5,150	3,981	3,428	2,964	2,894
Canada	1,694	2,196	1,990	1,994	2,118	2,073	1,916	2,960	2,770	2,612	2,311	1,931
Sweden	1,490	996	978	1,017	1,078	1,178	1,493	1,488	1,583	1,705	1,739	1,786
Others	24,334	24,170	22,878	23,307	30,839	17,134	14,561	14,196	14,009	13,385	12,510	8,187
Total	**40,310**	**45,156**	**91,611**	**96,420**	**108,100**	**103,037**	**159,382**	**92,856**	**103,061**	**109,455**	**111,948**	**109,785**

Source: United Nations High Commissioner for Refugees (UNHCR)

Stocks of Russian refugees continues to be one of the largest in the European Union. In 2011 there were 109,785 refugees in the area with almost one half based in German speaking countries.

Flows

Between 1991 and 2011 roughly 4 million persons permanently emigrated from the Russian Federation, with the majority of moves occurring in the early 1990s.

Table 3 - Immigrants stocks in Russia according to different criteria, 2002-2010

Country of citizenship/ country of birth	2002 (birth)	2002 (citizenship)	2010 (citizenship)
CIS countries	**11,254,511**	**906,314**	**686,993**
of which Ukraine	3,559,975	230,558	93,390
Kazakhstan	2,584,955	69,472	28,060
Belarus	935,782	40,330	27,668
Uzbekistan	918,037	70,871	131,062
Azerbaijan	846,104	154,911	67,947
Georgia	628,973	52,918	(a)
Armenia	481,328	136,841	59,351
Kyrgyzstan	463,521	28,843	44,611
Tajikistan	383,057	64,165	87,123
Moldova	277,527	50,988	33,884
Turkmenistan	175,252	6,417	5,575
Other countries	**722,311**	**119,099**	**106,245**
Stateless	**-**	**429,891**	**178,245**
Total	**11,976,822**	**1,455,304**	**971,483**
% of the total population	**8.3**	**1.0**	**0.6**

(a): Georgia is not included as it withdrew from CIS in August 2009

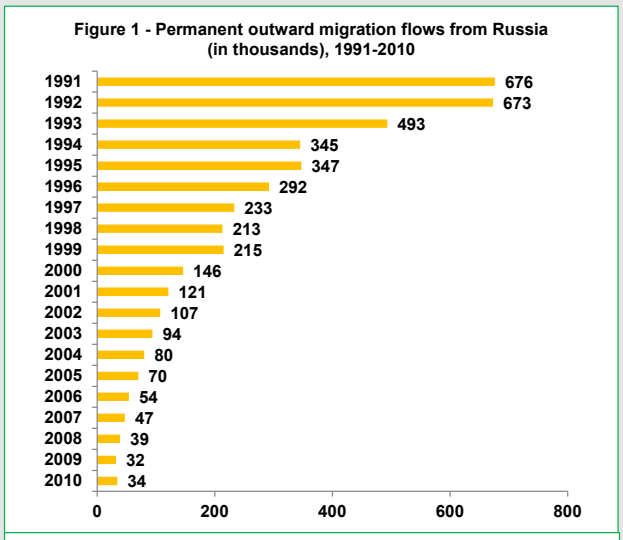
Source: Population Censuses

By comparing the size and origins of the foreign population in 2002 and 2010 (columns 2 and 3, table 3), some interesting points deserve to be highlighted.

First, rapid decreases in immigration were seen in nearly all countries, except for most central Asian countries (Kyrgyzstan, Tajikistan and Uzbekistan). For example, in 2002, 22.5% of migrants were from Ukraine, which has fallen to 13.6% in 2010. In the same time period the share of Uzbekistani's increased from 6.9% to 19.1%. Hence immigration stocks in Russia have seen significant changes in 8 years - a relatively short period of time.

Another telling statistic is the falling yet significant number of stateless persons residing in Russia. Although the figure has fallen from 429,891 to 178,245, the latter number is still relatively high. These huge numbers reflect a situation shared by most CIS countries. After the USSR dissolution, large number of people lost their citizenship as they were unable to confirm or acquire citizenship of any new-born state. This was the result of cumbersome legal requirements adopted in new independent states (for more details, see the section on 'citizenship' in 'The Legal Framework' below). As a result, all these people fell in the category of 'non status migrants'. Over time, thanks also to the interest and support of several human rights organizations some regularization procedures and legislation modifications were adopted. However, as shown by the huge numbers stateless people in 2010, this is still a 'hot issue'.[2]

[2] It is worth mentioning that in 2002, an impressive number of people (1,269,023) did not indicate their citizenship. This number is not available for the 2010 Census impeding to observe the evolution of this phenomenon over the last decade.



Source: Federal Statistical Service of Russia (Rosstat)

Between 1991 and 2010 the destination of emigrants has notably transformed. In the early 1990s the main destination countries were Germany, Israel and the US, all were noted for open immigration policies towards individuals with a given ethnic background: over 60% of emigrants were ethnically either German or Jewish. Between 2000 and 2010 – when emigration significantly reduced - although Germany, Israel and the US still comprised over half of all destinations. Neighbouring states took a higher share of emigrants, especially Kazakhstan and Ukraine.

Temporary labour emigration is an increasingly important flow from Russia. In 1994 there were 8,000 Russians employed abroad, in 2008 this figure rose to 73,100. Official labour migration statistics are also only valid for persons that are employed via licensed mediation companies which link migrants to jobs. Hence the real figure is likely to be significantly higher than those recorded by official statistics. In accordance with expert estimations, the annual number of labour migrants leaving Russia in this period range from 120,000 to 160,000 persons (Ivakhnyuk, 2005; Topilin and Parfentseva, 2008).

As table 2 emphasises, Russian labour migrants are spread across the globe. Over a short period of time there has been a substantial shift in the major destinations. For example, from 2000 to 2008 the percentage of migrants leaving for Europe and Asia fell from 86.2% to 52.8%. Correlatively, North America became a major destination passing from 10.4% in 2000 to 35.9% in 2008.

Table 2 - Outflows of Russian labour migrants by area of destination, 2000-2008

Year	Total (abs. values)	Europe (% by row)	Asia (% by row)	North America (% by row)	Africa (% by row)	Oceania (% by row)
2000	45,760	48.3	37.9	10.4	3.3	0.1
…	…	…	…	…	…	…
2003	47,637	34.2	44.8	14.5	5.5	1.0
2004	56,290	30.1	37.6	20.6	10.4	1.4
2005	60,926	36.0	31.4	23.5	7.3	1.8
2006	65,747	30.1	25.9	35.1	6.8	2.1
2007	69,866	30.2	24.0	33.9	6.7	5.2
2008	73,130	28.5	24.3	35.9	6.6	4.7

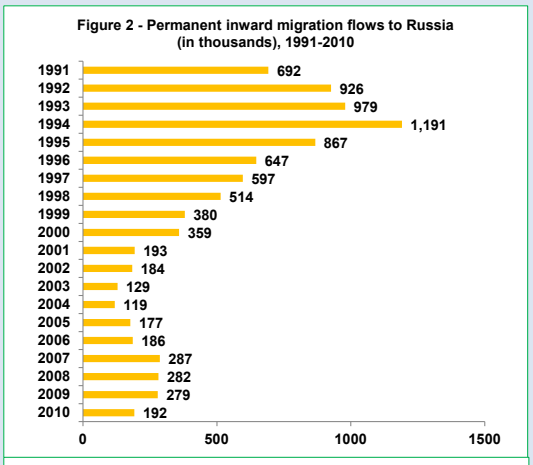
Source: Federal Statistical Service of Russia (Rosstat)

Flows

Between 1993 and 2011, more than 13 million individuals arrived in Russia for permanent residence as a result of ethnic repatriation waves.

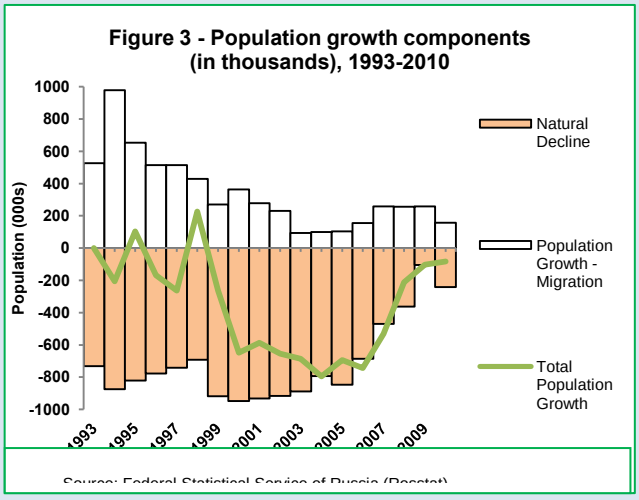
The most numerous inflow were the immigrants in the early 1990s, for the most part, ethnic Russians coming back to Russia from the former Soviet republics. In the 2000s, 90% of the immigration flow also comprised migrants from the CIS countries yet the share of the titular nations increased. While in 1991-1992 the share of Russians in the total migration growth in Russia constituted 81%, in 2007 it went as low as 32%.

Furthermore, Russian immigration flows since have fallen sharply since 1994, as figure 2 illustrates.



Source: Federal Statistical Service of Russia (Rosstat)

Immigration has been the major compensatory factor in buoying Russia's population. With immigration the Russian population is currently 142,800,000 (2010), without immigration this figure would be 130,000,000. Figure 3 provides a detailed picture of Russia's reliance upon immigration. When flows fell from 2001 to 2006 the impact was significant, natural decline increased whilst total population growth fell. This very clear correlation signals Russia's considerable dependence upon immigration for population growth/stability.



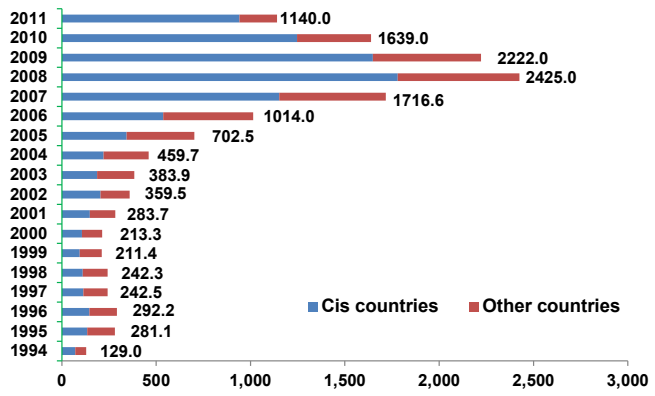
Source: Federal Statistical Service of Russia (Rosstat)

Russian Immigration, the Labour Market and Remittances

A major attraction of immigration in Russia is temporary labour migration. The Russian labour market includes migrants from over 100 countries; however 80% of the labour force are citizens of CIS countries – especially those originating from central Asia. Within the Russian quota system in 2011 half of all migrants that were granted work were from Uzbekistan (343,000), Tajikistan (188,000) and Kyrgyzstan (58,000). However 13% (153,000) of labour migrants originated from China.

Figure 4 shows the trend of work permits granted to foreign citizens in 1994-2011. Here, two main points deserve attention: (1) the huge increase observed in the period 2007-2009 which is largely dependent on new legal procedures put in place by Russian authorities in 2006, which aimed at simplifying the obtaining of work permits for CIS citizens; (2) the drop observed since 2009, related to the global economic recession.

Figure 4 - Work permits granted to foreign citizens in Russia by area of origin, 1994-2011 (*)



(*) 2011 data cover only work permits issued within the quota.
Source: Federal Migration Service of the Russian Federation

Since 2010 Russia has carried out the policy of stimulating the inflow of highly-qualified labour migrants. Within 2010-2011, 12,500 work permits were issued to highly-qualified experts on preferential terms. Yet, a somewhat unknown but large proportion of labour migration to Russia is unregistered. Estimates are therefore difficult. Riazantsev (2007) and Vishnevskii (2011) estimate labour migration to be between 3 and 7 million per annum. Taking into account the irregular counterpart of labour migration, the share of foreign labour would constitute up to 10% of all the employed in the Russian economy.

For CIS countries, labour migrants working in the Russian Federation play a crucial role. Remittances provide stability on the CIS territory, promoting social stability and economic development. In 2012 alone $20.9 billion US dollars were sent from Russia, of which 87.1% to the CIS area. Major recipient countries were Uzbekistan (27.3%), Tajikistan (17.2%), Ukraine (12.9%) and Kyrgyzstan (8.6%). Although the level of remittances fell during the world economic crisis in 2009, the levels both returned and exceeded those previous recorded in 2011-2012.

Table 4 - Remittances sent by migrants from Russia by country of reception (billion dollars), 2007-2012

Country of reception	2007	2008	2009	2010	2011	2012
CIS countries	**8.6**	**12.6**	**8.9**	**11.1**	**15.1**	**18.2**
of which Uzbekistan	1.7	3	2	2.8	4.3	5.7
Tajikistan	1.6	2.5	1.7	2.2	3	3.6
Ukraine	1.4	1.7	1.3	1.8	2.4	2.7
Kyrgzystan	0.7	1.2	0.9	1.1	1.6	1.8
Other countries	**1.1**	**1.1**	**1.1**	**1.7**	**2.4**	**2.7**
Total	**9.7**	**13.7**	**10**	**12.8**	**17.5**	**20.9**

Source: Central Bank of the Russian Federation

References: Ivakhniuk I.V. 2005. International Labour Migration. Moscow: TEIS; Riazantsev S.V. 2007. Labour Migration in CIS and Baltic Countries: Trends, Outcomes, Management. Moscow: Formula Prava; Topilin A.V., Parfentseva O.A. 2008. Perspectives of Labour Migration in Russia: from Quantitative to Qualitative Criteria. Moscow: MAKS Press. Vishnevskii A.G. (ed.) 2011. Population of Russia 2009. Seventeenth Annual Demography Report.

The Legal Framework of Migration

Migration legislation of the Russian Federation began to form in the early 1990s. Foundations for the regulation of migration processes were laid when the Federal Migration Service (FMS Russia) was set up, fundamental laws 'On the Right of Nationals of the Russian Federation to the Freedom of Movement, Choice of Place of Residence and Abode within the Russian Federation', 'On Refugees', 'On Forced Migrants' were adopted, and the Federal Migration Programme was accepted and financed by a separate budget line. In the second half of the 1990s, the formation of legislation regulating forced migration was completed (new editions of the laws 'On Forced Migrants' (1995) and 'On Refugees' (1997).

The major driving force behind these developments was the dissolution of the USSR and subsequent mass migrations across the formerly single country. Peculiarities of Russian migration legislation can to a large extent be explained by the fact that citizens of neighbouring countries – former USSR republics – do not require a visa to enter the Russian Federation (except for the Baltic States, the Republic of Georgia and Turkmenistan). Meanwhile, major immigration flows to the RF originate from these very countries, and they are largely spontaneous in nature. At the moment migration legislation does not contain provisions which facilitate back-and-forth mobility of migrants. Moreover, Russian rules are not flexible in terms of work and residence permits, which is a serious obstacle for natural development of circular migration. As regards international protection, the Russian law 'On Refugees' in terms of its principles and key provisions complies with the Convention relating to the Status of Refugees. Still, this general compliance has turned out to be insufficient for the institution of asylum to operate effectively in the Russian Federation. The unsettled nature of the procedure of determining refugee status and the lack of procedural guarantees for asylum-seekers creates the possibility for denials of granting asylum, on the grounds of political rationale.

Legal Framework	Outward migration	Inward migration
General legal references	**Legal framework governing migration and mobility** 2011 Law on Ratification of Agreement on the Legal Status of Labour Migrants and their Family Members 2006 Presidential Decree on Regulation of the Procedure for Granting Political Asylum in the RF 2006 Law on Migration Registration of Foreign Citizens in the Russian Federation (amended in 2012) 2002 Law on Legal Status Foreign citizens in the Russian Federation (amended in 2007, 2010, 2012) 2002 Law on Citizenship (amended in 2012) 1999 Law on the State Policy of the Russian Federation towards Compatriots Living Abroad 1996 Law on the Procedure of Exit from the RF and Entry to the RF (amended in 2012) 1993 Federal Law No. 4528-1 'On Refugees' 1993 Constitution of Russian Federation	
Entry and Exit	**Visa** – **Relations with the EU, the EFTA and their Member States:** Russia has a bilateral visa facilitation agreement with the European Union signed in 2006, as well as with Denmark, Switzerland, Norway and Iceland. Currently, Russia is negotiating amendments to the EU-Russia visa facilitation agreement and is engaged in the EU-Russia visa dialogue aimed at visa liberalization.	**Visa** – There are 5 types of visa that could be issued for foreigners willing to enter Russia: 'DP' - diplomatic visa (up to 1 year); 'SL' – service visa (up to 1 year); 'O' – regular visa (7 categories: private, business, tourist, study, work, humanitarian, and visa for the purpose of obtaining refugee status in the RF): 'TR1' and 'TR2' - transit visa (up to 10 days); and 'VP' – visa for temporary residence (up to 4 months, renewable).

	Moreover, Russia signed special Local Border Traffic Agreements with Latvia (2010), Norway (2010) and Poland (2011). – Russian citizens are exempted from visa requirements in the CIS countries, Albania, Argentina, Barbados, Bosnia and Herzegovina, Brazil, Brunei, China, Columbia, Croatia (tourist voucher), Chile, Cuba, Dominican Rep., Ecuador, Philippines, Georgia, Guatemala, Haiti, Honduras, Laos, Hong-Kong, Israel, Macao, Macedonia, Malaysia, Maldives, Morocco, Micronesia, Mongolia (restrictions), Montenegro, Namibia, Nicaragua, Peru, Salvador, Samoa, Seychelles, Serbia, Sri-Lanka, Thailand, Tonga, Turkey, Turkmenistan, Venezuela, Vietnam and Uruguay. – Russia has bilateral visa facilitation agreements with Egypt, Japan, South Korea, and the USA. **Cross-border mobility** In accordance with the Federal Law 114-№ 114-FZ "On the Procedure for Exit from the Russian Federation and Entry into the Russian Federation" of 15 August 1996, a citizen of the Russian Federation cannot be limited in his right to leave the country, except in cases that are defined by the law (Article 2). The limitations are set by Art.15-23 (carriers of information that is related to state secrets, unaccompanied minors, etc.). Chapter II (Articles 7-23) determines the order of registration and the issuance of the documents required for the exit from the Russian Federation such as the general civil and service passports as well as diplomatic passports.	– Citizens of CIS states, Argentina, Bosnia and Herzegovina, Brazil, Chile, Columbia, Cuba, Israel, Macedonia, Montenegro, Nicaragua, Serbia, Thailand, Turkey, Uruguay and Venezuela are exempted from visa requirements. **Cross-border mobility** The conditions for entry of foreign citizens into the RF are following: 1. a valid travel document; 2. a visa, unless otherwise provided by federal law, international agreement or decree of the President; 3. there are no grounds for barring entry into the Russian Federation. Entry to the Russian Federation of foreign citizens with a visa is regulated by chapters IV and V of the Federal law No. 114-ФЗ '*On the Procedure of Exit from the Russian Federation and Entry to the Russian Federation*' of 15.08.1996. Following the approval of the Federal law '*On the Legal Status of Foreign citizens in the Russian Federation*', these chapters were considerably amended (first amendments were introduced by the Law No. 7-FZ of 10.01.2003, the latest amendments were introduced in 2012). Apart from a visa, a foreign citizen shall present a completed migration card upon entry – a document used for control over his/her temporary stay and required for his/her migration registration. A foreign citizen who does not need a visa must present a migration card and documents whose list is established on the basis of bilateral agreements on mutual visa-free trips. Foreigners can enter the Russian Federation only through the Border Crossing points, but the border with Belarus can be crossed at any place, because of the absence of border control between the two states.
Irregular migration	Russia has signed readmission agreements with the EU (2006), Lithuania (2003, was in force until the ratification of the RF-Lithuania EU-RF Implementation protocol to the RF-EU readmission agreement), Denmark, Lichtenstein, Norway, Switzerland, Iceland. By March 2013 Russia has signed implementation protocols with all EU Member States covered by the EU-Russia readmission agreement.	The legal definition of illegal migration is contained in the Criminal Code (art. 322.1. Organization of Illegal Migration). According to this Article **illegal migration is** defined as illegal entry into the Russian Federation of foreign citizens or stateless persons, or their illegal stay in the Russian Federation, or illegal transit through the territory of the Russian Federation.

	In 1998, Russia signed the Agreement on Cooperation of the CIS member states to combat illegal migration (ratified in 2000). The most recent development in this regard is the signature by Russia, Belarus and Kazakhstan of the EurAsEC 'Cooperation Agreement on countering illegal labour migration from third countries' (19.11.2010, in force since 01.01.2012). Russia ratified UN Convention on the fight against organised crime in 2004.	There are two main types of illegal migration: illegal entry and illegal stay. Illegal entry and stay on the territory of Russian Federation can be punished in accordance with the Administrative Code or the Criminal Code. Criminal liability is incurred in case of illegal border crossing, which is the Crossing of the State Border of the Russian Federation without valid documents for entering the Russian Federation and exit from the Russian Federation or without proper authorization obtained in accordance with the legislation of the Russian Federation (art. 322 of the Criminal Code). Administrative liability is incurred in case of violation by foreign citizen or stateless person of the rules on entry or procedure of stay in the Russian Federation (art. 18.8. of the Code on Administrative Offences). In case of illegal stay the foreign citizen or stateless person can be deported. Decision on deportation is taken by the regional branch of the Federal Migration Service (FMS), or the FMS director. The decision on administrative expulsion is taken by the court. Since 2007 Russia has signed **readmission agreements with some major countries of origin and transit** of irregular migrants to its territory, among which are Armenia, Kazakhstan, Kyrgyzstan, Mongolia, Turkey, Vietnam, Ukraine (not yet ratified) and Uzbekistan.
	The Criminal Code contains several articles criminalizing offenses related to trafficking in persons: Article 127.1. provides penalties for trafficking, Article 127.2. provides liability for the use of slave labour. Russia ratified Palermo Protocols in 2004.	
Rights and settlement	According to the Constitution, Russian citizens enjoy the protection of their State both at home and abroad, as well as the right to freedom of movement, unless law provisions state the opposite. The Russian legislation doesn't contain any restrictions concerning emigration from the Russian Federation. Since 2012, Russian citizens residing abroad are no longer obliged to receive permanent consular registration at the Russian Consulate or Embassy.	*The Federal law 'On the Legal Status of Foreign Citizens in the Russian Federation' as of 25.07.2002 No. 115-FZ* defines the legal status of foreign citizens in the RF and regulates their relations with state authorities emerging upon their stay or residence on the RF territory as well as their labour, entrepreneurial or other activities (Art. 1). In accordance with Art. 2(2), for the purpose of the Law, the notion of 'a foreign citizen' includes also a stateless person (with some exceptions).

	The main legal act concerning the Russian emigrants is *the Federal law of May 24, 1999 N 99-FZ 'On the State Policy of the Russian Federation towards Compatriots living Abroad'.* **Compatriots**, apart from Russian citizens permanently residing abroad are individuals and their descendants 'belonging, as a rule, to the nations that historically occupied the RF territory and who have made a free choice to keep spiritual, cultural and legal links with the RF, individuals, whose relatives in the direct ascending line earlier resided on the RF territory', including individuals who were citizens of the USSR and resided in the states that used to be a part of the USSR, whether or not having citizenship of these states, as well as emigrants for the Russian empire, RSFSR, USSR and RF with respective citizenships, regardless of the fact whether they currently have citizenship of another state or not. 2010 amendment abolished special compatriots' identity documents. It also gave same rights and obligations to Russian citizens living abroad and in the country (Art.7). New resettlement measures were introduced together with the enhanced role of the Orthodox church ion building links with ethnic communities abroad (Art. 13). At the same time certain obligations of the state regarding the provision of benefits have been removed.	As determined by Art. 4 of the Law, foreign citizens in the RF enjoy the same rights and bear the same responsibilities as RF citizens, unless the federal law provides otherwise. Such exceptions are mainly related to political freedoms and freedom of residence and employment. Since 2002 numerous amendments have been introduced into the initial text of the Law (27 altogether). Some of them are fundamental in nature and are directed at partial liberalization of regulation. They include supplements concerning temporary residence and labour activity of foreign citizens arriving in the RF without the visa requirement (Art. 6.1 and 13.1, respectively) as well as peculiarities in regulating labour market participation of migrant workers (Art. 18.1); supplements that refer to peculiarities of conducting labour activity by foreign citizens – highly-qualified specialists (Art. 13.2) and possibility for foreign citizens exempted from the visa requirement to carry out paid employment at natural person's based on a license and without a work permit (Art. 13.3). Foreign citizens staying in the RF are divided into three categories: **temporary stayers** (up to 90 days), **temporary residents** (up to 3 years) and **permanent residents** (over 5 years). A foreign national, lawfully staying on the RF territory, may submit an application for a temporary residence permit, which is issued to an individual within a quota annually established by the Government on the basis of proposals from the Subjects of Federation (Art. 6). Certain categories of foreigners receive a temporary residence permit outside the quota. They include, in particular, spouses of RF citizens permanently residing on the RF territory; disabled parents of legally capable Russian citizens; foreign citizens with at least one disabled parent who is RF citizen; foreign citizens with minor children or children aged 18 yet regarded disabled or with limited legal capacity (Art. 6 part 3). This preferential norm can be considered an indication of partial recognition of the principle of family unity; yet explicitly this principle is not fixed in the Law.

		Law of 2006 (Art. 6.1) establishes a preferential procedure for a temporary residence permit within the quota for foreign citizens entering the RF following the visa-free regime. A temporary residence permit can be refused or revoked on the grounds listed in Art. 7 of the Law, e.g. in particular, in some cases of previous binding court sentence; in the absence of means of subsistence; in the case of a medical condition (e.g. HIV-infection); in case of breaching administrative rules on immigration twice in one year. Foreign citizens with a temporary residence permit have limited freedom of movement: they are not entitled to change their place of residence upon their own discretion and have to reside in the region where their temporary residence permit has been issued. After the expiry of annual residence based on a temporary residence permit, a foreign national is entitled to apply for a permanent residence permit.
Labour	Art. 10 of the Federal Law of April 19, 1991 № 1032-1 «On the employment of population in the Russian Federation", amended on April 20, 1996 № 36-FZ, provides for the right of citizens of the Russian Federation to search for work independently and to be employed outside of the Russian Federation. Russian citizens may realize this right directly or with the help of intermediary organizations. As for the employment of Russians through the intermediary organizations, private employment agencies (PEA) play the key role. The state regulates their activity through licensing and monitoring by means of controls and checks in the framework of the Federal Law of 26 December 2008 № 294-FZ "On the protection of rights of legal entities and entrepreneurs during the performance of state and municipal control (supervision)." The Administrative Code contains Art. 18.13 "The illegal activity on the employment of Russian nationals abroad", stipulating the administrative responsibility for the performance of activity on the employment of Russian nationals abroad without a license or in violation of conditions specified in the license.	Provisions regulating labour immigration/employment of foreigners in Russia were initially included into Art. 13 **'Conditions of Participation of Foreign Citizens in Labour Relations'** of the Federal law 'On the Legal Status of Foreign citizens in the Russian Federation'. In accordance with this article, foreign citizens (except for those in possession of a permanent residence permit) have been entitled to work only with employers granted a permission to attract and employ foreign workers. Subsequently (in 2010), an amendment was introduced into the Law that provided for an exception from the rule as regards hiring migrant workers entering the country within a visa-free regime as well as highly-qualified specialist and their family members (Art. 6.1, Art. 6.2). As regards foreign citizens themselves (apart from those with a permanent residence permit), they are obliged to first obtain a work permit for employment of individual entrepreneurial activity. A work permit is issued taking into account the quota annually established by the RF Government with regional distribution. At the same time, temporarily staying foreign citizens shall

		work in the same region where a work permit was issued. Exceptions are provided only for a number of occupations. **One of the latest novelties** as regards regulation of work of 'foreign workers' has been the introduction of a **licence** which gives them the right to work at natural persons' under an agreement without a work permit (Art. 13.3). The licence is issued to an individual under the condition of a fixed advance payment for a period of one up to 3 months. This period can be extended several times for a period up to 3 months. The total period of licence validity including extensions cannot be longer than 12 months since the day of issuing the licence. After the expiry of 12 months since the day of issuing the licence a foreigner may apply for a new licence.
	– Russia partially ratified the European Social Charter (revised in 1996). – Russia is a party of the following multilateral agreements in the framework of CIS: – Agreement on cooperation in the field of labour migration and social protection for migrant workers of 15 April 1994 – 1999 Treaty on Customs Union and Common Economic Space between the RF, BY, Kazakhstan and Kyrgyzstan. – Protocol on amendments to the Agreement on cooperation in the field of labour migration and social protection for migrant workers of 25 November 2005 – Convention on the legal status of migrant workers and their families, adopted by CIS Member States of 14 November 2008 – 2010 Agreement between the RF, BY and Kazakhstan, regulating labour migration and legal status of labour migrants/their family members, and combating illegal migration; Moreover, Russia has bilateral agreements with Uzbekistan (2007) and Kyrgyzstan (2012) providing their citizens with preferential treatment in terms of access to Russian labour market and settlement rights. (reciprocally for Russian citizens in UZ and KG).	
Citizenship	According to Article 6 of the Federal Law of May 31, 2002 № 62-FZ "On Citizenship of the Russian Federation", a Russian citizen, who also has another citizenship, is considered by the Russian Federation only as a citizen of the Russian Federation. The acquisition by a Russian citizen of another citizenship doesn't mean the termination of the citizenship of the Russian Federation. According to Article 62 of the Constitution, citizens of the Russian Federation may have citizenship of a foreign state (dual citizenship) according	The grounds, conditions and procedures for acquiring and terminating of the citizenship of the Russian Federation are determined by **the Federal Law of May 31, 2002 № 62-FZ "On Citizenship of the Russian Federation"** and **the Decree of the President of 14 November 2002 № 1325 on the procedure of the examination of issues of citizenship of the Russian Federation.**

	to the federal law or an international agreement of the Russian Federation (such an agreement exists with Tajikistan). Multiple citizenships are allowed. The decree of RF President of 22.06.2006 No. 637 'On Measures for Assisting Voluntary Resettlement in the Russian Federation of Compatriots Living Abroad' that approves the National Programme to Assist Voluntary Resettlement of Compatriots for the period 2006-2012. The program establishes the simplified procedure for returning to the Russian Federation and acquiring the Russian Citizenship (see the socio-political framework below for more details).	The Federal Law on Citizenship establishes, that citizenship in the Russian Federation is acquired: a) as the result of recognition; b) by birth; c) by registration; d) by admission to citizenship; e) by restoration of citizenship. A person can be admitted to citizenship according to ordinary procedure (article 13) and simplified procedure (article 14). The conditions of admission to Russian citizenship according to the ordinary procedure are established by Article 13 of Federal Law. One of the main conditions is min 5 years of permanent lawful residence (1 year for refugees, 3 years for persons married to RF citizens). The other preconditions for naturalization are: knowledge and observance of the constitution and laws; knowledge of the state (Russian) language; lawful sources of subsistence; renunciation of the other citizenship. Decree of the President of the Russian Federation No. 1325 of November 14, 2002 "On the approval of the Regulation on the procedure for the consideration of the issues connected with citizenship of the Russian Federation" specifies the provisions of the Law on Citizenship, and, in some cases, clarifies their content.
International Protection	The Russian Federation joined the 1951 Convention relating to the Status of Refugees and 1967 Protocol relating to the Status of Refugees on 02.02.1993. The following forms of international protection exist in the Russian Federation: – **refugee status**: in compliance with the 1951 Convention relating to the Status of Refugees and 1967 Protocol relating to the Status of Refugees. The procedure of determining refugee status established by the Federal Law on Refugees comprises two stages – preliminary examination of an application for granting refugee status (the admissibility of the claim, Arts. 4-5) and examination of an application on the merits (substantive examination, Art. 7). Art. 8 of the Federal Law on Refugees enumerates the list of rights and obligations of recognized refugees, including social rights which include the right to medical and medicinal help; right to paid employment and self-employed economic activities; right to social protection, including social security. – **temporary asylum**: possibility of temporary legal residence on the territory of the RF that is granted to a foreigner citizen or stateless person who does not have grounds for recognition as a refugee but cannot be expelled from the RF for humanitarian reasons. – **political asylum:** granted based on Art. 63 of the Constitution. Political asylum is granted to individuals seeking protection from persecution 'for socio-political activity and beliefs that do not contradict democratic principles shared by the world community', taking into account public interests of the Russian Federation and based on the norms of the international law.	

The Socio-Political Framework of Migration

In the 1990s, the fundamental priority of migration policy was the reception and settlement of forced migrants (whose inflow, incidentally, gradually lowered). In the early 2000s, the aims, objectives and priorities of state migration policy were revised, and migration policy was reoriented to a war on illegal migration. For a decade, Russian migration policy was formally guided by the State Migration Policy Concept adopted in 2003. FMS Russia was transferred to the Ministry of Interior, and the Institute of Federal Migration Programmes was liquidated. Migration policy became less transparent and predictable, and under the flag of a war, a war was waged on immigration as a whole; anti-migration propaganda was deployed. However, the tendencies toward domestic political fluctuation and the country's undefined development strategy have defined inconsistency and reversibility of migration strategies proclaimed in the Concept. By 2005, the inefficacy of the chosen course became apparent: the number of illegal migrants rose constantly, at the same time problems with demographic development became apparent, which to date the authorities have ignored. The changes, aiming at liberalization of migration legislation in late 2005 and early 2006 to overcome inefficacy of migration policy of the early 2000s and the worsening problems of demographic development, were not systematic. Migration policy-making gained new dynamics after 2007 with plenty of new regulations adopted in various migration-related spheres.

Some progress was noted in 2010. Firstly, licensing for labour migrants employed by individuals was introduced, which allowed 516,000 migrants to be legalized in January-July 2011. Another area, also successfully implemented since 2010, is the solution to the problem of attracting highly-qualified specialists, granting them resident permits according to the simplified procedure. Finally, in June 2012, the new Concept of the State Migration Policy of the Russian Federation for the Period to 2025 was adopted by the decree of the President of the Russian Federation. The Concept provides analysis of the recent migration processes in the Russian Federation and the strategy of the development of migration policy of Russia, defining competences of the Russian state authorities in the field of migration. Most importantly, the Concept declares that Russia is becoming an immigration country. Consequently, one of the main priorities for the state migration policy in the Russian Federation is introduction of differentiated programs for short and long-term labour migration, which includes the use of different mechanisms of selection, conditions of entry, residence and employment.

Socio-Political Framework	Outward migration	Inward migration
Governmental Institutions	Central state authorities responsible for the implementation of state programmes on cooperation with Diaspora: – Russian Ministry of Foreign Affairs - protects the rights of citizens abroad; ensures development of ties with 'compatriots' abroad; – Russian Ministry of Culture reaches out to Russian diasporas and communities abroad.	The President of the Russian Federation shapes Russian migration policy (legislative initiative, signing of laws, veto right, management of foreign affairs). He decides on citizenship and political asylum. Federal Migration Service (FMS) and its territorial bodies implement immigration and legislation. Other relevant authorities: – Commission on Citizenship under the President; – Ministry of Interior and its territorial bodies; – Ministry of Foreign Affairs and its missions abroad; – Federal Security Service and Federal Border Service (as part of the former); – Ministry of Health and Social Development (defines the immigration quota to be approved by the Government)

Governmental Strategy	Emigration from Russia is not regulated. Firstly, for humanitarian reasons, and secondly, the issue of emigration has lost its topicality in recent times, after the scale of emigration has sharply reduced in comparison with the 1990s. Russia has been developing an active Diaspora policy, addressing especially ethnic Russians and highly-skilled emigrants (see below).	Following the intensive post-Soviet economic growth based on natural resources combined with demographic decline, RF pursues an active immigration policy, attracting both skilled and unskilled migrants. **Currently, national migration policy framework of Russia is defined by the following policy documents:** Concept of National Migration Policy of Russia till 2025 (adopted in June 2012) Concept of State Nationality Policy of Russia Concept of National Demographic Policy of Russia till 2025 (adopted in 2007) Strategy of National Security of the Russian Federation till 2020 Strategy 2020: New Growth Model - New Social Policy **Strategic goals:** a) to ensure the national security of the Russian Federation, the maximum protection, comfort and well-being of the population of the Russian Federation; b) to stabilize and increase the resident population of the Russian Federation; c) to promote the satisfaction of the needs of the Russian economy in the labour force, modernization, innovation and to increase the competitiveness of its industries. **Major principles of migration policy:** a) the observation of human/citizen rights and freedoms; b) the unacceptability of any form of discrimination; c) the compliance with the national and international law; d) the harmonization of the interests of individuals, society and the state; e) the interaction of federal bodies of state power, bodies of state power of subjects of the Russian Federation and bodies of local self-government, the development of institutions of social partnership and civil society; f) the protection of the national labour market;

		g) a differentiated approach to the regulation of migration flows depending on the purpose and duration of stay, the socio-demographic and professional qualifications of migrants; h) the consideration of the specificity of regional development; i) the access to information on migration and decisions taken in the process of implementation of the state migration policy of the Russian Federation; j) the scientific validity of the decisions. **Main objectives:** a) creation of conditions and incentives for compatriots living abroad, immigrants and certain categories of foreign nationals, for relocation to Russia for permanent residence; b) development of differentiated mechanisms of attraction, selection and use of foreign labour; c) promotion and development of internal migration; d) promotion of educational migration and support of the academic mobility; e) implementation of humanitarian commitments towards the forced migrants; f) assistance in the process of adaptation and integration of migrants, establishment of constructive interaction between migrants and the host community; g) combating the illegal migration.
Civil Society	Targeting Russian 'compatriots': world congress of compatriots every three years. NGOs related to and/or co-funded by the "Russian World" foundation (promotion of Russian language and culture abroad).	– Civil Assistance Committee for refugees and IDPs;; – Consultation network for refugees and displaced persons "Migration and Law"; – International Volunteer Public Organization "MEMORIAL Historical, Educational, Human Rights And Charitable Society" – The trade union of migrant workers. An extensive network of NGOs in the regions implements the mediatory role between the migrants and the official bodies of power. These NGOs provide legal advice and assistance as well as material and other humanitarian help to the most vulnerable individuals.

Migration and economic development	**The National Programme to Assist Voluntary Resettlement of Compatriots** was launched in 2006. It constitutes an attempt to solve the problem of attracting additional labour force to certain regions via purposefully directed migration flows. For this purpose, interested regions design their resettlement programmes which are then put together and presented to the representations of the Russian FMS in CIS countries or diplomatic representations. Some regions (in particular, Moscow, St. Petersburg) actively support compatriots abroad. In some regions of Russia - the national republics – passed a large number of laws and regulations regarding specific Diaspora (Tatar, Circassia, Dagestan, etc.).	'The concept of the demographic policy of the Russian Federation up to 2025', adopted by the Decree of the President of the Russian Federation as of October 9, 2007, No. 1351 states that active recruitment and integration of permanent immigrants is one of the leading principles of demographic policy and, hence, of socio-economic development. Potential immigrants are encouraged to take up education in Russian institutions abroad (or supported by Russia) to gain skills necessary on the Russian labour market.
International Cooperation	Russia is a member or an observer of the following international organisations actively working on migration issues: IOM, Council of Europe, Commonwealth of Independent States, and OSCE. Russia also cooperates with the relevant UN bodies on migration issues: UNHCR, UNCHR, UNDP, UN Women, and UNESCO. Russia participates in the following regional consultative processes: Budapest Process, Prague Process. It also actively promotes regional cooperation on migration in Central Asia, namely within CSTO and SCO. **The Concept of the State Migration Policy of the Russian Federation for the Period to 2025** defines that Russia's international cooperation on migration should aim at more freedom of movement and employability of Russian citizens abroad; cooperation on migration management, including return and readmission; active recruitment of immigrants.	

SYRIA

The Demographic-Economic Framework of Migration

Starting in 2011, the on-going Syrian civil war has seen large numbers of Syrian nationals fleeing to neighbouring states. As of 23 April 2013, according to the United Nations High Commissioner for Refugees (UNHCR), 1,387,806 Syrian nationals fled the country and reached neighbouring (and more distant) countries. These have included Jordan (32.0%), Lebanon (31.2%), Turkey (22.6%), Iraq (9.8%), Egypt (3.6%) and other North African countries (0.7%). 84.4% of these forced migrants registered with UNHCR. The highest registration rates were observed in Iraq (100%), Turkey (89.4%) and Jordan (87.6%). It is worth mentioning that these outflows increased strikingly in the last 6 months: 23 October 2012, registered refugees were 'only' 281,144, confirming a further recent escalation of violence in Syria and a consequent aggravation of the refuge crisis.

Historically, Syria experienced several waves of emigration due to socio-political events, economic fluctuations and high rates of unemployment. Most outward flows have been directed towards other Arab countries, despite the Syrian emigrant profile often differing according to destination country, the type of move envisaged and the period of emigration. At the end of the 1950s, a first wave of emigration was observed among the Syrian elite – including entrepreneurs and professionals – aimed at avoiding the rigid regulations implemented by the socialist regime at home and benefiting from job market opportunities in certain Arab countries and, to a lesser extent, in the US. In the mid-1970s, expanding economic opportunities in the Gulf as well as the labour shortages created in Lebanon as a result of the civil war (1975-1989) resulted in a second big wave of emigration, this time of low skilled Syrians. While outward flows to the Gulf slowed in the 1980s after the implementation of policies limiting Arab immigrants, Syrian unskilled emigration to Lebanon continued in large numbers until 2005. In that year, the assassination of the former Lebanese Prime Minister Rafiq Hariri and the withdrawal of the Syrian Army from Lebanon undermined the already precarious living conditions of Syrian workers in Lebanon, so that large numbers of returned home (Mehchy and Mahadi Doko, 2011; Kawakibi, 2009; Fargues, 2009), though many are believed today to be back in Lebanon (Fargues, 2009).

As to immigration patterns, despite the absence of reliable and official statistics, Syria was considered an important receiver until the civil war broke out in 2011. Immigrants in Syria could be grouped into three main groups: refugees; labour migrants; and transit migrants. Refugees were by far the largest group. Labour migrants include *domestic workers*, originating mainly in Southeast Asia and *highly-skilled employees*, who started to arrive in concomitance with the economic and legal reforms accompanying the recent transition of Syria to a social market economy in 2005. Finally, there are transit migrants who enter Syria, mainly from Asia.

Outward migration

Stock

Today, there are 1,643,747 Syrian nationals abroad, most of them having fled from the current civil war. Indeed, 1,387,806 Syrians fled the war to local neighbouring countries: Jordan (444,268), Lebanon (433,467), Turkey (313,679), Iraq (135,842), Egypt (50,498) and other north African countries (10,052).[1] Other Syrian migrants reside in European Union countries (8.0%) and in other parts of the world (7.6%).

Syrian emigration stocks by country of residence, most recent data (c. 2012/13)

Country of residence/asylum	Definition (a)	Reference date	Source	Number	%
Local neighbouring countries				**1,387,806**	**84.4**
Jordan	(B)	23/04/2013	UNHCR	444,268	27.0
Lebanon	(B)	22/04/2013	UNHCR	433,467	26.4
Turkey	(B)	23/04/2013	UNHCR	313,679	19.1
Iraq	(B)	22/04/2013	UNHCR	135,842	8.3
Egypt	(B)	22/04/2013	UNHCR	50,498	3.1
Other north African countries	(B)	23/04/2013	UNHCR	10,052	0.6
European Union				**131,108**	**8.0**
of which Germany	(B)	2012	Reg. foreigners	34,229	2.1
Sweden	(A)	2012	Pop. Register	22,357	1.4
France	(A)	2009	Pop. Census	15,510	0.9
UK	(A)	2012	APS	11,000	0.7
Other countries (b)				**124,833**	**7.6**
of which US	(A)	2011	ACS	71,394	4.3
Canada	(A)	2006	Pop. Census	19,405	1.2
Main total				**1,643,747**	**100.0**

(a): Syrian migrants are defined according to the country of birth (A) or country of nationality criterion according to countries of residence.

(b): "Other countries" include other European countries (Iceland, Liechtenstein, Norway, Switzerland, Armenia, Belarus, Moldova, Russia, Ukraine), Palestine, Canada, US, Australia, New Zealand, Chile, Japan, Mexico and Israel.

Sources: UNHCR; national statistics (Population Censuses, population registers, registers for foreigners, etc.)

Without taking the recent events in Syria into account, there are two main reasons why these estimates are not able to explain the whole phenomenon and why interpretations must be made with caution.

First, numbers for Syrian migrants living in the Gulf countries are not available. Syrian statistics cannot help here, since no estimate of Syrian citizens living abroad is given out by the authorities.

Inward migration

Stock

According to census data, in 2004, 102,396 foreign nationals resided in Syria, or 0.6% of the total population. The majority of these were other Arab nationals (86.5%) and non-Arab Asian nationals (9.4%).

Foreign nationals residing in Syria by country of citizenship and sex, 2004

Country of citizenship	Males	Females	Total	
			Number	%
Other-Arab Countries	46,167	42,399	88,566	86.5
Europe	1,165	1,915	3,080	3.0
Non-Arab African Countries	356	200	556	0.5
Non-Arab Asian Countries	4,364	5,274	9,638	9.4
Oceania	28	19	47	0.0
America	250	259	509	0.5
Total	**n.a.**	**n.a.**	**102,396**	**100.0**
% on the total resident population			**0.6**	

Source: 2004 Syrian population census

Such figures, however, did not include either Palestinian or Iraqi refugees. Immigrants in Syria can, in fact, be categorized into three main groups: refugees; labour migrants; and transit migrants.

The first category is by far the more relevant from a quantitative perspective. Among refugees, Palestinians and Iraqis form the largest groups. According to estimates made by the Palestinian Bureau of Statistics and Natural Resources of Damascus, in 2009, there were 467,956 Palestinians, the vast majority being, however, not migrants but second and now third generation Palestinian refugees, refugees in relation to 1948.[2]

Until the on-going civil war, the socio-economic conditions of Palestinians in Syria were relatively better than in Lebanon and Jordan as confirmed by a 2001 *ad hoc* survey (see note 1). This allowed the detection of various aspects of Palestinians' living conditions in Syria,[3] as well as in Jordan and Lebanon.

[1] Data refer to 23/04/2013.

[2] According to a survey managed by the Fafo Foundation and the Damascus-based Palestinian Central Bureau of Statistics, in 2001 only 27,000 first-generation Palestinian refugees were living in Syria (Tiltnes, 2007).

[3] Palestinians in Syria either live in camps or outside of camps. Among the latter, they can be distinguished as those living in 'gatherings' – clusters of households – and those who live isolated from others. The survey focused on Palestinians living in camps and in gatherings of more than 25 Palestinian refugee households, the other group being nearly impossible to reach.

Second, these figures do not include a significant group, Syrian migrants working in Lebanon who, despite the absence of statistical data on back-and-forth mobility, are known to move on a circular or temporary basis. Also before the Lebanese Civil war (early 1970s), Syrian workers were estimated at more than 200,000 (Fargues, 2009). During the Civil War (1975-1989) their numbers peaked due to the presence of labour shortages left open by hundreds of thousands Lebanese emigrants and given too Syrian control of Lebanese territory and the Lebanese border which eased Syrian entries and exits (Fargues, 2009). After the war, these movements continued and flourished, pushed up by reconstruction works and thanks to visa facilitation agreements. Syrian workers in Lebanon have never been counted and estimates range from 300,000 to 500,000 individuals (Mehchy and Mahadi Doko, 2011); i.e. from 5.5% to 9.2% of the working age population living in Syria in 2010. According to a recent study conducted by Infopro in 2008, these migrants tend to be male, poorly educated and employed in low skilled and scarcely protected jobs: three out of four Syrians in Lebanon work in the construction sector, while the rest are employed in agriculture and cleaning services. Family migration seems, instead, to be related to concierge jobs, for which housing is guaranteed free of charge (Balanche, 2007).

Overall, in OECD countries (years around 2006), Syrian emigrants have an intermediate skilled profile: respectively 30.1%, 33.7%, and 36.1% hold a low, medium and high level of education. As to their occupational profile, Syrian emigrants tend to be employed at high occupational levels: 53.9% are employed in highly-skilled jobs – such as legislators, managers, professionals, etc (OECD.stat).

Flows

UNHCR data on registered Syrian refugees in local neighbouring countries reflect the deterioration of the situation in Syria within the last six months as refugee numbers passed from 281,144 as of 23 October 2012 to 1,171,230.

Selected socio-economic indicators of Palestinians residing in Syria, Jordan, and Lebanon, years around 2000

Country of residence	Poverty rate (*)	Unemployment rate	Labour market participation rate		
			Males	Females	Total
Syria (2001)	23.0	9.0	75.0	21.0	48.0
Jordan (2001)	31.0	10.0	<70.0	13.0	n.a.
Lebanon (1998)	35.0	10.0	<70.0	16.0	n.a.

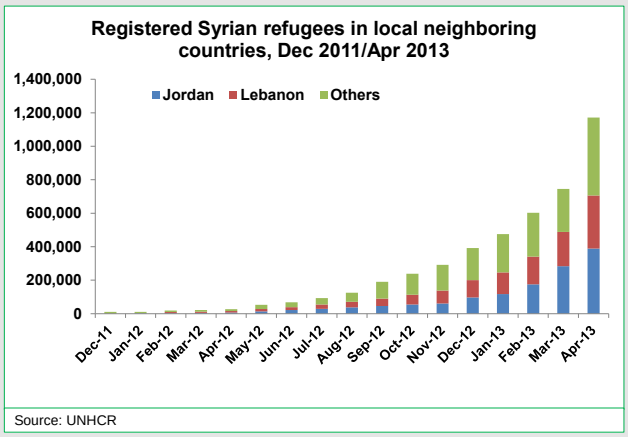
(*) The poverty rate is defined as the percentage of households earning less than 2 US dollars per day.
Source: Fafo surveys (cited in Hanssen-Bauer and Jacobsen, 2007, and Egset and al-Madi, 2007.

At that time, poor households, defined as families who earn less than 2 US dollars per day, represented 23% of Palestinian households in Syria, vs. 35% and 31% in Lebanon and Jordan, respectively. Extremely poor households, for whom the poverty threshold is fixed at 1 US dollar per day, accounted for 5% of all Palestinian households in Syria vs. 15% and 9% respectively in Lebanon and Jordan (Hanssen-Bauer and Jacobsen, 2007). So, despite Syria being, generally speaking, poorer than Lebanon and Jordan, Palestinians tended to perform better because they were more likely to be included in the labour market: the adult labour force participation rate was 48%, i.e. 75% for males (vs. less than 70% both in Lebanon and Jordan) and 21% for females (vs. 16% in Lebanon and 13% in Jordan). As to employment performances, differences were, instead, not so pronounced: the unemployment rate ranged, indeed, from 9% in Syria to 10% in Lebanon and Jordan. Nevertheless, if we consider only refugees living in the camps, Palestinians in Syria registered an unemployment rate of 9%, vs. 13% in Jordan and 17% in Lebanon. These positive outcomes were largely the result of indiscriminate access conditions to employment enjoyed by Palestinians in Syria, including access to its large public sector in which around 36% of Palestinians were employed (Egset and al-Madi, 2007).

The current civil war has, however, increasingly threatened the lives of Palestinians in Syria. As of 30 April 2013, the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) estimated that approximately 235,000 Palestine refugees have been internally displaced in Syria[4]. They include around 130,000 persons displaced from the Yarmouk refugee camp in Syria, where, at the time of writing, 20,000 Palestinians 'remain and are trapped in the area amid fighting between the opposition and government forces'[5].

[4] UNRWA, "UNRWA condemns mass displacement of Palestine refugees in Syria", 30/04/2013, available at http://www.unrwa.org/etemplate.php?id=1735

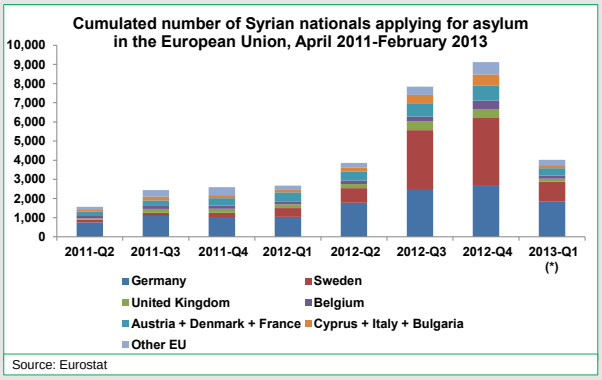
[5] Press conference with Filippo Grandi, Commissioner General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), March 11, 2013, available at http://www.unmultimedia.org/tv/unifeed/2013/03/un-palestinians-in-syria/, (date of access: 30/04/2013).



Source: UNHCR

This growth occurred in all local neighbouring countries, confirming a recent escalation of violence in Syria and a consequent aggravation of the refuge crisis.

A continued rise in Syrians' asylum applications has been observed in the EU, especially from the third quarter of 2012.



Source: Eurostat

Since April 2011, the main recipient countries have been Germany and Sweden.

Furthermore, large numbers are trying to reach neighbouring countries. However, reception attitudes vary, dramatically, according to destination. The Jordanian authorities, which claim to have provided assistance to around 5,000 Palestinians fleeing Syria – recently declared that the country can no longer accept Palestinians. Palestinians fleeing to Turkey and Iraq have faced additional challenges as no UNRWA office operates there. Another 32,000 Palestinians have fled Syria to Lebanon, where life conditions for Palestinians are already very difficult.

Despite Syria being considered the most significant receiver of Iraqi refugees, they have never been properly counted. Estimates range from 103,200 (UNHCR estimates) to 480,000 (Syrian government's estimates) in 2013: these figures are, of course, controversial. Like their true size, the living conditions of Iraqis are largely unknown. Nevertheless, unlike Palestinians, they are not permitted to work or open their own business so they are dependent on external financial support, including their savings, remittances and humanitarian assistance, and participation in informal market activities (Mehchy and Mahadi Doko, 2011).

As a consequence of the Syrian civil war, UNHCR estimates that – as of 19 September 2012 – 37,358 Iraqis fled the country to return to Iraq.[6]

In 2013, other refugees registered with UNHCR included 2,400 Somalis and 1,740 Afghanis (source: UNHCR). Moreover, Syria hosts around 300,000 stateless Kurds who have been living without Syrian citizenship, and, thus, without fundamental civil rights, since 1962 (Mehchy and Mahadi Doko, 2011).

The second group of immigrants living in Syria includes *highly-skilled employees* and *domestic workers*. As to the former, they have recently been attracted by the need for foreign experts in the Syrian economy especially in certain sectors (telecommunications, banking, insurance, etc.) a result of the rise of foreign and local investments following the transition to a social-market economy. Their employment status is specifically regulated by a recent labor law 17/2010, according to which they are 1. required to have specific expertise that is not available among Syrians and 2. to train Syrian workers in order to make them rapidly obtain the

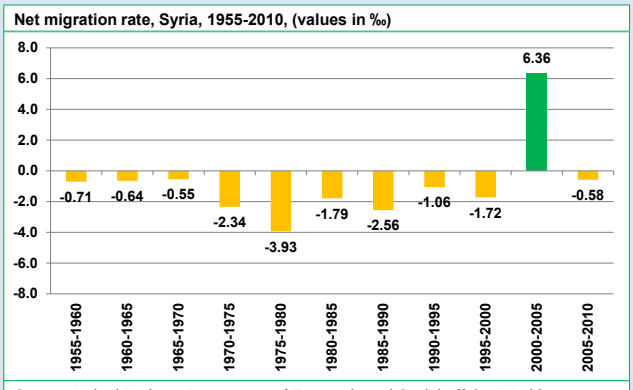
[6] UNHCR. 2012. Syria Region: focus on enrolling refugee children in schools, Iraq border crossing opens at Al Qaem, UNHCR Briefing Notes, 21 September 2012, available at http://www.unhcr.org/505c46759.html (date of access: 30/04/2013)

necessary experience. Following these legal provisions, the Syrian authorities started in 2010 to record foreign employees. In June 2010, their number was estimated at 995 by the Ministry of Social Affairs and Labour (MOSAL), despite there being a general consensus that larger numbers of foreign experts, particularly from Russia, have long been living in Syria with their families. The press estimates from 5,000 to 7,500 foreign workers (see Mehchy and Mahadi Doko, 2011).

The presence of domestic workers has been, instead, on the rise since 2001, following the legalization of foreign nationals as domestic workers. It peaked after 2006, as a result of the organization of work under specific manpower agencies. In 2010, Syrian manpower agencies estimated their number at around 75,000-100,000 individuals mainly women from Indonesia, the Philippines and Ethiopia. According to many experts, they represent a particular vulnerable group since they are *de facto* excluded from Syrian labour law and subjected to poor working conditions and abuse.

Finally, a third group of immigrants includes transit migrants, who mainly originate in Asia and the CIS countries (Sørensen, 2006).

Flows



Source: United Nations, Department of Economic and Social Affairs, World Population Prospects, the 2010 Revision

No official statistics are currently available on legal inward migration flows entering Syria. According to the United Nations Department of Social Affairs, the net migration rate was substantially negative in the period 1955-2010, except for a five-year period 2000-2005, when, they estimate, a positive rate was observed, due to the massive influx of Iraqis following the US invasion in 2003.

References: Balanche F. 2007. *Les travailleurs syriens au Liban ou la complémentarité de deux systèmes d'oppression*, *Le Monde Diplomatique – Editions Arabe*; Egset W. and al-Madi. 2007. Work and working conditions, in Tiltnes A.A. (eds.), Palestinian Refugees in Syria: Human Capital, Economic Resources and Living Conditions, Fafo Report 514; Fargues P. 2009. Work, Refugee, Transit: An Emerging Pattern of Irregular Immigration South and East of the Mediterranean, International Migration Review, Volume 43, Number 3: 544-577; Government of Turkey. 2011. Report:

We continue assisting the Syrian citizens without interruption, available at http://reliefweb.int/node/456068; Hanssen-Bauer J. and Jacobsen L.B. 2007. Living in provisional normality: the living conditions of Palestinian refugees in the host countries of the Middle East, in Brynen R. and El-Rifai R. (eds.), Palestinian Refugees. Challenges of Repatriation and Development, International Development Research Centre, New York; Kawakibi S. 2009. *Syrie: la dimension politique et sociale des migrations*, in Mediterranean Migration, 2008-2009 Report, Fargues P. (eds.), Migration Policy Centre, European University Institute, San Domenico di Fiesole; Mehchy Z., Mahadi Doko A. 2011. General overview of migration into, through and from Syria, CARIM Analytic and Synthetic Notes 2011/41. Migration Policy Centre, European University Institute, San Domenico di Fiesole; Sørensen, N.N. 2006. Mediterranean Transit Migration and Development: Experience and Policy Options, in Sørensen, N.N. (eds.), Mediterranean Transit Migration, Danish Institute for International Studies; Tiltnes A.A. 2007. Keeping Up. A Brief on the Living Conditions of Palestinian Refugees in Syria, Fafo Report 2007:13; UNHCR. 2011. Lebanon Update. Situation in North Lebanon. December 23 – December 30, 2011; UNICEF. 2011. Displaced Syrian children in Jordan show signs of distress, available at http://reliefweb.int/node/467365.

The Legal Framework of Migration

The conditions for aliens to enter, stay, and exit from the country were defined in a presidential decree of 1970, and some ministerial decisions complement and fill out its provisions. Arab nationals are favoured as regards access to the territory, to work and to nationality. A recent regulation tends to frame and protect the most vulnerable migrants - mainly domestic workers, as well as a decree against trafficking in persons.

No overall law deals with Syrian emigration but a series of measures adopted since the beginning of the 2000s aim at enhancing links with expatriates. Notably, the conditions for exemption from military service have been progressively relaxed to remove what was an obstacle to the return – temporary or more long-lasting – of Syrian emigrants and their descendants. Regarding domestic workers, the Syrian Interior ministry has regulated their recruitment with a special agency. For domestic workers, it imposed the contracting of accident insurance, days off, holidays, and suitable living conditions. These regulations strictly forbid marriage between a Syrian and a foreign domestic, in order to limit trafficking in women. Furthermore, the Ministry of Social Affairs and Labour adopted a law (n°2040, February 6th 2007) to 'organise the agencies specialized in the recruitment and employment of foreign labourers and domestics'. This law strengthen the domestic's rights and insists that the salary be written into the contract and that there be suitable housing. It entitles the domestics to medical care, it defines a set of sanctions in cases of violence or discrimination on the basis of nationality, race, or gender. Moreover, the law restricts the creation of new agencies, imposes the payment of significant taxes, limit the agencies' fees (a percentage of the domestic's salary), and notes that the agencies have the responsibility of repatriating the domestics in cases of problem.

Syria is the country where the situation of Palestinians is reputed to be the most favourable. Palestinian issues are ruled by Law n°260 of 10 July 1956 dedicated to those Palestinian refugees from the 1948 exodus. It is stipulated that Palestinians who reside in the country when the law is promulgated will be considered as Syrian citizens of origin as regards employment, work, trade and military service. Palestinians are thus granted the same rights and duties as national citizens, with the exception of political rights and access to real estate. Unlike other Arab nationals, Palestinians do not need a work permit. They are constrained to compulsory military service in the Palestine's Liberation Army created in 1964, they can work in the public service, occupy a political position and travel with a Syrian laissez-passer valid for six years, just as national citizens can.

The Palestinians who came from the 1956 and 1967 wars were registered with a service created in 1949 and were granted the same rights as the 1948 refugees, with some exceptions: they are hired on the basis of temporary work contracts, they cannot benefit from hierarchical advancement in the public services and they do not carry out military service. All the Palestinians are assimilated to nationals regarding access to work (Law n°17 of 2010) and passport issuance (Law n°42 of 1975). Though they are considered as Syrian citizens by the law of 1956, Palestinian refugees resident in Syria are not given the right to be naturalised as people with Arab origin can be, which means with privileges stipulated in the nationality law. As in Egypt, Syria invokes its solidarity towards the Palestinian people's fight. This policy has resulted in abandoning many Palestinians to statelessness in the name of preserving their future.

Kurds are also affected by statelessness. Decree n°93 of 23 August 1962 called for an exceptional census in the province and tens of thousands and maybe hundreds of thousands of Kurds were deprived of their Syrian nationality as a result. Nothing was done till a Presidential decree dated 7 April 2011, which granted citizenship to over 100,000 of them.

Syria has no law on refugees except for Constitutional mention prohibiting extradition of political refugees. UNHCR deals with refugee-status determination procedure and their protection, while UNRWA is in charge of Palestinian refugees. On 26 February 2012, the State approved a new constitution adopting all articles regarding migration within the previous 1973 Constitution. However, the 2012 version includes new stipulations such as the right for every citizen to leave the country, to return to the country, as well prohibiting the extradition of any citizen to any foreign entity.

Legal Framework	Outward migration	Inward migration
General Legal References	• 2012 Constitution of Syrian Arab Republic [7] • 2010 Presidential decree n°3 against trafficking in persons[8] • 2010 Law n°17 and 2004 Law n°50 (employment of foreigners)[9] • 1975 Law n°42 on passport issuance[10] • 1970 Presidential decree n°29 related to aliens' entry, stay, and exit[11] • 1970 Presidential decree n°1623 regulating Syrians' exit and entry[12] • 1969 Legislative decree n°276 on the Syrian Arab nationality[13]	
Entry and Exit	The emigration of civil servants is subject to authorisation and an exit visa. A wife should generally follow her husband in emigration (family code, 1953) and can be prevented from emigrating alone by her husband (decision n°876 of 1979).	A medical certificate indicating the absence of contagious disease should be presented at entry. Decision n°1350 of 15 August 1984: entry without visa for nationals from all Arab states, from the Gulf, from the Emirates and from the Sultanates. Entry visa requirement re-established for Iraqis in 2007 (decision n°30 of 2007). Decision n°205 of 24 April 1972: Definition of entry and exit points. Exit visa for aliens. Presidential decree n°67 of 2005 related to the exit tax for foreign and national citizens.
Irregular Migration	**Irregular exit:** 3 months in prison and/or 500 Syrian pounds (Law n°42 of 1975). **Human trafficking**: 7 years in prison, 1 to 3 million Syrian pounds (Presidential decree n°3 of 2010 against trafficking in persons).	Decree n°29 of 1970: **Irregular entry**: 3 months to 1 year in prison and/or 500 to 1,000 Syrian pounds. 2 to 5 years in prison and/or 2,000 to 4,000 Syrian pounds if the alien is a national from a country at war with Syria. **False documents** at entry: 2 years in prison and/or 300 to 2,000 Syrian pounds. **Irregular stay**: 3 months in prison and/or 100 to 500 Syrian pounds. **Work without permit**: 6 months in prison and/or 500 Syrian pounds.

[7] SANA. (18 February 2012). *Draft Constitution for the Syrian Arab Republic*. Retrieved from http://sana.sy/eng/337/2012/02/18/401178.htm

[8] CARIM. Legal Database – Syria. Retrieved from http://www.carim.org/index.php?callContent=400&callCountry=2470

[9] Ibid.

[10] Ibid.

[11] Ibid.

[12] Ibid.

[13] Ibid.

	International agreements regarding irregular migration ➢ **Palermo Protocols**: in 2000, Syria signed both UN Protocols to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air (both ratified in 2009).	
Rights and Settlement	**Right to enter** for every citizen (Article 38, Constitution). **Civil service and emigration** (Law n°50 of 2004). **Syrian expatriates' associations** (Ministerial decree n°16 of 2007). **Emigrants' military service**: Law n°36 of 2009: payment to be exempted from military service reduced (6,500$ after 5 years abroad). Law n°30 of 2007: Syrian emigrants with another nationality can avoid their military service in Syria if they do it in their other country.	**Right of citizens not to be deported** from the country, or **prevented from returning** to it (Article 38, Constitution). **Right of citizens not to be extradited** to any foreign entity (Article 38, Constitution). **Right to leave the territory** of the state for every citizen, unless prevented by a decision from the competent court or the public prosecution office or in accordance with the laws of public health and safety (Article 38, Constitution). **Stay permits** (3 categories): 5 year-permit for people residing for 15 years, or for 5 years if they are carrying out a useful activity for the country, or for wives of Syrian citizens after 2 years; a 3 year-permit for people born in Syria and living there for 3 years, or aliens residing for 5 years; 1 year-permit in other cases (Decree n°29 of 1970 and decree n°30 of 2007). **Access to Employment**: Laws n°50 of 2004 and n°17 of 2010: a ministerial authorisation is needed, based on the list of professions open to aliens and if there is reciprocity with the origin country. Work permit required. Arab nationals have facilitated access to most of professions. Decree of the Labour ministry n°2137/2009 of 21/07/2009 modifying article 20 of ministerial decree n°2040/2005: the percentage of foreigners in private financial establishments is limited to 3% provided their qualification is not locally available. The percentage of non-Arab workers in a company not to exceed 10% (and 30% of the payroll). Domestic workers are not covered by the labour law but by a series of decisions since the Prime Minister's decree n°81 of 2006 which imposed a working contract. Decree of the Interior Ministry n°29 (12/03/2007) related to the entry of female migrant workers and their stay as domestics, and Arab and foreign nannies; decree n°62 of 2007 related to sanctions for contract

		violation; decision n°27 of 2009 governing recruitment offices. Artists are governed by decision n°81 of 2008. Civil service open to Palestinians. Jobs there are also open to Arab nationals if the Prime minister considers it a national necessity (law n°50 of 2004). **Family reunification**: legal silence. **Access to public services**: access to food aid and public hospitals is not given to aliens. Iraqis have free access to health and education. Other aliens enjoy free access to education and quasi-free access to health services. **Access to real estate ownership**: excluded with some exceptions.
Labour	➢ **Bilateral agreements regarding labour migration** include: Syria-Lebanon agreement (1995) on mutual employment of their nationals; Syria-Qatar agreements on Syrian workers in Qatar (2003 and 2008); Syria-Tunisia (2004) on labour exchange; manpower agreements with Jordan (2007) and Kuwait (2008); Syria-United Arab Emirates on Syrian workers in the UAE (2008); among others. ➢ **International agreements regarding labour migration** include the 1990 Convention on the Protection of all Migrant Workers and Members of their Family, and 49 International Labour Organization (ILO) conventions.[14]	
Citizenship	**Dual nationality** is tolerated. Penal sanctions exist in the case of the acquisition of another nationality without authorisation from the Syrian authorities. Authorisation is given only if the military service obligations have been fulfilled.	*Jus sanguinis* through paternal descent. A Syrian mother does not transmit her nationality, unless her child is born in the country without recognised paternity. There is no jus soli. Naturalisation is possible after a five year-residency in the country, unless one has a contagious disease. Arab fellows benefit from a facilitated access to nationality, being emigrants in a third country without any Arab nationality, or immigrants in Syria. Foreign women can obtain the nationality of her Syrian spouse after a two-year marriage and residence in the country or she will become a citizen immediately if she is an Arab. The Syrian women cannot transmit nationality to a foreign husband. (Legislative decree n°276 on the Syrian Arab nationality; Regulation on application for naturalisation, withdrawal, renunciation and forfeit of nationality, decision n°92 of 22 June 1976).

[14] Including conventions C111 concerning Discrimination in Respect of Employment and Occupation and C118 Equality of Treatment of Nationals and Non-Nationals in Social Security, but excluding conventions C97 concerning Migration for Employment, and C143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers.

International Protection		**Political refugees have the right not to be extradited** because of their political beliefs or for their defense of freedom (Article 39, Constitution). **No national law** on asylum or refugee status determination procedure. Palestinian refugees are under UNRWA's mandate. Decision n°1531 of 6 September 1980 governs issuance of stay visas to Palestinian refugees. Non-Palestinian refugees fall under UNHCR's mandate. Syria accepted the 1965 Protocol for the Treatment of Palestinians in Arab States.

The Socio-Political Framework of Migration

Originally a receiver of refugees, especially Palestinians and Iraqis, Syria has recently become a refugee sending country. Since spring 2011, the violent repression against the protests and subsequent civil war has caused a significant movement of refugees towards neighbouring countries and North Africa, as well as internal displacement. While host governments work with UNHCR and other organisations to provide basic assistance to Syrian refugees, the Syrian government has worked with the Syrian Red Crescent and UNHCR, amongst others, in attempts to provide assistance to internally displaced Syrians and other populations.[15]

With the exception of Lebanon, and a series of administrative measures created to limit brain drain, the Syrian regime has not intervened in the management of labour migration. Regarding domestic workers, however, the Syrian Interior ministry has regulated their recruitment with a special agency. In contrast, the Ba'ath party tried to organize and control Syrians abroad for political and economic reasons. Indeed, Syrians abroad, in particular those settled in Europe, have played a significant role in the opposition against the Syrian regime. In 2013, however, the Syrian Government welcomed the opposition, as well Syrian citizens, who have the left the country to return in order to participate in a national dialogue to resolve the crisis.[16]

Before the 2011 crisis, Syria's international cooperation on migration included membership in several international organisations and regional processes. As a result of the violence and the Syrian regime's unwillingness to abdicate, however, the State's participation in the Arab League as well as bilateral EU-Syrian cooperation programmes have been suspended.

Socio-Political Framework	Outward migration	Inward migration
Governmental Institutions	• Ministry of Foreign Affairs and Emigrants • Security apparatus • Syrian Army	• Ministry of Interior • Ministry of Social Affairs and Labour • GAPAR (General Authority for Palestinian Arab Refugees)
Governmental Strategy	**Facilitate temporary low-skilled labour migration**, in particular toward Lebanon. **Limit brain drain.** **Control the departure of Syrian refugees** (since Spring 2011). **Engage with Diaspora for their return for dialogue to resolve the crisis** (citizens, including the opposition).	**Regulate the employment of foreign domestic workers** and guarantee their rights (e.g., workers from the Philippines[17]). **Protecting borders from "terrorist" groups** intent on entering Syria.[18] **Support the rights of Palestinian refugees**, while controlling the Palestinian social and political organizations.

[15] UNHCR. (2013). *2013 UNHCR Country Operation Profile – Syrian Arab Republic*. Retrieved from http://www.unhcr.org/pages/49e486a76.html

[16] Syrian Ministry of Interior. (24 January 2013). T*he Interior Ministry calls on citizens who have left the border to return*. Retrieved from http://syriamoi.gov.sy/new/index.php?req=5612&nid=455&First=0&Last=308&CurrentPage=1&ARC=&order=1&src=all&

[17] Syrian Ministry of Interior. (11 October 2012). *Mr. Interior Minister discusses with Mr. Sagios Deputy Interior Minister of the Philippines on developing bilateral relations*. Retrieved from http://syriamoi.gov.sy/new/index.php?req=5612&nid=433&First=0&Last=308&CurrentPage=2&ARC=&order=1&src=all&; and Syrian Ministry of the Interior. (4 June 2012). *Foiled infiltration of terrorists from Lebanon to Syria*. Retrieved from http://syriamoi.gov.sy/new/index.php?req=5612&nid=389&First=0&Last=308&CurrentPage=6&ARC=&order=1&src=all&

[18] Syrian Ministry of Interior. (9 August 2012). *Mr. Interior Minister during his meeting with the United Nations Under-Secretary for Peace and Security*. Retrieved from http://syriamoi.gov.sy/new/index.php?req=5612&nid=421&First=0&Last=308&CurrentPage=3&ARC=&order=1&src=all&

		Coordinate with international organisations and provide humanitarian assistance to needy Syrians within Syria (especially with assistance of Syrian Red Crescent, IOM and UNHCR). **Coordinate with international organisations to resettle/repatriate refugees and migrants within Syria** (e.g., IOM efforts to resettle Iraqi refugees in Syria).
Civil Society	➢ FEARAB (Federation of the Arab Entities) ➢ **Opposition groups**: Syrian National Coalition; OSDH (Syrian Observatory for the Human Rights)	➢ Unions ➢ Human Rights Organizations Communal Organisations (national, sectarian, ethnic)
International Cooperation	Regarding international cooperation on migration-related issues, since 2011 the Syrian Government's participation in the Arab League as well as bilateral cooperation programs between the EU and Syria (including MEDA/ENPI instruments) have been suspended. Syria is a member of the **Union for the Mediterranean** and the **European Neighbourhood Policy**.	

TUNISIA

The Demographic-Economic Framework of Migration

The labour market's poor performance together with a stalled democratization process have been the main determinants of persisting labour emigration flows from Tunisia. In contrast with the sustained economic growth of Tunisia over the last decades, unemployment has never dampened down and more recently has affected the most educated too. Tunisian emigration was traditionally directed towards Western European countries – especially France, Germany and Belgium – and to a lesser extent to Libya. After the limits put in place by European countries in the 1970s and the mass expulsion of Tunisian nationals from Libya in 1985, Tunisians resorted to family settlement in Europe, a diversification in the choice of destination countries, together with significant inflows of return migrants. Today, new European destinations (e.g. Italy and Spain) are attracting more and more Tunisian migrants, especially their irregular component. Finally, as a consequence of the 2011 revolts, both regular and irregular emigration from Tunisia has substantially increased.

As to inward migration, Tunisia does not host large numbers of regular migrants. Indeed, their (low) proportion of the total resident population (less than 1%) has not changed greatly since the 1970s. However, since the 1990s, Tunisia has evolved into an important transit country receiving flows – mainly from Sub-Saharan countries – attempting to reach southern Italy from the Tunisian coasts. In addition, Tunisia was the country most affected by the 2011 Libyan Civil war with almost 350,000 migrants arriving from Libya.

Outward migration

Stock

In 2009, Tunisians recorded in Tunisian consulates abroad stood at 1,098,200, or 10.6% of the Tunisian population. In the last decade, consular records show a rise in the propensity to leave the country: from 2001 to 2009, the number of Tunisians abroad increased from almost 764,000 to more than 1 million, at an annual average growth rate of 6.2% (compared to the Tunisian population growth rate equal to 1.1% in the same period).

Tunisian emigration stocks by country of residence according to Tunisian consular statistics (2001, 2009) and destination countries' statistics (years around 2012)

Country of residence	Tunisian consular statistics		Destination countries' statistics
	2001	2009	
Europe	**642,541**	**911,400**	**414,077**
of which France	470,459	598,500	236,480
Italy	78,581	152,700	109,371
Germany	44,143	85,500	21,161
Arab countries	**102,725**	**154,900**	**12,077**
of which Libya	47,751	87,200	n.a.
North America	**17,351**	**29,000**	**8,175**
Other countries	**1,363**	**2,900**	**32,266**
Total	**763,980**	**1,098,200**	**466,595**

Source: Tunisian consular records and destination countries' statistics (population censuses, population registers, register of foreigners, etc.).

In 2009, 83.0% of Tunisians abroad lived in Europe, mainly in France (54.5%), Italy (13.9%) and Germany (7.8%). Important numbers are also found in Arab countries (14.5%) especially in Libya (7.9%), even if an unknown proportion of them returned home as a consequence of the 2011 Libyan civil war.

Inward migration

Stock

In 2004, 35,192 foreign nationals were recorded as residing in Tunisia. They represent a very small proportion of the total resident population (0.4%), i.e. the same value registered at the 1994 Census. Irregular migrants are also living in the country, but no solid estimate of their number has been provided.

Resident foreign population in Tunisia by sex and country of citizenship, 2004

Country of citizenship	Males	Females	Total	
			Number	%
Arab countries	**10,603**	**10,597**	**21,200**	**60.2**
of which Algeria	*3,835*	*5,777*	*9,612*	*27.3*
Morocco	*3,757*	*2,606*	*6,363*	*18.1*
Libya	*860*	*878*	*1,738*	*4.9*
European countries	**3,775**	**5,892**	**9,667**	**27.5**
of which France	*1,750*	*2,862*	*4,612*	*13.1*
Italy	*867*	*693*	*1,560*	*4.4*
Germany	*317*	*683*	*1,000*	*2.8*
African countries	**1,906**	**1,111**	**3,017**	**8.6**
of which Ivory Coast	*338*	*271*	*609*	*1.7*
Asian countries	**245**	**185**	**430**	**1.2**
America	**98**	**163**	**261**	**0.7**
Other countries	**226**	**391**	**617**	**1.8**
Total	**16,853**	**18,339**	**35,192**	**100.0**

Source: Tunisian Census, 2004

The majority of recorded immigrants comes from other Maghreb countries (27.3% and 18.1% from Algeria and Morocco, respectively) and Europe (27.5%), especially from France (13.1%) and Italy (4.4%).

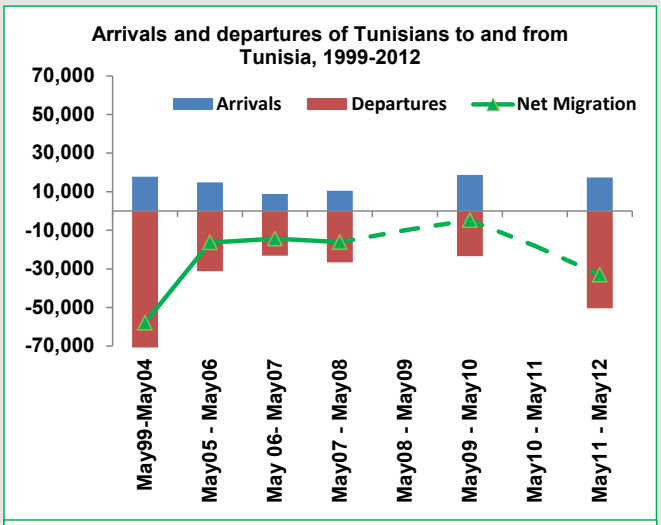
From 2001 to 2009, Italy and Germany registered the highest annual average growth rates of Tunisian emigration stocks, equal to respectively 13.5% and 13.4%. The lower rate registered in France (3.9%) confirms the rising diversification of destinations for Tunisian migrants.

If we look at destination country' statistics, smaller numbers are found: 466,595 Tunisian migrants resided abroad c. 2012. The discrepancy between consular and destination countries' statistics depends on a variety of factors. First, unlike destination sources, consular records include second and third generation migrants. Second, destination country' statistics are not available for a number of countries (e.g. Libya), since their authorities do not release data on their populations by nationality.

As to their gender profile, most Tunisians registered at the Consulates are men (64.7%). In OECD countries, Tunisians have, on average, a low level of education (50.5%) and are employed in low-skilled jobs, mainly as plant and machine operators and other elementary jobs (22.0%), as craft and related trades workers (17.5%), as service, shop and market sales workers (12.7%) and as plant and machine operators (year 2006 - OECD.stat.)

Flows

As a consequence of the 2011 revolts, in 2011-12 the annual number of migrants almost doubled with respect to 2005-2010 outflows. The total passed from 26,085 (average value – 2005-2010) to 50,391 (2011-12).

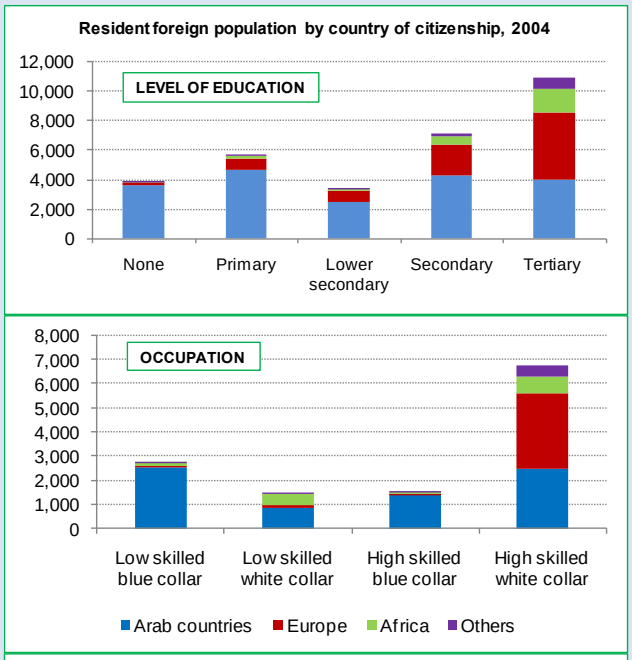


Source: *Institut National de la Statistique (INS), Enquête Nationale sur la Population*

The socio-political situation has not only affected the size but also the characteristics of emigrants.

As a whole, in the last decade, the socio-economic profile of Tunisian migrants improved. Highly-skilled outward flows (i.e. those with a university degree or more) evolved into an important proportion of the total of

As to their profile, immigrants have a high level of education (58.1% are graduate or more). Indeed, they tend to be employed in highly-skilled occupations (65.1%), mainly as legislators, senior officials and managers (28.0%) and professionals (19.8%).



Source: Tunisian Census, 2004

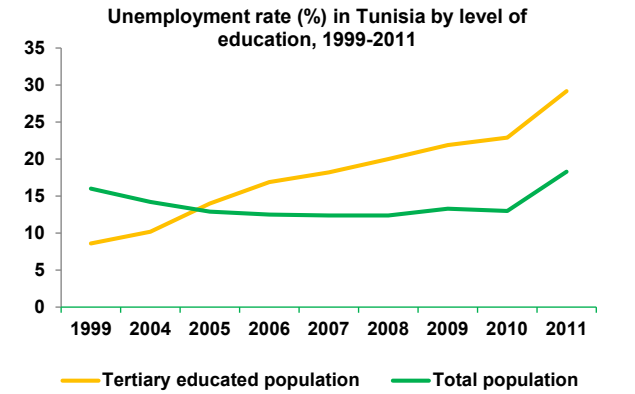
Flows

In the last decade, the African presence in Tunisia has become more important for various reasons. On the one hand, the large investments of Tunisian authorities in the education system has tended to attract more and more students from the whole continent; on the other hand, the displacement of the African Development Bank (ADB) from Abidjan (Ivory Coast) to Tunis in 2003 has gradually led to a rise in highly-skilled immigration from other African States.

However, the largest inflows from other African states transit through Tunisia, waiting to cross the Mediterranean and reach Southern Italy. According to a declaration of the former Minister of Interior Hedi Mhenni, more than 40,000intercepted irregular migrants had been registered in Tunisia – from 1998 to 2003. They were mainly Maghreb and Sub-Saharan nationals, even if 52 nationalities had been counted.

Finally, in 2011, Tunisia received the largest number of migrants fleeing the Libyan civil war. According to IOM data, 345,238 migrants reached Tunisian borders, among whom 136,749 were Tunisian nationals. Of the remaining 208,489 third-country nationals, 115,516 were repatriated through IOM schemes.

registered outflows: from 14.1% in 2005/6 to 22.9% in 2009/10. The high investments aimed at improving the Tunisian educational system (as a percentage of GDP, educational expenditure rose from 4.0% in 2001 to 6.1% in 2011) has not coincided with a parallel development in highly-skilled job opportunities. From 2004 to 2010, the unemployment rate of highly-skilled persons rose from 8.6% in 1999 to 22.9% in 2010, while the total unemployment rate remained stable at c. 13.3%.



Source: *Institut National de la Statistique (INS), Enquête Nationale sur la Population et l'Emploi*

In 2011, the deteriorating social, economic and political conditions which fueled emigration increases affected, instead, all population categories. In this year, the total unemployment rate skyrocketed, indeed, for tertiary educated people (from 22.9% in 2010 to 29.2% in 2011) as well as for secondary educated individuals (from 13.7% to 20.6%) and for persons with only primary education (from 9.2% to 12.4%). As a result, the proportion of migrants with tertiary education, 2011-2012 was lower (16.5%) than that recorded previously.

Another major consequence of the 2011 revolts was the increase of *harragas* attempting to cross the Mediterranean and reach, especially, the Italian isle of Lampedusa. In 2011, 28,047 Tunisians were detected at Italian sea borders (vs. an average annual value of 1,702 arrivals 2000-2010). In 2012, as of 1 November, the same value stood at 2,025.

Tunisian arrivals at sea in Italy, 1999-2012

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012 (*)
337	522	607	1,183	591	307	1,596	2,312	1,417	7,633	1,522	650	28,047	2,025

Notes: (*) 2012 statistics refer to the period January 1st - September 20th
Source: Italian Ministry of Interior

The Legal Framework of Migration

On 3 February 2004, three months after its Moroccan neighbour and two months after promulgating a new law to combat terrorism, Tunisia reformed its migration law. However, unlike other states in the region it limited its reform to reinforcing penal sentences against assistance to irregular migration.

The law of May 14, 1975 on passports and travel documents, modified in 2004, governs nationals' as well as foreign nationals' entry and exit. It remains in force, as does the law of March 8, 1968 concerning foreign nationals in Tunisia.

The 2004 reform, which implemented the Palermo Protocol against the smuggling of migrants, toughened sanctions against any contribution – organised or otherwise, with or without profit – to irregular migration of foreign as well as of Tunisian citizens. The 1968 and 1975 laws already provided for the penalisation of irregular – foreign or national – migrants, and sentences remain the same. All these sanctions are consistent with the practice in Europe and the Maghreb, including in the way they affect non-profit assistance, or sentence migrants, and so overstep the Palermo Protocols.

This legislative arsenal organises temporary labour migration in a strict fashion and suffers from a number of lacunae as far as foreign nationals' rights are concerned (e.g., protection from expulsion, legal appeal, family reunification and refugee status). Tunisia is reluctant to sign the Convention on the Protection of all Migrant Workers and Members of their Family, but has committed itself at international and bilateral levels concerning circulation advantages as well as readmission and border control, attempting to combine its interest in favouring its citizens' mobility with its will to control them.

Following the uprisings in Tunisia and subsequent election of a new government, a Draft Constitution was first created in August 2012, followed by presentation of the latest version in December 2012. Due to various political disputes, however, the adoption of the constitution has been delayed. The current draft keeps all articles regarding migration from the 1959 Constitution (e.g., freedom to leave and return to Tunisia for Tunisian citizens), yet removes the previous Constitution's reference to prohibition on extradition of political refugees. The Draft also includes a new article stipulating that no Tunisian citizen shall have his or her nationality revoked.

In November 2012, the European Union and Tunisia signed an Action Plan for 2013-2017 that granted Tunisia Privileged Partnership status and aims at strengthening financial support, trade openings and improved mobility. The two parties agree to a dialogue on migration with the objective of concluding a Mobility Partnership for cooperation on: movement of people, management of legal migration, migration and development, protection of the rights of migrants, fight against illegal migration, and readmission.[1]

Although Tunisia currently lacks a legal framework regarding refugees and asylum, in August 2011, the Tunisian authorities approached UNHCR for assistance in the development of a national asylum law,[2] and in July 2011 Tunisia signed a cooperation agreement with UNHCR.[3]

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[1] Tunisia Ministry of Foreign Affairs. (April 2013). Relations Tunise - Union européenne: Un partenariat axé Plan D'Action 2013-2017. Retrieved from http://www.diplomatie.gov.tn/fileadmin/_temp_/Tunisie%20-UE-Plan-Action.pdf

[2] UNHCR. (2013). 2013 UNHCR regional operations profile - North Africa. Retrieved from http://www.unhcr.org/pages/49e486166.html

[3] Tunisian Ministry of Foreign Affairs. UNHCHR: agreement to open Tunis office signed. Retrieved from http://www.diplomatie.gov.tn/index.php?id=42&L=2&tx_ttnews[arc]=1&tx_ttnews[backPid]=42&tx_ttnews[cat]=13&tx_ttnews[pL]=2678399&tx_ttnews[pS]=1309471200&tx_ttnews[pointer]=1&tx_ttnews[tt_news]=310&cHash=f3afa9fdb76c6bdafa4c8018f6158262

Legal Framework	Outward migration	Inward migration
General Legal References	• 2012 Draft Constitution of 14 December 2012[4] • 1975 Law n°40 of 14 May 1975, regarding passports and travel documents, modified in 1998, 2004 (Law n° 6) and 2008[5] • 1968 Law 68-07 on foreign nationals[6] • 1968 Decree 198 regulating the entry and stay of foreign nationals in Tunisia[7]	
Entry and Exit	Tunisians are exempted from a visa requirement for entrance to Maghreb countries.	European and Maghreb nationals are exempted from visa requirements, so are nationals from Niger, Senegal, Guinea, Ivory Coast, Gambia, Ghana and Liberia, among others.
Irregular Migration	**Irregular exit** from the territory is punished with one-month to one-year prison sentence and a 6 to 120-dinar fine (1968 Law). **Irregular exit for national citizens** is punished with a 15-day to 6-month prison sentence and/or a 30 to 120 dinar fine (1975 Law).	**Irregular entry or stay** is punished with a one-month to one-year prison sentence and a 6 to 120-dinar fine, also with deportation and possible prohibition from return (1968 Law).
	Facilitation of irregular migration punished with up to 3 years in prison and 8,000-dinar fine; up to 4 years in prison for hosting a 'clandestine'. Aggravated sentences in case of organization. Non-denouncement is also punished (Law 2004-6).	
	➢ **Bilateral agreements regarding irregular migration** • **Tunisia-Italy** (1998) on entry and readmission of Tunisian nationals and third-country nationals • **Tunisia-France** readmission agreement (2008) of Tunisian nationals only ➢ **International agreements regarding irregular migration** • **EU-Tunisia Association Agreement** (1995): Tunisia and the EU agree to engage in a dialogue regarding illegal immigration and the conditions governing the return of irregular migrants. • **Palermo Protocols**: in 2000, Tunisia signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air (both entering into force in 2003). • **EU-Tunisia Action Plan 2013-2017** (signed in November 2012): includes dialogue on fight against illegal migration, organized crime-related immigration and readmission.	

[4] CARIM. Legal Database – Tunisia. Retrieved from http://www.carim.org/index.php?callContent=400&callCountry=1330

[5] Ibid.

[6] Ibid.

[7] Ibid.

Rights and Settlement	**Freedom to leave** the territory for Tunisian citizens (Article 18, Draft Constitution). The state **shall not revoke the nationality** of any Tunisian citizen (Article 19, Draft Constitution). The State **shall not extradite nor expatriate** any Tunisian citizen (Article 19, Draft Constitution). **Voting and eligibility rights** for expatriates. **Tax advantages** for temporary or definitive return. Stay abroad is to be temporary when within technical cooperation, or for students who have a grant to study in the EU and have to return after 3 years to work in Tunisia (Decree of the Minister of Higher Education, 31 October 2001).	The State **shall not deny repatriation** of any Tunisian citizen (Article 19, Draft Constitution). **Permits**: one-year temporary stay permit, renewable once, except for nationals from countries linked to Tunisia by bilateral conventions (France, Algeria, Morocco, etc.). Renewable two-year ordinary stay permit for people who have regularly resided in the country for 5 years, or who are born and have constantly lived in Tunisia, or with Tunisian children, and for foreign women married to Tunisian men. **Access to Employment**: work if previous delivery of a contract approved by the Labour Minister, and a stay permit with authorisation to work (double ministerial visa). National preference. One-year contract, renewable once. Employment contract renewed perhaps more than once when is in the use of foreign companies operating in Tunisia as part of the implementation of development projects approved by the competent authorities. This contract and its renewal must be referred by the Minister for Employment Labour Law dispositions regarding foreign workforce (Law n°66-27 of 30 April 1966, last amendment by Law n°96-62 of 15 July 1996). Derogations for export companies and development projects. Civil service reserved for nationals, as well as most of liberal professions except special authorisation on the basis of bilateral agreements and the principle of reciprocity. **Family reunification**: absence of legal provisions. **Access to public services**: yes. **Access to estate ownership**: forbidden in agricultural zone, subject to authorisation in urban zones unless a bilateral agreement exists (e.g, Morocco, Algeria, Libya), and reciprocity is respected, free in tourist zone (+ tax advantages).
Labour	➢ **Bilateral agreements regarding labour migration:** Convention relating to property rights, labour rights, the exercise of professions and trades, the right of establishment and freedom of movement with Libya (1973); with Italy on stay and work (1995) and on seasonal workers (2000); conventions on labour force with Libya (2003) and Syria (2004); with France on stay and labour (1988), young professionals' exchanges (2004) and joint management of migration (2008). ➢ **International agreements regarding labour migration:** 59 ILO conventions ratified[1].	

Citizenship	**Dual citizenship** is allowed.	**Decree-Law n°63-6 of 28 February 1963** *Jus sanguinis* by descent of father or mother. Discrimination: children born abroad to a Tunisian mother and a foreign father are Tunisian if they opt to be when coming of age or if their parents request nationality during their minority. *Jus soli*: triple - nationality of origin for the child born in Tunisia to a father and a grandfather also born there, with renunciation right at majority unless the child has an army commitment. A foreign woman can obtain nationality after two years of marriage with a Tunisian man and two years of residence in the country. Easier access to naturalization for a foreign man married to a Tunisian woman.
International Protection		No national refugee status determination procedure. No legal reference to a stay permit. UNHCR-Tunisia cooperation agreement in 2011. **International agreements**: 1951 Convention relating to the status of refugees (succession in 1957); 1967 Protocol relating to the status of refugees (accession in 1968); and the 1969 OAU Convention governing specific aspects of refugees in Africa (signed in 1969, ratified in 1989).

The Socio-Political Framework of Migration

In the last years, Tunisia has made great efforts to promote the concerted and global governance of irregular and regular emigration. This approach, which rests on cooperation with destination countries – notably those across the Western shore of the Mediterranean – is based on the following axes: putting migration policies in a more global context, embedded in the partnership process with the EU (the Euro-Mediterranean partnership);8 multiplying options and routes for legal emigration with immigration countries (e.g. Italy and France); transcending a security-based perspective in the management of irregular emigration; and seeking to ensure the better integration of Tunisian citizens living in European countries.

Indeed, the newly-elected Government developed a strong interest in linking with Tunisians abroad after the revolution in 2011. Out of the 217 Constituent Assembly members, 18 MPs were elected to represent Tunisians abroad. In October 2011, furthermore, a Secretary of State for Tunisian Expatriates was created under the Ministry for Social Affairs. One of its first initiatives was to conduct a survey among Tunisian consulates on clandestine migrants, in particular those missing or dead who fled during the crisis. Newly elected political parties, moreover, are in favour of greater political participation seats in the Parliament for Tunisians abroad, and some parties have strengthened their engagement with expatriates (e.g., Ettakattol by opening an agency for Tunisians abroad to invest in Tunisia, located in Paris; and Ennahda, by creating cultural programmes for reviving the Arab and Muslim identity of Tunisians abroad[9]). Civil society also generated new organisations - e.g., the *Haut Conseil des Tunisiens à l'étranger* - to sustain links with Tunisian expatriates and to ensure that the new government takes into consideration the demands and aspirations of its citizens abroad.[10]

Notwithstanding governmental efforts to manage legal emigration and reform Tunisian legislation along these lines, there has been an upsurge in irregular emigration flows from Tunisia as well as efforts to control such migration. Following the Tunisian uprisings in 2011, cooperation between Tunisia and the EU, and particularly Italy, regarding irregular migration increased as thousands of Tunisians reached Italian shores. The EU has offered Tunisia a Mobility Partnership, which would include readmission of irregular migrants, and Italy has worked with Tunisia on strengthening Tunisia's coastal patrols. Civil-society actors have consequently called for the balanced and human-centred governance of clandestine emigration, and many associations have highlighted the need to map out the real causes underlying the phenomenon.[11]

Following the outbreak of violence in Libya, Tunisia opened the Shousha refugee camp to accommodate those fleeing the Libyan border into Tunisia. The country has also recently agreed to work with Algeria and Libya in enhancing security in the border areas between the countries in order to secure borders, fight illegal immigration, and other crimes following the deterioration of security in the wake of the revolutions.

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[8] See Abdelrazak Bel Hadj Zekri, « La dimension politique de la migration irrégulière en Tunisie », *CARIM Analytical Note* 2008/53, p. 8, r etrieved from http://cadmus.eui.eu/bitstream/handle/1814/10098/CARIM_AS%26N_2008_53.pdf?sequence=1.

[9] Boubakri, H. (2013). *Revolution and International Migration in Tunisia*. Migration Policy Centre – European University Institute. Retrieved from http://www.migrationpolicycentre.eu/docs/MPC-RR-2013-04.pdf

[10] See for example, *Le Haut Conseil des Tunisiens à l'Etranger* webstie at http://www.atf-federation.org/article-le-haut-conseil-des-tunisiens-a-l-etranger-hcte-108679034.html

[11] See for example the speech hosted by the Tunisian League of Human Rights Defence at the migration forum organised by Social Watch in Rome, 2004 quoted in Zekri, « La dimension politique de la migration irrégulière en Tunisie », p. 16.

Socio-Political Framework	Outward migration	Inward migration
Governmental Institutions	Ministry of Foreign Affairs Ministry of Social Affairs, Solidarity and Tunisians Abroad Secretary of State for Tunisian Expatriates Ministry of Labour	Ministry of Interior Ministry of Labour Ministry of Social Affairs, Solidarity and Tunisians Abroad Ministry of Women's Affairs
Governmental Strategy	**Develop Diaspora links:** develop national policies to support the Tunisian Diaspora; promulgate legislation encouraging remittances and investments; carry out a census of Tunisian professionals abroad (repertory of Tunisian professionals abroad); benefit from Tunisian potential abroad in higher education and research; develop a strategy for disseminating information to the Tunisian Diaspora communities; elaborate a cultural program consolidating the attachment of Tunisian emigrants and their families to the homeland; launch negotiations with destination countries on entry and residence conditions for Tunisian emigrants. **Encourage and regulate the recruitment of Tunisian nationals abroad** by launching negotiations and devise bilateral accords (e.g., with Italy[12] and discussions on employment with Libya[13]); and conduct investigations and background checks of recruitment agencies operating in Tunisia and ensure recruitment agencies sign contracts with the Ministry of Employment before they can recruit workers to work in Gulf countries.[14]	**Set up rules concerning the entry and residence** of foreign nationals. Develop government **policies on economic immigration and recruitment procedures** for economic migrants. **Curbing irregular immigration, transit migration, and trans-border crime** (e.g., working with neighbouring countries – especially Algeria and Libya - regarding border controls to decrease irregular migration and trans-border crime). **Organise migratory flows in the Maghreb region** by establishing frameworks and/or bilateral and regional agreements so as to better. **Assist vulnerable migrant categories** by developing cooperative mechanisms with international organisations such as UNHCR and foreign governments; create refugee camp for those fleeing the Libyan crisis, and work with international organisations towards their resettlement to third countries.

[12] Tunisian Ministry of Foreign Affairs. *Tunisian-Italian talks on migration.* Retrieved from http://www.diplomatie.gov.tn/index.php?id=27&L=2&tx_ttnews[backPid]=27&tx_ttnews[pointer]=2&tx_ttnews[tt_news]=1216&cHash=555b01c752f35c5f513ebba4bbccc219

[13] Tunisian Ministry of Foreign Affairs. *Priority co-operation fields, focus of Tunisian-Libyan working session.* Retrieved from http://www.diplomatie.gov.tn/index.php?id=27&L=2&tx_ttnews[backPid]=27&tx_ttnews[pointer]=12&tx_ttnews[tt_news]=605&cHash=528bb871d5bf29394505cc7516888ca4

[14] United States Department of State. (2012). *Trafficking in Persons Report 2012.* Retrieved from http://www.state.gov/documents/organization/192598.pdf

	Dissuade Tunisians from irregular emigration by multiplying information and awareness raising campaigns (e.g., campaigns in the primary school curriculum to dissuade teenagers and young adults from illegal emigration and potentially becoming victims of trafficking, and IOM backed human trafficking awareness campaign in refugee camps);[15] and reform Tunisian legislation and policies in order to contain irregular emigration. **Tackle migration governance** in the context of political dialogue frameworks (5+5 dialogue); establish bilateral and multilateral agreements in such a way as to organise legal emigration flows to European countries (particularly Italy and France)[16]; cooperate with the International Organisation of Migration (IOM) in order to favour the integration of Tunisian nationals abroad or to facilitate their return (professional reintegration).	
Civil Society	**Initiatives in the associative sector** aimed at: – Promoting and defending the rights of Tunisian nationals abroad (e.g., CETUMA - *Centre de Tunis pour la Migration et l'Asile*; and *Haut Conseil des Tunisiens à l'étranger*); The Tunisian Association for the Defense of Tunisians abroad (ADTE); the Trade Union for Arab Maghreb Workers (USTMA); Union for Tunisian Immigrant Workers (UTIT), the Tunisians' Federation for a Two-shore Citizenship (*Fédération des Tunisiens pour une Citoyenneté des Deux Rives*, FRCR) – Finding the underlying causes of irregular emigration and promoting an understanding of irregular emigration based on human and not solely security considerations; – Consolidating Tunisian expatriates' contributions to local development. **Initiatives of migrant associations, professional and student Diaspora networks** for reinforcing links among Tunisian Diaspora communities (e.g. ATUGE)	**Civil-society networks and initiatives** aimed at: – Sensitising institutions and structures to migrants' rights (e.g. the Tunisian League of Human Rights (LTDH); the Tunisian Association of Female Democrats (ATFD) – Improving the socio-economic and cultural rights of vulnerable immigrant categories (e.g. the General Union for Workers in Tunisia (UGTT), the Tunisian Red Crescent; CARITAS).

[15] Opening remarks by Khalil Amiri Senior Advisor to the Secretary of State for Immigration and Tunisians Abroad. (February 2012). *Conference on Cooperation to prevent trafficking of Human Beings in the Mediterranean Region.* Retrieved from http://www.osce.org/cthb/99726

[16] In April 2008, France and Tunisia signed an agreement on the concerted governance of migration and solidarity development. See CARIM's socio-political database.

International Cooperation	Tunisia is a member of several **international organisations** in which it actively works to address issues of migration, including: International Organization for Migration (IOM); International Labour Organization (ILO); UNHCR; Arab League; and Organization for African Union (OAU), among others. Tunisia is a participant to the **European Neighbourhood Policy (ENP)**. Tunisia is a member of the **Union for the Mediterranean** (a multilateral partnership within the European Neighbourhood Policy) and participates in the **5 + 5 Dialogue**.

TURKEY

The Demographic-Economic Framework of Migration

In the last decades, emigration from Turkey has diversified with the movement of family members of labour migrants to Europe, with asylum flows in the 1980s and 1990s and with movements of professionals and students. Destinations also diversified as people moved from Turkey to the Middle East and North Africa (MENA) and especially after the dissolution of the USSR, to the Commonwealth of Independent States (CIS) countries. Emigration increasingly becomes an issue of transnational diaspora communities. For the first time in 2010, fifty years past the beginning of extensive migration from Turkey to Europe, the number of migrants to Turkey exceeds that of the number of migrants from Turkey. Added to this is an increase in the number of returnees.[1] Turkey's former role as a "migrant-sending country" is now supplemented with the role of a "migrant-receiving country". International migratory movements to Turkey since the end of 1970s have included the migration of transit migrants, irregular migrant workers (mostly from the former USSR and Eastern European countries), asylum-seekers and refugees (from Afghanistan, Iran, Iraq and various other Asian and African countries). The migration of professionals and retirees are also taking place. In sum, a migratory transition has taken place in Turkey in the last decades. Turkey, in addition to its role as a country of emigration and "transit" has increasingly become a country of immigration. The factual transition in migration is accompanied by discursive and policy developments that take place on a terrain wrought with tension between nationalist legacies, that is, the politics of the past and current worldviews based on globalism, transnationalism, and EU-zation. As such, the Turkish state steadily adopts itself to the role the country plays in emigration and immigration in a globalized world.

Outward migration

Stock

In 2005, an estimated 3 million Turkish citizens were living in Europe, approximately 105,000 Turkish workers in the Middle East countries and 75,000 workers in the CIS states.[2] Some 350,000 Turkish citizens were reported in other countries such as Australia, Canada and the USA. The total number of expatriates equalled 3.3 million (which excludes the number of emigrants from Turkey who were naturalized in receiving countries). This number implies 5% of the nation's total population living outside of Turkey. By 2010, the number has increased to 3.7 million, while the migrant stock in Germany has decreased over the years.

Turkish Migrant Stock Abroad in 1995, 2005 and 2010

	1995		2005		2010	
	# (x 1000)	%	# (x 1000)	%	# (x 1000)	%
Germany	2 049.9	62.0	1 912.0	57.9	1 629.4	43.2
Total Europe	2 841.3	85.9	2 714.3	82.1	3 052.1	81.0
The ME Countries	127.0	3.8	105.0	3.2	162.6	4.3
Australia	45.0	1.4	60.0	1.8	71.0	1.8
CIS Countries	50.0	1.4	75.0	2.3	104.9	2.7
Other Countries	245.0	7.4	350.0	10.6	375.5	9.9
Total	**3 308.3**	**100**	**3 304.3**	**100**	**3 765.1**	**100**

Source: Figures are compiled from various files of the Ministry of Labour and Social Security.

Inward migration

Stock

The most recent reliable data on the foreign-born population in Turkey is taken from the 2000 Census; data was disseminated by the State Institute of Statistics in 2002. According to the Census, 1,278,671 foreign-born persons were in Turkey in 2000 which is less than 2% of the Turkish population. First five foreign-born groups were Bulgarian-, German-, Greek-, Macedonian- and Romanian-born.

Turkey- and Foreign country-born Population in Turkey

Place of Birth	Male	Female	Total
Turkey	33 732 479	32 793 638	66 525 256
Outside Turkey – Total	614 256	663 554	1 278 671
Bulgaria	228 363	252 454	480 817
Germany	132 937	140 598	273 535
Greece	26 967	32 250	59 217
Romania	8 330	12 356	20 736
Total	**34 346 735**	**33 457 192**	**67 803 927**

Source: '2000 Census of Population Social and Economic Characteristics of Population', State Institute of Statistics (SIS) Printing Division, Ankara, March 2003.

[1] Içduygu, A. 2010. International Migration and Turkey, 2010 OECD SOPEMI Report, Istanbul.

[2] See various issues of the OECD SOPEMI Reports for Turkey prepared by A. İçduygu since 2000.

Emigration and the Labour Market

The proportion of Turkish migrant labourers abroad has steadily increased from the mid-1970s to the mid-2000s. 5-6% of the total Turkish labour force has been employed abroad in the last three decades. The nature of emigration has changed over the decades. While emigrant labour mostly consisted of unskilled workers in the 1960s and 1970s, in the last two decades, emigrant labour has become highly qualified, university trained and internationally oriented. Indirect evidence of this change is derived from a number of statistics.[3]

Remittances have become an important element of the Turkish economy. In the 1980s, remittances helped cover, on average, 50% of the balance of trade deficits and 35% in the 1990s. As Turkey integrated with the world economy, the relative size of remittances declined. The decline could be related to the fact that more Turkish migrants are becoming permanent settlers in countries abroad. Significant increases were observed in the amount of remittances in 2006 followed by a considerable decline in 2009. Remittances equalled US$ 1 million in 2011, indicating a rise. The revenue from the "suitcase trade" of migrants, especially from former communist countries, is significantly higher when compared to the total remittance income in Turkey. In 1996-2003, the amount gained from the former was always higher. The revenues from the "suitcase trade" were nearly US$ 3.5 billion in 2005 and US$6.0 billion in 2007. Remittances as a percentage of the "suitcase trade" declined at a rapid pace but fluctuated from 154.7% in 2000 to 18.4% in 2003, 23% in 2008, and 16.7% in 2010 and finally increase to 23.6% in 2011.

Export, Workers' Remittances and Luggage Trade Revenues (million US$), and Share of Worker's Remittances in Exports and Luggage Trade

Year	Export	Luggage trade	Workers' remittances	As a % of exports	As a % of luggage trade
2001	31 334	3 039	2 786	8.9	91.3
2003	47 253	3 953	729	1.5	18.4
2006	85 535	6 408	1 111	1.3	17.3
2009	102 128	4 783	934	0.9	19.5
2010	113 889	4 951	829	0.7	16.7
2011	132 027	4 424	1 045	0.7	23.6

Source: http:// hazine.gov.tr/yayinhazineistatistikleri/6-1-Dev.xls May 10, 2004; Central Bank of Turkey (2011).

Residence permits (issued by the General Directorate of Security) are an indirect source of stock data. Foreign nationals who hold a residence permit are registered to the System of Address-based Population Register run by the Ministry of Interior. The table below shows the number of non-nationals who were living in Turkey for one year or more. In 2011, there were 241,128 foreign nationals registered in the system, their ratio to the total population was 0,32%.

The Number of Foreign Nationals with Residence Permits and Their Ratio to the Total Population

Years	Total Population	Non-nationals	Ratio of Non-nationals to the Total Population
2007	70 586 256	272 803	0,14
2008	71 517 100	104 441	0,15
2009	72 561 312	167 344	0,23
2010	73 722 988	190 531	0,26
2011	74 724 269	242 128	0,32

Source: Turkish Statistical Institute (TurkStat) based on data compiled from the Ministry of Interior (The System of Address-based Population Register)

Immigration and the Labour Market

Ministry of Labour and Social Security provides work permit data since 2003. Most recent statistics reveal a striking jump in numbers from 2003 to 2004. The numbers of issued work permits continued to increase with some fluctuations in 2011, and reached nearly 17,000. In 2011, almost 67% of total issues work permits were granted for a definite time, while 30% were extensions of previous permits. The use of illegal migrant labour is rapidly increasing in Turkey. Domestic work and employment sectors are the largest employers of illegal migrant female workers while construction and agriculture sectors employ large number of illegal migrant male workers. A rough estimate of 20,000-40,000 foreign workers is illegally employed in Turkey.

Number of Work Permits Issued to Foreign Nationals by Types of Permission and Years

Years	Definite	Extension	Indefinite	Independent	Total
2003	509	295	50	1	855
2005	5484	3764	159	31	9438
2007	5816	3007	96	11	8930
2008	6999	3583	107	16	10705
2009	9238	4693	83	9	14023
2010	9338	4760	101	2	14201
2011	11634	5073	161	22	16890

Source: Ministry of Labour and Social Security

[3] Akçapar, Şebnem (2009). "Turkish Brain Drain to the USA", in İçduygu, A and Kirişçi, K. Lands of Diverse Migration, Istanbul: Istanbul Bilgi University Yayınları pp.109-248.

Flow

In Turkey, the lack of direct and reliable data sources concerning total emigration and immigration flows has to be noted. Variety of sources needs to be consulted for a general picture of overall emigration.[4] Emigration has, in recent decades, taken on five forms: family-related emigration, asylum seeking, irregular (undocumented or clandestine) labour emigration, contract-related (low-skilled) labour emigration, and emigration of professionals and high-skilled people.[5]

Contract-dependent labour migration constitutes the largest part of Turkish emigration. In 2000, 13,645 workers obtained employment via the Turkish Employment Office (TEO). The numbers reached 81,000 in 2006, dropped to 57,000 in 2008 and continued to fall until 2011 In 2009, nearly 60,000 workers were sent abroad *via* contract-based schemes. The share of workers sent to MENA countries increased in 2009 and while a visible decline was noted in the outflows to CIS countries. In 2011, the number of Turkish workers sent to the Middle East dropped while those sent to CIS countries increased. Major political determinants of migration-related practices and policies in Turkey in this period are associated with the Arab Spring.[6] In 2011, the top five destination countries of workers from Turkey were Iraq, Russia, Saudi Arabia, Turkmenistan and Qatar.

Number of Workers Sent Abroad by the Turkish Employment Office (TEO)

Receiving country	*2000*	*2006*	*2009*	*2010*	*2011*
European Union countries	2 264	1 330	1 637	1 323	1619
The ME countries	2 507	39 823	32 546	33 993	28 331
CIS	7 145	36 898	17 264	14 307	18 235
Australia, Canada, USA	51	59	97	27	21
Israel	1 322	602	541	401	50
Other	273	2 635	5 628	4 718	5 526
Total	**13 645**	**81 379**	**59 479**	**54 847**	**53 828**

Source: Turkish Employment Office (TEO), http://iskur.gov.tr, Ministry of Labour and Social Security.

Flow

Until recently, immigration to Turkey was constituted exclusively by an ethnically Turkish population. In recent decades, however, Turkey has experienced the immigration of transit migrants, clandestine labourers, asylum-seekers and refugees. The influx of foreign nationals mostly from bordering and neighbouring countries has continued to increase. Added to this are the more recent legal migrations of professionals and skilled migrants and the ongoing immigration of foreign-national ethnic-Turks living in other countries.[10] Arrival and departure statistics provide a basis for estimating people's mobility in and out of Turkey. From 2006 to 2011, the number of non-nationals arriving in Turkey (one third from neighbouring regions, the Middle East, EU and CIS countries) increased to over 52%. Arrivals from CIS countries were markedly higher in 2010 and 2011.

Total Number of Arrivals and Departures of Non-nationals by Year

	Arrivals	*Departures*
2001	11 619 909	11 276 531
2005	21 124 886	20 522 621
2009	27 077 114	27 347 977
2010	28 632 204	28 510 852
2011	29 956 591	31 324 528

Source: Turkish Statistics Institute (TURKSTAT).

Main types of inflows are the ***migration of ethnic-Turks*** in the form of asylum, transit migration flows, illegal labour migration and registered migration of non-nationals (first three types often overlap).

Indicative Number of Migration to Turkey

	2001	*2003*	*2006*	*2009*	*2010*	*2011*
Undocumented Migration	**92 400**	**56 200**	**51 983**	**34 345**	**32 667**	**42 576**
Illegal entries	57 300	30 348	18 876	22 975	25 637	30 700
Overstays	35 100	25 852	33 107	11 370	7 030	11 876
Asylum application	**5 200**	**3 966**	**4 548**	**7 834**	**9 226**	**16 020**
Residence Permit	**161254**	**152203**	**186586**	**163326**	**176944**	**219. 217**

Source: UNHCR Ankara Office (2000-2011), Bureau of Foreigners, Borders and Asylum at the Directorate of General Security of the Ministry of Interior

[4] Emigration estimates are derived from Ministry of Labour and Social Security, the Ministry of Interior, OECD SOPEMI, Eurostat, UNHCR, UNFPA, and country-specific reports and documents.

[5] İçduygu, A. 2012. Turkey and International Migration, 2011 OECD SOPEMI Report, Istanbul.

[6] Içduygu, A. 2012. Turkey and International Migration, 2011 OECD SOPEMI Report, Istanbul.

[10] Içduygu, A. 2012. Turkey and International Migration, 2011 OECD SOPEMI Report, Istanbul.

There has also been a considerable outflow of ***university graduates and skilled labour*** (computer sciences, finance, and management) of 4000-5000 individuals annually in the late 2000s. The main destination countries are Australia, Canada, the USA and some European countries.

Family-related migration continues due to active networks between the sizeable migrant Turkish community in migrant-receiving countries and their families in Turkey. A rough estimate derived from the number of arrivals of Turkish citizens in migrant-receiving countries shows an annual number of 100,000 emigrants leaving Turkey in the mid-1990s (nearly half due to family ties). After the mid-1990s a considerable decline took place in the total number of emigrants to Europe, with numbers falling to less than 50,000 *per* year in the early 2000s and nearly one third are family-related flows.[7]

UNHCR data shows the annual flows of ***asylum-seekers*** from Turkey to Europe to be around 28,000 in 2000 steadily decreasing in the last 10 years.[8] Turkey generates asylum-seekers to Europe directly, or indirectly as a transit country.

Irregular labour migration includes "illegal entries", "overstayers" and "rejected asylum-seekers", thus estimating is difficult. In 2008-2009, the number of Turkish citizens arriving in Central and Eastern European countries as irregular migrants declined to around 1,000 annually. As of 2004, the number of apprehended Turkish **irregular migrants** in Central and Eastern Europe was 2,350. This figure dropped to 1,400 in 2008.[9]

In 2001, over 258,000 foreign nationals were recorded as migrants in Turkey. Less than two-thirds were legal immigrants, and 92,000 irregular and/or transit migrants. 2009 figures show 205,500 regular/irregular migrants and asylum-seekers. An indirect measure of regular immigration to Turkey is the number of residence permits issued by the Directorate of General Security. In 2009, there were over 118,000 foreign nationals and 163,326 non-nationals holding residence permits. 17,483 were those with work permits, 27,063 with study permits, and the remainder were dependants of the former two groups. In 2011, the number jumped to 273,000 due to a marked increase in residence permit figures (220,000 regular migrants with residence permit). Top ten source countries of non-nationals with residence permits are Bulgaria, Azerbaijan, Russian Federation, Germany, United Kingdom, Iraq, Kazakhstan, Afghanistan, Iran and Greece. The vast majority of the remaining residence permits were issued to ethnic-Turk foreign nationals. Other groups are high-skilled workers employed in Turkish companies or foreign investment projects located in Turkey.

Number of First-time Issued Resident Permits*

CITIZENSHIP	2007	2008	2009	2010
TOTAL	19300	20821	22470	29905
AFGHANISTAN	935	772	1008	2188
IRAQ	902	1802	462	1165
KAZAKHSTAN	855	687	1642	1365
RUSSIAN FEDERATION	1351	1051	1412	1778
TURKMENISTAN	340	602	1211	1186

*Issued to foreign nationals who intend to stay 12 months and longer in Turkey

Source : TurkStat, based on data compiled by the Ministry of Interior, General Directorate of Security

Turkey has become a major country of asylum since the 1980s. From late 1990s to the early 2000s, Turkey received approximately 5000-6000 asylum applications a year. The number reached 16,000 in 2011 leading UNHCR to announce Turkey as among the top five asylum-receiving countries in the world. Mass migration from Syria triggered by the uprisings and the civil war, started in spring 2011, has made of Turkey the third largest receiver of Syrian refugees after Lebanon and Jordan.

[7] İçduygu, A. 2012. Turkey and International Migration, 2011 OECD SOPEMI Report, Istanbul.

[8] UNHCR United Nations High Commissioner for Refugees, available online at http://www.unhrc.ch.

[9] Figures obtained from the International Centre for Migration Policy Development (ICMPD)

	At the time of writing (26 April 2013) UNHCR estimated that Turkey is sheltering some 313,872 Syrian refugees, or 280,687 registered refugees and 33,185 persons awaiting registration, living both in camps and in normal neighbourhoods.[11] The Turkish government estimates the number of Syrians in Turkey at 400,000 as a result of the war in Syria. ***Irregular migration flows*** consist of the flows of clandestine workers, transit migrants, and rejected asylum-seekers. ***Clandestine workers*** are mostly ***foreign nationals*** from Eastern European countries (Moldova, Ukraine, Romania and CIS countries) in search of employment in various economic sectors that rely on cheap labour such as textile making, sex, entertainment and construction. Upper and middle-class families employ female domestic helpers as babysitters and carers for the sick and elderly. Most enter Turkey legally with a visa and overstay, thus becoming illegal in the country. ***Transit migrants*** mostly come from the Middle East (Iran, Iraq, and Afghanistan) and from Asia and Africa (Pakistan, Bangladesh, Sri Lanka, Nigeria, Somalia and Congo). ***Rejected asylum-seekers***, who are reluctant to go home, are illegally employed in Turkey. There is no direct, reliable data on undocumented migration aside from some indicative numbers available from the reports of the Bureau of Foreigners, Borders, and Asylum at the Directorate of General Security of the Ministry of Interior. In 2000, there were 95,000 reported cases and the numbers are steadily declining.

[11] UNHCR, Syria Regional Refugee Response Inter-agency Information Sharing Portal (data retrieved on 29 Apr 2013), http://data.unhcr.org/syrianrefugees/regional.php

The Legal Framework of Migration

Turkish migration law is currently governed by a series of codes such as the Passport Law and the Law on Residence and Travel of Aliens in Turkey, which date back to the 1950s. This system lacked coherence, institutional capacity and human rights safeguards. These were all necessary for Turkey, given that the country has recently become the most prominent transit point for migration in the Euro-Mediterranean zone.[12] The Turkish authorities have been under pressure from the European Union as well as the Council of Europe to reform its migration and asylum regime. Although, the Government had earlier undertaken to adopt laws on foreigners and asylum before 2006,[13] such plans were, however, delayed until 2013, due to burden-sharing concerns on the Turkish side. The conclusion of a readmission agreement between Turkey and the Union, which was set as a condition for full membership by the European Union[14], also resulted in a deadlock between the parties due to the same concern.[15] Turkey fears that accepting these kinds of legal commitments might result in a huge burden of irregular migrants from Africa and Asia for itself.[16] Despite this fact, the Government negotiated and initialled the text of a draft readmission agreement with the Union in June 2012, on condition of visa liberalization for Turkish citizens at EU borders.[17] Turkey requested a roadmap for visa liberalization before putting the readmission agreement into force. The Commission finalized the drafting of the said road map in December 2012 and delivered it to the Turkish Government. The Government however, found the conditions such as would require the modification of "its entire asylum system", "[changing] its visa system towards non-EU countries" and "ratification of the additional Protocols of the European Convention on Human Rights to which not even all EU Member States are party". The Turkish state judged these unacceptable[18] and insisted that the implementation of the readmission agreement and visa exemption should be simultaneous.[19] No further steps could be taken for putting the said agreement into force in this political environment. On the other hand, there has been ample improvement with regard to replacing the out dated Turkish migration and asylum legislation. A bureau was commissioned, 15 October 2008, in order to work on drafting laws on asylum and migration under the supervision of the Undersecretary of the Ministry of Interior.[20] The Law on Foreigners and International Protection (Law No. 6458) was adopted by the Turkish Grand National Assembly, 4 April, 2013, and published in the Official Gazette, 11 April, 2013, upon approval of the President. The Law is going to cause fundamental changes in the practice of Turkish migration and asylum law as it repeals the provisions of the Law on Residence and Travel of Aliens in Turkey (Law No. 5683) entirely and the Passport Law (Law No. 5682) partially. In this regard, an entirely new entry and residence regime is going to be established for foreign nationals in Turkey. In addition to these changes, the Law contains a comprehensive section on international protection, which is going to change the existing Turkish international protection regime

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[12] Tineke Strik, *'Migration and asylum: mounting tensions in the Eastern Mediterranean'*, Report Presented to the Parliamentary Assembly of Council of Europe, 23 January 2013, http://assembly.coe.int/ASP/Doc/XrefViewPDF.asp?FileID=19349&Language=en

[13] Council of Ministers Decree on the National Program For Acquiring EU Acquis, Bakanlar Kurulu Kararı (Resmi Gazete Tarihi: 24 Temmuz 2003 Sayısı: 25178 Mükerrer) Karar Sayısı : 2003/5930

[14] See Council Decision 2001/235/EC, 8 March 2001, on the principles, priorities, intermediate objectives and conditions contained in the Accession Partnership with the Republic of Turkey, [OJ L 85/13], 24.03.2001; Council Decision 2003/398/EC of 19 May 2003 on the Principles, Priorities, Intermediate Objectives and Conditions in the Accession Partnership with the Republic of Turkey, [OJ L145], 12.06.2003.; Council Decision 2008/157/EC, 18 February 2008 on the principles, priorities and conditions contained in the Accession Partnership with the Republic of Turkey [OJ L51], 26.02.2008.

[15] Lami Bertan Tokuzlu, *'Burden---sharing Games for Asylum Seekers between Turkey and the European Union',* 2010, EUI Working Papers: RSCAS 2010/05, European University Institute, Florence, pp. 15-16.

[16] See Tokuzlu, passim.

[17] Statement by EU Commissioner Cecilia Malmström on the initialling of the EU-Turkey Readmission Agreement, 21 June, 2012, http://europa.eu/rapid/press-release_MEMO-12-477_en.htm [access date: 28 May, 2013]; See also Cutting the Visa Knot How Turks can travel freely to Europe, European Stability Initiative, 21 May, 2013, p. 5. http://www.esiweb.org/index.php?lang=en&id=156&document_ID=139 [access date: 25.05.2013]

[18] Cutting the Visa Knot How Turks can travel freely to Europe, op. cit., p. 5.

[19] Statement by Egemen Bagis, 50th session of the Association Council, Brussels, 22 June 2012. http://www.europa-nu.nl/id/vj0w4jq6s6zn/50th_meeting_of_the_eu_turkey [access date: 29.05.2013].

[20] http://gib.icisleri.gov.tr/default_B0.aspx?content=1001

radically. Finally, a General Directorate of Migration Administration has been established under the Ministry of Interior. This is a civillian and expert body dealing with migration and international protection affairs. Article 125 of the Law provides that the provisions of the Law are going to come into force one year after the Law is published in the Official Gazette, except for Chapter Five which regulates the status of General Directorate of Migration Administration which came into force, instead, at the date of publication.[21]

Legal Framework	Outward migration	Inward migration
General Legal References	• Law on Foreigners and International Protection, Law No. 6458 of 4 April, 2013, Official Gazette, No. 28615, dated 11 April, 2013. • Law on Work Permits for Aliens, Law No. 4817 of 27 Feb. 2003, Official Gazette No. 25040 of 6 March 2003. • Passport Law, Law No. 5682 of 15.07.1950, Official Gazette No.7564 of 24.07.1950. • Law on Residence and Travel of Aliens in Turkey, Law No. 5683 of 15 July, 1950, Offical Gazette No. 7564 dated 24 July, 1950. • Settlement Law, Law No. 5543, 19 September, 2006, Official Gazette No. 26301, dated 26 September, 2006. • Turkish Citizenship Law, Law No 5901 of 29 May, 2009, Official Gazette 27256 dated 12 June, 2009. • Law on the Establishment and Duties of the Directorate on Turks and Relative Communities Living Abroad, Law No. 5978 of 24 March 2010, published in the Official Gazette No. 27544, dated 6 April, 2010.	
Entry and Exit	**Visa** Article 7 of Law No. 5682 provides that no exit visa is required in order to leave Turkey. On the other hand, holders of those passports granted to foreign nationals by Turkish authorities are subject to an exit visa in the event that such passport is not used to leave Turkish territory within one month of the date of issue. This Article is going to be repealed by Law No. 6458 on 11 April 2014, as it does not address exit visa requirement.	**Visa** Citizens of the Republic of Turkey are not subject to any visa requirement in order to return to Turkey according to the Article 5 of the Law No. 5682. Under the current law, there are three types of regimes for visits, up to 90 days, which are generally regulated by bilateral treaties. The type of treatment varies from country to country and also according to the type of travel document held by the traveller. 1. Article 5 of Law No 5682 stipulates that, unless otherwise provided, foreigners who are willing to come to Turkey shall obtain a visa at Turkish consulates before arriving in Turkish territory. 2. The second option is to provide visa immunity to the citizens of a specific country.[22] 3. The third option is to provide the right to obtain a sticker visa at the border gates or an e-visa, which has recently been endorsed.[23] The Law No. 6458 is going to repeal Articles 4 (Foreign nationals who arrive without holding a passport or travel document), 6 (Visa immunity), 7 (Exit visa), 8 (Persons who are prohibited to enter Turkey), 9 (Reciprocity principle), 10

[21] Articles 122, 124 and the 1st, 2nd., 5th and 7th paragraphs of Article 123 of Chapter Five are going to come into force one year after publication.

[22] http://www.mfa.gov.tr/visa-information-for-foreigners.en.mfa [access date: 19 April, 2013]

[23] See https://www.evisa.gov.tr/en/ [access date: 19 April, 2013]

		(Exceptional passport and visa facilitation) and 11 (Exceptional measures in cases of war or emergency) of the Passport Law which relate to the visa regime. Article 13 of the new law is among several noteworthy amendments as it is going to confine the term of the sticker visa to 15 days, which may be extended by the Council of Ministers. In this regard, the law is going to bring a more restrictive approach compared to the current practice that allows a right to stay of between one and three months. Despite that, amendments relating to the visa regime are comparably less important than the ones under some other areas, such as the residence permits. As with the current system, the visa regime is going to be administered by the Ministry of Foreign Affairs outside of Turkey (Turkish Consulates) and the Ministry of Interior within or at the borders of Turkey. The new Law allows Turkey to continue with its current flexible visa regime, which has been subject to criticism by the European Union as it does not require visas from countries for which the EU requires visas.
Irregular Migration	**Irregular exit:** Turkey is party to the Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organized Crime[24] Article 79 of the Turkish Penal Code (Law No:5237) which came into force, 1 June, 2005, and which defines migrant smuggling including irregular exit. This article stipulates penalties of 3 to 8 years of imprisonment and judicial fines corresponding to 10000 days for those who commit the crime of migrant smuggling. If perpetrators acting as an organization commit the crime, the penalty to be imposed shall be increased by half. Article 79 also provides for coercive measures (confiscation of assets, etc.) on legal entities involved in migrant smuggling.	**Irregular entry:** Article 79 of the Turkish Penal Code, which penalizes migrant smuggling, also applies to irregular entry. Article 34 of the Law No. 5682 stipulates a specific fine for Turkish nationals and foreign nationals who enter Turkish territory illegally. These persons shall be fined between 1000 to 3000TL. The Article further indicates that those foreigners who get apprehended as such shall be deported. Although the second sentence of the Article is going to be repealed by Law No. 6458, the new law also lists violation of the entry rules among deportation grounds in its Article 54(h). The new law is going to bring a comprehensive administrative detention mechanism for deportation purposes under which detention and deportation decisions can be challenged by the judiciary. In the past, Turkey faced a number of violation orders by the European Court of Human Rights for lack of proper legal framework in this respect.[25]

[24] Council of Ministers Decree 2003/5329, 26 February, 2003, Official Gazette dated 18 March, 2003.

[25] See Case of Abdolkhani and Karimnia v. Turkey *(Application no. 30471/08)* Judgment 22 September 2009; Case of Charahili v. Turkey *(Application no. 46605/07)* Judgment 13 April 2010; Case of Keshmiri v. Turkey *(Application no. 36370/08)* Judgment 13 April 2010; Case of M.B. and Others v. Turkey *(Application no. 36009/08)* Judgment 15 June 2010; Case of Ranjbar and Others v. Turkey *(Application no. 37040/07)* J Judgment 13 April 2010; Case of Tehrani and Others v. Turkey *(Applications nos. 32940/08, 41626/08, 43616/08)* Judgment 13 April 2010; Cae of Z.N.S. v. Turkey *(Application no. 21896/08)* Judgment 19 January 2010; Case of Ahmadpour v. Turkey *(Application no. 12717/08)* Judgment 15 June 2010; Case of Alipour and Hosseinzadgan v. Turkey *(Applications nos. 6909/08, 12792/08 and 28960/08)* Judgment 13 July 2010; Case of D.B. v. Turkey *(Application no. 33526/08)* Judgment 13 July 2010.

According to Article 33 of the Law No. 5682, those who exit or attempt to exit Turkish territory without a valid passport or any other travel document, shall be fined 1000 to 3000TL. This article however, is going to be repealed by Law No. 6458. The new Law does not contain a penalty correllating to this one, but lists violation of the exit rules, among the deportation grounds in its Article 54(h).

Article 36 of the Law No. 5682 stipulates a crime for drivers or pilots of land, sea, air vehicles who deliberately carry passengers to places other than those determined for document control. These persons shall be penalised with 1 month to 2 years imprisonment. This Article, however, is going to be repealed by Law No. 5682. No correllating penalty exits in the new law.

Deportation orders may be rendered by the Provincial Directorates *ex officio* or by a directive of the General Directorate of Migration Administation.

The person who is handed a deportation order may challenge this order at the Administrative Courts within 15 days. The decision of the first instance Administrative Court is final.

According to the second paragraph of Article 57 of the Law, those foreign nationals who are subject to a deportation measure, shall be detained by the Provincial Directorate if: there is a risk of evasion or getting lost; or the person concerned violates entry or exit rules; uses forged documents; does not leave Turkish territory witinin the provided time limit despite not having an acceptible excuse; poses a threat to public order, public security and public health. Detention measures will be enforced at Deportation Centers. The Detention period shall not exceed six months, subject to monthly perodic review, except for those cases where the procedure cannot be completed due to lack of cooperation of the person with the authorities or to provide correct information and documents concerning the country of origin. In this case, the detention measure can be extended for another six months. It is possible to challenge the detention order in the Criminal Courts.

Human Trafficking

Penalisations:

- Turkey is a party to the United Nations Convention Against Transnational Organized Crime and its additional Protocol on Trafficking in Human Beings.
- Article 80 of the new Criminal Code which came into force, 1 June 2005, defines human trafficking as a crime and stipulates between 8 to 12 years of imprisonment and judicial fines up to 10,000 lira for those who commit human trafficking crime.
- 19 December 2006 “forced into prostitution” was included in the description of crime of human trafficking in article 80 of Turkish Criminal Code. Thus, forced prostitution, the most important dimension of human trafficking, has become a crime punishable under this article.
- The Ministry of Transportation adopted a Road Transport By-law in 2004 (published in the Official Gazette No. 25384, dated 25 February, 2004), which prohibits extension of transportation permits for three years if the carrier is sentenced for committing the crimes of human trafficking or human smuggling.

Protection of victims

- The current human trafficking protection regime lacks an effective legal background. The Turkish authorities, however, make use of their extensive discretionary powers in order to protect trafficking victims.
- Humanitarian visa and short-term residence permits are going to be issued to victims in order to enable them to stay legally in Turkey during their rehabilitation period. The Ministry of Health adopted a decree in January 2004, in order to extend free medical care to victims of trafficking.
- Protection of the victims of trafficking is not a focus of the Law on Foreigners and

International Protection, Law No. 6458 as another draft law is in the process of been prepared concerning the fight against human trafficking.[26] Yet, there are noteworthy provisions in this law that concern the victims of human trafficking. Among these is the establishment of the Chamber for Protection of Human Trafficking Victims under the General Directorate of Migration Administration. Moreover, the General Directorate has been commissioned to establish and operate shelters for human trafficking victims under Article 108. Article 48 of the Law provides that Provincial Directorates shall grant 30 days of residence permit to foreigners who are strongly suspected to be victims of human trafficking in order to help them to release themselves from the effects of this experience and decide whether or not they intend to cooperate with the authorites. Obtaining this type of residence permit is immune from the conditions required for other residence permits. Article 49 further indicates that a human-trafficking victim's residence permit may be extended by, six months intervals for safety, health and for the special circumstances of the victim. In no circumstances, however, may this period exceed three years in total. The residence permit in question shall be cancelled if the protected human trafficking victim keeps in contact with the perpetrators of the human trafficking crime on his/her own initiative. Article 55 contains a provision indicating that victims of human trafficking shall not be deported while they receive services under the victim support program. Finally, the Law stipulates that victims of human trafficking should be immune from residence permit fees.

Agreements regarding irregular migration

Readmission Agreements:

- Ukraine, Council of Ministers Decree 2005/9535 of 17 October 2005, R.G. No. 25996, 17.11.2005.
- Greece, Council of Ministers Decree 2002/3914 of 12 March 2002, R.G. No. 24735, 24.03.2002.
- Syria, Law No. 4901 of 17 June 2003, R.G. No. 25148, 24.06.2003.
- Kirghizstan, Law No. 5097 of 12 February 2004, R.G. No 25376, 17.02.2004.
- Romania, Law No. 5249 of 21 October 2004, R.G. No. 25626, 27.11.2004.
- Readmission agreements with the following countries are at the ratification stage: Bosnia-Herzegovina (2012), Moldova (2012), Nigeria (2011), Pakistan (2010), Russian Federation (2011),Yemen (2011), Belarus (2013) .[27]

http://www.mfa.gov.tr/turkiye_nin-yasadisi-gocle-mucadelesi-.tr.mfa [access date: 20 April, 2013]

Rights and Settlement

Right to exit

Although no exit visa is required for Turkish citizens to leave Turkey, the right to exit has become a controversial issue under the Turkish Law due to the restrictions imposed under Articles 22, 23 and 24 of the Law No. 5682. Article 22 provides that no passport or travel document shall be granted to those persons prohibited to travel abroad by the courts or considered to be prejudicial to general safety by the Ministry of Interior. This Article used to contain an additional reference to tax evaders, without clarifying the amount and type of debt. Moreover, Article 15 of the Banks Act, Law No. 4389 contained a similar provision that broadened the scope of

Right to return: Article 23 of the Constitution stipulates that no citizen may be deprived of the right to return to the country.

Residence permits:

A noteworthy aspect of Law No. 6458 is that it is going to change the decision making process with regard to the granting of residence permits. Under the current system, the responsibility for granting residence permits is granted to the Ministry of Interior. In this respect, residence permit applications shall be filed at this Ministry. This can be effected by coming to Turkey with a visa or under a visa immunity scheme. The new Law is going to reverse this system and require residence permit applications to be filed at the Turkish Consulates abroad. (Article 21).

[26] See http://gib.icisleri.gov.tr/default_B0.aspx?id=177 [access date: 22 April, 2013]

[27] http://www.euractiv.com.tr/politika-000110/article/belarus-ile-vizeler-kalkiyor-027478 [access date: 22 April, 2013]

	the prohibition above in order to cover legal representatives of entities which owed debts to a Savings and Insurance Fund (TMSF) established by law. These provisions were brought to the Constitutional Court by four different Courts based in Istanbul and Ankara. The Court quashed the rule concerning tax evasion on proportionality grounds and the later restriction on the grounds that it was contrary to Article 23 of the Constitution, on the right to travel, according to which such travel restrictions should have been imposed in the interests of a civic obligation, a criminal investigation or a prosecution.[28] This ruling of the Constitutional Court led to the amendment of Article 23 of the Constitution in 2010. According to the new article, the right of a Turkish citizen to travel abroad may only be restricted by a court ruling, on account of a criminal investigation or a prosecution.[29] It appears that Article 22 of the Passport Law still conflicts with Article 23 of the Constitution, since the latter article does not allow any restrictions on the right to travel abroad, other than the ones imposed by a court order. The Passport Law, on the contrary, allows restrictions to be imposed by the Ministry of Interior on the basis of general safety. Law No. 6458 has not solved this conflict, as it does not amend Article 22 of the Passport Law. Article 23 of the Passport Law contains further restrictions on the right to travel abroad in cases of emergency. Accordingly, the Council of Ministers may impose partial or total bans on traveling abroad or permit issuance of passports or travel documents only covering certain countries, in the events of threat of war or emergency cases relating to the health or safety of the Country. Article 23 is also going to remain in force after Law No. 6458 comes into force. On the other hand, the new law repeals Article 24 which allows certain restrictions on special passports or service passports[30].	Consulates which receive such applications shall forward the files to the General Directorate of Migration Administration. The Directorate will then make a decision and forward it back to the Consulate in question. In this respect, contrary to the current system, no residence permit applications will be filed in Turkey except for cases listed *numerus clausus* in Article 22 of the Law. Accordingly, it is going to be possible to apply for a residence permit on Turkish territory, for instance, if "requested by judicial or administrative authorities", "it is not reasonable or possible to expect the foreigner to leave Turkey", "a long-term residence permit application is made" or "a person who has completed his/her higher education in Turkey applies for a short-term residence permit" etc. The new law stipulates the types of resdience permits as follows (Article 30): – short-term residence permit (one year max.; renewable); – family residence permit (two years max.; renewable); – student residence permit (enrolment period); – long-term residence permit (infinite); – humanitarian residence permit; (one year; renewable) – human-trafficking victim residence permit. (30 days; renewable in 6 months intervals, up to 3 years) **Short-term residence permit:** Short-term residence permits may be granted, for instance, in the event of "real estate owners", "to establish commercial partnerships or networks", "visits for touristic purposes" etc. **Family residence permit:** The new law is going to fill an important gap under the Turkish law with regard to family re-unification, since currently there are no rules governing this issue at the legislative level. According to Article 34, the foreigner's spouse, his/her or spouse's foreigner minor child, his/her or spouse's foreigner dependent child of Turkish citizens; persons

[28] Constitutional Court of the Republic of Turkey, Judgment E. 2007/4, K. 2007/81, dated 18 October, 2007. Official Gazette No. 26724, dated 8 December, 2007. Original text of the Article had contained a further restriction ground, namely the "economic well-being of the Country". This ground however, was deleted from Article 23 by the Constitutional Amendment dated 1 October 2001 by Law No. 4709 No. 24600 1 December, 2001.

[29] Law No. 5982, dated 7 May, 2010, Official Gazette No. 27580, dated 13 May, 2010.

[30] See Article 124 of Law No. 6458 on the *acquis* to be repealed.

		who, having acquired Turkish citizenship by birth, had to resume it by permission; holders of one of the residence permit types; refugees and subsidiary protection status holders may be granted family residence. In order to be eligible for being granted a family residence permit under Article 35, a sponsor shall be required to satisfy "income", "residence", "public safety", "temporal" and "registry" standards. **Student residence permit:** According to Article 38, foreigners who enrol in higher education institutions in their pre-undergraduate, undergraduate, masters or doctorate programs may be granted a student residence permit. **Long-term residence permit:** According to the Article 42 foreigners who have resided in Turkey, continuously for 8 years may be granted a long-term residence permit. The long-term residence permit provides rights that are akin to the Turkish citizenship except military service, the right to vote and be elected, the right to have access to public service, and a vehicle importing immunity by reserving certain rules under specific laws. **Humanitarian residence permit:** Article 46 of the Law stipulates a humanitarian residence permit for conditions such as "cases that a foreigner cannot be deported due to personal risks of potential death penalty, torture or inhuman treatment or punishment", "serious health problems, age or pregnancy, as well as not having any opportunity for cure at the receiving country for life threatening diseases" or "a judicial challenge against a deportation decision" etc. **Human trafficking victims residence permit:** Conditions for this type of residence permit is dealt with above under the Title "Human Trafficking". **Access to estate ownership**: The Law regarding Amendment of the Land Registry Law, Law No. 6302, published in the Official Gazette No. 28296, dated 18 May, 2012 has resulted in noteworthy improvements in the status of foreigners with regard to the acquisition of real estate in Turkey. The most prominent improvement in this regard is that it lifted the reciprocity requirement for acquiring real estates, a rule which had been applied since 1934. According to Article 35 of the amended Land Registry Law, subject to the restrictions

		determined by law, the Council of Ministers, by due consideration of bilateral relations and the interest of the Country, may decide which country's citizens are fit to acquire real estate in Turkey. The right to acquire property is limited to 10% of the district where the property is situated and to 300.000m2 nationwide.
	The Constitution stipulates that freedom of movement and settlement shall be safeguarded (Article 23).	
Labour	**Bilateral agreements related to labor include:** Turkey-Germany Work Force Treaty, 20 May 1964; Turkey- Australia Work Force Treaty, 5 October, 1967; Turkey-Austria Work Force Treaty 15 May, 1964; Turkey- Belgium Work Force Treaty, 16 July, 1964; Turkey- France Work Force Treaty, 8 April, 1965; Turkey-Netherlands Work Force Treaty, 19 August,1964; Turkey-Sweden Work Force Treaty, 10 March, 1967; Turkey-Turkish Republic of Northern Cyprus Work Force Treaty, 9 March, 1987; Turkey-Qatar Work Force Treaty, 1 April, 1986; Turkey- Libya Work Force Treaty, 5 January, 1975; Turkey-Jordan Work Force Treaty, 8 July, 1982.[31] **International agreements related to labor include:** - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, G.A. res. 45/158, annex, 45 U.N. GAOR Supp. (No. 49A) at 262, U.N. Doc. A/45/49 (1990), entered into force 1 July 2003; - European Convention on the Legal Status of Migrant Workers, 24 November, 1977. **Association Agreements with the European Union:** -Agreement Establishing an Association Between the European Economic Community and Turkey (Signed at Ankara, 1 September 1963) (OJ L 217, 29.12.1964.) - Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey (OJ L 361/1, 31.12.77.) - Council Decision of 13 June 2005 on the signature of the Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey following the enlargement of the European Union (OJ L 254/57, 30.9.2005.) Article 41 Paragraph 1 of the Additional Protocol which contains a standstill clause on freedom of establishment and to provide services has been a matter of dispute on the entry of Turkish citizens to the EU Member States, before the European Court of Justice. The Court has a well settled case-law on the point that a Member State shall not subject a Turkish national to freedom of establishment and to provide services on the territory of that Member State to stricter conditions other than those which applied at the time when the Additional Protocol entered into force with regard to the Member State concerned.[32] A more recent debate came up with the Demirkan Case, where a Turkish citizen argued that the standstill clause could be invoked not only by those wishing to provide services themselves ("active" freedom to provide services) but also by those wishing to receive services ("passive" freedom to provide services). Advocate General Pedro Cruz Villalón refused to apply the broad interpretation of "freedom to provide services" under the European Union Treaties and took the view that the standstill clause of the Additional Protocol to the EEC-Turkey Association Agreement does not apply in respect of the passive freedom to provide services.[33] The Court's ruling is still to be published.	

[31] See http://www.csgb.gov.tr/csgbPortal/diyih.portal?page=yv&id=2 [access date: 23 April, 2013].

[32] Case C-37/98 *Savas* [2000] ECR I-2927, paragraphs 46 to 54; Joined Cases C-317/01 and C-369/01 *Abatay and Others* [2003] ECR I-12301, paragraphs 58 and 59; Case C-16/05 *Tum and Dari* [2007] ECR I-7415, paragraph 46; Case C-228/06 *Mehmet Soysal, Ibrahim Savatli v Germany* [2009] ECR 2009 I-01031, paragraph 62; Case C-186/10 *Oguz* [2011] ECR I-0000, paragraph 23; and Case C-256/11 *Dereci and Others* [2011] ECR I-0000, paragraph 87.

[33] http://curia.europa.eu/jcms/upload/docs/application/pdf/2013-04/cp130037en.pdf [access date: 27 may, 2013].

Citizenship	**Dual citizenship**: Turkish Citizenship Law, Law No 5901, which was adopted on 29 May, 2009 does not categorically prohibit dual citizenship. According to Article 11 paragraph 2 of the Law, however, foreign nationals who wish to acquire Turkish citizenship may be required to relinquish previous citizenship. Dual citizenship has appeared as a problematic issue under Turkish Law, as a result of the legal status of the Turkish diaspora that were forced to relinquish their Turkish citizenship by virtue of the restrictive laws of the Western countries. Law No. 6304, which amended the Turkish Citizenship Law, in 2012, and broadened an already existing special status (so called "blue card" system) for those Turks who had to relinquish Turkish citizenship. Such amendment was seen in line with the Article 62 of the Constitution which obliges the State to "take the necessary measures to ensure the family unity, the education of the children, the cultural needs, and the social security of Turkish nationals working abroad, and […] take the necessary measures to safeguard their ties with the home country and to help them on their return home." [34] Law on the Establishment and Duties of the Directorate on Turks and Relative Communities Living Abroad[35] was another example of the State's interest in the Turkish diaspora. Amendment of Article 29 of the Turkish Citizenship Law by Law No. 6304 shall be seen as a reflection of this tendency as well. According to this provision "persons who had acquired Turkish citizenship by birth and relinquished it by receiving a permission for obtaining a foreign country's citizenship and their legal inheritors, shall continue to benefit the right to residence, travel, work, inheritance, acquire movable and immovable property akin to Turkish citizens, subject to the rules concerning national security and public order."	Law No. 5901 governs the conditions for acquiring Turkish citizenship. Accordingly, Turkish citizenship may be acquired by birth or after birth. Turkish citizenship by birth is automatically acquired when a child is born from a mother or father who is a Turkish citizen. Second, the Law allows a child to be granted Turkish citizenship if a child is born in Turkish territory and unable to receive any other citizenship through his/her mother or father. Turkish citizenship may be acquired after birth either by a decision of a competent authority or by adoption or on the basis of marriage. **Stateless Persons:** One noteworthy aspect of the Law No. 6458 is its provisions concerning statelessness namely the Articles 50 and 51. The Law fills a big gap in Turkish law by providing a definition, decision making procedure and rights and safeguards concerning statelessmess.

[34] Uğur Tütüncübaşı, '*Türk Vatandaşlığından Çıkma ve 6304 Sayılı Kanun Kapsamında Türk Vatandaşlığından Çıkanların Hakları (Yeni 'Mavi Kart' Uygulaması)',* Dokuz Eylül Üniversitesi Hukuk Fakültesi Dergisi Cilt: 13, Sayı: 2, 2011, p. 171.

[35] Law No. 5978, which was adopted, 24 March 2010, published in the Official Gazette No. 27544, dated 6 April, 2010.

International Protection		Turkey is a State party to the 1951 Geneva Convention on the Status of Refugees and the New York Protocol of 1967 however, with a geographical limitation. Law No. 6458 poses a step forward for Turkey in international protection terms as it contains a comprehensive section devoted to this issue. Turkish international protection practice is going to have a proper legal framework when the relevant sections of the Law comes into force, one year after the date of publication. However, the Law does not lift the geographical limitation of the Turkish Government under the Geneva Convention which limits refugee status to events that took place in European Countries. In this respect the Law repeats the definition of the Geneva Convention. For those asylum seekers arriving in Turkish territory from non-European Countries are regulated under a so called "conditional refugee" status who shall be allowed to reside in Turkey until they are resettled to a third country. The Law provides a "subsidiary protection" status for those protection seekers who are not considered to be refugees or conditional refugees but would be facing certains risks at the country of origin. The definition of this status is adapted from the Qualification Directive of the European Union. Moreover, the Law contains a "temporary protection" status for those foreigners who were forced to leave their country of origin in masses, in order to find urgent and temporary protection at the Turkish borders and can not return to their country of origin. Considering how pressing the problem of temporary protection is for Turkey, one single article that lacks protection standards and procedures is less than satisfactory. The provision indicates that this issue is going to be governed by a by-law which will be adopted by the Council of Ministers. Additionally, the Law adopts a number of mechanisms that are peculiar to the European Union's asylum *acquis* such as the "first country of asylum", "safe third countries", rules, "accelerated procedures" and "reception centres".

The Socio-Political Framework of Migration

Located at the junction of Europe, Asia and MENA (Middle East and North Africa), with Mediterranean and Black sea coasts, Turkey has always been one of the most important paths for large migration movements. Due to its geo-political significance, Turkey became the nexus of emigration, immigration and transit migration[36]. Closeness both to the EU Area and MENA made Turkey a crucial player in terms of migratory regimes. Turkey's role became even more important in the aftermath of the Arab Spring which led to Syrian migration[37] to Turkey. Turkey's migration policy has changed considerably since the early 2000s in attempts to satisfy EU membership criteria.[38] Among the reforms harmonizing Turkey's legislation in the justice, freedom and security area with the EU *acquis*, the most important step was the Law on Foreigners and International Protection which has recently been approved by the Grand National Assembly. It will introduce a new legal and institutional framework for migration and asylum and was welcomed by the EU as a clear sign of Turkey's efforts to establish an effective migration management system in line with EU standards.

Despite the steps undertaken, there are three unresolved critical issues. First, Turkey applies a geographical limitation to refugees and does not recognize the status of refugees to persons from non-European countries. To solve this dilemma, UNHCR intervenes to identify third country resettlement opportunities for non-European asylum seekers whose applications are approved. Without the guarantee of full-membership, Turkey is reluctant to lift the geographical limitation because of the fear of becoming a buffer zone. Second, due to her stable political atmosphere and Steady economic growth, Turkey became a magnet country pulling migrants from neighboring regions. The EU's fear is not for Turkish nationals who may migrate to Europe following accession, but, instead, the irregular flow of third-country nationals who use Turkey as a transit country. Turkey's visa-free policy with some of its neighbors (Syria, Lebanon, Iran, Egypt etc.) have caused serious concerns in the EU with respect to border management, especially since the crisis in Syria. According to the 2012 Progress Report[39], the number of third-country nationals detected in 2011 by EU Member States when entering or attempting to enter the EU illegally and coming directly from or transiting through Turkish territory stood at 55,630. A readmission Agreement and a Visa Facilitation agreements scheme are under discussion. In June 2012, Turkey and the EU finalized the Readmission Agreement; however, it has yet to be signed due to Turkey's understandable concerns at unfair burden sharing. The agreement's ratification implies Turkey's and the EU's agreement to readmit illegal aliens within their borders. The EU, in turn, promises to lighten visa requirements for Turkish nationals[40].

In addition to these constraints, Turkey faces a major challenge in the field of migration. Since the foundation of the Republic of Turkey in 1923, migration policy has been designed within the context of nation building with the intention of establishing a homogeneous identity[41].Hence, immigrants without Turkish descent and culture are seen as a threat to Turkish and Muslim identity. Turkey's current ambition to become an EU member and the accompanying political liberalization is straining the state's traditional concept of national identity[42].

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[36] See Kemal Kirisci, "Turkey: A Transformation from Emigration to Immigration", Migration Information Source 2003, http://www.migrationinformation.org/Profiles/display.cfm?id=176

[37] See Şenay Özden , "Syrian Refugees in Turkey", Migration Policy Center (MPC) Research Report 2013/05, http://www.migrationpolicycentre.edu/docs/MPC_RR_2013-05.pdf

[38] See Seçil Paçacı Elitok, "Turkey's Negotiations on Migration: One-on-One or One-on-Twenty Seven?", IPC-Mercator Policy Brief 2013
http://ipc.sabanciuniv.edu/wpcontent/uploads/2013/04/secilelitok_TR_EU_migration.pdf
The same report shows that between 1 January and 15 July 2012 the number of irregular migrants coming or crossing Turkey and being intercepted by EU Member States amounted to 25,944. In 2011, the number of irregular migrants apprehended in Turkey reached 44,415, an increase of 26% on the 2010 figures.

[40] See Zeynep Özler, "Breaking the Vicious Circle in EU-Turkey Relations: Visa Negotiations'', Turkish Policy Quarterly, Spring 2012. http://www.turkishpolicy.com/dosyalar/files/2012-1-ZeynepOzler.pdf

[41] See Icduygu, A. and S. Deniz. (2009): Turkey. Focus Migration Country Profile, Nr.5., April 2009, http://focus-migration.hwwi.de/uploads/tx_wilpubdb/CP_05_Turkey_2009.pdf,

[42] See Kemal Kirisci, "Turkey: A Transformation from Emigration to Immigration", Migration Information Source 2003, http://www.migrationinformation.org/Profiles/display.cfm?id=176

Socio-Political Framework	Outward migration	Inward migration
Governmental Institutions	• Ministry of Foreign Affairs • The Presidency of Turks Abroad and Kin Communities • Office of Public Diplomacy under the office of Prime Minister Turkish National Police • Director of Religious Affairs Ministry of Customs and Trade TIKA (Turkish International Cooperation and Coordination Agency) • Directorate General for Consular Affairs	• Ministry of Justice, Ministry of Foreign Affairs • Ministry for EU Affairs, Delegation of EU to Turkey • European Council-Turkey • General Command of Gendarmerie Turkish Coast Guard Command • Turkish National Police • Border Management Bureau • Asylum and Migration Bureau under Ministry of Interior • Provinces • Ministry of Labour and social Security Homeland Advice Bureau under Foreign Relations and Workers Abroad Services General Directorate
Governmental Strategy	Government strategy is to take the necessary measures to ensure family unity, the education of the children, the cultural needs, and the social security of Turkish nationals working abroad. The government will also take the necessary measures to safeguard ties with their home country and to help them on their return home[43];utilizing social capital and experience to contribute to EU efforts to develop better integration policies and to cooperate with host countries, involving them in the dialogue process as a partner[44]; undertaking policy measures to manage legal and regular Turkish emigration; initiating dialogue and strengthening bonds with the Turkish Diaspora; providing legal support to Turkish emigrants; attracting remittances; improving the database on Turkish nationals living abroad; setting-up labour recruitment agreements; promoting Turkish entrepreneurship abroad; providing Turkish migrants with necessary mechanisms for transferring their skills as a contribution to the development of the Turkish economy; and developing strategies for Turkish communities to better cope with their integration process in relation to their host countries.	Government strategy is to adopt a single, coherent legislative framework governing rights of legal and illegal migrants, as well as refugees in accordance with the EU *acquis* and international standards: e.g new Law on Foreigners and International Protection. Governmental strategy is also to develop a humanitarian approach towards migration and asylum to combat illegal migration and human trafficking; to improve living standards in removal centers and satellite cities to better fulfill the needs of asylum seekers; to strengthen institutional capacity; to assist voluntary return, training of staff working in migration management; to ensure humanitarian aid to Syrian citizens; to establish a new civilian authority coordinating the overall asylum and migration issues; to develop a visa policy that is consistent with the visa obligations imposed by the EU; alignment border management policy with Integrated Border Management System of the EU; and to foster entry and work permit procedures of highly skilled workers.

[43] The Turkish Constitution, Article 62, relating to Turkish nationals working Abroad. http://www.anayasa.gov.tr/images/loaded/pdf_dosyalari/THE_CONSTITUTION_OF_THE_REPUBLIC_OF_TURKEY.pdf

[44] See Kemal Kirişçi,“ Three Way Approach” to Meeting the Challenges of Migrant Incorporation in the European Union: Reflections from a Turkish Perspective”, CARIM Research Report 2008/3 http://cadmus.eui.eu/bitstream/handle/1814/8291/CARIM_RR_2008_03.pdf?sequence=1

Civil Society	a) Turkish migrant associations – attempts to protect rights of Turkish migrants in legal, social, political, economic and cultural fields: e.g. the Turkish Community in Germany. b) Religious Associations and Communities[45] – caters to the religious needs of its members, the establishment of mosques, conduct integration projects and socio-cultural activities (e.g. Religious Affairs Turkish Islamic Union (DİTİB) functions as an umbrella organization and has 896 branches in Germany). c) Professional Diaspora Networks – upports and consults Turkish migrant entrepreneurs (e.g. The Association of Turkish Entrepreneurs (ATU) in Germany). d) Research Institutions and Academic Platforms – conducts research into the improved promotion and teaching of Turkish culture, history, language and literature, supporting scientific studies by cooperating with various organizations (e.g. The Yunus Emre Institute). – functions as a network for researchers and students interested in migration issues in, from, and through Turkey and its neighborhood: e.g. The Turkish Migration Studies Group (TurkMiS) at the University of Oxford.	a) Civil society organizations – serving and protecting refugees, asylum seekers and irregular migrants: e.g. International Catholic Migration Commission (ICMC), Association for Solidarity with Asylum Seekers and Migrants, Helsinki Citizens Assembly, Human Rights Associations (IHD), Human Resource Development Foundation (IKGV), Amnesty International, Mülteci-Der. – assisting victims of human trafficking: IKGV. – supporting internally displaced: ICMC,IHD, Göç-Der, Mazlum-Der. b) Migrant Networks – Informal organizations advocating a rights-based approach: e.g. Migrant Solidarity Network. – Informal networks of international migrants: e.g. network of Afghan refugees or Union of the Young Refugees in Turkey. – Centers for refugee children: e.g. Yeldeğirmeni Children and Youth Center. c) Migration Research Centers – connecting the migration debate in Turkey to ongoing debates, developing collaboration between migration scholars, civil society organizations and policy makers: e.g. the Migration Research Center at Koç University, MireKoc. – producing reliable information based on research findings that can contribute to realistic policy and decision-making processes: Center for Migration Research at Bilgi University. – conducting national and foreign researches regarding internal and external migrations: e.g. Hacettepe University Migration and Politics research center (HUGO).

[45] See Nermin Abadan-Unat "Turks in Europe From Guest Worker to Transnational Citizen", Berghahn Books, 2011, pp.124-130.

International Cooperation	– Signing bilateral social security agreements with countries where Turkish citizens live (currently 28 countries) – Establishing readmission agreements so as to tackle the issue of illegal migration and to encourage states to fight against the same:.e.g. readmission Agreements with Syria, Kyrgyzstan, Romania, Ukraine, Greece , Bosnia, Herzegovina, Pakistan, Yemen, Russia, Nigeria, Moldova. – Working in cooperation with receiving countries in order to collect better statistics on Turkish emigration	– Collaborating with international organizations (UNHCR and IOM) for asylum and human trafficking. – Implementing Twinning Projects: e.g. on "Migration and Asylum" in 2004-2005 with the cooperation of Denmark and UK and on Integrated Border Management with the cooperation of France and UK. – Cooperating dialogue with other countries to establish sustainable mechanisms in the field of migration management: e.g. the Presidency of the Budapest Process since2006.[46] – Alignment with the EU framework in the field of Justice, Freedom and Security: e.g. Migration Strategy Document, Asylum Strategy Document, National Action Plan for Asylum and Migration. – Facilitating visa liberalization and visa facilitation agreements. – Becoming party to international agreements: e.g. UN Convention Against Transnational Organized Crime and of its two Additional Protocols (Palermo Convention), UN International Convention on the Protection of the Rights of All Migrant Workers and Member of Their Families.

[46] Turkey has chaired the Budapest Process since 2006, an inter-governmental unofficial cooperation dialogue forum involving 53 countries' governments and 21 International Organizations. Turkey has also led the creation of Silk Route Working Group in order to develop active cooperation with source countries for regular and irregular migration

UKRAINE

The Demographic-Economic Framework of Migration

Since the fall of the 'iron curtain' in 1991 a set of complicated migration patterns transpired in Ukraine.

With Russia, Ukraine has the second largest migration corridor in the world (the US-Mexico corridor being the largest). Keeping this is mind Ukraine had and continues to have the difficult task of building migration systems with large and frequently used borders. Ukraine's demographic mosaic is beset by relatively high mortality rates (especially for males), falling fertility rates and significant net migration outflows. For example the population fell from 51,944,000 million persons in 1991 to 45,533,000 million persons in 2013.

In addition, since 1991, Ukraine has gradually become a major transit country for reaching Western states through its large borders. Based on this complex picture, it is clear that Ukraine will continue to become an increasingly important country in world migration patterns and networks.

Outward migration

Stocks

According to destination countries' statistics, 5,335,840 or 1,869,255 Ukrainian migrants resided abroad in years around 2012 (table 1), who represent respectively 11.7% or 4.1% of the total population residing in Ukraine. The huge difference between the two estimates depends on whether migrants living in Russia are counted according respectively to the country of birth or citizenship criterion.

Table 1 - Ukrainian emigration stocks by country of residence, most recent data (c. 2012)

Country of residence	Definition (a)	Reference date (Jan 1st)	Number	Number	%	%
European Union			**1,052,184**		**19.7**	**56.3**
of which Poland	(A)	2012	227,446		4.3	12.2
Italy	(A)	2012	201,830		3.8	10.8
Germany	(B)	2012	153,393		2.9	8.2
CIS countries + Georgia			**3,581,104**	**114,519**	**67.1**	**6.1**
of which Russia	**(A)**	2002	3,559,975	X	66.7	X
Russia	**(B)**	2010	X	93,390	X	5.0
Belarus	(B)	2009	16,874		0.3	0.9
Moldova	(B)	2010	3,291		0.1	0.2
Other countries (b)			**702,552**		**13.2**	**37.6**
of which US	(A)	2011	351,793		6.6	18.8
Israel	(A)	2005	258,793		4.9	13.8
Canada	(A)	2006	59,460		1.1	3.2
Main total			**5,335,840**	**1,869,255**	**100.0**	**100.0**

(a): Ukrainian migrants are defined according to the country of birth (A) or country of nationality (B) criterion according to countries of residence, in Russia both numbers are reported.

(b): "Other countries" include Iceland, Liechstein, Norway, Switzerland, Egypt, Jordan, Turkey, Canada, US, Australia, New Zealand, Chile, Japan, Mexico and Israel.

Sources: national statistics (Population Censuses, population registers, registers for foreigners, etc.)

Indeed, in Russia, while individuals born in Ukraine are almost 3.6 million, Ukrainian citizens stand only at 93,390. The former (largest) number is the result of massive migration during Soviet period and massive ethnic repatriation waves occurred just after the collapse of the USSR, according to which millions of people - born in the Ukrainian territory before 1991 with Russian descent - decided to 'return' their origin country. They are the so-called ethnic Russians who are generally not perceived as Ukrainian emigrants, but Russian nationals.

Inward migration

Stocks

An accurate and up-to-date estimation of immigration stocks in Ukraine will be available after the 2013 Census is complete. At present the most accurate data is from 2001 (table 2).

Table 2 - Immigration stocks in Ukraine according to different criteria, 2001

Country of citizenship/ country of birth	Number (birth)	Number (citizenship)
CIS countries + Georgia	**4,837,303**	**163,464**
of which Russia	3,613,240	103,728
Belarus	270,751	5,872
Kazakhstan	245,072	5,175
Uzbekistan	242,390	5,444
Moldova	165,126	15,087
Azerbaijan	90,753	8,479
Georgia	71,015	6,446
Armenia	52,168	10,686
Tajikistan	32,386	1,090
Kyrgyzstan	29,476	635
Turkmenistan	24,926	822
Other countries	**494,125**	**66,608**
of which Poland	145,106	*1,091*
Germany	64,015	*517*
Vietnam	*3,399*	4,970
China	*5,015*	2,999
Total migrants	**5,331,428**	**230,072**
% of the total population	*11.1*	*0.5*
Stateless	-	**84,047**
Total migrants + stateless	**5,331,428**	**314,119**
% of the total population	*11.1*	*0.7*

Source: Population Census - 2001

A peculiar characteristic of Ukrainian migrants is that they are widespread all over the world. Very high numbers are indeed found in the EU (around 1 million – among which Poland 227,446, Italy 201,380 and Germany 153,393), North American countries (411,253 - the US 351,793 and Canada 59,460), as well as in Israel (258,793).

It is important to note that both sexes have been heavily involved in Ukrainian migration patterns. Still, patterns and characteristics of movements largely differ by sex. The 2008 "Modular Population Survey of Labour Migration Issues" (hereafter 'the 2008 Survey') gives a picture of recent labour emigration from Ukraine by shedding light on the abovementioned gender peculiarities.[1]

Around two thirds of migrants are male but large differences are observed according to destinations. For example, Italy, Germany and Greece hold a higher share of females. Even though there are more males than females, in Poland, Spain and Portugal the percentage of Ukrainian females residing there are higher than the overall average of female labour force migrants. This is clearly related to different labour market structures of host societies. Migrants in Italy mainly employed in caregiving household services while in Spain in construction and touristic service sectors – at least until the 2008 crisis. Indeed, male labour migrants from Ukraine are mostly employed in construction and female migrants work as domestic helps and retail. Males are more heavily stocked in the Czech Republic, Hungary and especially Russia (source: the 2008 Survey).

As to their age profile, the absolute majority of labour migrants are 20-49 years old. While there is a sharp drop in migration in males after the age of 50, whereas females retain relatively high migration activity even in the years preceding retirement. Moreover, the share of rural migrants in labour migration is greater than that of migrants from an urban background: while urban labour migrants go to make up 3.9% of working age population, for rural areas this figure stands at 7.9%. As to gender specificities, around 78% of female labour migrants were from urban areas which had lower levels of unemployment, possibly indicating the attraction of foreign labour markets (source: the 2008 Survey).

Another telling statistic is the average level of education of migrant stocks being lower than the average for Ukraine. As of 2008 the average number of years of education for non-migrants was 15.3 years and for migrants 11.8 years. For the same respective groups 23.2% and 13.5% received a higher education degree. Moreover, migrants to

In 2001, more than 5 million individuals born abroad and 230,072 foreign citizens resided in Ukraine (11.1% and 0.5% of the total population, respectively). Again, this discrepancy is due to the fact that the majority of 5.3 million individuals born abroad are individuals born in the USSR with Ukrainian descent who, after the dissolution of the USSR, 'returned' en masse to their parents' home country as well as other ethnic groups who migrated during the Soviet period. Rather than international migrants, they are today perceived as ethnic Ukrainians.

The majority of immigrants originated from other former Soviet Republics (90.7% and 71.0% according to country of birth and country of citizenship criterion, respectively) and especially from Russia (67.8% and 45.1%, respectively).

Other important stocks are comprised of persons from Germany, Vietnam and China but also Poland. The latter subgroup are mostly ethnic Ukrainians who were resettled from Poland to Ukrainian Soviet Socialist Republic after World War II.

It is worth noting the high number of stateless people (84,047). This reflects a situation shared by most CIS countries. After the USSR dissolution, large numbers of people lost their citizenship as they were unable to confirm or acquire citizenship of any new-born state. This was the result of cumbersome legal requirements adopted in new independent states (for more details, see the section on 'citizenship' in 'The Legal Framework' below). As a result, all these people fell in the category of 'non status migrants'.

The age distribution of immigrant stocks is skewed towards the working age population, especially the younger and middle aged groups. There is a slight gender difference with 53.2% being male, whereas in the Ukrainian population men only constitute 46.3%. However for stocks from non-former USSR states the male-female ratio is 3.4.

As of the end of 2011, 313,000 foreign nationals were registered with the Ministry of Interior. Evidently the stocks of immigrants have remained consistent since 2001. They were mostly from Russia (147,000), Azerbaijan (15,700), Moldova (15,400), Armenia (11,800), Georgia (11,500), Uzbekistan (10,100), Turkmenistan (8,700), Belarus (7,900), China (7,400), stateless individuals (6,400) and Vietnam (5,700).

[1] The Modular Population Survey of Labour Migration Issues was carried out by the State Statistics Service of Ukraine in 2008 and represents the first representative survey on labour migration issues from Ukraine. Labour migrants are here defined as "Ukrainian citizens of working age (women 15-54 years, men 15-59 years) who have been abroad for employment at least once from January 2005 to the interview date in May-June 2008".

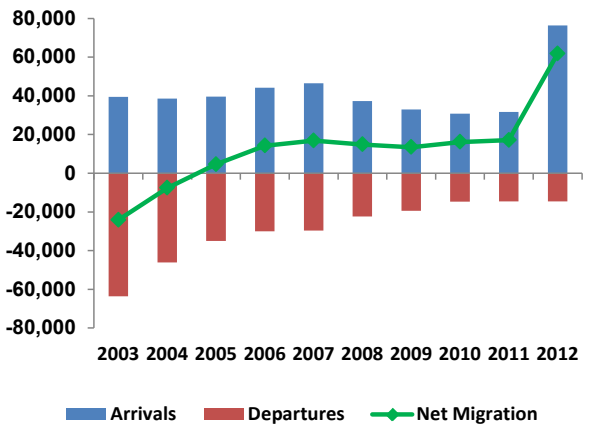
neighbouring countries (Russia, Poland, the Czech Republic, and Hungary) take periodic short trips returning constantly to Ukraine. Those headed to southern European countries tend, on the other hand, to stay there for extended periods of time – or permanently. The same survey found that roughly two out of three migrants were found to be without residence and work permits. In the Czech Republic, Spain and Portugal migrants were more likely to have legal means of residence and work. Whereas for Poland and Italy the converse was the case (source: the 2008 Survey).

Remittances are a central source of foreign currency in Ukraine, with 4.67 and 4.43 billion ($US) dollars sent in 2007 and 2010 (Ptukha Institute of Demography and Social Research, 2011).

Flows

In the space of 10 years migration flows from Ukraine have consistently fallen and remained consistent from 2010 to 2012 (see figure 1). However, these statistics taken from official registrations and deregistrations at a place of permanent residence tend to underestimate real flows for two series of reasons: (1) outgoing persons are not incentivized to deregister; (2) temporary flows are not recorded.

Figure 1 - Inward and outward permanent migration flows to and from Ukraine, 2003-2012



Source: registrations and deregistrations to place of permanent residence - State Statistics Service of Ukraine

From 2001-2009 the known major destination of over half of all Ukrainian emigrants was Russia This figure fell to 40.4% in 2010 and to 35.3% in 2011. All other former Soviet states consistently account for 10-11% of all emigration flows from Ukraine. There has also been a continual increase of emigration flows to non-former Soviet states, especially Israel, Germany and the US. This percentage of flows to these states peaked in 2011 at 54.2%. Each country at some point being top of this category in the past 10 years. The Czech Republic, Spain, Italy, Poland, Hungary and Canada are other popular destinations.

The number of officially registered labour immigrants were 7,800 in early 2011. The largest groups of them are employed in retail, service and the repair of automobiles, household items and items of personal use (22.7%), processing (18.9%), and construction (18.1%). The crisis has decreased the share working in construction, while the other two sectors have grown. A sharp increase is evident in the number of those employed in real estate, rental and engineering, in the Business-to-Business sector (from 5.0% in early 2006 up to 14.1% in early 2011).

Educational enrolment by foreigners in tertiary education continues to rise. In the academic year of 2012/2013 49,000 non-Ukrainians enrolled. Major stocks are from Turkmenistan (10,500), China (3,200) and Russia (2,900). Within the previous five years, the number of Russians and Chinese fell by a third with the number of Turkmens increasing by sixfold.

On first day of 2011 there were 2,345 registered refugees in Ukraine from over 40 countries. Although over half were Afghani citizens this percentage has fallen from 86% in 1996. Males hold higher shares with three quarters of all refuges of working age, less than 3% at retirement ages.

Flows

According to the Ukrainian State Statistics Service, the number of incomers to Ukraine in recent years (2008-2012) has been stable at 30,000-37,000 a year with an evident peak in 2012 (figure 1). The latter peak is however due to improving of foreigners residence registration after the adoption of the new Law of Ukraine "On Immigration". As a whole this source of information does not show the year of arrival of migrants but the year of their residence registration.

Prior to 2012 the flows remained consistent with 42-46% originating from Russia. Around 40% of flows are from other from former USSR-states. Flows from wider afield are from Israel, the US, Germany, Turkey and China – providing around 18% of annual flows.

For the 2012/2013 academic year, flows to Ukraine by international students stood at 9,300, with one-third being citizens of China, Russia and Turkmenistan. Although the world financial recession saw admissions fall by one sixth flows have returned to former levels and are increasing.

Since the collapse of the former Soviet Union, Ukraine has effectively had open borders with CIS countries and a facilitated border crossing regime with its western neighbours. As such, it has become a major transit country for irregular migrants to Western Europe.

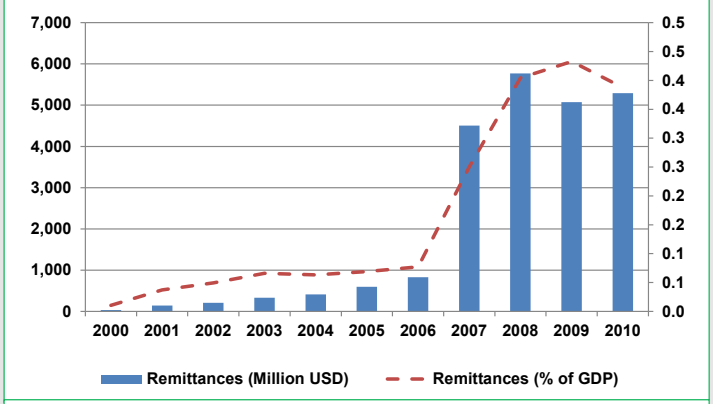
For example, agencies of the Ukrainian Ministry of Interior annually detain 14,000-15,000 irregular migrants, the majority of which emanate from former USSR states i.e. Russia, Uzbekistan, Azerbaijan, Moldova, Georgia and Armenia. Overall, the number of migrants who have been refused entry to Ukraine, in 2008 increased by a factor of 2.8 vis-a-vis the figures from 2002. Finally, in 2011, one in six migrants were charged with administrative offences that punished overstaying on a visa with a fine (under article 203 of the Ukrainian Administrative Code). A further 13,000 were deported (1,800 forcibly) and 10,400 were forbidden any return to Ukraine.

Ukrainian Remittance Flows

There are two telling statistics of Ukrainian remittance inflows in figure 2. First the Ukrainian economy receives significant credit from remittances. Second, these flows look set to rise, particularly over the last five years. According to World Bank data, remittance inflows to Ukraine increased by a factor of almost seven between 2006 and 2010 (from US$ 829 million to US$ 5,607 million). This huge increase in remittances may, of course, reflect improvements in the central bank's remittance recording system, rather than changes in migrants' remittance behaviour. And data on remittances in the CIS region is generally criticized for the poor reliability of said information (Shelburne and Palacin, 2008). However, it is an undeniable fact that migrant remittances contribute to family welfare as an extra source of income, and a booster to higher living standards and human capital formation, particularly by improving access to education and health (Kupets, 2010).

Official recorded remittances of Ukrainian expatriates constitute between 0.1% (2000) to 3.0% (2010) of total GDP. If non-recorded remittance flows are included in this statistic this figure is most likely to be larger. Although this figure is not recorded and difficult to estimate, estimates of families with family members employed abroad show their income up to be up to nominally one third in comparison to the Ukrainian familial average. Finally, a European Training Foundation study (2008) found expenditures to mainly focus on consumption – 73% for living expenses, 26% for consumable items and furniture and 3.3% on business start-ups.

Figure 2 Remittances by expatriates to Ukraine, absolute values (Mil-USD) and as a % of GDP, 2000-2010



Source: World Bank

One in six Ukrainians employed abroad regularly send official remittances to Ukraine (61.1%). A higher percentage of migrants transfer money from countries further away i.e. Spain (81.8%), Italy (78.6%), and Portugal (71.3%). It is likely that migrants from neighbouring countries (i.e. Russia, Hungary and Poland) are likely transporting remittances either by person or via personal acquaintances. Legal migrants tend to send larger amounts than irregular and 'not defined' migrants - $2,831 USD and $2,551 (US dollars) respectively.

References: Kupets O. 2012. The Development and the Side Effects of Remittances in the CIS Countries: the Case of Ukraine, CARIM-East Research Report 2012/02, European University Institute, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI); Ptukha Institute of Demography and Social Research. 2011. Evaluation of labour migrants' income and development of fiscal mechanisms for their channeling into the national economy, National Academy of Sciences of Ukraine, Kiev; Shelburne R., Palacin J. 2008. "Remittance Flows in the Transition Economies: Levels, Trends, and Determinants," ECE Discussion Papers Series 2008_5, UNECE.

The Legal Framework of Migration

Ukraine has been an active legislator in the field of immigration control and management since the late 1990s. The activities were related mainly to the Ukrainian participation in regional consultative processes as well as changing migration patterns. International organizations underscore that since state independence, Ukraine has made tangible progress towards bringing its migration legislation and advocacy practice in line with international human rights standards. It adopted modern migration legislation, created a State Migration Service, incorporated international agreements on human rights into its national legislature and developed international cooperation in the area of migration.

Ukraine's migration legislation has recently undergone serious reforms mainly due to the implementation of the EU Visa Liberalization Action Plan presented by the EU to Ukraine in November 2010. This document is a road map for complex reforms in migration, visa, asylum and some other policies of Ukraine (e.g. document security, public order and security, personal data protection, etc.). It consists of two main phases – legislative (drafting and adopting of new national legislative acts) and implementing (implementation of new legislation). On 22 April 2011, National Plan on Implementation of the EU-Ukraine Action Plan on visa liberalization was adopted. This document sketches a clear list of legislative changes and amendments Ukraine will adopt in the years to come in the field of migration.

Legal Framework	Outward migration	Inward migration
General legal references	**Legal and political framework governing migration and mobility** 2012 Law on the Legal Status of Foreign Citizens and Stateless Persons 2012 Law on Refugees and Persons in Need of Subsidiary and Temporary Protection 2012 Action Plan on Integration of Refugees until 2020 2011 Law on Combating Trafficking in Human Beings 2001 Law on Immigration 2001 (amended in 2005) Law on Citizenship of Ukraine 1996 Constitution of Ukraine	
Entry and Exit	**Visa** Ukraine (UA) has concluded the Visa Facilitation Agreement with the EU, which is in force since 2008 and which was amended in 2012. Moreover, it has signed special Local Border Traffic Agreements with its EU neighbours: Poland in 2009, Slovak Republic in 2008, and Hungary in 2007. Ukrainian citizens are exempted from the visa requirements in the CIS countries (1992 Agreement), Albania, Antigua and Barbuda, Argentina, Bosnia and Herzegovina, Brazil, Brunei, China, Columbia, Ecuador, Georgia, Guatemala, Hong-Kong, Israel, Macedonia, Malaysia, Micronesia, Mongolia, Montenegro, Namibia, Nicaragua, Palau, Panama, Paraguay, Peru, Salvador, Seychelles, Serbia, Swaziland, and Uruguay.	**Visa** As of November 2012 in accordance with the national legislation of Ukraine and its bilateral agreements, citizens of: Andorra, Argentina, Armenia, Brazil, Croatia, Canada, the European Union, The Holy See, Israel, Georgia, Japan, Republic of Korea, Kazakhstan, Kyrgyzstan, Macedonia, Montenegro, Paraguay, Tajikistan, United States of America, do not need short – stay visas for the period of stay that does not exceed 90 days in 180 days. Citizens of Bosnia and Herzegovina, Brunei Darussalam, Serbia and Turkey may enter Ukraine without a visa for the period of stay that does not exceed 30 days, while for the residents of Hong-Kong (China) the period is up to 14 days.

	Cross-border mobility According to the Law of 21 January 1994 № 3857- XII on the "Rules of exit of the territory of Ukraine and entry to the UA territory by the citizens of Ukraine" [2] UA citizens have the right to exit and enter the territory of Ukraine. The right of the citizens of Ukraine to exit Ukraine may be restricted if subject to criminal inquiry or already sentenced.	**Cross-border mobility** The Law "On the legal status of foreigners and stateless persons"[3] stipulates that foreigners and stateless persons may enter the territory of Ukraine with a valid travel document. Article 8 of the 'Law on Border Control' stipulates the conditions to enter Ukraine: a valid travel document; a valid visa; a valid purpose of stay; proof of sufficient means of subsistence for the duration of the stay and for the return. Asylum seekers are exempted from these entry conditions (see below).
Irregular migration	Ukraine has signed readmission agreements and agreements on the transfer and admission of persons across the common state border or persons illegally staying on the territory of the states. As of November 2012 Ukraine has agreements on readmission with Armenia, EU, Georgia, Hungary, Poland, Slovak Republic, Turkmenistan, Vietnam, and Uzbekistan. Agreement on cooperation between CIS Member States in combating illegal migration of 6 March 1998 regulates cooperation between Ukraine and other countries in the CIS area. On this basis Ukraine must develop instruments curbing irregular migration of its own nationals, in accordance with international law. Ukraine ratified Palermo Protocols in 2004.	The Law "On the Legal status of foreigners and stateless persons" defines as an **irregular immigrant** a foreigner or stateless person who crossed the border avoiding the border crossing or border control and failed to promptly apply for refugee status or asylum in Ukraine, as well as a foreigner who overstayed the visa or residence permit. Rejected asylum seekers, as well as over-stayers or those who cannot depart due to lack of funds or loss of passport, can apply for Voluntary Return to their countries of origin at the State Migration Service (SMS). The latter issues a **certificate of the voluntarily returning person**, serving as a temporary residence permit. Voluntary Return has to take place **within 60 d ays** after application. The returnees are not detained but have to **report the place of stay** at the SMS once a week. **Forced return** is ordered by the SMS, the State Security Service or the border agency (subsequent notification of a prosecutor within 24 h) in relation to the foreigners who violate the legislation on the legal status of foreigners; are detained in controlled border areas because of the unlawful border crossing; pose risk for national security/public order/public health. The persons in question are given up to 30 days for an independent departure. The non-compliance leads to **forced expulsion**. 3 year **entry ban** is possible in case of forced return. Foreigners are not detained but can be accompanied by representatives of the competent authorities.

[2] the Law dated from January, 21, 1994 № 3857- XII on the "Rules of exit of the territory of Ukraine and entry to the territory of Ukraine by the citizens of Ukraine" is available at http://zakon2.rada.gov.ua/laws/show/3857-12

[3] The Law "On the legal status of foreigners and stateless persons", adopted on September, 22, 2011[3], № 3773-VI is available at http://zakon3.rada.gov.ua/laws/show/3773-17

		Forced expulsion is ordered by an administrative court at the request of the competent authorities in case of non-compliance with the decision on voluntary departure or if there are reasonable grounds to believe that foreigners or stateless persons will avoid fulfilment of this decision. The court defines the period of **entry ban.** Its decision on forced expulsion can be appealed. Foreigners are placed by SMS or border agency (with subsequent notification of a prosecutor within 24 h) in **Centres of Temporary Stay** up to 12 months. Article 332 of the Criminal Code of Ukraine[4] the **illegal transfer** through the state border of Ukraine, **organizing of illegal transfer** through the state border of Ukraine, **presiding of illegal transfer or assistance in the illegal** transfer through the state border of Ukraine **are criminal offences** (subject to imprisonment for 3-9 years).
	According to Article 149 of the Criminal Code of Ukraine **human trafficking or the unlawful treatment against human beings,** as well as any kind of assistance in human trafficking is a grave criminal offence (subject to imprisonment for 3-15 years). The Law on Combating Trafficking in Human Beings, adopted in 2011, establishes organisational and legal principles of combating trafficking in human beings, the main strands of the state policy and the basis for international cooperation in this field, the powers of executive authorities, the procedure to declare the status of victims of trafficking in human beings as well as the procedure for the provision of assistance to such persons. Ukraine ratified Palermo Protocols in 2004.	
Rights and settlement	Citizens of Ukraine who have decided to reside permanently in another country have to receive **a permit on permanent residence abroad**. The issuance of such permits is within the competence of the State Migration Service of Ukraine. Moreover, Ukrainian citizens permanently residing abroad have to receive permanent consular registration at the Ukrainian Consulate or Embassy. The Law of 4 March 2004, № 1582-VI "On legal Status of Foreign Ukrainians"[5] citizens of other countries or stateless persons that have Ukrainian ethnical origin are considered Foreign Ukrainians.	Before obtaining permanent or temporary residence permits, foreign nationals and stateless persons have to obtain a long-stay "D" visas which are issued by Ukrainian Embassies and Consulates abroad. There is no way to obtain a long-stay visa in Ukraine or at the border. The long-stay visas are single-entry visas and are valid for 45 days. **The Ukrainian long-stay visas are issued for the purpose of:** employment immigration; study; international technical assistance; religious mission; work at the branch of foreign company; work at the branch of foreign bank; mass-media; cultural and sport exchange; volunteer work; family reunification.

[4] The Criminal Code of Ukraine is available at http://zakon3.rada.gov.ua/laws/show/2341-14

[5] The Law on dated March 4, 2004, № 1582-VI "On legal Status of Foreign Ukrainians" is available at http://zakon2.rada.gov.ua/laws/show/1582-15

	Foreign Ukrainians have preferences as regards entry and stay, work and study in Ukraine: in case of necessity, visas for foreign Ukrainians may be issued as multiple with a term of validity up to 5 years; issuance of visas for foreign Ukrainians is free of charge; there is no need for foreign Ukrainian to present to the consulate of Ukraine abroad any invitation or other proving the purpose of his travel when applying for a visa; foreign Ukrainians have the right to work in Ukraine without work permit and to immigrate to Ukraine outside of the immigration quotas (see below); foreign Ukrainians also have reserved quotas in Ukrainian high schools and Universities.	The Law "On the legal status of foreigners and stateless persons" the Law "On Immigration" stipulate that the permanent residence permit may be issued to the foreigners or stateless persons that received an immigration permit. Foreigners **may immigrate** to Ukraine within **the 'immigration quota'** set up by the Government of Ukraine. The 'immigration quota' includes the following categories of immigrants: 1) persons working in the field of science and culture, whose immigration to Ukraine is within Ukrainian national interests; 2) highly qualified specialists and workers, whose specialties and skills are urgently needed for the national economy; 3) investors that have made a registered investment into the national economy (not less than USD 100.000); 4) brothers, sisters, grandmothers and grandfathers as well as grandsons and granddaughters of the citizens of Ukraine; persons that have held Ukrainian citizenship before; 5) parents, spouses and minor children of the immigrant; 6) persons that have been residing within the territory of Ukraine permanently from the day of granting them the status of a victim of human trafficking. **Outside the immigration quota** the permanent residence permit is issued to: 1) spouse (in case of being married for 2 years or more), minor children and parents of the UA citizen; 2) persons that are legal guardians of the citizens of Ukraine or persons that are under the legal guardianship of the UA citizens; 3) persons that have the right to obtain UA citizenship; 4) persons whose immigration presents a state interest for Ukraine; 5) foreign Ukrainians, their spouses and children; 6) Former citizens of Ukraine who stay permanently in Ukraine after the decision to terminate the citizenship. In all other cases a temporary residence permit is issued whose validity period is linked to the purpose of stay. Article 24 of the Law 'On legal status of foreign citizens and stateless persons' provides that the term of validity of temporary residence permit may be shortened by the State Migration Service of Ukraine in case if the legal basis for the foreigner to stay in Ukraine no longer exists.

		The work permit is obligatory in all cases, except: the foreign citizen is invited to work at a branch of a foreign company or a foreign bank or to fulfil non-profit activities (e.g. volunteers etc). Work permits are issued by the State Centre of Employment of Ukraine or by its regional divisions for one year (initially). Work permits are issued only on the request of the employer that has been registered at the State Centre of Employment as the taxpayer to the State Obligatory Social Insurance Fund and is not indebted to it. The temporary residence permit issued to workers allows entry and exit from the UA territory.
Labour	Ukraine has concluded bilateral agreements on Social Security with Bulgaria, Latvia, Lithuania, Romania, Slovakia, Hungary and Czech Republic. Article 9 para 32 of the *Law on licensing certain types of economic activity* regulates activities of the recruitment agencies. The license for private employment agency is issued by the Ministry of Labour and Social Policy according to the conditions stipulated by the regulation № 272 of 6 September 2010.	Labour migration of foreigners is regulated by the Constitution of Ukraine, the Law 'On legal status of foreigners and stateless persons', the Labour Code of Ukraine and the Decree of the Government of Ukraine № 322 of 8 April 2009 'On The Rules of issuance, extending and cancellation of the work permits of foreigners and stateless persons'[6]. The enterprises, state authorities and organizations have the right to invite foreigners and stateless persons to work in UA (see above). As of 1 January 2013, new legislation is in force. It closed some important gaps in the field of labour migration. Consequently, foreigners covered by various forms of international protection (see below) as well as permanent immigrants are entitled to employment on the same conditions as Ukrainians. However, the right to work for temporary migrants is limited: it still depends on the employer and there are no state-level solutions to recruitment.

[6] the Decree of the Government of Ukraine № 322, dated April, 8, 2009 'On The Rules of issuance, prolonging and cancellation of the work permits foreigners and stateless persons' is available at http://zakon2.rada.gov.ua/laws/show/322-2009-%D0%BF

	Ukraine concluded bilateral agreements on labour activities and social security of migrant workers with Russian Federation, Moldova, Belarus, Armenia and Azerbaijan. Ukraine is a party of following multilateral agreements in the framework of CIS: 2008 CIS Convention on the legal status of migrant workers and members of their families, coming from the CIS participating states, which apart from Ukraine has been ratified by Armenia, Azerbaijan and Belarus Agreement on cooperation in the field of labour migration and social protection for migrant workers of 15 April 1994 and the 2005 Protocol thereof.	
Citizenship	Article 25 of the Constitution guarantees that UA citizens of Ukraine cannot be deprived of UA citizenship or of the right to change it. However dual or multiple citizenships are not allowed for the citizens of Ukraine. If a citizen of Ukraine simultaneously becomes a citizen of another country (such cases often happen if according to the law of the second country the foreigner that acquires its citizenship does not have to renounce to his/her previous citizenship) in the legal relations with Ukraine he/she is recognized only as a citizen of Ukraine. Article 19 of the Law "On the Citizenship of Ukraine"[7] stipulates that the UA citizenship is lost if: 1. a citizen of Ukraine has voluntary acquired the citizenship of another state after attaining his/her majority. 2. a foreigner acquired the citizenship of Ukraine and has not submitted a document certifying the termination of foreign citizenship or a declaration of its renunciation; 3. a foreigner has acquired the citizenship of Ukraine and used rights or fulfilled obligations provided or imposed on him/her by the foreign citizenship; 4. a person has acquired the citizenship of Ukraine to deliberately present false information or falsified documents; 5. a citizen of Ukraine has voluntarily entered military service, security service, law enforcement agencies, justice or state authorities or bodies of local self-government of another state without the permission of UA authorities.	The Law "On the Citizenship of Ukraine"[8] stipulates that dual citizenship for foreigners and stateless persons acquiring the citizenship of Ukraine is not allowed. If a citizen of a foreign country wants to acquire Ukrainian citizenship he/she is obliged to renounce previous citizenship. According to Article 6 of the Law Ukrainian citizenship may be acquired: 1) by birth (to Ukrainian parents or in cases where the child would be stateless according to the legislation of the country of parents' citizenship); 2) by territorial origin; 3) due to admission to the citizenship; 4) due to restoration of the citizenship; 5) due to adoption; 6) due to taking a child under the guardianship or ward, placing a child into a child-care institution, medical institution, foster home or adopting family, or due to placing a child into a patronage fostering family 7) due to taking a guardianship of a person, declared incapable by a court; 8) in relation to Ukrainian citizenship of one or both parents of the child; 9) due to recognition of the fact of paternity and maternity, or due to establishment of the fact of paternity and maternity 10) on the basis of other grounds, provided by the international and bilateral agreements. The main **pre-conditions for the naturalization** are: 1. Recognition and observance of the Constitution of Ukraine (254к/96-ВР) and the laws of Ukraine; 2. Filing of a declaration of absence of foreign citizenship (for stateless persons) or an obligation of renunciation of foreign citizenship (for foreigners);

[7] the Law "On the Citizenship of Ukraine is available at http://zakon1.rada.gov.ua/laws/show/2235-14

[8] the Law "On the Citizenship of Ukraine is available at http://zakon1.rada.gov.ua/laws/show/2235-14

		3. Permanent lawful residence at the territory of Ukraine during the last **five years** (2 years for spouses of UA citizens, 3 years for refugees). 4. Permit for immigration (except for recognized refugees) 5. Basic knowledge of the national language. 6. Means of subsistence (not applicable to refugees)
International Protection	The issues of asylum, refugee status and subsidiary protection are regulated by the Constitution of Ukraine, 'The Law on refugees and persons in need of complementary or temporary Protection'[9] of 8 July 2011, The Law 'On legal status of foreigners and stateless persons' and other national legislative acts. In 2002 Ukraine also ratified The United Nations Convention Relating to the Status of Refugees. The United Nations High Commissioner for Refugees has his permanent mission in Ukraine. According to Article 26 of the Constitution of Ukraine an asylum in Ukraine may be granted to foreigners and stateless persons. In accordance with the 2011 Law **the following forms of international protection** exist in Ukraine: – **refugee status**: in compliance with Geneva Convention; – **complementary (subsidiary) protection**: the form of protection, which is granted in Ukraine on an individual basis to foreigners and stateless persons who cannot obtain Geneva Convention refugee status, but need protection whereas such person was forced to arrive in Ukraine or stay in Ukraine in consequence of the threat to his/her life, safety or freedom in the country of origin owing to fear of execution in relation to him/her a death penalty or implementation of judgment on death penalty, torture or inhuman or degrading treatment or punishment), and – **temporary protection**: which is an exceptional time-bounded measure, and is granted to foreigners and stateless persons who arrived *en masse* from the country bordering Ukraine, and cannot return to the country of habitual residence owing to circumstances such as external aggression, foreign occupation, civil war, ethnic clashes, natural disasters, man-made disasters or other events which violate public order in a certain part or throughout the country of origin.	

[9] 'The Law on refugees and persons in need of complementary or temporary Protection' is available at http://zakon2.rada.gov.ua/laws/show/3671-17

The Socio-Political Framework of Migration

Ukraine has developed a migration policy that has been mainly influenced by its geopolitical situation. In fact, Ukraine has a more developed policy on migration management than the number of immigrants would suggest it necessary. The restrictive and control measures prevail, while the state has not used any mechanism to attract long-term immigrant workers with much needed skills: the quota for foreigners and stateless persons who are highly qualified specialists and workers has never been established, although it is provided for in the immigration law.

Moreover, Ukraine has not developed an active policy towards emigrant communities and Diaspora, which is at odds with the clear emigration character of the country and the negative role massive emigration plays in the socio-economic development of the country, facing a demographic decline.

In March 2010, State Migration Service of Ukraine was established. It is a central state authority of Ukraine responsible for the realization of the state policy in the field of migration (immigration and emigration) including combating illegal migration, citizenship, registration of natural persons, refugees.[10] In May 2011, the Concept of Migration Policy of Ukraine"[11] was adopted. The Concept provides analysis of the recent migration processes in Ukraine, provides the strategy of the development of migration policy of Ukraine, constitutes and divides the competences of the state authorities of Ukraine in the field of migration.

Ukraine's socio-political framework	Outward migration	Inward migration
Governmental Institutions	Ministry of Foreign Affairs protects the rights of citizens abroad; ensures development of ties with Ukrainians abroad. Ministry of Labour and Social Policy has a joint responsibility with the Ministries of Foreign Affairs and Interior in terms of labour migration.	The President, as the Guarantor of the Constitution, participates in shaping the migration policy (legislative initiative, signing of laws, veto right, management of foreign affairs). He/she takes decisions regarding acquisition of citizenship, granting of asylum in Ukraine, etc. The Cabinet of Ministers establishes the immigration quota. Ukrainian Parliament Commissioner for Human Rights monitors access to rights by immigrants. State Border Guard Service (SBGS) registers foreigners at border check points; counteracts irregular migration; checks grounds for foreigners' entry; and takes decisions on shortening the term of their stay in Ukraine and deportation. Ministry of Interior, the State Department for Citizenship, Immigration and Registration of Individuals Ministry of Foreign Affairs is responsible for visa policy. Ministry of Labour and Social Policy develops policies on social wellbeing of migrants and refugees. State Migration Service has executive powers in the issues of migration, citizenship and immigration.

[10] Decree of the President of Ukraine №405/2011, dated April, 6, 2011 'On the Statute of the State Migration Service of Ukraine' is available at http://zakon1.rada.gov.ua/laws/show/405/2011

[11] Decree of the President of Ukraine "On Adoption of the Concept of Migration Policy of Ukraine" is available at http://zakon2.rada.gov.ua/laws/show/622/2011

		State Border Guard Service of Ukraine is a main state authority of Ukraine responsible for exercising border control.
Governmental Strategy	Currently the main strategic document addressing emigration is 2011 Action Plan on Integration of Migrants and Reintegration of Ukrainian Migrants in Ukraine for 2011-2015. Main challenges include: – reintegration of return migrants – repatriation of ethnic Ukrainians – education of emigrated children – ensuring voting rights abroad – simplification of procedures for emigrants – promotion of investments by emigrants	Currently a number of policy documents delineate main challenges in the area of immigration: – 2011 Concept of Migration Policy of Ukraine – 2011 National Plan on Implementation of the EU-Ukraine Action Plan on visa liberalization – 2011 Action Plan on Integration of Migrants and Reintegration of Ukrainian Migrants in Ukraine for 2011-2015 – 2012 Social Programme on combating of human trafficking. Main objectives include: – attract skilled immigrants – develop and implement integration policies – conclude readmission agreements – develop foreigners control system based on biometric data – develop identification system for people under international protection – develop labour matching mechanisms
Civil Society	Association for Cultural Relations with Ukrainians Abroad Ukrainians also establish their own associations in each of the country of destination.	The Open Ukraine Philanthropic Foundation The Kharkiv Regional Charitable Foundation (KRCF) "Social Service of Assistance" (previously "Caritas Kharkiv") The Western-Ukrainian Resource Centre (WURC)
Migration and economic development	Ukraine has not yet implemented programmes that would visibly link its communities abroad to economic development objectives at home. In the past two nation-wide projects were implemented by the state: the National Program "Ukrainian Diaspora" for 1996-2000, and the National Action Plan "Foreign Ukrainians" for 2001-2005. Both of them were geared to the requirements of Ukrainians who already lived abroad. They were mainly aimed at providing support to the development of relations with the Diaspora, involving them in nation-building in Ukraine, encouraging the preservation of ethnic identity and cultural legacies.	Traditionally immigration to Ukraine was limited to ethnic Ukrainians or people originating from the Soviet or post-Soviet area. Only in the recent years Ukraine has faced challenges integrating immigrants coming from culturally different regions of the world. These new challenges have been recognized and included in the recent government strategies (see above).

	The recent government strategies however underline the need to involve diasporas and emigrants for development of the country (see above).	
International Cooperation	Ukraine is a member of the following associations actively working on migration issues: IOM, Council of Europe, Commonwealth of Independent States, and OSCE. It participates in the following regional processes: Budapest Process, Prague Process, and Eastern Partnership. It is subject to the European Neighbourhood Policy and Black Sea Synergy.	

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