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# IRREGULARITY AS NORMALITY AMONG IMMIGRANTS SOUTH AND EAST OF THE MEDITERRANEAN

*Philippe Fargues*

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**CARIM Analytic and Synthetic Notes 2009/02**

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**Irregular Migration Series**

*Background Paper*

Cooperation project on the social integration  
of immigrants, migration, and the movement  
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**CARIM**  
**Euro-Mediterranean Consortium**  
**for Applied Research on International Migration**

**Analytic and Synthetic Notes – Irregular Migration Series**  
**Background paper**  
**CARIM-AS 2009/02**

**Irregularity as Normality among Immigrants**  
**South and East of the Mediterranean**

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This publication is part of a series of papers on the theme of Irregular Migration written in the framework of the CARIM project and presented at a meeting organised by CARIM in Florence: "Irregular Migration into and through Southern and Eastern Mediterranean Countries" (6 - 8 July 2008).

These papers will also be discussed in another meeting between Policy Makers and Experts on the same topic (25 - 27 January 2009). The results of these discussions will be published separately. The entire set of papers on Irregular Migration are available at the following address: <http://www.carim.org/ql/IrregularMigration>.

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## **CARIM**

The Euro-Mediterranean Consortium for Applied Research on International Migration (CARIM) was created in February 2004 and has been financed by the European Commission. Until January 2007, it referred to part C - “*cooperation related to the social integration of immigrants issue, migration and free circulation of persons*” of the MEDA programme, i.e. the main financial instrument of the European Union to establish the Euro-Mediterranean Partnership. Since February 2007, CARIM has been funded as part of the AENEAS programme for technical and financial assistance to third countries in the areas of migration and asylum. The latter programme establishes a link between the external objectives of the European Union’s migration policy and its development policy. AENEAS aims at providing third countries with the assistance necessary to achieve, at different levels, a better management of migrant flows.

Within this framework, CARIM aims, in an academic perspective, to observe, analyse, and predict migration in the North African and the Eastern Mediterranean Region (hereafter Region).

CARIM is composed of a coordinating unit established at the Robert Schuman Centre for Advanced Studies (RSCAS) of the European University Institute (EUI, Florence), and a network of scientific correspondents based in the 12 countries observed by CARIM: Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestine, Syria, Tunisia, Turkey and, since February 2007, also Libya and Mauritania. All are studied as origin, transit and immigration countries. External experts from the European Union and countries of the Region also contribute to CARIM activities.

The CARIM carries out the following activities:

- Mediterranean migration database;
- Research and publications;
- Meetings of academics;
- Meetings between experts and policy makers;
- Early warning system.

The activities of CARIM cover three aspects of international migration in the Region: economic and demographic, legal, and socio-political.

Results of the above activities are made available for public consultation through the website of the project: [www.carim.org](http://www.carim.org)

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## **Abstract**

Southern and Eastern Mediterranean (SEM) countries have become receivers of international migrants without the instruments and policies for integrating them. As a result, irregular migration has grown faster than regular migration. The paper establishes that the SEM currently hosts more than 3.6 million irregular migrants: irregular labour migrants targeting local labour markets are the largest category, followed by unrecognised refugees waiting for return or resettlement, then, in much smaller numbers, by transit migrants waiting for a passage to Europe. Regardless the different reasons behind migration, these three categories tend to merge into one group of population that has no legal access to labour, welfare and protection, that acts as a regulator of labour markets while escaping governments' control.

## **Résumé**

Les pays du Sud et de l'Est de la Méditerranée (SEM) sont tous devenus une destination pour les migrants. Comme ils n'ont ni les instruments ni les politiques qui leur permettraient de les intégrer, c'est à la montée de l'immigration irrégulière que l'on assiste. L'article établit que les pays SEM comptent aujourd'hui plus de 3.6 millions d'immigrés en situation irrégulière : les travailleurs migrants irréguliers visant les marchés locaux du travail sont les plus nombreux, suivis de réfugiés non reconnus comme tels et en attente d'être réinstallés ou rapatriés et, en nombre beaucoup plus restreint, de migrants en transit vers l'Europe. Quelque différents que puissent être les motifs de la migration, ces trois catégories tendent à se confondre dans un même groupe de population, privé d'accès légal au travail, au bien-être et à la protection, qui contribue à la régulation des marchés du travail tout en échappant au contrôle des gouvernements.

## **Introduction**

All countries of the Southern and Eastern Mediterranean (SEM) have become significant receivers of international migrants. Nevertheless, most of them continue to consider themselves as mainly sources, not hosts, of international migration. They have neither the instruments nor the policies that would allow integrating migrants in large numbers. As a result, many immigrants into SEM countries are in an irregular situation. The paper will establish that irregular migrants currently outnumber regular ones, i.e. that irregular migration has become the normal, most frequent, pattern of immigration in SEM countries.

Irregular migrants are not a homogenous group but belong to three distinct categories: labour migrants, refugees and transit migrants. Labour migrants respond to a demand on local labour markets, and those who are in irregular situation are often so because their jobs are informal and do not open formal channels for regular migration; refugees, meanwhile, move in response to insecurity in war-torn areas, but many of them fall into irregularity because the country where they found refuge does not recognise them as refugees; transit migrants, finally, are in SEM countries by accident because they do not have the visa required to reach their intended destination.

The paper will suggest that regardless the different reasons behind migration, these categories tend to converge. First, being irregular reflects the same global reality characterised by a tension between booming mobility and nation-states' reluctance to integrate otherness. Secondly, irregular migrants all share the same condition in the local reality of SEM countries where they have no legal access to labour, welfare and protection.

### **1. A majority of irregular migrants into SEM countries**

This paper adopts the term 'irregular migrant' which is found in the literature concurrently with other terms such as 'illegal migrant', 'undocumented migrant' and 'clandestine migrant'. The last two terms refer to particular subcategories: 'undocumented' referring to migrants without residence documents (or even identity documents) and 'clandestine' to those who enter and stay without being recorded by the host country's authorities.

The two other terms are often used indifferently: 'illegal', against the law, and 'irregular, against the regulations. EU official documents prefer 'illegal' while this term is considered by many scholars to be derogatory (an act may be illegal, not a person) and to criminalise 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.

Irregular migrants are persons who contravene migration regulations in their host country. Irregularity may result from a deliberate breach of the law by the migrant, or from a change in the law itself that affects the migrant's status. Regulations that can define an irregular migrant are those on entry, residence or access to work. Irregularity may apply to all three categories, or only to one or two of them as a migrant can have entered a country regularly, but be staying irregularly, or, be regular regarding entry and stay, but irregular as far as work. Irregularity is a process. A person who enters, or stays, irregularly will often find themselves stranded and obliged to hide and accept low-paid, unprotected and unregistered jobs.

Irregularity is susceptible to change in space and time. The same situation may make a person regular in a given country, but irregular in another if legislations on visa or labour differ.

Likewise, a person may be regular at one time, but irregular at a later time due to an overstayed visa or work permit, or if an amnesty regularises formerly irregular migrants.<sup>1</sup>

More than 5.6 million migrants live in SEM countries today (Table 1). Out of them, more than 3.6 million (64%) are in a form or another of irregular situation. Irregular labour migrants, estimated at more than 2 million, form the largest category. They are followed by around 1.5 million *de facto* refugees, i.e. persons whose well-founded fear of being persecuted in their country of nationality does not entitle to a status of recognised refugee in their country of asylum. Transit migrants, i.e. persons openly destined for a further destination and particularly Europe, are in much smaller numbers. Three countries, Libya, Syria and Jordan, have each between half a million and one million irregular migrants, followed by Lebanon and Turkey with between a quarter and half a million (Table 2). In all these countries, irregular migrants outnumber regular ones. By contrast, Egypt, and particularly Algeria, Morocco and Tunisia, have fewer immigrants and those in irregular situation represent a much smaller proportion.

**Table 1: Immigrants in SEM countries around 2005**

Type of migrants		Number
Regular		2,001,963
Irregular	Labour migrants	2-3 million
	Refugees	1.467.359
	Transit	< 200,000
	Sub-total irregular (minimum)	> 3,600,000
<b>Grand Total (minimum)</b>		<b>&gt; 5,600,000</b>

Aggregate numbers for Algeria, Egypt, Israel, Jordan , Lebanon, Libya, Mauritania, Morocco, Palestine, Syria, Tunisia & Turkey

Source: Tables 2, 3, 4, 5 below

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<sup>1</sup> Amnesties are of two kinds: either regularisations that allow amnestied persons to stay regularly, or decisions to waive sanctions that allow them to leave the country regularly.

**Table 2: Regular and irregular immigrants in SEM countries (early 2000s)**

Country	Regular immigrants (1)	Irregular immigrants (minimum)	Ratio irregular / regular
Algeria	80.238	10.000	0,1
Egypt	115.589	100.000	0,9
Israel	189.000	100.000	0,5
Jordan	392.273	600.000	1,5
Lebanon	302.315	400.000	1,3
Libya	449.065	1.000.000	2,2
Mauritania	48.000	10.000	0,2
Morocco	62.348	10.000	0,2
Palestine	n.a.	422.000	n.a.
Syria	55.000	700.000	12,7
Tunisia	35.192	10.000	0,3
Turkey	272.943	300.000	1,1
<b>Total SEM</b>	<b>2.001.963</b>	<b>3.662.000</b>	<b>1,8</b>

n.a.: Not available

Sources: (1) Non-citizens or born-abroad residents according to most recent official records (census, survey or residency statistics); see Fargues, Ph. (ed.) *Mediterranean Report 2006-2007*, Appendix Table 7  
(2) Sum of data provided in Tables 3, 4 and 5 below

## 2. Labour markets attract the largest number of irregular migrants

Development is a relative, not an absolute, notion and SEM countries are attractive for their less developed neighbourhood in Sub-Saharan Africa and Central Asia. The rise of irregular labour migration they receive is linked, first, with their own economic growth that makes a number of low-paid activities unattractive to citizens, and with widening gaps between countries that makes migrant labour cheaper than local labour. Immigration first responds to a demand in SEM labour markets. However, because the demand mainly comes from the informal, unrecorded, sector, it does not open the door to formal recognition, that is, to legal immigration

Local employers often have an interest in hiring irregular migrant workers who accept lower wages than nationals, are not protected by national labour laws and therefore are the cheapest and most flexible workforce. Their employment may result in a segmentation of the labour market where certain positions are taken only by irregular migrant workers. Irregular migration then calls for more irregular migration and the process becomes self-amplifying.

Governments, by contrast, see irregular migrants as foreigners in breach of the law and unwanted competitors of national workers, and they adopt protectionist policies that reserve a number of professions for nationals. As we will see, in several SEM countries protectionist labour policies have resulted in turning regular migrants into irregular ones, and therefore paradoxically increased the

irregular employment of foreign nationals. Some legislation also criminalises the facilitation of irregular migration, and even irregular migration itself.<sup>2</sup>

**Table 3: Stocks of irregular labour migrants\* into SEM countries, second half of the 2000s**

Country	Estimated number	Main origin
Algeria	> 10,000	Mali, Niger
Egypt	> 100,000	Sudan
Israel	±100000	Former Soviet Union
Jordan	> 100,000	Egypt, Bangladesh
Lebanon	400 - 500,000	Syria
Libya	1.0 - 1.2 million	Sudan, Egypt, Tunisia, Chad
Mauritania	< 10,000	Sub-Saharan Africa
Morocco	± 10,000	Sub-Saharan Africa
Palestine	422,000	Israel
Syria	< 10,000	
Tunisia	< 10,000	
Turkey	[100,000 ; 1/2 million]	Moldova, Romania, Ukraine, Russia
<b>Total</b>	<b>2-3 million</b>	

\* Migrant workers and members of their families

Sources: CARIM, country reports on irregular migration

In the Maghreb, Libya 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. In 2007, the government imposed visas on both Arabs and Africans – in repudiation of agreements passed in the framework of the Community of Sahel-Saharan States<sup>3</sup> and the Arab Maghreb Union – to please Europe at a time when Libya had become a major gateway for irregular migrants from Africa.

Potentially, all those who had entered Libya without a visa were made irregular by Libyan measures taken in 2007. The exact number remains unknown as Libya does not publish immigration statistics. As of 2005, the Libyan government estimated that 600,000 “legal” foreign workers (i.e. registered with the authorities) and between 1 and 1.2 million “illegal” migrants resided in the country (HRW 2006). According to the UN migration database, the total number of immigrants in Libya is

<sup>2</sup> As 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 n°2004-6 du 3 février 2004 modifiant la loi n°75-40 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).

<sup>3</sup> The Community of Sahel-Saharan States, established in 1998 provides for the free movement of persons, and the right of establishment, ownership and exercise of economic activity. [http://www.cen-sad.org/new/index.php?option=com\\_content&task=view&id=33&Itemid=76](http://www.cen-sad.org/new/index.php?option=com_content&task=view&id=33&Itemid=76).

617,536,<sup>4</sup> a figure that reflects the government's views on legal migrants rather than the reality on the ground. It is consistent with the numbers of immigrant visas issued each year, which does not include nationalities exempted from visa. Out of 449,065 visas issued in 2006, only 39,361 were delivered to Africans,<sup>5</sup> compared with 200,209 to Asians, and 157,804 to workers from the Americas. Labour migration into Libya, however, mostly originates from neighbouring African 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 visas 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 occurred in 1995, after the General People's Congress denounced clandestine immigration as a cause of organised crime and drug trafficking. While Libya underwent international embargo<sup>6</sup> and confronted economic recession, many Egyptians and Sudanese were expelled from Libya with the claim that they had become an economic burden.<sup>7</sup> Detention camps were set up and foreign companies were given two months to regularise foreign employment. 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 (HRW 2006; Hamood 2006; USCRI 2007). In January 2008, a third wave of deportation was threatened when the government announced it was ready to deport an estimated one million illegal immigrants.<sup>8</sup>

Mauritania also receives, relative to its small population and economy,<sup>9</sup> significant numbers of migrant workers from Sub-Saharan Africa. According to a 2007 survey, an estimated 48,000 workers (mainly from Mali, Senegal, and Guinea) immigrated into Mauritania in response to oil-generated economic growth (Ndah, 2008). Irregular migration is almost non-existent as Mauritania's labour law, dating back to 1974 (a period of low immigration), is lenient in both the number of work permits issued and the employment of migrant workers prior to the issuance of their work permit (Yessa, 2008). Irregular migration has recently increased, however, as Mauritania has become a gateway to Spain. Subsequently, the number of migrants arrested and placed in Nouadhibou's detention centre (where many are deported without appeal to Mali or Senegal) have also increased (Amnesty International, 2008).<sup>10</sup>

Algeria hosts tens of thousands of irregular migrant workers, who play a notable role in economic growth and social change (Bensaad 2008). The phenomenon began as Sub-Saharan African workers found informal employment in the Saharan cities of Algeria. In Tamanrasset, the most southern city of the country, more than 40% of the inhabitants are irregular migrants from neighbouring countries. Even though the Sahara is unattractive to many Algerians from the north, its economy has, for various reasons,<sup>11</sup> grown rapidly. The most dynamic sectors of both the Saharan economy (new agriculture developed on large irrigation schemes, construction, hotels and restaurants) and the northern economy (garment industries and domestic service) are increasingly based on irregular migrant workers.

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<sup>4</sup> 2005 figure: <http://esa.un.org/migration/>

<sup>5</sup> Including 5,857 to Egyptians, 709 to Sudanese workers and 146 to Tunisians.

<sup>6</sup> The embargo adopted by the United Nations following the bombings of a Pan-Am civil flight over Lockerbie in 1988 and an UTA civil flight over Chad in 1989.

<sup>7</sup> Speech of President Gaddafi on September 1<sup>st</sup>, 1995.

<sup>8</sup> It was unclear to where they would be returned, since Libyan law prohibits deportation to unsafe countries. The government claims that all undocumented foreigners in Libya are irregular labour migrants and the country recognises no refugees, <http://news.bbc.co.uk/go/pr/fr/-/2/hi/africa/7193737.stm>.

<sup>9</sup> 3 million inhabitants with a GDP per capita of \$ 2,000 in 2008.

<sup>10</sup> According to the *World Refugee Survey 2007*, Mauritania has expelled and 11,300 undocumented migrants to Senegal and Mali in one year (USCRI 2007).

<sup>11</sup> Oil and gas wealth; the State's will to extend its control over the entire territory; the opening of trans-Saharan roads; tourism...

According to a 2005 survey, the number of irregular migrants in Algeria originating from three Sub-Saharan countries – Mali, Niger and the Democratic Republic of Congo – were estimated at 21,500 (Khaled & al. 2006). Published official statistics refer to arrested and deported irregular migrants; approximately 5,000 per year.<sup>12</sup> These numbers may not, however, reflect those escaping police controls, or the actual number of deportations. Direct field-observation suggests that the flow of expelled Sub-Saharan migrants at two 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.<sup>13</sup> Deported migrants are not only from Mali and Niger, but also from more distant countries such as Senegal, Ghana and Nigeria (Bensaad 2008).

In Morocco and Tunisia, tens of thousands of immigrants, mostly originating from Sub-Saharan Africa, are irregularly staying, and sometimes working. According to a recent survey in Morocco, their average duration of stay is 2.5 years.<sup>14</sup> Although the survey did not differentiate between migrant workers and those in transit, it found that 73% have the intention to leave Morocco for Europe (i.e. implicitly consider themselves as transit migrants). A majority of these migrants, however, are actually irregular migrant workers as they were occasionally employed.<sup>15</sup>

The thousands of undocumented migrants deported each year from Morocco, Algeria and Tunisia<sup>16</sup> suggest that irregular migration in the Maghreb has increased. According to the Italian NGO Fortress Europe, from 2000 to 2007, Algeria arrested at least 40,000 migrants and deported 27,500 (Fortress Europe 2007). In 2005, massive deportation became public in Morocco when 1,500 Sub-Saharan Africans were expelled following the tragic attempt by undocumented migrants to force the fences surrounding the Spanish enclaves of Ceuta and Melilla to access Europe (Goldschmidt 2006; Migreurop 2006). In the years 2004-2007, Morocco forcibly returned a total number of 8,423 irregular migrants to Sub-Saharan countries.<sup>17</sup>

Egypt certainly hosts irregular migrant workers from the Horn of Africa. According to censuses,<sup>18</sup> there are tens of thousands of Sudanese migrants; according to other often quoted but unverifiable sources, there are millions (Grabska 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.<sup>19</sup>

In 1995, after an attempt by a Sudanese extremist to assassinate President Mubarak of Egypt, Egypt unilaterally imposed visas on Sudanese residents; a decision which turned the entire Sudanese

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<sup>12</sup> In 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 labour and Social Security (Bensaad 2008).

<sup>13</sup> That is 72,000 per year; a number which coincides with the views of the consulates of these countries in Tamanrasset.

<sup>14</sup> Twenty-five percent arrived between 4 and 12 years ago, 65% between 1 and 3 years, and 10% less than a year ago (AMERM 2008).

<sup>15</sup> One-fifth as construction workers, 1/5 as petty vendors and 1/5 as domestic workers.

<sup>16</sup> No study of irregular immigration into, and deportation from, Tunisia has been published so far.

<sup>17</sup> Forty-one percent were deported to Senegal, 25% to Nigeria, 19% to Mali and the rest to a dozen of other countries. (Ministère de l'Intérieur, Maroc, quoted by Mghari 2008).

<sup>18</sup> According to the Egyptian population census of 1996, 11,004 Sudanese nationals were residing in Egypt at that time, a number which is generally considered an underestimate since many Sudanese nationals would declare themselves Egyptians or avoid registration by the census.

<sup>19</sup> Sudan, one of the few pre-colonial states in Sub-Saharan Africa, was conquered and unified by Egypt in the early 19<sup>th</sup> 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. 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.

population into 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. However, Egypt never fully implemented the agreement. Subsequently, most Sudanese migrant workers in Egypt are still irregular, even if 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, its government initiated in 2007 a protectionist policy aimed at reserving employment for nationals. Around 70% of the foreign workers in the country are Egyptians,<sup>20</sup> and an estimated 90,000 Egyptian workers have no valid work permits. In 2007, a memorandum of understanding (MOU) between Jordan and Egypt conditioned the admission of Egyptian workers to the demand for labour in Jordan, and prohibited migrants from competing with Jordanians. Many Egyptians became irregular as the grace period to regularise their positions was offered only to those with professions open to foreign nationals, not to workers in activities kept for Jordanians (Olwan 2008). Workers from other nationalities have also been made irregular by changes in the labour 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 released from jail and forcibly repatriated.<sup>21</sup>

In Lebanon, an estimated 400,000-500,000 irregular, mostly temporary, migrants represent more than one third of the total official workforce.<sup>22</sup> By comparison, the numbers of detained migrants are small<sup>23</sup> which means that irregular foreign workers are tolerated. The vast majority are Syrians. In the early 1970s, before the 1975-1989 civil war, an estimated 200,000 Syrian workers were present in the Lebanese labour market. The civil war increased participation of Syrian workers in Lebanon's labour force as the emigration of hundreds of thousands of Lebanese left many positions on the labour market empty, and Syria's control of Lebanon's territory and borders facilitated the entry and stay of Syrian citizens that the weakened Lebanese administration was unable to control. It is believed that many Syrian workers returned to Syria in 2005 after the withdrawal of the Syrian military from Lebanon, but a year after most were back in Lebanon.

In Syria, no estimate of irregular migrant workers has been produced, but their numbers are believed to be limited.<sup>24</sup>

Turkey has an estimated several hundred thousand irregular migrant workers (Içduygu 2006).<sup>25</sup> In general, they enter regularly, but stay and work irregularly. Most participate in seasonal or temporary employment in the informal economy, which represents 46% of employment 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.

A special mention of the situation in the Occupied Palestinian Territory (OPT) must be made. If one defines a migrant as a person living in a country other than that of their nationality or birth, and

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<sup>20</sup> Out of 289,724 work permits issued to Non-Jordanians in 2006, 201,591 (69.6%) were delivered to overwhelmingly male (99.9%) Egyptians and 80,869 (27.9%) to predominantly female (54.0%) nationals of non-Arab Asian countries.

<sup>21</sup> <http://www.smc.org.ph/amnews/amnissue.htm>

<sup>22</sup> Totalling 1.365 million nationals and regular migrants workers in 1997 (Kasparian & Kasparian 2006).

<sup>23</sup> 2,100 in 2006, including 363 Sudanese workers, 343 Iraqis, and 145 Palestinians, but no Syrians (USCRI 2007).

<sup>24</sup> Irregular immigration in Syria did not receive attention until the country became the main receiver of Iraqi refugees in recent years.

<sup>25</sup> The number of irregular workers are certainly more than the 45,000 to 95,000 undocumented migrants arrested every year by the police, but less than the million claimed by an official trade union report in 2003.

considers that the only internationally recognised border of Israel is the ‘Green Line’ of the 1949 armistice,<sup>26</sup> then one has to view Israeli citizens living in the West Bank beyond the Green Line, including in annexed East-Jerusalem, as irregular migrants. On one side, they live in a territory where they are foreigners and therefore must be viewed as migrants. On the other, their establishment contravenes Palestinian law and therefore their presence must be considered irregular.<sup>27</sup> In 2003, their number was estimated at 422,000.<sup>28</sup>

Israel has around 100,000 irregular migrants (2007 estimate). The majority are migrant workers originating from the former Soviet Union and some other countries who overstayed their visas, and the rest are an estimated 22,000 unauthorised Palestinian workers, mostly former daily workers who can no longer commute due to the increased difficulty to cross the border between Israel and the Palestinian Territory (Cohen 2008).

### 3. Growing numbers of unrecognised, *de facto* refugees

The Middle East is the largest source and destination of refugees in the world. Out of the world’s 15.2 million refugees,<sup>29</sup> SEM countries produce 5.1 million refugees and host 5.9 million. Over the last decade, the world’s refugee numbers have decreased; yet, in the Middle East, they have increased. Both the high number and increase can be explained by two factors: 1) the worsening of refugee crises – particularly Darfur in Sudan and Iraq; and 2) the presence of Palestinian refugees. Out of the region’s 11 million refugees, 4.4 are Palestinian refugees under the jurisdiction of UNRWA (the United Nations Relief and Works Agency for Palestine Refugees in the Near East).

One distinctive feature of the region is that two different definitions of a refugee coexist. One is the generic definition enshrined in the 1951 Convention relating to the Status of Refugees;<sup>30</sup> the other is the specific, operational, definition of a Palestinian refugee by UNRWA.<sup>31</sup> Because UNRWA’s definition also covers the descendants of persons who became refugees in 1948, the number of Palestinian refugees has continuously grown in parallel to their demography, due to natural population growth. Most Palestinian refugees are children or grandchildren of migrants, not themselves migrants. In addition, not all of those who are migrants have crossed an international border, since UNRWA’s definition includes refugees living in the West Bank and Gaza Strip, i.e. in Palestine itself. Because they are not irregular migrants, UNRWA Palestinian refugees are not included in this article.<sup>32</sup>

Apart from Palestinian refugees, how many refugees do SEM countries host? Refugee statistics in the SEM region are inaccurate and unreliable for the reason that SEM countries do not consider themselves countries of resettlement for refugees; as such, they do not grant refugee status to asylum seekers and therefore do not register them as refugees. UNHCR offices in SEM countries may grant

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<sup>26</sup> The Green Line remained an almost official border until the Israeli occupation of the West Bank and Gaza Strip in 1967.

<sup>27</sup> In Table 3, Israeli settlers in the West Bank are labelled ‘labour’ migrants by default, because they do not come under the two other categories of refugees and transit migrants.

<sup>28</sup> See Appendix Table 2 p. 395 in Fargues (Ed.) 2007.

<sup>29</sup> Total number of refugees computed as: 9,877,707 UNHCR refugees (end 2006) + 743,937 UNHCR asylum seekers pending cases (end 2006) + 4,562,820 UNWRA Palestinian refugees (end 2007) = 15,184,464.

<sup>30</sup> 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.”

<sup>31</sup> 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.”

<sup>32</sup> Whether Palestinian refugees should be considered migrants or not is discussed in Fargues 2006.

this status, but it is for refugees to apply for resettlement elsewhere, which very few actually obtain. As a result, many *de facto* refugees are stranded without recognised refugee status, waiting to be resettled in a third country or to return to their home country when security is re-established. Being unrecognised *de facto* refugees are unrecorded as such and their number is unknown. Table 4 contains official UNHCR and UNRWA estimates, but human rights organisations often claim higher numbers.

**Table 4: Refugees in SEM countries end-2006**

Country of asylum	UNHCR Refugees and asylum seekers	UNRWA Refugees	Total
Algeria	95.121		95.121
Egypt	104.390		104.390
Israel	1.700		1.700
Jordan	519.477	1.858.362	2.377.839
Lebanon	22.743	408.438	431.181
Libya	4.754		4.754
Mauritania	861		861
Morocco	1.878		1.878
Palestine	0	1.739.266	1.739.266
Syria	707.422	442.363	1.149.785
Tunisia	161		161
Turkey	8.852		8.852
<b>Total</b>	<b>1.467.359</b>	<b>4.448.429</b>	<b>5.915.788</b>

Source: UNHCR & UNRWA

#### *a) Refugees in the Maghreb*

In the Maghreb, the Sahrawi are the oldest and largest refugee population, most of them living in Algeria. Out of a population originating from Western Sahara estimated at 200,000-300,000, some 150,000 have passed through refugee camps in the region of Tindouf, where around 90,000 refugees would still live today.<sup>33</sup> Strictly speaking, they are not irregular migrants but, being denied legal access to employment and freedom of movement, their actual condition does not differ much from that of detained migrants.<sup>34</sup> Other refugees in Maghreb are Palestinians<sup>35</sup> and Sub-Saharanans.<sup>36</sup> Numbers provided by UNHCR (Table 4) probably do not reflect the entire reality, as Maghreb states view almost all migrants as labour migrants and refuse to consider refugee claims (De Haas 2006).

Libya, by far the largest receiver of Sub-Saharan migrants, is not party neither to the 1951 Geneva Convention relating to the Status of Refugees and the 1967 Protocol, and it claims that all foreign

<sup>33</sup> Estimation by <http://www.refugees.org/>. The Algerian government does not allow any census of the population in camps.

<sup>34</sup> UNHCR started a programme of temporary family reunification in 2007 which has benefited to more than 4,000 refugees <http://www.irinnews.org/Report.aspx?ReportId=74134>

<sup>35</sup> In 2005, Libya and Algeria were the largest receivers (8,873 and 4,000, respectively).

<sup>36</sup> Notably from Sudan, Somalia, DR Congo, Liberia, Côte d'Ivoire, and Sierra Leone, their numbers would be 3,000 in Libya, 2,000 in Morocco and only a few hundred each in Algeria, Mauritania and Tunisia.

nationals in the country are either labour or transit migrants, and that none have a legitimate fear of returning home. As Libya faces a huge irregular migration problem, the government is reluctant to develop asylum legislation for fear that opening an asylum channel would dramatically increase the number of non-deportable, undocumented migrants (HRW 2006). Instead, the Libyan government resorts to massive deportations of undocumented migrants (see above, section 2).

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

#### *b) Refugees in the Mashreq*

In 2008, Egypt hosted around 120,000 refugees and asylum seekers.<sup>37</sup> In 2005, it had been the scene of a tragic Sudanese refugee crisis (Azzam 2006). The presence of UNHCR's office in Cairo –mandated to find durable solutions<sup>38</sup> for those it qualifies as refugees – attracted a large number of refugees from Sudan and the Horn of Africa. Many hoped that the UNHCR would grant them refugee status, allowing them to resettle in third countries, if possible in Europe or Northern America at a time when policies for containing migration made resettlement in the West increasingly difficult. As a result, the pressure on the UNHCR office in Egypt mounted and the time needed to process applications grew.

Meanwhile, a peace accord was signed by the Sudanese government and the Sudan People's Liberation Movement (Nairobi, January 2005). In March 2005, a United Nations mission was established to monitor its implementation and to provide protection. As a result, Southern Sudanese refugees in Egypt were no longer eligible for refugee status. Refusing to trust the peace agreement, several thousands of Sudanese refugees organised a protest in front of the UNHCR offices in Cairo, which lasted three months and was broken up by the Egyptian police with 27 dead among the protesters. The Egyptian government did not deport those refused refugee status.

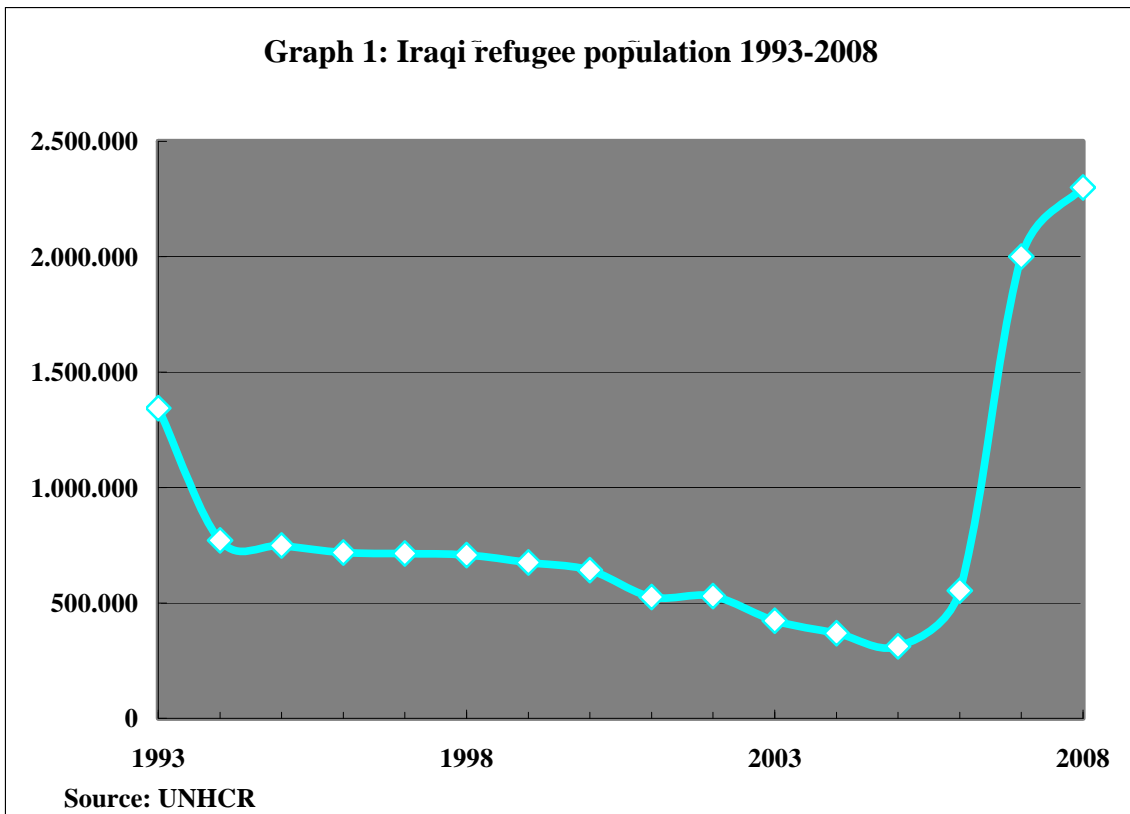
Iraqis are the largest non-Palestinian refugee population in the Mashreq. Iraq has recurrently been source of refugee movements over the last three decades. However, the dominant trend since the late 1990s was return to Iraq; it is only after October 2005, when sectarian violence broke out in many places, that massive movements of refugees took place, peaking in 2006-2007 (Graph 1). The magnitude of displacements in and out of Iraq under U.S. military occupation is unprecedented in the Middle East. Five million Iraqis have fled their region of origin to find shelter in another part of Iraq, in a neighbouring country or elsewhere. This last wave of refugees first reached Jordan, where there was already a strong Iraqi presence dating back to the Saddam Hussein regime, then Syria and Lebanon and lastly Egypt. Given the emergency in Iraq and the confused situation in main receiving areas, no solid census of the Iraqi refugee population has been conducted, and numbers provided by international agencies, governments or the media, must be taken with much caution.<sup>39</sup>

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<sup>37</sup> including 76,000 Palestinians, 23,660 Sudanese, 10,786 Iraqis, 5,383 Somalis, 1,401 Eritrean, and a few other countries.

<sup>38</sup> Three durable solutions are normally considered by UNHCR: voluntary return, local integration in the country of first asylum, or resettlement in a third country.

<sup>39</sup> <http://www.unhcr.org/cgi-bin/texis/vtx/iraq?page=intro>. As 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>



In Jordan, the most commonly cited number of Iraqi refugees was 750,000 until a survey, conducted in 2007 by the Norwegian research Institute FAFO in cooperation with the Department of Statistics of Jordan, offered a much lower estimate of ‘only’ 161,000 (FAFO 2007). However, FAFO revised its estimate from 161,000 to 450,000-500,000, arguing that the survey could have underestimated the number as many Iraqis may have been reluctant to reveal their true nationality for fear of deportation or other sanctions. That the number eventually published is three times the number actually found by the survey casts serious doubt on its reliability.<sup>40</sup>

In Lebanon, a survey conducted in 2007 by the Danish Refugee Council found 26,368 Iraqi refugees, but its authors decided to eventually re-estimate the total number at 50,000-100,000 in a “strategy to arrive at a specific number and/or a specific range of numbers that appear logical to key stakeholders” (Khalidi 2007).

Syria certainly hosts the largest Iraqi refugee population. To date, no survey has measured their number, which is commonly assumed to lie between 1.2 and 1.5 million. This is the figure adopted by the only field study, conducted by the Brookings Institution, on Iraqis in Syria (Al-Khalidi 2007). Observers agree that the Iraqis are concentrated largely in the Damascus area “where between 80 to 90 percent of the refugee population is living” (Weiss Fagen 2007). That some 1.2 million Iraqi refugees live in Damascus would mean that one out of every three persons in the capital city of Syria is an Iraqi refugee. This seems very unlikely.

<sup>40</sup> According to the World Refugee Survey, 2007, “during the 2005-06 school year, some 60,000 Iraqi children attended Jordanian schools. For 2006-07, this dropped to 15,000 of the estimated 200,000 to 300,000 Iraqi children in the country.” Such an assessment (according to which between 5 and 7.5% only of Iraqi school age refugee children in Jordan would actually attend school) is in total contradiction with the 78.2% enrolment rate found by the 2007 FAFO sample survey. The World Refugee Survey’s under-estimation of actual enrolment rates may reflect either an undercount of the numerator (numbers of students) or an overcount of the denominator (number of Iraqi refugees).

In Egypt, finally, the size of the Iraqi refugee population was commonly estimated at 100,000 until a statistical survey of 2008 found a much lower 17,000 (Fargues, El-Masry, Sadek, Shaban 2008).

In Jordan as well as in Lebanon and perhaps in Syria, published numbers of Iraqi refugees may well have been inflated, perhaps to draw international attention on the burden they endure. In these three countries which are not signatories of the 1951 Geneva Convention, Iraqi refugees are not recognised as refugees (a category which is reserved for Palestinians), but accepted as 'guests,' i.e. temporary visitors who will have to leave soon. Both Jordan and Syria have tightened the conditions of entry and stay imposed on Iraqi refugees. In 2005, after Iraqis set off bombs that killed some 60 persons in Amman the Jordanian government started to strictly enforce legislation on immigration, and to regularly arrest and detain Iraqis caught overstaying their visas then to deport to Syria or Yemen those refusing to return to Iraq (HRW 2006; USCRI 2007). In September 2007, Syria, a country that had always granted free access to all Arab citizens, also decided to impose visa requirements for Iraqis. In Lebanon, more than two-thirds of Iraqi refugees had entered and were staying illegally (Khalidi 2007). As of late 2007, Iraqi refugees coerced to return to Iraq were no longer an exception.<sup>41</sup>

#### 4. Transit migrants: limited numbers but high risks

Transit migrants are persons initially heading for regions further away who could not complete their journey because they do not meet visa conditions. This category overlaps with the two preceding ones. It overlaps with irregular labour migrants as some migrants do not have immutable plans when they enter a country, but adapt their strategy to their actual situation: some may decide to stay while they had arrived in transit, and others to try to continue the journey while they had initially planned to stay. It overlaps with *de facto* refugees who, like transit migrants, try to reach a further destination but find themselves stuck for lack of recognition of their status and admission for resettlement in a third country.<sup>42</sup>

Like irregular labour migrants, transit migrants are in search of employment, but unlike irregular labour migrants, they do not primarily target the local labour market of the country in which they are stranded. However, transit migrants may wait a long time 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 labour market of their country of transit. They join the group of irregular labour migrants.

Like refugees, transit migrants try to reach a further destination, but unlike refugees, they are not in search of protection. Asylum seekers may move alongside transit migrants to form together what UNHCR terms movements of "mixed migration" (UNHCR 2007). They are all received as unwanted migrants and treated as a threat to security by the governments of their host country. Governments tend to claim that all are illegal labour migrants and deny that many are fleeing life-threatening circumstances.

There are few statistics that indirectly inform about transit migrants in SEM countries. In Mauritania, the police reported 11,637 deportations of arrested migrants in 2006 and 6,624 in 2007 (Ndah 2008). In Algeria, more than 9,000 irregular migrants were imprisoned out of 35,000 arrested in 2000-2006 (Carling 2007). Morocco has released statistics on nationalities of 11,840 irregular migrants arrested in 2004. Turkey also provides the distribution by nationality of 616,527 irregular migrants intercepted between 1995 and 2006. Apprehended migrants are mostly originating from neighbouring countries, Sub-Saharan Africa (in the case of Maghreb countries and Iraq), and Asia and

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<sup>41</sup> Human Rights Watch, December 4<sup>th</sup>, 2007.

<sup>42</sup> On the definition of transit migration, transit migrants and countries of transit, see Düvell 2006, and Cassarino & Fargues 2006.

Eastern Europe (in the case of Turkey). It is nowhere clear whether arrested foreigners are irregular workers or transit migrants.<sup>43</sup>

**Table 5: Transit migrants present in SEM countries around 2005**

Country	Estimates
Algeria	> 10,000
Libya	> 10,000
Mauritania	± 30,000
Morocco	> 10,000
Turkey	> 50,000
Egypt, Israel, Jordan, Lebanon, Palestine, Syria, Tunisia	Not available
<b>Total SEM</b>	<b>&lt; 200,000</b>

Source: CARIM, country reports on irregular migration

It emerges from indirect data, whatever approximate and incomplete they are, that transit migration through SEM countries is not a massive nor a growing phenomenon. According to our estimate, SEM countries would host around 100,000 and certainly less than 200,000 transit migrants,<sup>44</sup> compared with more than 2 million irregular labour migrants who work in SEM countries with no intention of coming to the West, or with 1.5 million *de facto* refugees who are denied refugee status and stranded in the SEM region. But transit migration is certainly a phenomenon that puts migrants' lives at risk. More precisely, successful transit, i.e. leaving the SEM region to reach Europe, entails a high probability of dying.

Combining two statistics makes it possible to estimate mortality rates on the route between North Africa and Spain. The first is the number of dead and missing migrants on the southern border of Europe by migratory route established by the advocacy group Fortress Europe<sup>45</sup> and the second is the number of detained irregular migrants in Spain according to which route they had entered. The ratio of the first to the second series as shown on Table 6 is on average 2.0% over the period 2001-2007. This ratio may over-estimate mortality during the crossing to Europe, as not all irregular migrants crossing the sea are arrested upon arrival in Spain.<sup>46</sup> The fact that it has continuously increased from 2001 until 2007 nevertheless indicates that routes to Europe have been increasingly dangerous, perhaps in conjunction with tightened controls on the shortest ways and migrants' smugglers inventing new but longer and therefore riskier routes.

<sup>43</sup> İçduygu, Ahmet 2008, Rethinking the irregular migration in Turkey, CARIM.

<sup>44</sup> De Haas estimates the annual flow of irregular migrants from Western Africa to Spain at 15,000 in recent years (De Haas 2008). Had they all transited through the Maghreb and stayed there for two years, this 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. Similar numbers may apply to Italy and Greece, at the receiving end of the two other main corridors for transit migrants.

<sup>45</sup> [http://fortresseurope.blogspot.com/2006/02/immigrants-dead-at-frontiers-of-europe\\_16.html](http://fortresseurope.blogspot.com/2006/02/immigrants-dead-at-frontiers-of-europe_16.html),

<sup>46</sup> It 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 6: Transit migrants entering Spain from Northern Africa  
(Spanish coast , Ceuta & Melilla, Canary Islands)**

<b>Year</b>	<b>Detained in Spain (1)</b>	<b>Dead &amp; missing on their way to Spain</b>	<b>Dead &amp; missing / Detained (%)</b>
2001	18.517	197	1,1%
2002	16.670	145	0,9%
2003	19.176	238	1,2%
2004	15.675	296	1,9%
2005	11.781	331	2,8%
2006	50.180	1.250	2,5%
2007	33.237	887	2,7%
<b>Total</b>	<b>165.236</b>	<b>3.344</b>	<b>2,0%</b>

(1) Asociación Pro Derechos Humanos de Andalucía, Informe Derechos Humanos en la Frontera Sur 2007

(2) [http://fortresseurope.blogspot.com/2006/02/immigrants-dead-at-frontiers-of-europe\\_16.html](http://fortresseurope.blogspot.com/2006/02/immigrants-dead-at-frontiers-of-europe_16.html)

## Conclusion

Following specific logics, irregular labour migrants, refugees and transit migrants have specific profiles. Refugee populations are made of entire families in search of shelter, while irregular labour and transit migrants consist of isolated, young individuals in search of employment.<sup>47</sup> Beyond differences, however, they share many of the same socioeconomic conditions explained by irregularity. Being in irregular situations implies that migrants have to hide from the authorities, that they enjoy reduced agency, limited freedom of movement, little or no legal protection and poor access to basic rights.

Upon arrival, employment may make a difference between irregular labour migrants on one side, and on the other refugees and transit migrants who have no work. As soon as they find themselves stranded on a long-term basis, waiting for return or resettlement or expecting a passage to Europe, refugees and transit migrants will themselves need to earn an income and go to the labour market. Without work permits they will compete with irregular labour migrants for informal, underpaid and precarious jobs. Surveys of refugees and transit migrants in SEM countries show the same combination of: high unemployment at working age; higher level of education than the population of origin; and under-use or waste of educational skills. Irregular immigrants form an increasingly abundant and therefore cheap workforce that combines skills, availability for work and the absence of recognised rights.

SEM countries have recently become receivers of immigrants, not because their governments opened the doors but because they did not close them. From the outset immigration has been a predominantly irregular movement, which governments have responded to with legislations that keep apart or exclude, but rarely integrate immigrants. Their stay in host countries is often unstable and

<sup>47</sup> Irregular migrants are young adults, whether they are predominantly males as Sub-Saharan immigrants in Morocco (CIMADE 2004, Lahlou 2005) and Algeria (Hammouda 2008), or females as irregular migrants from the former Soviet Union in Turkey (Içduygu 2006). Under working age children are rare, and old persons an exception.

migrants' two-way mobility can take several forms, from back and forth movements of temporary workers to forced return and deportation of apprehended irregular migrants. Whether the reason is that SEM economies have already surpluses of national workforce or that their protectionist policies hamper labour market mechanisms, the supply of workforce through irregular migration exceeds local demand. Irregular migrants form a pool of underemployed workers whose availability contributes to keep labour cheap and flexible. If SEM governments want to reduce irregular migration, regulating labour may be a more efficient way than tightening borders.

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