

Work, Refuge, Transit: An Emerging Pattern of Irregular Immigration South and East of the Mediterranean

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Southern and Eastern Mediterranean (SEM) countries have recently turned into receivers of migrants, but they have neither the institutions nor the policies that would allow them to integrate migrants. Therefore, most migrants in SEM countries found themselves in irregular situation. Using a variety of statistical sources, official and non-official, the article establishes that out of 5.6 million immigrants living in SEM countries in the mid-2000s, a minimum of 3.6 would be in irregular situation. They belong to three categories: approximately 2 million migrant workers attracted by SEM labour markets where they are employed in the informal sector with no work permit, 1.5 million *de facto* refugees who cannot obtain the status of refugee and are waiting for resettlement in a third country or return to their homes, and less than 200,000 transit migrants initially bound for Europe, which they are unable to reach for lack of visa. While their reasons to be stranded in the SEM differ, these three categories share the same vulnerable conditions, with no legal access to work, services, or protection.

Throughout Southern and Eastern Mediterranean (SEM) countries, a pattern of unstable and often irregular international immigration has emerged in the last decade, creating challenges for states, societies, and migrants. This paper will focus on three categories that are all currently on the rise in the SEM: irregular labor migrants, refugees, and transit migrants.

The paper will recall that these three groups migrate according to specific and quite different logics. Irregular labor migrants respond to the increasing international differentials between SEM countries and their less developed neighbors, in a context of segmented labor markets where nationals and foreign nationals are not directly competing for the same positions. Refugees, meanwhile, move in response to insecurity in war-torn areas within the region or its vicinity, and their numbers grow in response to the appearance of new conflicts or to the resurgence of old ones; transit migrants

find themselves in SEM countries by accident and they cannot move further, for the way to the regions that they had planned to reach is barred to them.

The paper will also suggest that these three categories are not as distinct as one might think judging by the motives behind migration. Rather, they all reflect the same global trends characterized by booming mobility, as opposed to migration; by widening economic and political divides between the global north and the global south; and by international labor mobility in conflict with the nation-state's rejection of otherness. Not only are irregular labor migrants, refugees, and transit migrants a product of the same global reality, but they tend to merge into one category in the local reality of SEM countries, where these migrants have no legal access to labor, welfare, or protection and, at best, merely subsist. In the end, one may wonder whether irregular, or deregulated, immigration will not become the norm in countries that, for a variety of reasons, have recently been turned into new receivers of international migrants.

IRREGULAR LABOR MIGRANTS

“Irregular labor migrants”¹ can be defined as persons who contravene regulations on migration in force in their host country. Regulations that define an irregular labor migrant may be those on entry, residence, or access to work. Irregularity may therefore apply to all three categories mentioned above, or only to one or two of them as a migrant may have entered a country regularly but be staying irregularly, or, say, be regular regarding entry and stay but irregular as far as work is concerned.

Irregularity is not a stable situation, but one which is susceptible to change in space and time. The same situation may make a person regular in country A, but irregular in country B where visa requirements or labor laws are different. She may be regular at a given moment in time (t1) but irregular at a later one (t2) if she overstays her visa or work permit, or, the other way round, an amnesty may regularize

¹Other terms are “illegal migrants” and “undocumented migrants.” “Illegal” is used in most EU documents, but considered by many scholars to be derogatory (an act may be illegal, not a person) and inexact because it criminalizes an act which is enshrined in human rights: Article 13 of the Universal Declaration of Human Rights of 1948 states that “everyone has the right to leave any country” and irregularity in migration is a one-sided view – that of the receiving country – since there is no symmetrical right to enter that would balance the right to leave. “Undocumented” refers to a particular category of irregular migrants: those without a permit of residence.

formerly irregular migrants.² Irregularity is a process. A person who enters, or stays, irregularly will often find herself stranded and obliged to hide and accept low-paid, unprotected, and unregistered jobs in the informal sector as the only possibility to earn an income.³ Schematically, regular and irregular labor migration operate in a diametrically opposed fashion. In the former, the person migrates because she has obtained a job in her destination country, while in the latter she works because she is already present in that country. In the former work comes first and in the latter, migration.

Is this to say then that the form of irregular labor immigration that has emerged in SEM countries does not respond to the demand for labor in these countries? Irregular labor migrants are employed in informal activities, and because they do not respond to any formal demand for labor, they are regarded as being undesirable by the government. But employers do not view them in this way. In SEM countries, as in many others, the rise of irregular labor migration is linked, first, to economic growth, which makes a number of low-paid activities unattractive to citizens, and to widening gaps between countries that make migrant labor cheaper than local labor. From that point of view, illegal immigration responds to a demand in the labor market. It is also linked to new state protectionist measures, enacted to address persistent unemployment among a state's own citizens, that reserve a number of professions, skilled or unskilled, for nationals. In a sense, then, labor policies pave the way for the irregular employment of foreign nationals.

Finally, although irregular migration is commonly regarded as a deliberate breach of the law, one should stress that this is not necessarily the case. Yes, sometimes the migrant has broken the law – deliberately or otherwise. But sometimes the law has changed independently of the migrant's actions, changing the migrant's status. The distinction between these two situations, that is, irregular by one's own doing or irregular because of changing laws, is not a clear-cut one. Migrants initially admitted as foreign workers on a legal basis may become irregular due to

²However, it seems that most amnesties in the SEM region are not regularizations that would allow the amnestied person to stay regularly, but decisions to waive sanctions that allow her to leave the country regularly, *i.e.*, without being fined.

³The fact that hiring irregular workers is appealing to employers gradually generates a segmentation of the labor market where certain positions are taken only by irregular migrant workers, and this triggers a spiral by which irregular migration itself calls for more irregular migration.

changing labor legislation without clearly perceiving their change of status, given limited enforcement of the legislation.

In the Maghreb region, Libya is the country that hosts the largest number of irregular (as well as regular) migrant workers. Persistently subordinating migration policy to changing foreign policy interests, its government successively opened the country's borders and territory to Arabs in the name of Pan-Arabism, then to Africans in the name of Pan-Africanism, and eventually imposed visas on both Arabs and Africans in 2007 – in repudiation of agreements passed in the framework of the Community of Sahel-Saharan States⁴ and the Arab Maghreb Union – to please Europe at a time when the country had become a major gateway for irregular migrants from Africa.

How many migrants were made irregular by measures taken by Libya in 2007? Potentially, all those who had entered without a visa, *i.e.*, all citizens from neighboring countries. Libya does not publish immigration statistics that would give any numbers, and international databases are not very helpful in this matter. As of 2005 the Libyan government estimated that 600,000 “legal” foreign workers, *i.e.*, registered with the authorities, resided in the country, in addition to between 1 and 1.2 million “illegal” migrants (HRW, 2006a). According to the UN migration database,⁵ the total number of immigrants in the country is 617,536, a figure that reflects the government's views on legal migrants rather than the reality on the ground. It roughly corresponds to the numbers of immigrant visas issued each year, about 400,000.⁶ Out of a total 449,065 visas issued in 2006, only 39,361 were delivered to Africans – including 5,857 to Egyptians, 709 to Sudanese workers, and 146 to Tunisians – compared with 200,209 to Asians (including 46,788 Filipinos, 37,408 Chinese, and 33,564 Indians) and 157,804 to workers from the Americas. By many accounts however, labor migration into Libya mostly originates from neighboring Arab and

⁴The Community of Sahel-Saharan States (CEN-SAD), established in 1998 in Tripoli (Libya), pursues among other objectives “the removal of all restrictions hampering the integration of the member countries through the adoption of necessary measures to ensure: Free movement of persons, capitals and interests of nationals of member States; Right of establishment, ownership and exercise of economic activity; Free trade and movement of goods, commodities and services from member States.” <http://www.cen-sad.org/new/index.php?option=com_content&task=view&id=33&Itemid=76>.

⁵2005 figure. <<http://esa.un.org/migration/>>.

⁶Number of visas issued to immigrants by year are as follows 2002: 389,157; 2003: 364,768; 2004: 379,402; 2005: 402,247; 2006: 449,065 (source: Libyan statistics).

Sub-Saharan countries: Sudan, Egypt, Tunisia, Chad, Niger, and a few others like Eritrea and Somalia. Migrant workers from these countries, who were not subjected to entry visa until 2007 and are therefore absent from (visa) statistics, have now become irregular and risk deportation.

Massive deportations of irregular migrant workers are recurrent in Libya. The first large-scale deportation seems to have occurred in the second half of 1995, after the General People's Congress denounced clandestine immigration as a cause of organized crime and drug trafficking. While the country was put under international embargo⁷ and confronted with economic recession, thousands of Egyptians and Sudanese were expelled from Libya with the claim that they had become an economic burden.⁸ Detention camps were set up and foreign companies were given two months to regularize foreign employment. In half a year, some 325,000 foreigners would have been expelled from Libya, many of them in tragic circumstances.⁹ Between 2003 and 2005, a second wave of deportation took place with some 145,000 irregular migrants expelled from Libya, mostly to Sub-Saharan countries (Hamood, 2006; HRW 2006a; USCRI, 2007). In January 2008, a third wave of deportation threatened when the government of Libya announced it was ready to deport an estimated one million illegal immigrants. It was unclear to where they would be returned, since Libyan law prohibits deportation to unsafe countries.¹⁰

Mauritania also receives significant numbers of migrant workers from Sub-Saharan Africa relative to its small population (3 million inhabitants in 2008) and economy (GDP per capita in 2007). The number was estimated by a survey in 2007 at 48,000 workers, mainly from Mali, Senegal, and Guinea, who immigrated to Mauritania as a response to economic growth triggered by the exploitation of oil (Ndah Mohamed Saleh, 2008). However, by contrast with Libya, irregular migration is almost

⁷The embargo was adopted by the United Nations in response to the alleged implication of Libya's government in the bombings of a Pan-Am civil flight over Lockerbie, Scotland, in 1988 and a UTA civil flight over Chad in 1989.

⁸Speech of President Gaddafi on September 1, 1995.

⁹A much larger number of potential deportees was mentioned in a letter from the Government of Libya to the sanctions committee of the United Nations, in which Libya was requesting the authorization to repatriate by air 1,117,000 Africans, including ½ million Sudanese nationals (*Maghreb-Machrek*, n°151, 1996).

¹⁰The government of Libya claims that all undocumented foreigners in Libya are irregular labor migrants and the country recognizes no refugees. <<http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/7193737.stm>>.

non-existent as Mauritania's labor law, dating back to 1974 (a period in which the country was receiving very little immigration), is lenient both in terms of the number of work permits issued and the employment of irregular migrant workers (Yessa, 2008). In recent years, irregular migration has grown as Mauritania has become a gate of entry into the EU, and many of the migrants arrested and placed in Nouadhibou's detention center (from where many are deported without appeal to Mali or Senegal) appear to be transit migrants to Europe (Amnesty International, 2008).¹¹

Algeria hosts tens of thousands of irregular migrant workers, who play a notable role in economic growth and social change (Bensaad, 2008). The phenomenon started with Sub-Saharan African workers finding informal employment in the Saharan cities of Algeria, but Sub-Saharan migrants have now reached all major cities on the Mediterranean coast. More than 40 percent of the 100,000 inhabitants of Tamanrasset, the most southern city of the country, are irregular migrants from neighboring countries. The Sahara is a desert with few populated areas and with difficult life conditions that make it unattractive for Algerians from the north. At the same time, the region has oil and gas wealth, which has spurred rapid growth, especially in road construction and tourism. The most dynamic sectors of the Saharan economy (new agriculture developed on large irrigation schemes, construction, hotels and restaurants) are dependent upon an irregular Sub-Saharan migrant workforce, while in the north, it is garment industries and domestic service that are increasingly based on irregular migrant workers.

How many irregular migrant workers are there in Algeria? Those originating from three Sub-Saharan countries – Mali, Niger, and the Democratic Republic of Congo – were estimated at 21,500 by a survey in 2005 (Khaled *et al.*, 2007). According to Bensaad, other data exist and include a proper statistical survey conducted by ONS, the Algerian central bureau of statistics, the results of which are classified. Published official statistics are those on arrested and deported irregular migrants, approximately 5,000 per year.¹² Not only may these numbers not reflect those escaping police controls, but they may also understate actual deportations. Direct field observation suggests that the flow of expelled Sub-Saharan migrants at two

¹¹According to the *World Refugee Survey 2007*, Mauritania expelled 11,300 undocumented migrants to Senegal and Mali in one year (USCRI, 2007).

¹²In the first semester of 2005, 3,234 undocumented migrants were arrested, 5,680 in 2004, and 4,860 in 2003. From 1992 until 2003, 28,800 undocumented migrants would have been arrested, according to Minister of Labor and Social Security (Bensaad, 2008).

major border points (in Guezzam at the border with Niger, and Tin Zouatin on the border with Mali) is as high as 6,000 irregular migrants deported each month (*i.e.*, 72,000 per year), a number which coincides with the views of the consulates of these countries in Tamanrasset. Deported migrants are not only from Mali and Niger, but also from more distant countries such as Senegal, Ghana, and Nigeria (Bensaad, 2008).

In both Morocco and Tunisia, tens of thousands of immigrants, most of them originating from Sub-Saharan Africa, are irregularly staying, and sometimes working. A recent survey in Morocco has revealed that their average duration of stay in the country is 2.5 years, with 25 percent of them having arrived between 4 and 12 years ago, 65 percent between 1 and 3 years, and only 10 percent less than a year ago (AMERM, 2008). The survey made no difference between migrants seeking employment in Morocco and those in transit, but it found that a large majority of them (73 percent) intend to try to leave Morocco for Europe, *i.e.*, implicitly consider themselves as transit migrants. However, the survey also found that a majority of these migrants had occasional employment, one fifth as construction workers, one fifth as petty vendors, and one fifth as domestic workers, *i.e.*, they actually are irregular migrant workers.

Thousands of undocumented migrants deported each year from Morocco, Algeria, and probably Tunisia¹³ suggest that the phenomenon of irregular migration has now reached a significant scale in the Maghreb. According to the Italian NGO Fortress Europe, at least 40,000 migrants were arrested in Algeria from 2000 to 2007, and 27,500 deported from the country, many of them abandoned in the middle of the desert at the border between Algeria and Mali or Niger (Fortress Europe 2007). In Morocco, massive deportation became public in 2005, when Morocco expelled some 1,500 Sub-Saharan Africans – abandoning some of them in the desert – following the tragic attempt by undocumented migrants to force the fences surrounding the Spanish enclaves of Ceuta and Melilla and thus gain access to Europe (Goldschmidt, 2006; Migreurop 2006). Theirs was part of a larger movement as a total number of 8,423 irregular migrants were forcibly returned by Morocco to Sub-Saharan countries in the four years 2004–2007: 41 percent of them to Senegal, 25 percent to Nigeria, 19 percent to Mali, and the rest to a dozen other countries.¹⁴

¹³No study of irregular immigration into, and deportation from, Tunisia has been published so far.

¹⁴Ministère de l'Intérieur, Maroc, quoted by Mghari (2008).

Egypt certainly hosts a number of irregular migrant workers from the Horn of Africa, including an unknown number of Sudanese migrants: a few tens of thousands according to censuses¹⁵ or millions according to other sources (Hamood, 2006). This disparity is a result of the fact that many Sudanese live in Egypt without being recorded as foreign nationals, a result of the freedom of circulation and residence that linked the two countries for almost two centuries.¹⁶ Sudanese nationals could reside and work freely in Egypt and therefore they tended to consider, or to declare, themselves part of the country's population even though they never got Egyptian passports.

In 1995, after an attempt by a Sudanese extremist to assassinate President Mubarak of Egypt during a visit in Ethiopia, Egypt unilaterally decided to impose visas on Sudanese residents. Overnight the entire Sudanese population in Egypt – estimated, as we have seen, at anywhere between tens of thousands and millions – was turned into potentially irregular migrants. Their irregularity should have ended years later, in 2004, when Egypt and Sudan signed the Four Freedoms Agreement, providing nationals of both countries with freedom of movement, residence, work, and ownership in the other country. But though Egypt ratified it, it never fully implemented the agreement nor waived the requirement for Sudanese residents to have work permits. As a consequence, most Sudanese migrant workers in Egypt are in an irregular situation, although there is *de facto* tolerance that seems to protect the vast majority from deportation.

In Jordan, the number of irregular migrant workers may have dramatically increased in recent years. After decades of openness to immigration – a phenomenon that was viewed as a sort of replacement migration as Jordanian citizens emigrated – its government initiated in 2007 a protectionist policy aimed at reserving employment for nationals whenever possible. Around 70 percent of the foreign workers in the country are Egyptians¹⁷

¹⁵According to the Egyptian population census of 1996, 11,004 Sudanese nationals were residing in Egypt at that time, a number which is considered by several analysts an underestimate since many Sudanese nationals would declare themselves Egyptians or avoid registration by the census.

¹⁶Sudan, one the few pre-colonial states in Sub-Saharan Africa, was conquered and unified by Egypt in the early 19th century and remained under Egyptian (and British) administration until its independence in 1956. In 1978, the Wadi El Nil Treaty granted Sudanese nationals the right of residence in Egypt without a visa.

¹⁷Out of 289,724 work permits issued to non-Jordanians in 2006, 201,591 (69.6 percent) were delivered to overwhelmingly male (99.9 percent) Egyptians and 80,869 (27.9 percent) to predominantly female (54.0 percent) nationals of non-Arab Asian countries.

and an estimated 90,000 Egyptian workers, *i.e.*, one third of the total, have no valid work permits. A memorandum of understanding (MOU) was signed between Jordan and Egypt in 2007 according to which the admission of Egyptian workers in Jordan is now conditioned on the demand for labor in Jordan, and these migrants must not compete with Jordanians. Coming after years of free employment for Egyptians, the MOU threatened to turn the entire Egyptian community in Jordan into irregular migrant workers, and a grace period was granted for them to regularize their positions. This option, however, was offered only to those with professions open to foreign nationals, not to workers in activities kept for Jordanians (Olwan, 2008). Not only Egyptians, but workers from other nationalities have also been made irregular by changes in the labor law. Massive deportations took place in 2005 (23,961 foreigners deported), 2006 (10,625), and probably 2007 (numbers have not been published). In April 2008 about 5,000 Bangladeshis imprisoned for overstaying in Jordan were amnestied, *i.e.*, released from jail and forcibly repatriated.¹⁸

In Lebanon, an unknown but certainly high and fluctuating number of irregular migrants, many of them temporary, are part of the labor force. They have been estimated at anywhere between 400,000 and half a million, representing more than one third of the total official workforce in the country [1.365 million nationals and regular migrants workers in 1997 (Kasparian and Kasparian, 2006)]. The vast majority of them are Syrians, mostly temporary or seasonal migrants.¹⁹ Unskilled Syrian workers were already present in large numbers in the Lebanese labor market before the civil war of 1975–1989, with an estimated number of more than 200,000 in the early 1970s. By comparison, the numbers of detained migrants are small—2,100 in 2006, including 363 Sudanese workers, 343 Iraqis, and 145 Palestinians, but no Syrians (USCRI, 2007)—and do not reflect the national makeup of the migrant population, nor the size of irregular labor migration in the country.

The civil war created a context that was favorable to the increased participation of irregular Syrian migrant workers in Lebanon's labor force. After all, the emigration of hundreds of thousands of Lebanese left many positions on the labor market empty, and Syria's control of Lebanon's territory and borders facilitated the entry and stay of Syrian citizens that the

¹⁸<<http://www.smc.org.ph/amnews/amnissue.htm>>.

¹⁹An estimated 400,000 Syrian migrants worked irregularly in Lebanon according to a 2005 estimate (Kawakibi, 2007).

weakened Lebanese administration was unable to subject to the law. They remained after the end of the war, until 2005. The anti-Syrian demonstrations that followed the assassination of former Prime Minister Rafic Hariri in that year and the withdrawal of the Syrian military from Lebanon opened a period of uncertainty for Syrian workers in Lebanon. It is believed that they returned en masse to Syria. Today, however, most are believed to be back in Lebanon.

In Syria, no estimate of irregular migrant workers has been produced so far but they are believed to be in limited numbers. Syrian law makes a distinction between two sorts of non-Syrian nationals: Arabs who are citizens of another Arab country, and “foreigners” who are citizens of a non-Arab country. Arabs enjoy full freedom of entry and short stay in Syria while foreigners are subjected to visas. Both categories are subjected to long-term residence and work permits. Because Syria was not an important country of immigration and most immigrants were Arabs, irregular immigration in Syria did not receive any attention until the country became the main receiver of Iraqi refugees in recent years.

Turkey has several hundred thousand irregular workers: certainly more than the 45,000–95,000 undocumented migrants arrested every year by the police, but less than the million claimed by an official trade union report in 2003. A conservative estimate would be several hundred thousand (İçduygu, 2006). In general, they enter regularly but stay and work irregularly, most of them participating in seasonal or temporary employment in the informal economy, which represents 46 percent of the whole labor force in Turkey. They come from Moldova, Romania, Ukraine, and Russia and work in the domestic services, the sex industry, the entertainment sector, textiles, and construction. They include more women than men and form the lower end of the socioeconomic ladder in the country.

A special mention of the situation in the Occupied Palestinian Territory (OPT) must be made. If one considers that the only internationally recognized border of Israel is the “Green Line” established between Israel and its neighbors at the armistice of 1949,²⁰ then one has to view Israeli citizens living in the West Bank beyond the Green Line, including in annexed East Jerusalem, as international migrants, more precisely as foreigners in the country where they live. In addition, being established in

²⁰The Green Line remained an almost official border until the Israeli occupation of the West Bank and Gaza Strip in 1967.

contravention of the Palestinian law, they must be considered irregular immigrants.²¹ Their number was estimated at 422,000 in 2003.²²

Israel has around 100,000 irregular migrants (2007 estimate) belonging to two distinct categories. Non-Palestinian migrant workers, originating mainly from the former Soviet Union but also from various countries in Latin America and Asia, form the first group. Their number peaked at the onset of the second Intifada (139,000 in 2001) when the Israeli labor market became suddenly closed to daily workers from the West Bank and the Gaza Strip, and declined since then to reach 84,000 in 2007. Unauthorized Palestinian frontier workers form the second category. Their number was estimated at 22,000 in 2007 (in addition to 27,000 authorized daily workers), including commuters who cannot be viewed as migrants, but also formerly daily workers turned into residents by the difficulty of crossing the tightly controlled border between Israel and the Palestinian Territory (Cohen, 2008).

REFUGEES

The Middle East is the largest producer and receiver of refugees in the world. Out of a global number of 15.2 million refugees²³, SEM countries are the source of 5.1 million and host to 5.9 million, *i.e.*, respectively 34 percent and 39 percent of the world total. In addition, while refugee numbers have been decreasing worldwide over the last decade, they have recently increased in the Middle East. The high number of refugees and its increase are explained by two factors: first, the worsening of refugee crises in neighboring countries – particularly Darfur in Sudan and Iraq – and second, the presence of Palestinian refugees. Out of the 5.1 million refugees originating from the region and of the 5.9 million it hosts, 4.4 million are Palestinian refugees under the jurisdiction of UNRWA (the United Nations Relief and Works Agency for Palestine Refugees in the Near East, created in 1950). Their population continuously increases,

²¹In Table 1, Israeli settlers who reside in the occupied Palestinian territory for political reasons are nevertheless labeled “labor” migrants by default, because they do not come under the two other categories of refugees and transit migrants.

²²See Appendix Table 2, p. 395, in Fargues, 2007.

²³Total number of refugees computed as: 9,877,707 UNHCR refugees (end 2006) + 743,937 UNHCR asylum seeker pending cases (end 2006) + 4,562,820 UNWRA Palestinian refugees (end 2007) = 15,184,464.

TABLE 1
STOCKS OF IRREGULAR LABOR MIGRANTS IN SEM COUNTRIES AROUND 2005

Country	Estimated Number	Main Origin
Algeria	Several ten thousands	Mali, Niger
Egypt	Several ten to hundred thousands	Sudan
Israel	100,000	Former Soviet Union, Jordan, Mexico, and Palestine
Jordan	100,000 or more	Egypt, Bangladesh
Lebanon	400–500,000	Syria
Libya	1.0–1.2 million	Sudan, Egypt, Tunisia, Chad, Niger, Eritrea, Somalia
Mauritania	Few thousands	Sub-Saharan Africa
Morocco	Thousands to several ten thousands	Sub-Saharan Africa
Palestine	422,000	Israel ^a
Syria	Small numbers	Arab countries
Tunisia	Several thousand to ten thousands	Sub-Saharan Africa
Turkey	Several hundred thousands	Moldova, Romania, Ukraine, Russia
Total	2–3 million	Mostly SEM neighborhood

Sources: various, *see text*.

^a*See footnote 21.*

not because of political circumstances, but because of the natural demography of the Palestinian refugees.

Indeed, one distinctive feature of the region is that two different definitions of a refugee coexist there. One is the generic definition enshrined in the 1951 Convention Relating to the Status of Refugees, according to which a refugee is a person who, “owing to a 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 to or, owing to such fear, is unwilling to avail himself of the protection of that country....” The other is the specific definition of UNRWA, according to which “Palestine refugees are persons whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict [...] UNRWA’s definition of a refugee also covers the descendants of persons who became refugees in 1948. The number of registered Palestine refugees has subsequently grown from 914,000 in 1950 to more than four million in 2002, and continues to rise due to natural population growth.”

As a result of the above definition, most Palestinian refugees are not themselves international migrants, but children or grandchildren of migrants. In addition, not all of these migrants had crossed an international border, since the UNWRA definition of Palestinian refugees includes refugees currently living in the West Bank and Gaza Strip, *i.e.*, in Palestine itself (in other settings, they would be “internally displaced

persons”). But Palestinian refugees still have a feature common to most refugee movements, namely, they remain in the general proximity of their place of origin. In fact, as many as 80 percent of Palestinian refugees still live today within a 100-km radius of the very village or town that they themselves, or their parents or grandparents, left in 1948 (Abu Sitta, 2001). When they sought shelter in 1948, it was in the immediate vicinity of their homes, and if they have remained immobile since then, it is precisely because they are refugees: many of them do not have a recognized nationality and do not possess the identity documents and passports that are necessary to travel; on the other side, their collective identity is fostered by the idea of return. In what follows, however, and for the purpose of this article, UNRWA Palestinian refugees will not be taken into account inasmuch as they are not irregular migrants.²⁴

How many non-Palestinian refugees do SEM countries contain? There is no straightforward answer. Indeed, the problem with refugee statistics is that in order to be counted as a refugee, a person has to be recognized as such. SEM countries do not consider themselves countries of resettlement for refugees and therefore they do not grant the status of refugee to asylum seekers. If UNHCR (United Nations High Commissioner for Refugees) offices established in SEM countries can grant that status, it is still for refugees to obtain resettlement elsewhere, generally in the West. But Western countries are increasingly closing their doors to asylum seekers, and as a result many *de facto* refugees are stranded in the SEM region with no recognized refugee status. They wait to be resettled in a third country or to return to their home country when security is re-established following a peace agreement or an act of national reconciliation. For them, waiting may last a long time, sometimes a lifetime.

The number of *de facto* refugees is by the very nature of these refugees unknown and different agencies produce different estimates. Tables 2 and 3 contain United Nations official estimates as provided by UNHCR and UNRWA. Alternative figures are provided by the U.S. Committee for Refugees and Immigrants.²⁵ Human rights organizations often claim much higher numbers. This article will use United Nations sources.

²⁴Whether Palestinian refugees should be considered migrants or not is discussed in Fargues, 2006.

²⁵World Refugee Survey. <<http://www.refugees.org/article.aspx?id=2114&subm=19&ssm=29&area>About%20Refugees>>.

TABLE 2
REFUGEES AND ASYLUM SEEKERS BY COUNTRY OF ASYLUM, END 2006

Country of Asylum	UNHCR Refugees and Asylum Seekers		UNRWA Refugees	Total
	Refugees	Asylum Seekers		
Algeria	94,180	941		95,121
Egypt	88,022	16,368		104,390
Israel	837	863		1,700
Jordan	500,229	19,248	1,858,362	2,377,839
Lebanon	20,164	2,579	408,438	431,181
Libya	2,760	1,994		4,754
Mauritania	770	91		861
Morocco	503	1,375		1,878
Palestine	0	0	1,739,266	1,739,266
Syria	702,209	5,213	442,363	1,149,785
Tunisia	93	68		161
Turkey	2,633	6,219		8,852
Total	1,412,400	54,959	4,448,429	5,915,788

Source: UNHCR & UNRWA.

TABLE 3
REFUGEES AND ASYLUM SEEKERS BY COUNTRY OF ORIGIN IN THE SEM, END 2006

Origin	Refugees	Asylum Seekers (Pending Cases)	Total
Algeria	8,353	2,675	11,028
Egypt	7,613	1,693	9,306
Israel	882	945	1,827
Jordan	1,604	774	2,378
Lebanon	12,252	3,159	15,411
Libya	1,573	671	2,244
Mauritania	33,428	1,811	35,239
Morocco	4,710	589	5,299
Palestine	334,142	1,386	335,528
Syria	12,337	7,514	19,851
Tunisia	2,845	354	3,199
Turkey	227,232	14,948	242,180
Total	646,970	36,519	683,489

Source: UNHCR.

The Maghreb region is currently the source of an estimated 150,000 refugees (2008). The Sahrawi are the oldest and still the largest refugee population originating from the Maghreb. Western Sahara, a former Spanish colony, has been disputed since 1975 by Morocco and the Polisario²⁶ Front. Morocco has annexed most of the territory and adamantly opposed a referendum on independence while the Polisario, backed by Algeria, has proclaimed a Sahrawi Arab Democratic Republic (SADR) in

²⁶Frente Popular de Liberación de Saguía el Hamra y Río de Oro.

the eastern part of the territory. The conflict over Western Sahara has displaced tens of thousands, mostly Sahrawi, who became refugees in Algeria and Mauritania, and a number of Moroccans who were deported from Algeria in retaliation.

Out of some 200,000–300,000 Sahrawi, 150,000 have been passed through, at one time or another, the camps near the military zone of Tindouf in Southwest Algeria, where around 90,000 refugees are still to be found;²⁷ about 26,000 live in Mauritania and the rest in the part of Sahara that was annexed by Morocco. In Algeria, they have no access to employment and, apart from a few shepherds, their only income comes from aid. A nutrition survey conducted by UNHCR and the World Food Programme among children in the Tindouf camps in 2005 found a prevalence of acute malnutrition of 10.6 percent, and a prevalence of malnutrition of 33 percent.²⁸ By agreement between the Algerian government and the Polisario Front, the Sahrawi do not enjoy freedom of movement in Algeria, and those who are allowed to temporarily leave the camps cannot be accompanied by their families. Many families were split by the division of the territory, and UNHCR started a program of temporary family reunification in 2004. Three years later, in 2007, more than 4,000 persons had been reunited with their families after three decades of separation and 15,000 were waiting to participate in the program.²⁹

The second refugee population originating from the Maghreb are the mainly Fulbe and Wolof Mauritians who fled to Senegal and Mali in 1989. Against the backdrop of persisting slavery, Mauritania had become the scene of ethnic violence between the Moors, promoting a strong policy of Arabization of the state and society, and Sub-Saharan communities who defended the country's multicultural character. Around 60,000 Mauritians fled to Senegal and Mali. A first wave of return to Mauritania – estimated at 35,000 individual cases – took place in 1996–1998. Ten years later around 25,000 Mauritians were still living in Senegalese refugee camps and a repatriation program was established.

Contrary to Western Sahara and Mauritania, Algeria, Morocco, Tunisia, and Libya have not produced collective, but individual

²⁷Estimation by <<http://www.refugees.org/>>. The Algerian government does not allow any census of the population in camps.

²⁸<http://www.unsystem.org/scn/publications/RNIS/countries/algeria_all.htm>.

²⁹<<http://www.irinnews.org/Report.aspx?ReportId=74134>>.

movements of people fleeing the fear of political persecution or threat to their lives. Algeria currently counts 11,000 refugees, mostly in Germany, the UK, and France, who fled the country during the civil war in the 1990s. Morocco comes second (5,300, Germany), followed by Tunisia (3,199, Germany and Switzerland) and Libya (2,200, Switzerland and Germany).

As receivers, Maghreb countries count sizeable Palestinian refugee communities, in particular Libya and Algeria (8,873 and 4,000, respectively, in 2005). The region has also recently started to receive refugees from conflict-torn Sub-Saharan areas (Somalia, DR Congo, Liberia, Côte d'Ivoire, and Sierra Leone). According to UNHCR estimates, their number would slightly exceed 5,000 persons: around 3,000 in Libya, 2,000 in Morocco, and only a few hundred each in Algeria, Mauritania, and Tunisia (Table 2). It is probable that these numbers do not reflect the entire reality, since most *de facto* refugees do not apply for asylum in Maghreb countries, where they know that they would be denied refugee status and risk deportation. Indeed, Maghreb states consider almost all migrants to be labor migrants and refuse to consider that some of them may have legitimate claims to be refugees (De Haas, 2006).

Libya, by far the first receiver of Sub-Saharan migrants, is not party to the 1951 Geneva Convention Relating to the Status of Refugees nor to the 1967 Protocol and simply claims that all foreign nationals in the country are either labor or transit migrants, and that none of them have a legitimate fear of returning home. Considering that the country has no political refugees, but faces a huge irregular migration problem, Libya's government is reluctant to develop any asylum law or procedure for fear that opening an asylum channel would dramatically increase the number of non-deportable, undocumented migrants (HRW 2006a). Instead, the Libyan government resorts to massive deportations of undocumented migrants (*see above*, section 1).

All other Maghreb states are parties to the 1951 Geneva Convention and the 1967 Protocol. However, they almost never grant the status of refugee to asylum seekers. Instead, their governments consider that all undocumented sub-Saharan Africans are illegal migrants and they now often deport them. The thousands of migrants deported each year from Algeria, Morocco, and Tunisia (*see above*, section 1) may well include a number of likely asylum seekers that are left without a chance to apply for asylum or challenge their deportation (USCRI, 2007).

Egypt hosts around 120,000 refugees and asylum seekers in 2008, according to the UNHCR. On the basis of sources and methodologies that are not set out, the U.S. Committee for Refugees and Immigrants claims a larger number: 172,900 refugees in 2007, including 80,000 Iraqis but only 60,000 Palestinians.³⁰ The only national statistical survey conducted on Iraqi refugees in Egypt, however, found a much lower number than those claimed by UNHCR and USCRI: 16,853 mid-2008 (Fargues *et al.*, 2008) Not registered with UNHCR but estimated by the agency at 70,255 in 2005 (*i.e.*, some 76,000 3 years later), Palestinians would still be the largest refugee population in the country. As of February 2008, 43,185 refugees were registered with UNHCR Cairo office, 55 percent of them Sudanese (23,660), 25 percent Iraqis (10,786), 12 percent Somalis (5,383), and the remaining 6 percent nationals from Eritrea (1,401), Ethiopia, and a few other countries (UNHCR, 2008). Many are not properly registered with UNHCR and therefore find themselves in a very precarious situation. For instance, in June 2008, the Egyptian authorities decided to forcibly return some 1,400 asylum seekers from Eritrea to their country of origin.³¹

In Egypt, 2005 was marked by the Sudanese refugee crisis.³² The presence of an important UNHCR office in Cairo – with a mandate to determine who qualifies as refugees and the task of finding durable solutions for them³³ – attracted a large number of refugees from Sudan and the Horn of Africa in the hope that the UNHCR would grant them refugee status, which would allow them to resettle in a third country, if possible in Europe or Northern America. The worsening situation in Sudan, and particularly the massacres in Darfur, meant that the numbers of asylum seekers soared. The post-9/11 measures taken by Western countries to tighten control at their borders and to contain migration made admission and resettlement in the West an increasingly difficult goal for asylum seekers.

As a result, the pressure on the UNHCR office in Egypt mounted and the time needed to process applications grew. In the summer of 2004 UNHCR decided to give asylum seekers temporary protection for six

³⁰<<http://www.refugees.org/countryreports.aspx?id=1994>>.

³¹At the time of writing, mass deportation had started while other Eritrean refugees were still detained in the region of Aswan. <<http://www.euromedrights.net/pages/511/news/focus/57066>>.

³²For an analysis of the Sudanese refugee crisis, *see* Azzam, 2005.

³³Three durable solutions are normally considered by UNHCR: voluntary return, local integration in the country of first asylum, or resettlement in a third country.

months, that is, the time needed to obtain an interview to determine their status. Meanwhile, a peace accord was signed by the Sudanese government and the Southern Sudanese (Nairobi, January 2005) and a United Nations Mission in Sudan (UNMIS) was established (March 2005) to monitor the implementation of the peace agreement and to provide humanitarian assistance and protection. As a result, Southern Sudanese refugees in Egypt were no longer eligible for refugee status and the only solution offered by the UNHCR was voluntary repatriation.³⁴ Refusing to trust the peace agreement, a group of between 1,500 and 3,000 Sudanese refugees organized a protest in front of the UNHCR offices in Cairo. The protest lasted three months and was finally broken up by the Egyptian police on December 30, 2005, with 27 dead among the protesters. The crisis continued with the arrest of a large number of Sudanese refugees (all released by the end of February 2006), but the Egyptian government eventually abandoned the idea of deporting those refused refugee status.

Jordan, Syria and Lebanon are major receivers of refugee populations. On top of being the main countries hosting Palestinian refugees, they have now to absorb the largest wave of refugees in the Middle East since the Palestinian exodus of 1948, namely, those Iraqis fleeing their country. The war and worsening insecurity in Iraq under U.S. military occupation have provoked an unprecedented displacement of population into the Middle East. Five million Iraqis have fled their region of origin, to find shelter in another part of Iraq or in a neighboring country or elsewhere in the world. Syria and Jordan, and to a lesser extent Lebanon and Egypt, are their main destinations.³⁵ Given the emergency in Iraq and the confused situation in receiving areas of neighboring countries, no solid census of the Iraqi refugee population has ever been conducted, and numbers provided by international agencies, governments, or the media must be taken with much caution.

In Jordan, the most commonly cited number of Iraqi refugees was 750,000 until a survey, conducted in 2007 by the Norwegian research

³⁴During the year 2007, the number of Sudanese assisted by UNHCR-Cairo for voluntary repatriation reached 1,645 individuals (UNHCR Fact Sheet Egypt2007: January 2008). <<http://www.unhcr.org/cgi-bin/texis/vtx/iraq?page=intro>>.

³⁵As stated by Refugees International, "Almost 5 million Iraqis had been displaced by violence in their country, the vast majority of which had fled since 2003. Over 2.4 million vacated their homes for safer areas within Iraq, up to 1.5 million were living in Syria, and over 1 million refugees were inhabiting Jordan, Iran, Egypt, Lebanon, Turkey and Gulf States." <<http://www.refugeesinternational.org/content/article/detail/9679>>.

Institute FAFO in cooperation with the Department of Statistics of Jordan, offered a much lower estimate of “only” 161,000 (FAFO 2007). Given the magnitude of the divergence between the number obtained by scientific statistical methods and estimates based either on flawed data³⁶ or on political or advocacy agendas, FAFO revised its estimate, arguing that the statistical survey could have underestimated the number of Iraqis because the question on nationality was asked directly to interviewees, and a number of Iraqis may have been reluctant to reveal their true nationality for fear of deportation or other sanctions. The survey report finally states, “Given the major discrepancies in figures the Jordanian government’s technical team was tasked with reconciling the various and contradictory estimates of the size of the Iraqi community and has concluded that the number of Iraqis in Jordan is estimated at 450,000–500,000.” By revising its estimate from 161,000 to 450,000–500,000, FAFO implies that two out of three Iraqis would have claimed to be of another nationality, and one wonders what this nationality is that would fictitiously create 289,000–339,000 non-Iraqi, non-Jordanian Arabs in Jordan. That the number published by FAFO is three times the number actually found by its survey casts serious doubt on its reliability.³⁷

In Lebanon, the number of Iraqi refugees was estimated by a survey conducted in 2007 by the Danish Refugee Council (Khalidi, 2007). The report of the survey explains the sampling method: selecting urban areas where Iraqis are known to live and then constructing the sample through a snowball approach. But the same report is rather enigmatic on the methodology applied for extrapolating the sample results to the general population, in

³⁶Border statistics, providing a balance of Iraqi nationals entering and leaving Jordan between 1990 and March 2007 equal to 547,000, are subject to an important bias since border records are more reliable for entries than for exits; data from telecommunications companies on phone usage by Iraqis are affected by another kind of bias since no distinction can be made between residents and persons in transit and no indication of the average number of persons *per* mobile phone is given; nevertheless, the FAFO report states that such records suggest 481,000 Iraqis (FAFO, 2007).

³⁷According to the World Refugee Survey, 2007, “during the 2005–2006 school year, some 60,000 Iraqi children attended Jordanian schools. For 2006–2007, this dropped to 15,000 of the estimated 200,000–300,000 Iraqi children in the country.” Such an assessment (according to which only between 5 and 7.5 percent of Iraqi school-age refugee children in Jordan would actually attend school) is in total contradiction of the 78.2 percent enrolment rate found by the 2007 FAFO sample survey. The World Refugee Survey’s underestimation of actual enrolment rates may reflect either an undercount of the numerator (number of students) or an overcount of the denominator (number of Iraqi refugees).

particular for inferring the size of that population from the sample. It states, “Given the constraints that impede a more rigorous estimate, the adopted strategy was to arrive at a specific number and/or a specific range of numbers that appear logical to key stakeholders.” Finally “the project arrived at two relatively credible estimates of the Iraqi population in Lebanon. These estimates are based on raw figures either from the General Security Office (GSO) or from UNHCR. They provide a range from 26,368 (based on UNHCR refugee registration figures) to 50,000–100,000.” In Lebanon as in Jordan, the number of Iraqi refugees seems to be political.

Syria is considered the largest receiver of Iraqi refugees. At the time of writing, no survey specifically intended at measuring their number had yet been carried out, but figures ranging from 1.2 to 1.5 million of Iraqi refugees are commonly suggested. The only large-scale field study conducted by the Brookings Institution to assess their profiles, situations, and needs states that “of the estimated two million Iraqis who have sought protection in neighboring countries, at least 1.2 million to 1.5 million are presently in Syria” (Al-Khalidi, Hoffmann, and Tanner, 2007). The study also indicates that “the largest area of Iraqi concentration in Syria is the greater Damascus urban area where they have established communities in specific neighborhoods.” Most observers agree that the Iraqis are concentrated largely in “Damascus where between 80 and 90 percent of the refugee population is living” (Weiss Fagen, 2007). Do the math: 80 percent of 1.5 million, *i.e.*, 1.2 million Iraqi refugees would live in the Damascus area and bring its 2.5 million population³⁸ to 3.7 million; in other terms, one out of every three persons a visitor would meet in the streets of the capital city of Syria today would be an Iraqi refugee. This seems a very unlikely situation.

In the three countries, Iraqi refugees are not recognized as refugees (a category which is reserved for Palestinians) but accepted as “guests,” *i.e.*, temporary visitors who will have to leave soon: Jordan, Lebanon, and Syria are not signatories of the 1951 Geneva Refugee Convention. Mid-2008 their future was still unclear. Contrary to UNHCR hinting earlier in the year that a movement of return to Iraq had started late 2007,³⁹

³⁸Damascus had 2,466,000 inhabitants in 2007, according to the UN Population Division database on urbanization. <<http://esa.un.org/unup/p2k0data.asp>>.

³⁹“The UN’s top refugee official has hinted that security in Iraq may soon have improved enough for some of the 4 million Iraqi refugees to begin returning home.” Interview of Mr. Guterres by BBC’s Jim Muir on February 16, 2008. <http://news.bbc.co.uk/go/pr/fr/-/2/hi/middle_east/7248962.stm>.

return to Iraq was still unthinkable for the vast majority of them and entry to a Western country was unlikely, making their indefinite stay in neighboring countries in the Middle East the only realistic option.

However, both Jordan and Syria have tightened the conditions of entry and stay imposed on Iraqi refugees. In Jordan, it started late 2005 after Iraqi terrorists set off bombs that killed some 60 persons in three hotels in Amman. The government started to strictly enforce legislation on immigration, and to regularly arrest and detain Iraqis caught overstaying their visas, then to deport them to Syria or Yemen if they did not want to return to Iraq (HRW, 2006b; USCRI, 2007). As of September 2007, Syria, a country that had always granted free access to all Arab citizens in the name of Pan-Arabism, also decided to impose visa requirements for Iraqis. According to a 2007 survey of Iraqi refugees in Lebanon, 71 percent of them had entered illegally and 67 percent were still staying illegally, most of them (88 percent) because they could not afford settlement expenses. Twelve percent of the Iraqi households surveyed report one or several members incarcerated due to illegal entry or stay, and if two thirds of those incarcerated are released, one third are returned to Iraq (Khalidi, 2007). At the end of 2007, Iraqi refugees coerced to return to Iraq were no longer an exception.⁴⁰ With Lebanon, Syria, and Jordan now out of reach, there seems to be no haven left in the Middle East for Iraqi refugees.

TRANSIT MIGRANTS

Transit migration is a new term in the lexicon of international migration and refers to people initially heading for regions further away – Europe, North America, or the Gulf states – who never complete their journey because they do not meet visa conditions.⁴¹ Transit migration reflects a paradox: at a time when the movement of people is increasingly easy and affordable due to cheap means of transportation, migration becomes increasingly difficult and costly due to more restrictive legislation and reinforced border controls.

Like irregular labor migrants, transit migrants are in search of employment, but unlike irregular labor migrants, they do not primarily target the local labor market of the country in which they are stranded. Like refugees,

⁴⁰Human Rights Watch, December 4, 2007.

⁴¹On the (weaknesses of the) definition of transit migration, transit migrants, and countries of transit, *see* Düvell, 2006 and Cassarino and Fargues, 2006.

they try to reach a further destination, but unlike refugees, they are not in search of protection. The distinction between the two categories, transit migrants and refugees, is often blurred. For one, asylum seekers may move alongside transit migrants – sometimes resorting to the same smugglers – to form together what UNHCR terms movements of “mixed migration” (UNHCR, 2007). But there is also the fact that both asylum seekers and transit migrants are received as unwanted newcomers and treated as a threat to security by the governments of their countries of first asylum or transit, which therefore tend to claim that all of them are illegal labor migrants and deny that a number of them are fleeing life-threatening circumstances.

Transit migrants respond to pull factors operating in a different region from that where they actually live and where they ended up with no intention of staying, nor, originally, of finding employment. But they may wait a long time (often months, sometimes years) before being able to leave for their intended destination, or never be able to do so. They may also have to pay a high price for the last segment of their journey, which is the most illicit, dangerous, and therefore expensive. After a while, they have no choice but to earn an income and irregularly enter the labor market of their country of transit. They join the group of irregular labor migrants, but with their own profile (surveys in several SEM countries have revealed that they count many unmarried young men with an above-average education) and situation (they do not have the same local connections as migrants who came with the express intention of entering the local labor market).

How many transit migrants do SEM countries count at present? No direct statistics and very few indirect ones exist. In Mauritania, the Ministry of Interior reported 11,637 deportations of arrested migrants in 2006 and 6,624 in 2007 (Ndah Mohamed Saleh, 2008). In Algeria, more than 9,000 irregular migrants were imprisoned out of 35,000 arrested in 2000–2006 (Carling, 2007). Morocco has released a few statistics on arrested irregular migrants, whether in transit or not, that reveal that they overwhelmingly come from Sub-Saharan Africa, in particular Mali and Senegal. Numbers arrested do not exceed 20,000 per year (Table 4). Turkey also provides data on intercepted irregular migrants, putting together those employed in Turkey and those simply transiting through it to reach Europe through the Greek archipelago of Dodecanesus. As in Morocco, they predominantly come from nearby countries in Asia, Eastern Europe, and the Middle East (Table 5). Their number has increased over the 1990s from around 10,000 in 1995 to close to 100,000 in 2000, and declined since then to reach a little more than 50,000 in 2006. It is

not clear whether this trend reflects ebbs and flows in the phenomenon of irregular migration itself, or in the police's efficiency to repress it. It is also unclear whether arrested foreigners are irregular workers locally employed or transit migrants.⁴²

Are statistics of irregular migrants who reach, or try to reach, Europe a better proxy for the missing statistics of transit migrants in SEM countries? The advocacy group Fortress Europe⁴³ publishes on its blog updated

TABLE 4
IRREGULAR MIGRANTS ARRESTED IN MOROCCO IN 2004 BY COUNTRY OF NATIONALITY

Country	Number
Mali	4,655
Senegal	3,049
Ghana	1,523
Gambia	1,029
Liberia	876
Nigeria	758
Guinea	687
Maghreb	1,156
Other Africa	2,944
Asia	575
Total	11,890

Source: Direction de la Coopération Internationale: Ministère de l'Intérieur, *Immigration et émigration au Maroc-Rapport 2004*, p. 60.

TABLE 5
IRREGULAR MIGRANTS APPREHENDED IN TURKEY IN 1995–2006, BY COUNTRY OF NATIONALITY

Country	Number
Iraq	114,124
Moldova	53,009
Pakistan	50,730
Afghanistan	37,911
Turkey	30,846
Iran	25,220
Romania	22,532
Bangladesh	19,702
Georgia	18,434
Ukraine	18,228
Russian Federation	17,622
Azerbaijan	13,240
Bulgaria	10,222
Syria	8,144
Other & unknown	176,563
Total	616,527

Source: Ahmet İçduygu, 2008; Rethinking the irregular migration in Turkey, CARIM, 2008.

⁴² Ahmet İçduygu (2008), Rethinking the irregular migration in Turkey, CARIM.

⁴³ <http://fortresseurope.blogspot.com/2006/02/immigrants-dead-at-frontiers-of-europe_16.html>.

TABLE 6
NUMBER OF DEAD AND MISSING PERSONS ON IRREGULAR MIGRATION MARITIME ROUTES
FROM SEM TO EU COUNTRIES FROM 1988 TO 2007

Year	Route				
	Sicily	Spanish Coast + Ceuta & Melilla	Canary Islands	Egean Sea	All Routes
1988	0	19	0	0	19
1989	0	30	0	0	30
1990	0	0	0	0	0
1991	0	0	0	0	0
1992	0	66	0	0	66
1993	0	0	0	0	0
1994	0	34	0	9	43
1995	2	7	0	0	9
1996	303	32	0	3	338
1997	6	107	0	18	131
1998	16	157	0	13	186
1999	0	40	18	2	60
2000	0	127	16	32	175
2001	8	157	40	102	307
2002	236	106	39	94	475
2003	413	108	130	81	732
2004	206	64	232	103	605
2005	437	146	185	98	866
2006	302	215	1,035	73	1,625
2007	556	142	745	257	1,700
Total	2,485	1,557	2,440	885	7,367

Source: <http://fortresseurope.blogspot.com/2006/02/immigrants-dead-at-frontiers-of-europe_16.html>

numbers of dead and missing migrants on the southern border of Europe: 7,367 persons seem to have perished trying to reach Europe by sea over the 14 years 1994–2007 (Table 6). Of course, only a small proportion of transit migrants end up drowning in the Mediterranean or the Atlantic, and numbers in Table 6 reflect at best trends, not levels. The numbers of irregular migrants arrested at their arrival in continental Spain or the Canary Islands are on average 50 times greater than the number of those who perished on the same route (Table 7). Is that to say that the proportion of those who die during the crossing from Africa to Europe is an enormously high 1/50?⁴⁴ This is, perhaps, the cold reality of what has become a tragedy. But perhaps also mortality during the extremely dangerous crossing to Europe is lower than shown in Table 7, because not all irregular migrants crossing the sea are arrested upon arrival in Spain. But how many of them survived the sea journey and avoided arrest to arrive and stay successfully at their destination?

⁴⁴This is consistent with a 10–15 per thousand rate of mortality found by Carling at the Spanish-African border over the years 1997–2004 (Carling, 2007).

TABLE 7
DEAD AND MISSING IN PROPORTION TO DETAINED IRREGULAR MIGRANTS IN SPAIN

Year	2001	2002	2003	2004	2005	2006	2007	Total
Spanish coast + Ceuta & Melilla								
Dead & Missing	157	106	108	64	146	215	142	938
Detained	14,405	6,795	9,794	7,249	7,066	18,502	20,759	84,570
% Dead & Missing	1.1	1.6	1.1	0.9	2.1	1.2	0.7	1.1
Canary Islands								
Dead & Missing	40	39	130	232	185	1,035	745	2,406
Detained	4,112	9,875	9,382	8,426	4,715	31,678	12,478	80,666
% Dead & Missing	1.0	0.4	1.4	2.8	3.9	3.3	6.0	3.0
Total								
Dead & Missing	197	145	238	296	331	1,250	887	3,344
Detained	18,517	16,670	19,176	15,675	11,781	50,180	33,237	165,236
% Dead & Missing	1.1	0.9	1.2	1.9	2.8	2.5	2.7	2.0

Source: Dead & missing: 6; Detained: Asociación Pro Derechos Humanos de Andalucía, Informe Derechos Humanos en la Frontera Sur 2007.

Spain (which is with Italy the first country of destination for irregular migrants from SEM countries) possesses population data that include all migrants, irregular as well as regular: the municipal population registers. According to this source, on January 1, 2008, Spain had 208,600 residents born in Sub-Saharan countries out of 5,996 million born-abroad residents (in other words 3.5 percent of the total stock of immigrant population in Spain was originating from Sub-Saharan Africa).⁴⁵ Some of them were irregular migrants. De Haas estimates that 41 percent of immigrants originating from Western Africa in Spain are irregular (De Haas, 2008): applying this ratio to all Sub-Saharan migrants, one finds that Spain hosted around 85,000 Sub-Saharan irregular immigrants in 2008. The same author estimates the annual flow of irregular migrants from Western Africa to Spain at 15,000 in recent years. Some of them transited through the Maghreb while others arrived directly by air. Had they all transited through the Maghreb and stayed there for 2 years,⁴⁶ an annual flow of 15,000 would correspond to a stock of 30,000 Sub-Saharan transit migrants bound for Spain and staying in the Maghreb at any moment in time. Assuming that Italy and Greece receive the same number of irregular migrants transiting respectively through Western and Eastern SEM countries, then the corresponding stock of transit migrants bound for Spain, Italy, and Greece in the whole SEM

⁴⁵Numbers computed by the author from the series "Población por país de nacimiento, nacionalidad y sexo," provided by the Instituto Nacional de Estadística, data on January 1, 2008. <<http://www.ine.es/jaxi/tabla.do>>.

⁴⁶Two years is the average duration of stay of transit migrants found by Lahlou (2005) in Morocco.

region would be 90,000. Adding the probably smaller number of migrants crossing the Mediterranean sea from SEM to other destinations in Europe, say 10,000 or more, one obtains a rough estimate of 100,000 transit migrants bound for Europe in the SEM region. However high one finds this number, it is far smaller than those of irregular labor migrants who work in SEM countries with no intention of coming to the West, or those of *de facto* refugees who are denied this status and left stranded in the SEM.

IRREGULARITY AS NORMALITY

Different motives behind migration explain contrasted demographic profiles. Typically, refugee populations are made of families fleeing insecurity in bloc, while irregular labor migrants and transit migrants consist of isolated individuals, mainly young persons in search of employment. In Jordan, Iraqi refugees live in one-family households that comprise on average 4.1 persons, with men and women in approximately equal numbers⁴⁷ and a large number of dependent children (60.1 percent of the total). Their age pyramid reflects that of the total population of their country of origin, with 27 percent of the population aged 0–14 years, 69 percent 15–64 years, and 4 percent above 65 (FAFO, 2007). In Syria as well, Iraqi refugees live together with their family, because the whole family was targeted in Iraq (Al-Khalidi, 2007). In Lebanon the demographic profile of the Iraqi refugees is slightly skewed, with smaller households (average size: 2.86 individuals) and a majority of single men (68 percent of all men) predominantly (40 percent) aged 20–29 years (Khalidi, 2007). By contrast, the few available surveys of irregular labor and transit migrants reveal a totally different demographic profile. Whether they are predominantly male populations as Sub-Saharan immigrants in Morocco (CIMADE, 2004; Lahlou, 2005) and Algeria (Hammouda, 2008), or the other way round, women outnumber men as among mostly irregular immigrants from the former Soviet Union in Turkey (Içduygu, 2006); the vast majority of them are young adults. Under-working-age children are rare and old persons an exception.

Beyond their demographic differences, however, the three categories share in many regards the same socioeconomic conditions. Irregularity is an overwhelmingly determining factor that reduces immigrants' agency and freedom of movement and leaves them with little or no legal

⁴⁷Actually a slight excess of women is observed with a sex ratio of 120 females per 100 males.

protection or access to basic rights.⁴⁸ Refugees and transit migrants who find themselves stranded, waiting for resettlement in another country or for a passage to Europe, need to earn an income and thus to work. But in SEM countries as in many others, the right to work is reserved to citizens and formal employment is accessible only to foreigners with legal work permits. Refugees can seldom, if ever, obtain work permits (USCRI, 2007), and together with transit migrants, they are relegated either to unemployment or to the same hidden, informal, underpaid, and precarious jobs as irregular labor migrants.

Insofar as economic activity can be accurately captured among people who are denied legal access to work and are thus reluctant to declare themselves economically active when they actually work, the few surveys of refugees, on one side, and of transit migrants, on the other, show the same following features: (1) a high proportion of working-age persons remain either out of the workforce or unemployed; (2) those who work are rarely employed in relation with, and at the level of, their educational skills; and (3) both refugees and transit migrants have on average a higher level of education than the population from where they come⁴⁹ and most probably higher than irregular labor migrants whom they meet up with on SEM labor markets.⁵⁰

Recent surveys in Jordan, Lebanon, and Syria found that Iraqi refugees are faced with massive unemployment: in Jordan, where 65 percent of all Iraqi households depend upon an income from employment or self-employment, 49 percent of men aged 16 and over and 86 percent women are out of the workforce; in Syria they are respectively 55 percent and 80 percent; in Lebanon, 32 percent and 83 percent. Those who work are all employed in unskilled and little rewarding occupations that nationals have become reluctant to take: in Lebanon for example, 80 percent of those who work do not have a work permit but 87 percent work full-time; apart from 17 percent who are self-employed, all the others are wage earners in occupations such as employee in a store, a gas station or a factory, and laborer. Despite their low level of employment, however, Iraqi refugees have a

⁴⁸The World Refugee Survey 2007 offers a systematic review, country by country, of the freedom of circulation, right to earn a livelihood, and access to health and education enjoyed by refugees.

⁴⁹Forty-five percent of transit Sub-Saharan migrants in Morocco have attended high school and 24 percent university (Lahlou, 2005).

⁵⁰For lack of statistical data on irregular labor migrants, the hypothesis that they may not have the same relatively high level of education as found among refugees and transit migrants cannot be verified.

relatively high level of education: in Jordan, 46 percent of Iraqis aged 16 and over have a bachelor's degree or more; in Lebanon, 43 percent of Iraqi heads of household have completed their secondary or university education.

Surveys in the Maghreb countries found comparable patterns among Sub-Saharan immigrants. In Morocco they are mostly young (18–32 years) males (80 percent men) with a relatively high level of education (45 percent have attended high school and 24 percent university), and while most of them had an occupation before departing from their country (87 percent), they found themselves in search of employment in Morocco and must accept whatever job is left to them (CIMADE, 2004; Lahlou, 2005). In Algeria refugees are more educated than economic migrants; they earn a higher income when they work, otherwise face extremely precarious economic conditions; they are more likely to be accompanied by their family and to find themselves in Algeria after a long journey across several other countries. Among economic migrants, transit migrants are younger and more likely to be unmarried or without a family and to have a university level of education but no current employment than those who do not intend to reach another destination (Hammouda, 2008).

Throughout SEM countries, a combination of skills, availability for work, and absence of recognized rights makes irregular immigrants – refugees, labor and transit migrants together – a particularly cheap and increasingly abundant workforce. Table 8 provides minimal estimates of their numbers. In all of the Maghreb except Libya, as well as in Egypt and Israel, they are in smaller numbers than regular immigrants. In all other Arab countries and in Turkey, they are now in bigger numbers. The SEM region as a whole contains more than 3.6 million irregular immigrants, compared with 2.0 million regular immigrants,⁵¹ *i.e.*, a ratio of 1.9 irregular to each regular immigrant.⁵² Irregularity has become the normal form of immigration.

The predominance of irregular over regular immigration has to be understood against the background of countries that have more experience of emigration than of immigration, at least in recent times. Apart from Israel and Libya, all SEM countries are first and foremost senders of emigrants, and it is only during the last years that they have also turned into receivers of immigrants. As a result, they all have well-established policies on emigration – which regard their diasporas as an asset and aim to strengthen the link between them and their home countries – but very few policies on

⁵¹Not including Jewish immigrants in Israel.

⁵²Non-citizens.

TABLE 8
REGULAR AND IRREGULAR IMMIGRANTS IN SEM COUNTRIES (EARLY 2000s)

Country	Irregular Immigrants ^b			Ratio Irregular/Regular (Minimum)	
	Regular Immigrants ^a	Labor	Refugees ^c		
Algeria ^d	80,238	Tens of thousands	95,121	≥10,000	0.1
Egypt	115,589	Tens to hundreds of thousands	104,390	≥100,000	0.9
Israel	189,000	100,000	1,700	≥100,000	0.5
Jordan	392,273	100,000 or more	519,477	≥600,000	1.5
Lebanon	302,315	400–500,000	22,743	≥400,000	1.3
Libya	449,065	1.0–1.2 million	4,754	≥1,000,000	2.2
Mauritania	48,000	Few thousands	861	≥10,000	0.2
Morocco	62,348	Thousands to tens of thousands	1,878	≥10,000	0.2
Palestine		422,000	0	≥422,000	n.a.
Syria	55,000	Thousands to tens of thousands	707,422	≥700,000	12.7
Tunisia	35,192	Thousands to tens of thousands	161	≥10,000	0.3
Turkey	272,943	Hundreds of thousands	8,852	≥300,000	1.1
Total SEM	2,001,963	2–3 million	1,467,359	≥100,000	1.8

Note: n.a., not available.

^aNon-citizens or born-abroad residents according to most recent official records (census, survey or residency statistics). See Fargues, P. (ed.) *Mediterranean Report 2006–2007*, Appendix Table 7. <<http://www.carim.org>>.

^bSee Table 1 for labor migrants and Table 2 for refugees (UNHCR estimates only).

^cUNRWA Palestinian refugees are not included because most of them are not migrants.

^dIn Algeria, Sahrawi refugees are included in the residing population; most of them are not migrants.

immigration. In response to recent immigration, SEM governments contented themselves with adopting protectionist legislation on employment that keeps it for nationals and limits or excludes the access of aliens to labor, and sometimes also legislation that criminalizes the facilitation of irregular migration and even irregular migration itself.⁵³ Until now, no SEM government has included in its policy agenda the integration of foreigners into society. Contrary to emigration, which they consider positive for the country and some governments promote, they view immigration as an unwanted and negative development (Fargues, 2006). Despite their becoming significant receivers of immigration, SEM countries seem still unprepared to provide immigrants with rights and duties comparable with those of citizens and to incorporate migrants into the nation.⁵⁴

CONCLUSION

Irregular migration in the SEM has become a nagging worry for governments on both shores of the Mediterranean Sea. On the European side, it is a common belief that the SEM neighborhood serves as a buffer zone for African and Asian crowds waiting for an irregular passage to Europe. EU governments rightly assess that there is a dramatic rise in irregular migration at the gate of Europe, but wrongly attribute this phenomenon to the sole attraction of Europe. On the other side of the Mediterranean, our inquiry into three forms of irregular immigration into SEM countries – labor immigration, refugee movements, and transit migration – found that immigrants eventually bound for Europe are a minority.⁵⁵ The SEM region hosts today at least 3.6 million irregular migrants: between 2 and 3 million of them are workers attracted by local labor markets, more than 1.5 million are refugees rejected by conflicts in the Middle East and Africa, and (only) some 100,000 are transit migrants originally destined for Europe. Migrants who find themselves in SEM countries by accident, for lack of access to Europe, are much fewer than those who are here with no intention to go further

⁵³As Morocco in 2003 (Loi 02/03 du 11 novembre 2003 relative à l'entrée et au séjour des étrangers au Royaume du Maroc, à l'émigration et l'immigration irrégulières), Tunisia in 2004 (Loi n2004-6 du 3 février 2004 modifiant la loi n75-40 du 14 mai 1975 relative aux passeports et aux documents de voyage) and Libya in 2004 (Law 2004/2 Entry and Exit of Foreigners to and from Libya).

⁵⁴With the exception of Jews in Israel and ethnic Turks in Turkey.

⁵⁵A similar result was established by De Haas (2006, 2008) for Maghreb countries.

north or west and *de facto* refugees who are denied this status and left stranded in the SEM waiting for better days to return home.

The novelty is that SEM countries have recently become receivers of immigrants, and this happened not because they willingly opened their doors as much as because they did not close them. From the onset, immigration into SEM countries has taken the form of irregular more than regular migration, to such an extent that immigrants without a regular status presently outnumber by far – at least two times – those officially recognized as migrant workers or as refugees. SEM governments have responded to, more than anticipated, immigration, and their response consists in policies and legislation that keep apart or exclude, more than integrate, immigrants. Starting from the beginning, irregularity has been the normal pattern of immigration.

Whether the reason behind the move is seeking a job in the local labor market, a refuge from life-threatening circumstances at home, or a passage to a further destination, the result is the same: most immigrants do not enjoy the rights and duties that would allow them to become full-fledged actors in SEM societies. Because SEM governments are not ready to grant immigrants a legal status, they form an underemployed, underprotected, and often overskilled source of manpower. Back-and-forth movements regulate the employment of seasonal or temporary workers coming from a safe neighboring country, while deportations play a similar role with the others, who must keep ready to seize any work opportunity just for surviving. Opportunities exist on SEM labor markets where some positions do not attract nationals any longer. However, either because opportunities are not in sufficient numbers or hurdles are too many, the supply of workforce through irregular migration seems in large excess compared with the local demand. Irregular migrants would be a modern form of what Karl Marx called the “reserve army of labor” in mid-1800s Europe: a pool of underemployed workers whose availability helps keep labor at low cost and high flexibility. Paradoxically, irregular migration would act as a labor market regulator. As long as large segments of SEM economies escape states’ legislations and control, there is no reason why it should stop rising.

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