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TRANSIT MIGRATION: CHALLENGES IN EGYPT, IRAQ, JORDAN AND LEBANON

Roberto Pitea

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**Transit Migration:
Challenges in Egypt, Iraq,
Jordan and Lebanon**

ROBERTO PITEA

Regional Research Officer, International Organization for Migration, Cairo*

CARIM

**CONSORTIUM EURO-MEDITERRANEEN POUR LA RECHERCHE APPLIQUEE SUR LES
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Institut universitaire européen
Badia Fiesolana
I – 50014 San Domenico di Fiesole (FI)
Italie

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Consortium Euro-Méditerranéen pour la Recherche Appliquée sur les Migrations Internationales
Centre Robert Schuman
Institut universitaire européen (IUE)
Convento
Via delle Fontanelle 19
50014 San Domenico di Fiesole
Italie
Tél: +39 055 46 85 878
Fax: + 39 055 46 85 755
Email: carim@eui.eu

Robert Schuman Centre for Advanced Studies

<http://www.eui.eu/RSCAS/>

1. Introduction

Irregular migration flows are a recurrent theme in the policy dialogue surrounding human mobility in the Mediterranean. As the attention of media and policymakers shifts to the challenges posed by irregular entry of African, Arab and Asian migrants, the role of transit countries as a step in the journey of irregular migrants has come under close scrutiny. Specifically, policymakers in Europe have focused on how the immigration and residence laws of transit countries may or may not act as an incentive for irregular migrants to continue their journey onwards to Europe or return to their country of origin. As a result, the issues surrounding transit migration in Arab countries have often been analyzed as a function of whether these migrants pose a threat to migration regime of countries in the European Union.

This paper looks at the specificities of irregular and transit migration in four select Arab countries: Egypt, Lebanon, Jordan and Iraq in order to assess whether there is sufficient evidence of migrants transiting through the region towards Europe and other countries. In addition to their geographical proximity to Europe, these countries have been selected for the variety and complexity of migration challenges they face. Firstly, they are marked by complex internal migration challenges, either in terms of internal displacement (Iraq), irregular migration of nationals across the Mediterranean (Egypt) or of the presence of large refugee population (Lebanon and Jordan). Secondly, these countries are shifting from being origin to destination countries for migrants from both neighbouring and Asian countries (Jordan and Lebanon have already become significant destination countries, Egypt and parts of Northern Iraq have started to attract a small but steady influx of foreign workers (IOM, 2009a)). Finally, the countries are situated on the fault line of very complex regions with a potential for a protracted conflict situation that has already resulted in significant waves of human displacement. As such, security situations oftentimes play an important role in shaping the migration policies and strategies of the three countries.

This paper looks at how the legislative and administrative migration frameworks in the countries respond to the challenges posed by irregular and transit migration flows. In the second part, the paper provides a conceptual framework of the irregular and transit migration phenomenon, followed in the third part by a review of statistics of flows and stocks of migrants and a review of the policy framework of the four Arab countries to deal with transit migration. In all of the countries transit migration is not regulated by a specific legal or policy framework, but rather provisions pertaining to irregular migration are used to also address transit migration; as a consequence, the paper focuses on the legal framework that regulates migration and responds to irregular migration, in order to set the scene for a comparative discussion of specific cases of transit migration at the end of the third section in order to highlight commonalities between the countries and identify main factors at play in favouring or discouraging transit migration. The paper concludes with some recommendations in terms of future research and policy interventions.

2. Definition and typologies of irregular and transit migration

The irregular migration phenomenon is by its very nature multifaceted and thus difficult to define (Clandestino, 2009). The distinction that is often made is the one between the use of the term “irregular” and “illegal”. The IOM Glossary (IOM, 2004) acknowledges that there may be nuances between the terms “illegal migration”, “clandestine migration”, “undocumented migration” and “irregular migration” but these terms are in practice used loosely and often interchangeably. In a review of the semantic and political implications of the use of the terms illegal and irregular migrants, Paspalanova (2008) finds that 45 per cent of authors published in the two major publications on international migration refer to “illegal migrants” or “illegal aliens” while approximately 30 per cent of the authors classify migrants as “undocumented” and 14 per cent of

them use “illegal” and “undocumented” migrant as synonyms. As the term illegal migrant possesses strong security and possibly negative connotations, the UN General Assembly Resolution No.3449/XXX on *Measure to Ensure the Human Rights and Dignity of all Migrant Workers* (UN, 1975) requested UN agencies to use the term “non-documented or irregular migrant workers” when defining those workers that enter or work illegally in a country. As there is no clear or universally accepted definition of irregular migration, this paper uses the definition of “irregular migration” as outlined in the IOM Glossary (IOM, 2004):¹

Movement that takes place outside the regulatory norms of the sending, transit and receiving countries.[...] From the perspective of destination countries it is illegal entry, stay or work in a country, meaning that the migrant does not have the necessary authorization or documents required under immigration regulations to enter, reside or work in a given country. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country. [...]

This definition from the IOM glossary, while not universally accepted, recognizes that irregular migration is defined according to non-compliance with regulatory norms of the countries involved in the migration process. As these regulatory frameworks are rarely harmonized, the irregular migration phenomenon is largely understood as a result of the provisions contained in national legal and administrative regulations. For instance, as highlighted in Cholewinski and Touzenis (2009) the particularly restrictive provisions pertaining to the entry and residence of asylum-seekers and refugees in certain countries in the South Mediterranean may put this category of migrants at a higher risk of becoming irregular when compared to asylum-seekers in countries with more comprehensive asylum and international protection legal frameworks.

The definition in the IOM glossary highlights three main factors that will determine a migrant’s irregular status: irregular entry, irregular residence or irregular employment. Irregular entry, by far the most contentious breach to national migration law and one that is most often featured in the media and political discourse, can be defined according to the UN Protocol Against the Smuggling of Migrants by Land, Sea and Air (UN, 2000):

Act of crossing borders without complying with the necessary requirements for legal entry into the receiving State (Art. 3(b)).

Non-compliance with legal entry requirements include, inter alia, using false documents, entry without the necessary visa or entering through an unofficial border crossing (i.e. in a clandestine manner over green or blue borders). Irregular entry, especially of large numbers of migrants, may be viewed as a threat to state sovereignty and public security, especially given the fact that smuggling networks usually operate as a part of larger criminal networks (GCIM, 2005). Given the security implications of irregular entry of foreign nationals, border control and law enforcement often form the bulk of policies to counteract irregular migration.

Irregular residence is similarly defined as residence that does not or ceased to comply with the residence regulations of a country. In the EU Return Directive, “illegal stay” is defined in Article 3(2) as:

the presence on the territory of a Member State, of a third-country national who does not fulfil, or no longer fulfils the conditions of entry as set out in Article 5 of the Schengen Borders Code or other conditions for entry, stay or residence in that Member State (European Parliament, 2008);

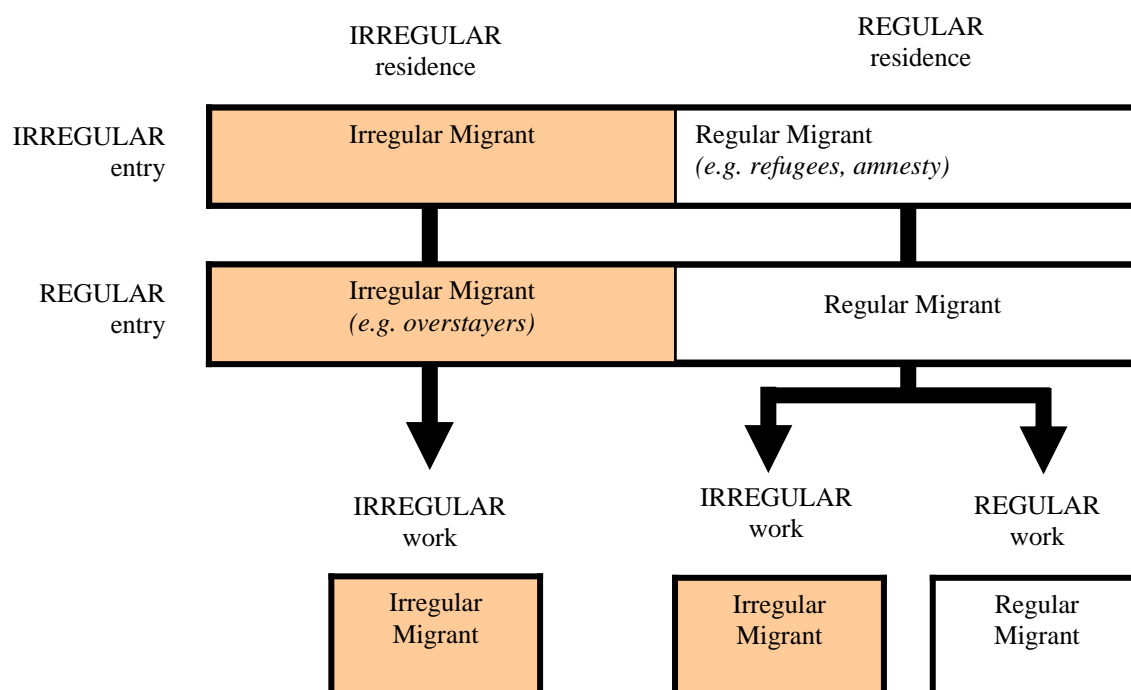
Irregular residence may include overstaying the period of validity of an entry visa or failure to renew a residence permit, as well as not leaving the territory after losing the right to reside, like in the case of asylum-seekers whose claims are rejected.

¹ The 1990 Migrant Workers Convention contains a definition of migrants who are non-documented or in an irregular situation based on the employment conditions in the country– see Article 5(b).

The concept of irregular or unlawful employment is more complex to define. While it is self-explanatory to define unlawful employment of migrants as employment that does not comply with the labour regulations of a given country, this definition is rather difficult to operationalise. For instance, it is usually understood that a migrant is working unlawfully if his residence status does not entitle him or her to take up paid employment, like in the cases of students and trainees. In addition unlawful employment can also mean that a migrant, while having a right to work in the country, may be employed without following the provisions of the national labour regulations such as participation to social security schemes, taxation, contract stipulations etc... or be employed in a different sector/occupation that the one authorised (see also IOM 2008: 202-203). For the purpose of this paper, however, irregular work refers to the employment of migrants who are not entitled to take up remunerated employment.

While the three definitions above seem fairly unambiguous, it is the interactions of non-compliance with entry, residence or employment regulations that make the irregular migration phenomenon a multi-faceted one.

Figure 1: Typologies of migrants



As shown in Figure 1, a migrant can enter a country regularly or irregularly. However, it is possible for a migrant that has entered a country irregularly to regularize his or her position, for instance by taking part in an amnesty. By the same token, a person that entered regularly (for instance on a tourist visa) may easily become an irregular migrant if he or she overstays the duration of the visa and does not leave the country. The situation of migrants with a regular residency status (regardless of modes of entry) may still be complicated by provisions pertaining to access to employment. In many countries, including countries in the EU and countries on the southern shores of the Mediterranean, legal residence does not necessarily entitle a foreign national to work. In Egypt, Lebanon, Jordan and Iraq, for instance, a work permit has to be issued by the Ministry of Labour in order to enable a regularly residing foreign national to take up formal employment. In some countries a distinction applies to those foreign nationals who, although regularly residing, take up employment even though they are not formally allowed to do so. An example would be foreign students and asylum-seekers that are oftentimes forbidden to work in most European countries, or Arab nationals living in other countries in the region that are allowed to reside more or less indefinitely (e.g. Syrian nationals in Jordan and

Egypt) but that need to obtain a work permit if they wish to work regularly (although de facto they may be able to obtain employment in the informal sector fairly easily).

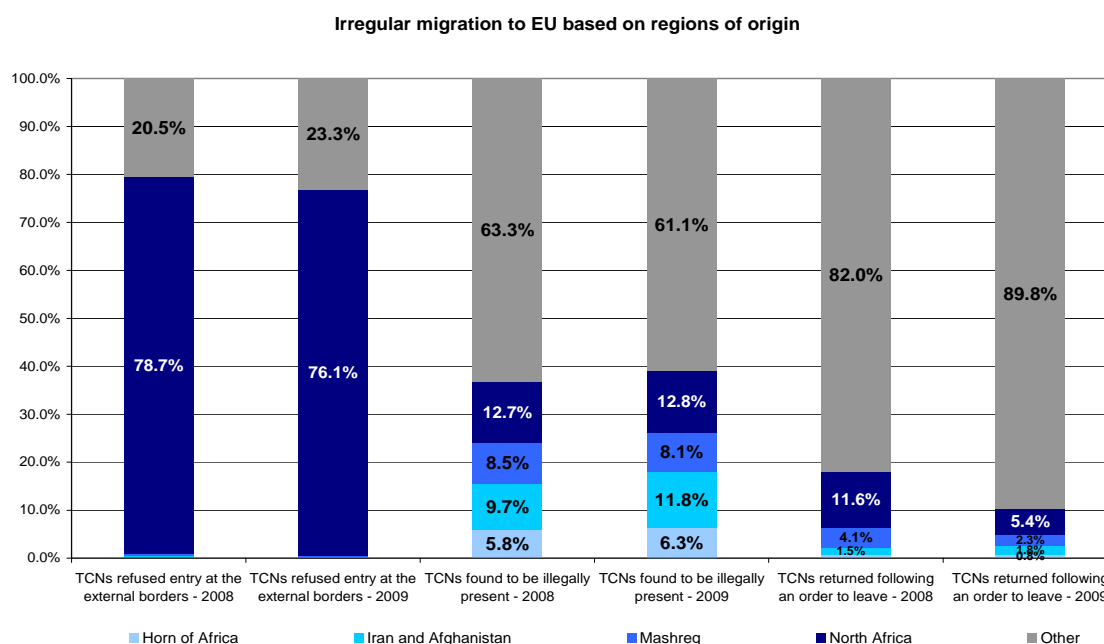
Figure 2: Typologies of irregular migrants

	Irregular entry	Irregular residence	Irregular work	Example
1	Yes	Yes	Yes	Smuggled migrant Asylum-seeker with rejected claims
2	No	Yes	Yes	(Tourist) visa overstayer;
3	No	No	Yes	Working student

Figure 2 shows three concrete examples of irregular migrants according to the previous discussion. These different categories also evoke different reactions on the part of policy makers, public opinion and the discourse. In 2010 Eurostat released data on irregular migration flows to the EU, the statistics reveal that in 2009 almost 1.3 million third -country nationals (TCNs) were either found to be “illegally” residing in the EU, or were returned to the country of origin or a third country or were refused entry a 13 per cent decrease from 2008, which might be due to the effect of the financial crisis (weaker pull factors) and/or enhanced border protection measures in the EU (Eurostat, 2010). Forty per cent of irregular migrants to the EU are intercepted at the external borders and refused entry,² the remaining 40 per cent is represented by TCNs found to be “illegally” residing in the EU and remaining 20 per cent is represented by irregular migrants that are either voluntarily or forcefully returned. Unfortunately the data available does not allow gauging the role played by Arab countries during the transit of African and Asian migrants toward the EU. However it is important to note that, with the exclusions of Moroccans refused entry to Spain, citizens of Mediterranean Arab countries, countries in the Horn of Africa, Iran and Afghanistan represent only 1.5 per cent of migrants refused entry to the EU.³ Citizens from Arab countries, Iran, Afghanistan and the Horn of Africa represent 40 per cent of irregular migrants apprehended within the EU and 10 per cent of migrants returned after being demanded to leave the EU. A breakdown of the data is presented in Figure 3 and a more extended presentation of the data can be found in the Appendix.

² It is important to mention that it is not clear to what extent migrants apprehended at sea before entering national waters are included in the Eurostat database. For instance, data from 2008 (Save the Children, 2009) shows that 31,250 migrants reached the Centro di Soccorso e Prima Accoglienza (Centre for Relief and Reception - Cspa) of Lampedusa Island in Italy alone thus highlighting potential challenges in data presented by Eurostat.

³ Out of a total 501,175 migrants refused entry at the external border in 2009, 75.2% were Moroccans refused entry to Spain, 1.5 % came from Mediterranean Arab countries, countries in the Horn of Africa, Iran and Afghanistan and the remaining 23.3 % came from other regions. For more detailed data, please refer to the appendix.

Figure 3: Irregular migration flows and third country nationals (TCNs) in the EU

Source: Eurostat (2010). North African countries include Algeria, Egypt, Libya, Morocco and Tunisia; Mashreq include Iraq, Jordan, Lebanon, Occupied Palestinian Territories⁴ and Syria. Horn of Africa includes Eritrea, Ethiopia, Somalia and Sudan. Total numbers of TCNs from MENA and Horn of Africa refused entry in 2009 was 384,000; TCNs found to be illegally present 195,000 and TCNs returned 51,000.

Transit migration is itself a sub-category of irregular migration and while the name is rather self-explanatory, policy makers and scholars have been disagreeing on effectively defining the phenomenon and struggled managing it. The first challenge in managing transit migration arises from the fact that most national immigration policies have been developed to respond to traditional migration patterns that are regular and between one country of origin and one country of destination. In traditional migration jargon, transit usually refers to transit visas or transit passengers, which according to the IOM Glossary (IOM, 2004) are defined as:

Transit passengers: persons who arrive in a State from another country while in transit to another (third) country destination; and throughout the whole period (up to a maximum of 24 hours from the time of arrival) during which they are in the State, remain on board the craft they arrived on, or in a port or airport secure area, or in the custody of the police.

Transit visa: a visa, usually valid for three days or less, for passing through the country issuing the visa to a third destination.

While this definition is not universally accepted, it shows how traditionally transit migration was a short-term phenomenon, usually part of pre-defined routes that the migrant or traveller undertook without the intention of remaining in the country of transit. As global migration dynamics evolved, transit migration became more diversified and evolved into a complex phenomenon whereby economic and forced migrants enter and reside (willingly or unwillingly, regularly or irregularly) in a country for varying amounts of time with the intention of obtaining access to a third country. The complexity of the issue has challenged traditional applications of national and international migration law, as well as more codified and established international law regimes such as refugee law. As noted in Legomsky

⁴ The definition used of Occupied Palestinian Territories and applicability of international law is based on the Advisory Opinion of the International Court of Justice (ICJ) of 9 July 2004 on the "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory" (available from the ICJ website at <http://www.icj-cij.org/docket/files/131/1671.pdf>) with reference to the application of international humanitarian law in the OPT."

(2003) today's refugees are rarely able to travel directly from their countries of origin to their intended ultimate destinations and thus are likely to transit through one or more third countries, for varying lengths of time. As third countries are often developing countries, lack of resources is commonly cited as the main obstacle in providing internationally acceptable levels of protection. In addition, many countries feel that extending protection to asylum-seekers in transit may represent a significant pull factor for genuine refugees as well as economic migrants who might seek entry as a refugee, especially in corridors where mixed migration flows are of particular concern, including the Middle East. In order to regulate the treatment of transit refugees, the UNHCR revised its definition of some concepts in refugee law such as safe third country, the scope and applicability of readmission agreements and agreements to allocate responsibility for determining asylum claims (Legomsky, 2003).

Transit migrants, including refugees, are often prevented from continuing their migration journey and end up "stranded" in what was originally thought to be their transit country. As more and more transit migrants are unable to continue their journeys, host countries struggle to provide protection and access to services, without creating incentives that may result in increasing inflows of migrants. As a result of this lack of formalised understanding of transit migration as a manifestation of irregular migratory movements, most national policies dealing with transit migration do so within the framework of laws and regulations targeting irregular migration. The following section outlines the main immigration provisions in Egypt, Iraq, Jordan and Lebanon and provides a comparative analysis of transit migration in the region. As it will be shown, countries have not created specific mechanisms to deal with transit migration and therefore, policies and instruments traditionally used to counter irregular migration have been adapted to changing circumstances in the region, including the rise in mixed migration flows.

3. Legislative and administrative migration frameworks in Egypt, Iraq, Jordan and Lebanon

The aim of this section is to present a snapshot of immigration in the select countries in the Middle East. While not a comprehensive overview, this section presents four country case studies in order to highlight common issues and discuss them in section 3.5 at the end.

3.1 Egypt

3.1.a Background

Given the lack of official data on irregular/smuggled migrants and refugees currently in Egypt or transiting through Egypt each year, it is very difficult to estimate the number of migrants using the East Africa route each year.

The main route for African, Middle Eastern and Egyptian migrants to Europe was traditionally through countries of the Maghreb, especially Libya. According to the UN (2009), between 2000 and 2010 the number of migrants in Libya has increased by 22 per cent from 560,000 to 682,000, representing slightly over ten per cent of the total population, in addition to high numbers of irregular migrants. In addition, many observers have speculated that restrictive policies and increased border controls in the South Mediterranean may have resulted in migrant routes being partially diverted from traditional, shorter routes to longer and more perilous ones, in particular via the Canary Islands, Egypt and Turkey. In addition to shifting routes, it has also become clear that more and more migrants and refugees from East Africa (in addition to migrants from West Africa who have been using this route for a longer time) attempt the journey across the Mediterranean and North Africa. The increase has become noticeable since the first month of 2008, when the numbers of Somali arrivals in Sicily increased by 187% from 892 in 2007 to 2,556. In 2006, only 311 migrants in Malta originated from

Somalia but in 2007 the figure had doubled to 613 and in 2008 the figure had risen to 1,266 – more than a fourfold increase over three years (Malta Today, 2008).

An analysis of studies and media report reveals how in the past years Egypt has become a country of transit, in addition to a country of origin of irregular migrants. While the incidence of irregular migration from Egypt to the EU (either directly or through Libya) seems to have declined recently, the number of migrants (mostly from the Horn of Africa) who use Egypt as a transit area towards Israel seems to have been increasing in the past years (see also figure 5).

Figure 4: Map of transit migration from Horn of Africa through Egypt



Source: IOM analysis based on a variety of sources including HRW (2008), Malek, (2008); Al Masry Al Youm (2009); Al Sharq Al Awsat (2008); Haaretz (2010); IOM (2006) and France 24 (2010).

While obtaining accurate information on the routes used by smugglers is difficult, a triangulation of a variety of media and civil society reports allows to obtain an impressionistic overview of the journeys of irregular and transit migrants in Egypt, subject of course to a high degree of uncertainty given the impossibility to confirm some of the statements made in some of the sources, especially media ones. Despite these limitations, various sources reveal that the fastest growing nationalities of transit migrants in Egypt come from countries in the Horn of Africa, in line with the recent trends witnessed in EU Mediterranean countries,. It is difficult to determine the nationalities of Africans transiting through Egypt. If the number of apprehensions for irregular entry is considered as a proxy, as of April 2008, the UNHCR in Cairo reports 500 pending detention cases. Of these, 90 percent are Eritrean, and the remaining 10 percent are mostly Ethiopian and Somali, and there are also some Ivorians and other nationalities (Malek, 2008). Most migrants (both economic and forced migrants) begin their journeys in their home countries where they pay up to 3,000 USD to be smuggled to Sudan's Kessala state where the Shegerab and Wad Sharife Camps appear to be the hubs for migrants, especially Eritreans, wishing to continue their journey to either Europe or Israel, with the cost of the leg from Kassala State to Khartoum around 650 Sudanese pounds (270 dollars). Some migrants are also reported to transit through Port Sudan (Human Rights Watch, 2008 and France 24, 2010).

According to a review of different academic and media sources (see figure 5), the vast majority of people leave Sudan by paying between 200-1500 USD to smugglers. Eritreans come mostly from the Eritrean refugee camps in Sudan like Shagarab and Wad Sherifay close to the border of Eritrea, but also from Khartoum and other locations. The duration of the journey is between five and ten days from Sudan to southern Egyptian cities like Kom Ombo. Reportedly, Egyptian smugglers wait at the border Egyptian borders and 'escort' the migrants to a train station for 50 USD per person. According to Malek, (2008), the point-of-entry into Egypt can dictate the overall outcome of an asylum-seeker's refugee claim, because it can determine his or her ability to access the UNHCR. If an asylum-seeker enters Egypt irregularly and manages to reach Cairo without getting caught, he or she will have a chance to register at the UNHCR and go through the refugee status determination process. If a foreign national (including an asylum-seeker) enters Egypt through an airport without any legal documentation or identification, he or she can be detained at the airport until the UNHCR is contacted. asylum-seekers may also enter Egypt by a boat on the Nile to Wadi Halfa, by car, truck, bus, camel, or on foot through one of many points at the border with Sudan or Libya. Any person caught entering Egypt at the border without a passport or entry visa, including asylum-seekers, may be taken to the nearest military court for a trial. On the other hand, if a foreign national is caught within a city in Egypt after having entered irregularly (i.e found without passport or entry visa) that individual will probably be taken to a civil or criminal court rather than a military court (Malek, 2008).

Various sources (see below) reveal that once in Cairo, most transit migrants decide to head towards Israel. The sea route towards Europe seems to be mainly used by Egyptians who in 2006 paid up to 5,000 USD per person to be smuggled via boat (IOM, 2006). The smuggling route between Egypt and Israel is operated mostly by Bedouin tribes that have been traditionally involved with smuggling of goods. Various sources indicate how the average fee for crossing into Israel is around 500 – 700 USD, but some news reported that it could increase to 3,500 USD if the migrants are trapped and blackmailed by their smugglers (Al Masry Al Youm, 2009 and Human Rights Watch, 2008).

Figure 5: Summary of transit migration routes through Egypt

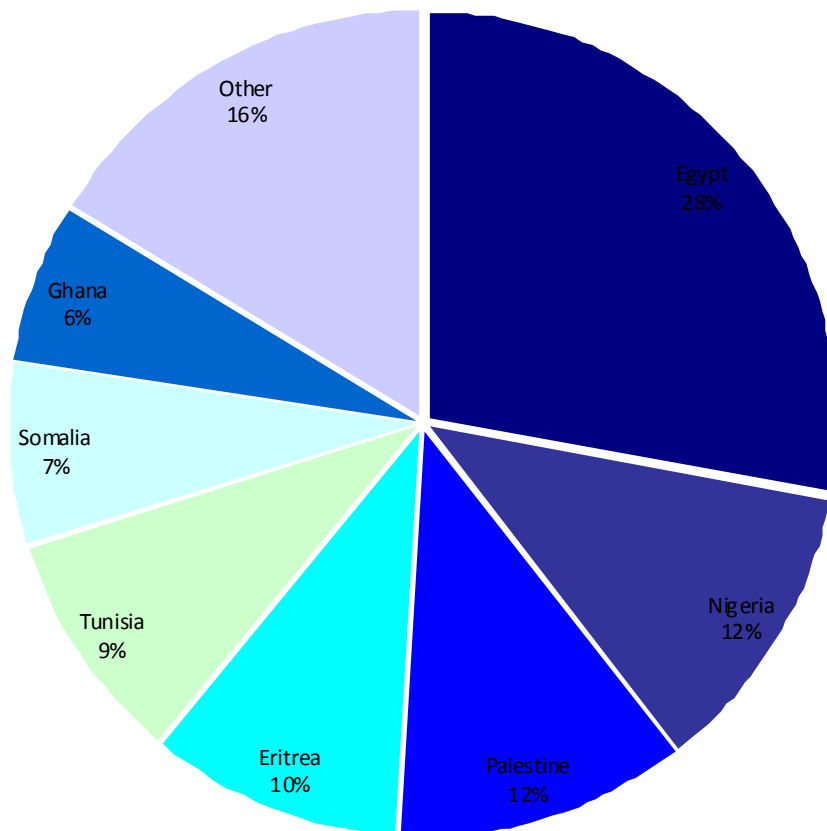
Route	Cost (USD)	Hubs	Transit cities	Nationalities
Horn of Africa – Sudan	3,000 (a)	Kassala state (Shegerab and Wad Sharife Camps)		Eritreans, Somali, Ethiopians
Sudan – Egypt	200 – 1500 (b) 800 (a)	Kassala state, Khartoum, Cairo	Port Sudan, Wadi Haifa, Asswan, Upper Egypt	Eritreans (90 %) Ethiopians, Somalis. 500 migrants in detentions as of April 2008 (b)
Egypt – Israel	300 – 3500 (c) 500 (d) 700 (a)	Cairo	Arish, South Sinai.	33 % Eritreans, 29 % Sudanese, 10% from Côte d'Ivoire out of 13,000 crossings between 2006 and 2008. (a) 1200 – 1500 people entering irregularly monthly. Out of 24,339 asylum-seekers in Israel as of May 2010, 23 % are Sudanese and 55 % are Eritreans. (e)
Egypt – Europe	4,500 – 5,000 (f)	Cairo, Lower Egypt	Rashid	Egyptian
Sudan - Libya	1,000 (g)	Khartoum		Eritreans, Somali, Ethiopians

Source: Human Rights Watch, 2008; Source: Malek, 2008; Source: Al Masry Al Youm, 2009; Source: Sharq Al Awsat, 2008 Source: Haaretz, 2010; Source: IOM, 2006; Source: France 24, 2010.

According to a report published by Israeli authorities, approximately 1,200-1,500 people enter Israel irregularly on a monthly basis. The trends seem to be fluctuating with 8,698 asylum-seekers entering in 2008, 4,827 in 2009 and 5,291 by mid-May 2010. Half of the migrants who enter Israel and claim asylum came from Eritrea (55 %) and Sudan (23%) and while there appears to be a certain number of economic migrants using the route, the overwhelming majority (approximately 80 %) of people entering irregularly in Israel are entitled to some form of protection that should bar them from being deported (Haaretz, 2010).

It is difficult to gauge how many migrants transit through Egypt on the way to Libya and then Europe. Anecdotal evidence suggests that most migrants try to enter Libya directly from Sudan. Eastern African migrants are among the top four nationalities among arrivals in Lampedusa, especially Eritreans and Somalis representing 12 and 11 per cent out of the 31,250 migrants who reached the Centro di Soccorso e Prima Accoglienza (Centre for Relief and Reception - Cspa) of Lampedusa Island in 2008 alone, a significant increase from the levels of 12,170 in 2007. Alarming, East African and Middle Eastern youth represent the bulk of unaccompanied minors (UAMs) in Lampedusa with Egyptian (28%), Palestinian (12%), Eritreans (10 %) and Somali (9%) representing almost 60 per cent of total UAM arrivals between May 2008 – February 2009, suggesting that smuggling networks targeting minors might be in place linking countries of origin in the Middle East and East Africa to Europe through Libya and possibly Egypt (Save the Children, 2009).

Figure 6: Main nationalities of unaccompanied minors arriving in Lampedusa (May 2008 – February 2009)



Source: Save the Children 2009

3.1.b Statistics

Determining the extent of transit migration is difficult in Egypt given the fact that entry occurs both from official and un-official border points, in addition to a high level of mobility due to Egypt's prominent role as a destination for tourists, business travellers and students, in addition to economic migrants and refugees. Data from the Central Agency for Public Mobilisation and Statistics (CAPMAS) shows that over 45 million foreign nationals entered Egypt in the period 2006-2009 and of these 18 per cent were Middle Eastern or African nationals. While net migration rates for Egyptians have been negative in the period, an average in-flux of 600,000 foreign nationals has been recorded in each of the reporting years. It must be noted that in many countries procedures for counting arrivals tend to be generally more thorough than those for counting departures, although it is not clear to what extent this applies to Egypt. Nonetheless the data in table 7 shows that net migration of Middle Eastern foreign nationals has been fluctuating but generally the balanced has remained slightly positive. A small but constant influx of African nationals has been witnessed in the four years presented below, with a peak in 2009. It must also be noted that these numbers include many categories of foreign nationals including business visitors, tourists and workers.

Figure 7. Total numbers of arrival and departures from Egypt 2006-2009

	2006	2007	2008	2009	Total
Total arrivals					
Nationals	4,531,356	4,592,532	4,655,354	4,504,571	18,283,813
Foreigners	9,082,777	11,090,863	12,835,351	12,535,885	45,544,876
Of which Middle East	1,706,423	1,686,953	1,675,960	1,571,212	6,640,548
Of which Africa	301,865	387,221	400,979	455,262	1,545,327
Total departures					
Nationals	4,292,128	4,718,126	4,992,030	4,597,858	18,600,142
Foreigners	8,461,861	10,455,714	12,220,236	11,773,885	42,911,696
Of which Middle East	1,640,732	1,698,449	1,683,083	1,559,302	6,581,566
Of which Africa	260,346	355,385	352,686	359,232	1,327,649
Net					
Nationals	239,228	-125,594	-336,676	-93,287	-316,329
Foreigners	620,916	635,149	615,115	762,000	2,633,180
Of which Middle East	65,691	-11,496	-7,123	11,910	58,982
Of which Africa	41,519	31,836	48,293	96,030	217,678

Source: CAPMAS – e-mail communication with IOM dated 6 July 2010

A discrepancy exists between the data on flows and the data on stocks of migrants in Egypt. While the number of arrivals has exceeded departures by over 600 thousand people a year the number of registered refugees and work permits issued by Egyptian authorities increase by 12,500 and 3,700 units respectively between 2005 and 2008, as shown in figure 8. This discrepancy may be due to undercounting of departures in flows statistics, the ease to obtain residence for some categories of migrants without need for a work permit (see 3.1.c for a more in-depth discussion) and the incidence of irregular migration. Unfortunately it is not possible to estimate the specific impact of these three factors on the discrepancy in the data but it is likely that the lack of adequate counting of departures, coupled with the pervasive informality of the labour market in Egypt results in a low percentage of foreign nationals being able to obtain a valid work permit, despite having various forms of residence permits (including residence permits that do not give a right to work).

Figure 8. Total numbers of immigrants in Egypt according to residency status 2005-2008

	2005	2006	2007	2008	2009
Work visa	17,456	19,683	20,198	21,176	20,149
Refugees and asylum-seekers	100,047	104,468	n/a	112,605	n/a
Of which Palestinians	70,255	n/a	n/a	70,000	n/a
Of which Sudanese	15,846	n/a	n/a	23,200	n/a
Of which Iraqis	n/a	n/a	n/a	10,100	n/a
Of which Somalis	4,478	n/a	n/a	5,600	n/a

Source: CAPMAS – e-mail communication with IOM dated 6 July 2010 and UNHCR country page (various documents <http://www.unhcr.org/cgi-bin/tehis/vtx/page?page=49e486356>)

3.1.c Legal Description

Procedures for regular entry are stipulated in Law No 88 / 2005 concerning the entry, residency and exit of foreign nationals from Egypt. Art. 5 of the law stipulates that citizens of some Arab and foreign countries might be exempted from requiring an entry visa by a decision from the Ministry of Interior, while Art. 23 establishes that the Interior Minister will, after obtaining the approval of the Foreign Minister, decide on the type, length, procedures necessary, fees, and exemptions for the visas that are granted to foreign nationals. At the moment, Syrians, Jordanians and GCC nationals can obtain visa at the border free of charge while most European and North American nationals can obtain a visa on arrival for a small fee (15 USD).

The same law sets forth the conditions for obtaining and renewing a residence permit. In addition to two categories of foreign nationals entitled to exceptional residency permits,⁵ the Ministry of Interior website specifies that foreign nationals may be entitled to one-year residence permit for non-tourist reasons (15 USD). Foreign employees in the public sector and private sector employees who have obtained a work permit from the Ministry of Manpower and Employment are entitled to this residence permit, in addition to students and their parents, spouses of Egyptians, investors, foreign nationals and their families who own estates in Egypt (the property needs to be worth at least 50,000 US Dollars).

According to Law n° 12 of the Year 2003 Promulgating Labour Law, Art. 28 foreign nationals shall not take up employment except after obtaining a permit from the Ministry of Manpower and Migration, and shall be authorized to enter and reside in the country for the purpose of working. Work according to the law includes domestic work. Art. 29 gives the Ministry of Manpower the prerogative to issue a decree determining the conditions of obtaining work permits, as well as determining the cases in which foreign nationals may be exempted from the work permit requirement and conditions for revoking the permit before it is expired. According to the ministry website, in addition to filling in a specific forms, foreign nationals should obtain approval from the relevant security office, a health certificate proving a negative HIV status to be obtained from a public hospital or any of the laboratories under the Health Ministry's supervision; a document outlining the number of insured Egyptian workers employed in the same establishment, inter alia. Refugees need a letter of approval from the President's Office of Refugee Affairs, while investors need also to submit an approval from

⁵ Under Art. 18, 10 year residency permits are given to foreigners born in Egypt before 1952 and whose residency permit have not been interrupted until the official implementation date of Law No 74 / 1952; foreigners who have resided uninterruptedly in Egypt for at least 20 years before the implementation of Law No 74 / 1952 and have entered the country regularly; foreigners who have held residency permits for more than 5 years, and have regularly renewed the permit, and have entered the country regularly and scientists, Artists, Businessmen, etc., who carry out important services to the country (Minister of Interior's consent is necessary. Under Art. 19, foreigners are entitled 5 year residency permits, with possibility of renewal if they have uninterruptedly resided in Egypt for at least 15 years prior to the implementation of Law No 74 / 1952 and have entered the country regularly.

the General Authority for Investment. Other categories need approval from specific Ministries for practicing their profession in Egypt.⁶ Palestinians need to provide a certificate from the Directorate of the Emigration, Passports and Nationality proving living uninterruptedly in Egypt for a period of 5 years, except for those married to Egyptians. The cost of the work permit is 1,000 LE (180 USD) but Greek, Palestinian and Sudanese nationals are exempted from the fees. In case of changing the profession or address of employment, the foreign national needs to notify the relevant management office in writing, and not more than a week after the change has occurred. If the person changes field of employment or employer, he or she is obliged to resubmit a new application (Ministry of Manpower and Migration, n.d.).

According to the Four Freedom Agreement, (Art. 2-3. Presidential Decree No. 144/2004) Sudanese and Egyptian nationals shall enjoy freedom of movement and residency between the two countries, provided they enter the country through an official border point and with a valid passport. In addition, they shall also enjoy the right to employment in both countries, as well as the right of ownership and use of agricultural lands, real estate and movable property and the right to forming partnerships and/or creating companies. It is not clear to what extent this agreement has been implemented in Egypt. While Sudanese working in the private sector are exempted from paying the fees for a work permit, no indication was found on the Ministry of Manpower website that they are exempted from the requirement of a work permit altogether.

Law No 88 / 2005 Concerning the entry, residency and exit of Foreigners from Egypt also sets forth the penalties for irregular entry and overstay of residence permit. Smugglers and those who knowingly provide false information, or false documents to facilitate their or others' entry and/or residency into Egypt are subjected to imprisonment of a period of no more than 2 years and/or are fined with an amount not more than 2000 LE (Art. 40). For those who enter irregularly (i.e. in breach of Art. 2, 3 and 7) imprisonment for no more than 6 months, and/or a fine between 200 - 1000 LE is imposed (Art. 41) to those who violate articles 2, 3, and/or 7 of the law.

Those who overstay their residence permit (violation of Art. 16) are subjected to a fine of 100 LE for the first 6 months of overstaying the permit and 200 LE for any period after 6 months.

Art. 31 specifies that the Director of Emigration, Passports and Nationalities has the power to order the expulsion of certain categories of foreign nationals: those who have entered the country irregularly, or have not obtained residency permit after the expiration of their entry visa; those who have violated the purpose of their residency permit; those who did not leave the country after the expiration of their residency permit by 15 days, unless they have requested a renewal before the expiration date; and those foreign nationals who have not left the country after receiving his residency renewal rejection by 15 days.

The Government of Egypt has ratified the 1969 Organization of African Unity's Convention on Refugees, which included within it the 1951 UN Refugee Convention, in 1980. One year later, the Egyptian government also separately ratified the 1951 UN Refugee Convention and the 1967 Protocol. However, Egypt also entered 8 reservations, the most important of them being the reservations on articles 12 (personal status), 20 (rationing), 22 (access to primary education), 23 (access to public relief and assistance), and 25 (labour legislation and social security). However Egypt does not have a domestic refugee law and has devolved the responsibility for determining refugee status to the UNHCR (IOM, 2009b)

⁶ The list includes foreigners working in the field of petroleum and energy (from the General Egyptian Authority for Petroleum), foreigners working in the field of tourism (Minister of Tourism), foreigners working at schools, colleges (Minister of Education), foreign consultants and scientific experts (letter from the foreign company that the employee represents, authenticated by the Egyptian consulate in that country, and a bank statement proving the presence of an account abroad), doctors (Ministry of Health), applied arts designers (Applied Arts Syndicate), engineers (Engineers' syndicate)

The new anti-trafficking law was approved by the Upper House of Parliament (Shura Council) on 24 April 2010, and later by the Lower House on 2 May 2010. At the time of writing, the bill was pending the signature of the President. The new anti-trafficking law stipulates that individuals or groups who commit human trafficking crimes will be given life sentences and fined between 9,000-36,400 USD. Further details of the law were not publicly available at the time of writing (IRIN, 2010).

As highlighted in this policy review, transit migration is largely governed by laws pertaining to entry and residence in Egypt and transit migrants are not defined as a specific category. Gaps exist in the provisions for entry and residence in Egypt (especially for Western and Arab nationalities) which tend to be fairly liberal and the provisions to obtain lawful employment and access to public health and social services, which tends to be rather restrictive creating potential vulnerabilities for those who enter and reside legally but are not able to find employment. Literature (Malek (2008) and IOM (2009b)) has showed how access to services and social rights may be a contributing factor towards secondary movements of refugees and migrants towards third countries. In addition, Malek (2008) explains how the response of Egyptian authority to irregular entry of foreign nationals has been focussing mostly upon enacting border control measures – with a variety of responses depending on the agency that encounter the irregular migrants (border guards; civil, criminal or military legal system, UNHCR etc...).

3.2 Iraq

3.2.a Background

The scale and protracted the violence that followed the invasion of Iraq and the Samarra bombing in 2006 resulted in over two million Iraqi refugees outside Iraq and more than 1,600,000 Iraqis (270,000 families) who are internally displaced within Iraq (IOM, 2010a). While displacement to and within Iraq has started to decrease after 2008, only a small number of Iraqis are returning, mostly due to difficult conditions in places of return and the security situation.

The magnitude of migration to and through Iraq is unknown due to lack of data. According to the US Department of State's report on trafficking in persons 2009, Iraq remains a destination country for women from Ethiopia, Indonesia, Nepal, and the Philippines, mostly trafficked into Northern Iraq for involuntary domestic servitude and sexual exploitation. In addition, Iraq is a destination for men coerced into or deceived to work as construction workers, security personnel and other low-skilled jobs. Most of these men come from South and South-East Asia, often transiting through countries of the Arab Gulf or circumventing the ban imposed by some of these countries (including India, Pakistan, Sri Lanka, Thailand, and the Philippines) preventing their nationals from working in Iraq (US Department of State, 2009). Anecdotal evidence suggests that because Iraqis (including Iraqis of Kurdish origin) are now able to obtain passports and Turkish visas with more ease, irregular entry of Iraqis to Turkey may have declined in recent years. While data are not available to substantiate these claims, Eurostat database (see appendix) shows that the number of Iraqis refused entry at EU borders has declined from 1,285 (in 2008) to 670 (in 2009) people and the number found to be staying irregularly has declined from 37,445 to 23,175 in the same period, signalling perhaps a reduction in irregular migration from Iraq, especially in Kurdistan given the economic boom currently experienced in the region. It is not clear, however, what proportion of Iraqis that enter Turkey regularly continues the journey to Europe in an irregular way.

3.2.b Statistics

Data from the Ministry of Interior of Iraq shows that net arrival and departures from Iraq have followed a fluctuating trend in the years 2006 – 2009. Somehow counter-intuitively, 354,000 more Iraqis have entered Iraq than those who have left; reasons may include undercounting of departures;

the lack of data from border crossings in Northern Iraq and movements other than migration (tourism, business travel, etc.).⁷

Figure 9. Total numbers of arrivals and departures from Iraq 2006-2009

	2006	2007	2008	2009	Total
Total arrivals	298,695	1,543,086	1,848,462	1,647,084	5,337,327
Nationals	177,214	744,299	811,756	569,139	2,302,408
Foreigners*	121,481	798,787	1,036,706	1,077,945	3,034,919
Of which Arab	22,659	53,206	42,363	73,476	191,704
Total departures	299,604	1,402,504	2,006,478	1,411,017	5,119,603
Nationals	176,219	540,547	791,062	440,813	1,948,641
Foreigners	123,385	861,957	1,215,416	970,204	3,170,962
Of which Arab	34,122	90,568	124,100	81,696	330,486
Net	-909	140,582	-158,016	236,067	217,724
<i>Net nationals</i>	995	203,752	20,694	128,326	353,767
<i>Net non-Arab Foreigners</i>	9,559	-25,808	-96,973	115,961	2,739
<i>Net Arabs</i>	-11,463	-37,362	-81,737	-8,220	-138,782

Source: Border Points Directorate - Ministry of Interior (Data does not include Northern Iraq)

Data available shows that only a limited number of economic migrants and foreign nationals (mostly from Arab and Asian countries) reside in Iraq. While the number of economic migrant has slightly increased in the past years, the number of refugees has declined, mostly due to the decrease in the number of Palestinians, which have become a target of the sectarian violence in the country.

Figure 10. Total numbers of immigrants according to residency status 2004-2009

	2005	2006	2007	2008	2009
Work visa	3,720	5,962	750	986	3,411
Arab	474	3,882	194	222	766
Other foreigners	3,246	2,080	556	764	2,645
Residence visas	758	1,492	2,117	3,885	6,895
Arab		263	470	678	1,895
Other foreigners	758	1,229	1,647	3,207	5,000
Refugees	62,394	62,382	55,671	54,012	n/a
Of which	22,698	22,698	14,937	14,937	
Of which Turkish	13,332	13,332	15,553	15,553	
Of which Iranians	13,382	13,382	11,135	11,135	
Of which Syrian	627	627	590	590	
Of which Sudanese	138	138	137	137	
Of which women	12,217	12,205	13,319	11,660	

Source: Residence Directorate - Ministry of Interior (Data does not include Northern Iraq) and UNHCR country page (<http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486426>)

⁷ Arrival and departure data cannot provide an indication of migration flows as they also include tourism, business travelers, cross-border workers and traders etc... However, this data can provide an indication of immigration and emigration flow in the long period where short-term movements cancel out, provided that departure data is recorded as consistently as arrival data, which might not always be the case.

In addition, a number of Iraqis have reached the EU, transiting through other countries in the Middle East and North Africa. Iraqi irregular migrants attempt to enter the EU through Turkey and Greece and to a limited extent through Libya and Southern EU countries such as Italy and Malta. In a survey of irregular migrants detained in Greece, between 15 and 20 per cent of interviewees were Iraqi. The same report found that according to official data, 27,685 irregular migrants were arrested at the sea border with Turkey, and 8,787 at the land border with Turkey. Afghans make up the largest proportion of new arrivals followed by Iraqis, Somalis, Palestinians, and Pakistanis. The same report found that the majority of these irregular migrants transited through Turkey, with evidence of a small number of migrants arriving to Greece by boat from places as far as Libya (MSF, 2010). It is unclear to what extent smuggling networks operate in Iraq, facilitating irregular emigration of Iraqis and transit migration of other nationalities via Turkey.

3.2.c Legal Description

While Iraq does not currently have a comprehensive migration management strategy, the Government of Iraq has established a policy task force that developed a set of National Guidelines for Migration Management in 2008, covering issues such as support to Iraqis abroad, labour migration, return and reintegration, entry and admission, entry and refusal of entry, stay and residence, family reunification, integration and non-discrimination, data collection and exchange, irregular migration to Iraq, trafficking in human beings, forced return, voluntary return, readmission agreements and institutional framework for migration management.

Immigration to Iraq is regulated by Residence Law of Foreigners No. (118) of 1978 as amended; Passport Law N°32, 1999 and Passport system No. 61 of 1959. A new residence law is currently being discussed in Parliament. The law stipulates prerequisite for granting residence to a foreign national, including the presence of a sponsor (whether national or foreign resident, a legal or natural person) and adequate means to cover the costs incurred while staying. The new law is not concerned with provision of the right to work to foreign nationals, but rather sets up a coordination mechanism with the Ministry of Labour, who has a mandate to issue work permits. Non-compliance with legislation pertaining to residence in Iraq can be punished with administrative fines ranging from 100,000 to 50,000 Iraqi dinars (equivalent to USD 85 - 40) and a daily fine of 3,000 dinars for each day of unauthorised stay imposed on the migrant. Deportations are envisaged for foreign nationals who entered irregularly or who do not comply with residence requirements.

As data on migration in Iraq has focused mostly on forced internal and international displacement of Iraqis, little is known about the role of Iraq as a transit country. Anecdotal evidence suggests that Iraq (especially its Northern region) may have declined as a transit zone for migrants as migrants in Iran (either Iranians, Afghans or other Southern Asian nationalities) can enter Turkey through Iranian-Turkish border crossings without transiting through Iraq (Richmond, 2010). If these claims were true, it might be the case that the transit migration phenomenon in Iraq (or at least Northern Iraq) is not significant enough and thus can be managed through the provisions pertaining to irregular migration.

3.3 Jordan

3.3.a Background

Jordan has for a long time been both a country of destination and an origin country of migrants. The Population Division of the United Nations Department of Economic and Social Affairs (UN DESA) estimates that the total number of foreign-born residing in Jordan increased from 2.35 million to 2.97 million people between 2005 and 2010, representing 46 per cent of the total population in 2010 (UN, 2009). As a note of caution, this data also includes Jordanian citizens of Palestinian origins who are not technically migrants (those who are born in Jordan and with Jordanian passport/citizenship).

According to estimates of emigrants, there were almost 670,000 Jordanians abroad in the early 2000s (DRC, 2007). National data from 2006-2009 seem to confirm these trends.

3.3.b Statistics

The number of arrivals and departure from Jordan (subject to the same caveats made in the previous section) confirms that in the same period more nationals departed than arrived, with a positive inflow of nationals recorded in 2009. Jordan recorded a net inflow of foreign nationals in the four years analysed, with lower inflows in later years. Arab migrants represent the bulk of this positive inflow.

Figure 11. Total numbers of arrivals and departures from Jordan 2006-2009

	2006	2007	2008	2009	Total
Total arrivals	9,535,828	8,947,496	9,431,815	7,343,921	35,259,060
Nationals	2,670,849	2,250,216	2,485,031	2,083,814	9,489,910
Foreigners*	6,864,979	6,697,280	6,946,784	5,260,107	25,769,150
Of which Arab	5,679,504	5,262,679	5,364,278	4,226,646	20,533,107
Total departures	8,991,930	8,475,304	9,230,945	7,121,108	33,819,287
Nationals	2,755,332	2,286,751	2,516,663	2,074,961	9,633,707
Foreigners	6,236,598	6,188,553	6,714,282	5,046,147	24,185,580
Of which Arab	5,152,406	4,849,858	5,177,119	4,052,885	19,232,268
Net	543,898	472,192	200,870	222,813	1,439,773
<i>Net nationals</i>	-84,483	-36,535	-31,632	8,853	-143,797
<i>Net Non-Arab Foreigners</i>	101,283	95,906	45,343	40,199	282,731
<i>Net Arabs</i>	527,098	412,821	187,159	173,761	1,300,839

Source: Ministry of Tourism, Annual reports 2005-2009. Data from 2009 until Sept. 2009

Data on legal residents in Jordan presents a similar picture. The vast majority of foreign-born residents are Arab, with Palestinian, Egyptian and Iraqis topping the list. It must be however pointed out that immigration to Jordan is a multi-faceted phenomenon, inclusive of forced and labour migrants as shown in Figure 12. Palestinians represent the largest nationality of foreign-born residents, although the vast majority of Palestinian-born are naturalised Jordanian, with the most notable exception being the approximately 150,000 Palestinians born in Gaza who hold two-year Jordanian travel documents that grant them residence in Jordan and partial access to social services and labour market (Olwan, 2008). While their number has been subject to some controversy, Iraqis represent the second-largest foreign-born community numbering between 450,000 and 500,000 individuals according to data from the United Nations High Commissioner for Refugees (UNHCR) and Fafo (2008). According to the Fafo study, 77 per cent of the Iraqis in Jordan have left Iraq at some point after the 2003 invasion. Egyptians represent the majority of labour migrants in Jordan. The rest of labour migrants in Jordan come from Asian countries, in particular the Philippines, Sri Lanka and Indonesia. Approximately 16 per cent of labour migrants in Jordan are female.

Figure 12. Total number of immigrants in Jordan according to residency status 2005-2008

	2005	2006	2007	2008
Work visa	260,357	289,724	313,962	303,325
Egypt	86,690	n/a	222,716	205,358
Syrian	3,139	n/a	4,443	3,017
Iraqi		n/a	n/a 1,555	1,607
Filipino	5,687	n/a	14,785	12,734
Sri Lankan	14,586	n/a	18,181	20,590
Indonesia	n/a	n/a	21,604	24,778
Other Arab	3,068	n/a	184	2,122
Other Non-Arabs	47,187	n/a	30,494	33,119
Of which females	31,723	n/a	48,019	51,823
Foreign students	20,934	23,053	24,699	26,736
Of which females	5,603	6,217	6,686	7,842
Refugees and asylum-seekers	1,845,402	2,377,839	2,413,778	2,452,701
Palestinians	1,827,877	1,858,362	1,903,490	1,951,603
Other refugees	955	500,229**	500,321*	500,413
Asylum-seekers	16,570	19,248	9,967	685

Source: Ministry of Labour, Annual Reports (2005-2008); Ministry of Higher Education, Annual Reports (2004-2009); UNRWA statistics (as of 30th June 2009); UNHCR annual reports (2004 – 2008 from country page <http://www.unhcr.org/country/jor.html>). * UNHCR Data for 2007 refers to estimates. ** The increase in number of Iraqis between 2005 and 2006 is probably the result of the publishing of the findings of the Fafo report, rather than increase in registration of Iraqis.

3.3.c Legal Description

There are a number of key domestic legislation and regulations related to migration management in Jordan, including:

- Nationality Law No. 6 of 1954 - regulating the conditions and procedures of granting the nationality, as well as, the conditions to revoke nationality;
- Residence and Foreigners Affairs Law No. 24 of 1973 - regulating entry and registration of foreigners, residence permits, exemptions and penalties. The law also established a department for Residence and Foreigners' Affairs within the Directorate of Public Security at the Ministry of Interior responsible for its implementation;
- Visa Regulation, No. 3 of 1997 - this regulation specifies types of visas, fees and exemptions in compliance with article 9 of the Residence and Foreigners Law;
- Regulation No. 95 of 1998 on Defining the Place of Residence, issued according to article 40 of the Residence and Foreigners Affairs Law, which regulates the entry card provided to foreign nationals at the border, as well as, the notification procedures for renting property to foreign nationals;
- Passport Law No. 5 of 2003, which revokes the Passport Law No. 2 of 1969 and specifies and regulates the types of passport to be issued and the competent authorities;
- Labour Code No. 8 of 1996, which regulates the functioning of the labour market including subsequent regulations and instructions that specifically apply to foreign workers:

- Law No. 48 of 2008, amending the labour law secures more rights for migrant (and national) workers in the domestic and agricultural sectors, by bringing both under the umbrella of the provisions of the labour law.

The key actors involved in migration management in Jordan are the Ministry of Interior (various departments including the Borders and Residency Department, the Nationality Department, the Civil Status and Passports Department and the Department of Public Security), the Ministry of Labour and the Ministry of Foreign Affairs.

Only some operational components of Jordan's migration management policy, which governs various aspects of immigration to Jordan in accordance to the law and regulations above, are publicly available.⁸ According to this information, the Jordanian government groups foreign nationals in three main categories:

- Nationals from Egypt, Syria, Yemen and countries of the Gulf Cooperation Council (GCC)⁹ can obtain an entry visa free of charge at the border point. These nationals can extend their entry visa by visiting the police station that is closest to their residence (for Egyptian and Syrian nationals this is a simple notification procedure) while for Yemenis and GCC nationals an extension to the visa must be requested. If the visitor overstays their temporary residence, a fine of 10 Jordanian Dinars (14 USD) is paid at the time of departure regardless of the number of days the visitor over stayed their permit.
- European, North American, Chinese, Turkish, some Arab and other nationalities (mostly from developed countries) can obtain an entry visa at the border, usually for a small fee. Two extensions can be obtained for a total of 5 months. Fines for overstaying are 1.5 Jordanian Dinar per day.
- The remaining nationalities have to obtain an entry visa prior to arrival from a Jordanian diplomatic mission. A group of these nationalities can extend their entry visa following the same procedures highlighted in the point above, while a group of them ("restricted nationalities") can only apply for a two month extension at the residency department. Fines for overstaying are 1.5 Jordanian Dinar per day. Holders of laissez-passer and travel documents are considered as belonging to the restricted nationalities group.

Annual residency permits are granted to the visitor by the Ministry of Interior if certain conditions mentioned in the residency law apply on them, including:

- The person holds an employment contract with a company or registered business or with an employer established in the Kingdom, provided that his activities are not in competition with those of Jordanians and that a certificate to that effect is issued by the Ministry of Labour and Social Affairs or by another competent authority;
- A person who, throughout his residence has a secure and lawful source of income, either domestic or from abroad, which shall be established by means of a certified official document;
- A person who has come to the Kingdom to invest capital in commercial or industrial ventures approved by the Ministry for the National Economy;
- A person possessing scientific or vocational skills to which there is no equivalent in the Kingdom, provided that such skills are established by means of written official certificates issued by recognized authorities, subject to the approval of the competent Jordanian authorities;
- A student admitted to a Jordanian educational establishment (Article 26).

⁸ E-mail communication between IOM staff and Ministry of Interior of Jordan, December 2009. These components include migrant workers policies published on the website of the Ministry of Labour and the national strategy for counter trafficking has been released in March 2010.

⁹ The Gulf Cooperation Council includes Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates.

In addition, foreign nationals may be required to provide evidence that they have secured enough funds to sustain the cost of departure from Jordan once the residence permit expires (Article 27). Finally, nationals of bordering States can obtain a special authorization, called a border-crossing authorization, on the basis of bilateral agreements with these states that exempt their citizens from obtaining a residency permit.

Employment of non-Jordanians is governed by Article 12 of the labour law that require approval from the Ministry of Labour to ensure that foreign workers are not employed in sectors in which they are in direct competition with local workforce such as highly qualified jobs (doctors, lawyers, etc...). Workers must already be in possession of a residency permit but are not entitled to take up employment until the work permit is issued. Penalties for taking up employment without a permit include deportation (at the expense of the employer) and prohibition of re-entry for three years for the worker and a fine between 100 and 150 Jordanian Dinars (USD 140 to 210) for every month of employment and a prohibition to hire foreign workers for the employer. Since 2008, amendments to the labour law have extended coverage of the labour legislation to domestic workers and workers in the agricultural sector (Olwan, 2008). This is especially relevant given that 148,000 migrants were employed in the agricultural and personal service sectors, 90 per cent of these migrants had less than elementary level education, according to the 2008 annual report from the Ministry of Labour (2008).

Special conditions apply to foreign workers employed in Qualified Industrial Zones (QIZs) based on a regulation issued in 2006 and under the framework of the Investment Law of 2003. The law entrusted the Jordanian Investment Board (in coordination with a delegate from the Ministry of Labour) with the capacity to grant approval to employers based in one of the ten QIZs to obtain a work permit (Olwan, 2008).

As a special case of labour migration, in 1985 the Egyptian Ministry of Manpower and Migration (MoMM) and the Jordanian Ministry of Manpower and Social Solidarity (MoMSS) signed a bilateral agreement that created an effective legislative and operational framework to organize and facilitate labour migration, and stipulating that Egyptian workers are entitled to the same rights as Jordanian workers in terms of the labour law, social benefits and insurance. The agreement was amended in 2007, providing more generous provisions for the workers as well as a USD 250 insurance fee imposed on all labourers arriving from Egypt to be reimbursed to them on completion of their paperwork with their predestined employer (IOM, 2010a).

The Law No. 9 of the year 2009 on the Prevention of Trafficking in Persons was promulgated on 01 March 2009. The law contains 17 articles in which all aspects of trafficking and counter-trafficking are covered. In Article 3 trafficking in humans is defined in line with the UN Palermo Protocol as:

recruitment, transfer, housing or receiving of people, for the purpose of exploitation by means of physical threat, use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability, employment or any form of coercion, abduction, deception, threat to use force, exploitation of dependency for giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation

There are also specific provisions for children in line with those contained in the Palermo Protocol.

The Law states that the offenders shall be penalized by imprisonment of up to ten years and a fine between 5,000 and 20,000 Jordanian Dinars (USD 7,065 to 28,300). The law establishes a national committee for preventing human trafficking chaired by the Minister of Justice and tasked to formulate a public policy to prevent trafficking in human beings, and to follow up on its implementation. The Committee is required to coordinate its activities with concerned governmental and non-governmental authorities to implement the necessary social, psychological and physical recovery programs for victims, and to facilitate their return. The national committee started its work in July 2009 by establishing a counter-trafficking unit inside the Ministry of Labour.

From the analysis contained here and in section 3.5 it seems that Jordan is not a major country of transit, due mostly to geographical location and the nature of migration to Jordan (economic migration

of Asian and other Arab migrants, forced migration of Iraqis and Palestinians). As such, capacities to counter-act irregular migration might be sufficient to also manage transit migration. However further assessment should be conducted to verify these claims.

3.4 Lebanon

3.4.a Background

Similarly to Jordan, Lebanon has also been for a long time both an origin and destination country, with a consistent number of forced migrants. According to data from the Population Division of UN DESA, the total number of foreign-born persons in Lebanon reached 758.000 in 2010, representing approximately 18 per cent of the total population (UN, 2009).

3.4.b Statistics

Data on number of arrivals and departures from Lebanon shows a net negative balance in 2006 (especially for non-Arab foreign nationals, possibly as the result of the evacuation of third country nationals during the July 2006 war) and a positive balance for other years, with the exception of nationals in 2005. As expected, this pattern reflects the political instability that marked the country in recent years.

Figure 13. Total numbers of arrivals and departures from Lebanon 2006-2009

	2005	2006	2007
Total arrivals	3,609,958	2,140,591	5,566,874
Nationals	2,286,496	914,716	2,421,516
Foreigners*	1,323,462	1,225,875	3,145,358
Of which Arab	636,310	522,087	2,528,368
Total departures	3,638,689	2,188,542	5,353,414
Nationals	2,414,430	926,888	2,383,186
Foreigners	1,224,259	1,261,654	2,970,228
Of which Arab	543,080	529,362	2,383,393
Net	-28,731	-47,951	213,460
<i>Net nationals</i>	-127,934	-12,172	38,330
<i>Net Non-Arab Foreigners</i>	5,973	-28,504	30,155
<i>Net Arabs</i>	93,230	-7,275	144,975
<i>%age change</i>			-545%

Source: Central Administration for Statistics

At the same time, Lebanon remains a country of immigration, in line with trends experienced as early as the 1970s and 1980s. Asian workers, mostly employed in the domestic sector, and Egyptian workers employed in small businesses such as petrol stations represent the bulk of foreign workers, as captured by the data on residence permits. Syrian workers, while representing a significant proportion of foreign workers in Lebanon, are not captured in this data because Syrian workers are not required to obtain a residence permit, by virtue of the open-border policy between the two countries. As discussed in IOM (2010), Syrian migrant workers are considered to be “seasonal, voluntary, economic migrants”, leaving and returning to Syria in a circular fashion, promoted by the fact that Syrians can enter Lebanon using their national identification document (ID) and Lebanese law does not require a Syrian to leave Lebanon upon completion of his contract, thus allowing Syrians to come to Lebanon to seek employment, without having to obtain a work visa. Syrian migrants in Lebanon have been

predominantly males and employed as unskilled labourers in agriculture, service workers and shop and market sales workers. No official figures exist as to the number of Syrian expatriates in Lebanon, but news organizations in Syria cite a figure of around 400,000 (IOM, 2010a). It is possible that Syrian workers represented the bulk of the inflows of Arab nationals to Lebanon in 2007 as showed in Figure 13, mostly as a result in the peak in demand for workers after the events of the summer of 2006.

Figure 14. Total number of immigrants in Lebanon according to residency status 2005-2008

	2005	2006	2007	2008
Work visa	80,989	94,004	105,268	n/a
Sri Lanka	37,578	28,945	21,294	
Philippines	27,675	30,309	22,997	
Egypt	10,632	16,505	17,055	
India	5,104	5,321		
Bangladesh			7,063	
Ethiopia		12,924	36,859	
Refugees and asylum-seekers				
Palestinians	404,170	408,438	413,962	422,188
Other refugees	916	20,164	50,337	50,419

Source: Central Administration for Statistics, UNRWA statistics (as of 30th June 2009); UNHCR annual reports (2004 – 2008 from country page <http://www.unhcr.org/pages/49e486676.html>).

3.4.c Legal Description

Four ministries have direct responsibilities relating to migration management in Lebanon. These are: the Ministry of Displacement and Migration; the Ministry of Foreign Affairs; the Ministry of the Interior; and the Ministry of Labour. Other ministries (Defence, Education, Health, Justice and Finance) also participate through various services and are consulted when necessary.

- The Ministry of Displacement is responsible for all matters relating to Lebanese refugees and displaced persons and all non-Lebanese refugees residing in Lebanon. It develops policies to address migration issues and serves as the focal point for organizations assisting refugees and displaced persons. This ministry was created in 2004 by the Coalition Provisional Authority. Its main functions comprise: following up issues relating to IDPs and Lebanese migrants throughout the world; facilitating their return; restoration of nationality and statistical analysis.
- The functions of the Ministry of the Interior include issuing passports and civil status documents (such as identity cards, nationality and naturalisation certificates); border control; entry and departure procedures for foreign nationals; foreign nationals' residence formalities; control of irregular migration.
- The Ministry of Foreign Affairs deals with consular affairs, including the issuing of visas. It also helps the Lebanese Diaspora with various matters ranging from facilitating return to issuing documents upon request. Moreover, Lebanon's treaty obligations as well as international relations with countries and organisations fall under its prerogatives.
- The Ministry of Labour is responsible for issuing work permits to foreign nationals and ensuring that, once admitted into the country, they do not face discrimination. As the Ministry of Labour has a prime role in revitalising the Lebanese labour market, employment priorities are, therefore, given to Lebanese citizens over foreign nationals.

Currently, Lebanon does not have a publicly available migration management strategy. The legal status of foreign nationals in the country is regulated by the Residency Law of Foreigners No. (118) of 1978 as amended; the Passport Law; the Labour Law; Penal Code No. 111 of 1969 as amended; and the Civil Code of 1951 as amended. According to Human Rights Watch (2010a), in August 2009 the Cabinet is currently reviewing a draft law submitted by the Ministry of Interior that would allow Lebanese women to pass their nationality to their husbands and children.

The general entry conditions for foreign nationals are stipulated in Article 3 of the Residency law and include: possession of a valid passport or travel document (entitling the holder to return to the country where the document was issued); a valid entry visa if needed; entry to Lebanon via official border points specified in the Passport Law; and completion of an entry card upon arrival.

Article 2 of the Residency Law of Foreigners states that any Lebanese citizen who holds dual nationality shall be considered as an expatriate. Upon the expatriate's request, submitted to the Director of Residency, the Director of the Intelligence Department has the right to grant him or her an expatriate citizen status certificate, which guarantees entry to the Republic of Lebanon without the need for an entry visa and to residence there without needing to obtain authorization from the Directorate of Residency Affairs (DoRA).

According to Article 4 of the Residency Law, a foreign citizen holding a regular visa can enter Lebanese territory within a period of three months from the date of its issue and may stay in Lebanon for a maximum period of three months. He or she is required to report to the DoRA sections within ten days of entry and will be given permission to stay in Lebanon for a period that does not exceed three months. Upon request, a foreign national may be granted a residence permit that is valid for one year, in accordance with the Residency Law regulations. Under the Lebanese Law currently in force, residency permits can be issued for a non-renewable maximum period of five years. Only foreign nationals whose speciality falls within a much-needed area of expertise are exempted from this regulation. The Minister of Interior has the authority to renew residency permits for three more years (in addition to the initial five). However, this extension can take place only once. Currently, non-Lebanese Arabs have access to residence permits which are renewed annually.

Work contracts provided by institutions or private sponsors are necessary for the granting of residence permits. For Palestinians who have resided in Lebanon since 1948, the applicant must be registered with the Department of Humanitarian Affairs in the Ministry of Displacement and he or she should not hold a passport issued by the Palestinian National Authority.

In 2003, Central Department of Sécurité Générale (DSG) signed a Memorandum of Understanding (MoU) with UNHCR that allows asylum-seekers to register with UNHCR two months after entry in Lebanon. Once the asylum request is accepted, the asylum-seeker can register with DSG and a temporary three-month residence permit is issued to him or her. The MoU specifies that "Lebanon does not consider itself an asylum country" and thus refugee status determinations are conducted by UNHCR. The MoU applies only to refugees who entered the country after it went into effect and precludes persons who were already in the country before that date from applying. If the asylum-seeker is recognised as a refugee, a six-month residence permit (that may be extended for a further three months) is issued. According to Jouni (2008), if the refugee or asylum-seeker is not resettled within this timeframe, he or she loses the right to reside in Lebanon and becomes *de facto* an irregular migrant. Moreover, the MoU does not cover Iraqis even if they are registered with UNHCR (USCRI, 2009). According to Human Rights Watch (2010b), arrests of Iraqis residing illegally in Lebanon are rarer today than at the beginning of the Iraqi displacement in Lebanon, with approximately one hundred migrants detained as of March 2010, compared with 580 in November 2007.

Foreign nationals who have overstayed the validity of their entry visa in Lebanon must rectify their status with the DSG (Department of Passport and Immigration) prior to their departure. Article 1(10) of the Residency law foresees expulsions in cases of illegal entry and breach of residency conditions, and a final court decision ordering the expulsion from Lebanon. In addition, Article 16 of the Residency Law

stipulates that if the expulsion of a foreign national is not feasible or he/she is stateless, the Minister may determine his/her place of residence for a specified period pending his/her expulsion.

In February 2008, the Government opened a three-month (eventually extended to six) window for foreign nationals to regularize their status in the country. Foreign nationals first had to pay about USD 634 to regularize their status for a temporary period of three months, during which time they had to legalize their status in the country. Lebanon's regulations state that prison authorities should refer foreign detainees who complete their sentence to the DSG, which then decides to release or deport them. In the case of refugees and asylum-seekers, the authorities give them the option of remaining in prison or returning to their countries of origin. There is no administrative mechanism to review such detentions. Authorities release refugees from detention when UNHCR intervenes if they have resettlement prospects (USCRI, 2008).

At the moment, trafficking in persons is not recognised as a crime under Lebanese law, although some trafficking-related offences are codified in the criminal code, including commercial sexual exploitation, depriving a person from his/her freedom, and use of documents belonging to another person. Additionally, the current law does not define a victim of trafficking, nor does it consider the act committed by a transnational organized crime group as punishable. Further to this, the law does not mention any particular measures to protect the victim/s or witness/es of trafficking. However, the Lebanese government has taken some steps to prevent trafficking in persons in recent years. A limited record of successful prosecution of traffickers for domestic servitude or commercial sexual exploitation exists (US Department of State, 2009).

In order to address abuses amounting to trafficking in persons, in 2009 the Lebanese Ministry of Labour launched a unified contract to protect migrant workers in Lebanon in coordination with the UN Office of the High Commissioner for Human Rights (OHCHR), the International Labour Organization (ILO) and Lebanese civil society organizations. The contract sets out number of protection standards that have to be applied before work permits can be issued by the Ministry. The contract, signed in Arabic and in the language of the migrant worker, emphasizes the migrant workers' right to decent living conditions, and acknowledges their right to adequate food and clothing. Other terms of the contract include guarantees to a weekly day of rest and annual holidays and limits to ten the number of working hours per day. Employers are obliged to arrange health insurance for employees in their households. The workers themselves have the right to quit their workplace if they are abused (IOM, 2010). In addition, government authorities liaise with NGOs, particularly Caritas, to provide victims and potential victims of trafficking with assistance. Caritas holds a MoU with the Government of Lebanon which stipulates that the government cooperates with the NGO and refers victims to the only shelter operating in the country, where a coalition of NGOs provide victims and potential victims with daily meals, medical assistance, psychosocial assistance and counselling, legal counselling and basic material needs. The government is in charge of the security of the shelter. The government is currently working with IOM to develop standards and procedures to identify and refer victims of trafficking.

In the aftermath of the July 2006 war, the German government supported a sustainable integrated border management project through a pilot initiative which resulted in the establishment of a Technical Support Unit (TSU) within relevant Lebanese national authorities.

In terms of capacities to deal with transit migration, Lebanon represents a hybrid case. On one hand this desk-top review could not find significant transit migration trends, like in the case of Jordan. On the other hand, the tensions existing in the current asylum and migration-related procedures results in difficulties of obtaining regular residence and permission to work for specific categories of foreign nationals. Like in the case of Egypt, difficulties in accessing services and social rights (in addition to regular residence) represent the key vulnerability for migrants. However, the geographical location of Lebanon, as well as the high cost of living by regional standards and difficulties in obtaining residence act as a disincentive for migrants to use Lebanon as a transit country, with the exception of Iraqi and other asylum-seekers who may seek to be resettled from Lebanon to third countries.

3.5 Analysis of migration policies in the region and their impact on transit migration

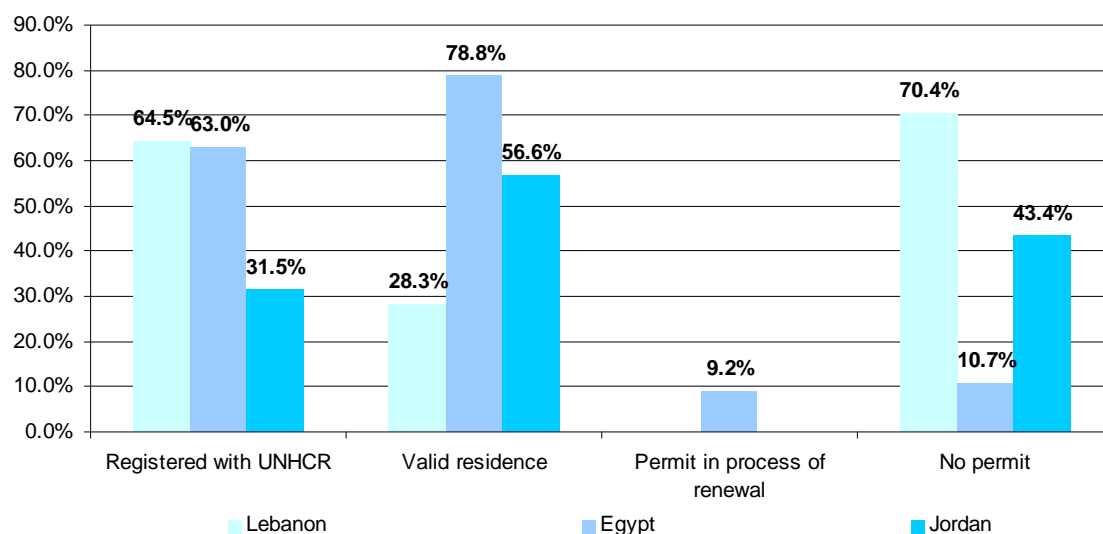
The case studies analysed above show a set of commonalities between the countries.

Firstly, the mandate for migration management is shared between different agencies with different set of incentives and policy objectives. In none of the countries analysed there exists a functioning intra-ministerial body on migration, although standard operating procedures might include a certain degree of inter-agency coordination or a inter-ministerial committee may be established but de facto not operating. While this approach might be suitable to manage traditional forms of migration (labour immigration, labour emigration, irregular entry and overstay of residence permit), new migration dynamics call for a more whole-of-government approach. As exemplified by recent anti trafficking legislation and mechanisms established in some of the countries in the region (e.g. Egypt and Jordan), inter-agency cooperation could be one of the platforms in which gaps arising from the different mandates of ministries could be filled and synergies be built in different aspects of migration management, including migrants' protection.

Secondly, in the four countries there exists a discrepancy between ease of entering the country (either regularly or irregularly), the ease to obtain residence (either for tourism, education, investment or international protection) and the ease to obtain permission to work and access different types of public services. In general, foreign nationals from other Arab countries can enter other Arab countries with a certain degree of ease, either through visa on arrival or through a pre-arranged visa that can be obtained in the country of residence. In the case of sudden influx of a certain group of Arab migrants or refugees (see Fafo (2007)) restrictions have been imposed to make entry more difficult. For non-Arab migrants (especially Asian and African migrants) provisions tend to be more restrictive and for certain categories of migrants, including those who may be in need of international protection, it might be easier to enter irregularly and regularize their status through registration with UNHCR. Most of non-Arab foreign nationals in the Middle East who do obtain a residence permit do so either by registering through UNHCR as an asylum-seeker or through securing employment before arrival (like in the case of domestic workers in Lebanon and Jordan). It is difficult to determine how many migrants reside irregularly in the Middle East and to what extent these migrants that entered irregularly or lost the right to reside at some point during their stay may be willing to engage in transit migration.

The rest of this section provides some data on the migration intentions of migrants in the region, with the aim to assess whether potential irregular migrants are engaging in any form of transit migration. Both because of the lack of data and anecdotal evidence that economic migrants working in the region (mostly coming from Asia) are less prone to use Jordan, Lebanon and Egypt as a stepping stone for onward migration, the analysis focuses on nationalities that are mostly forcefully displaced in the region, namely Iraqis and Sudanese.

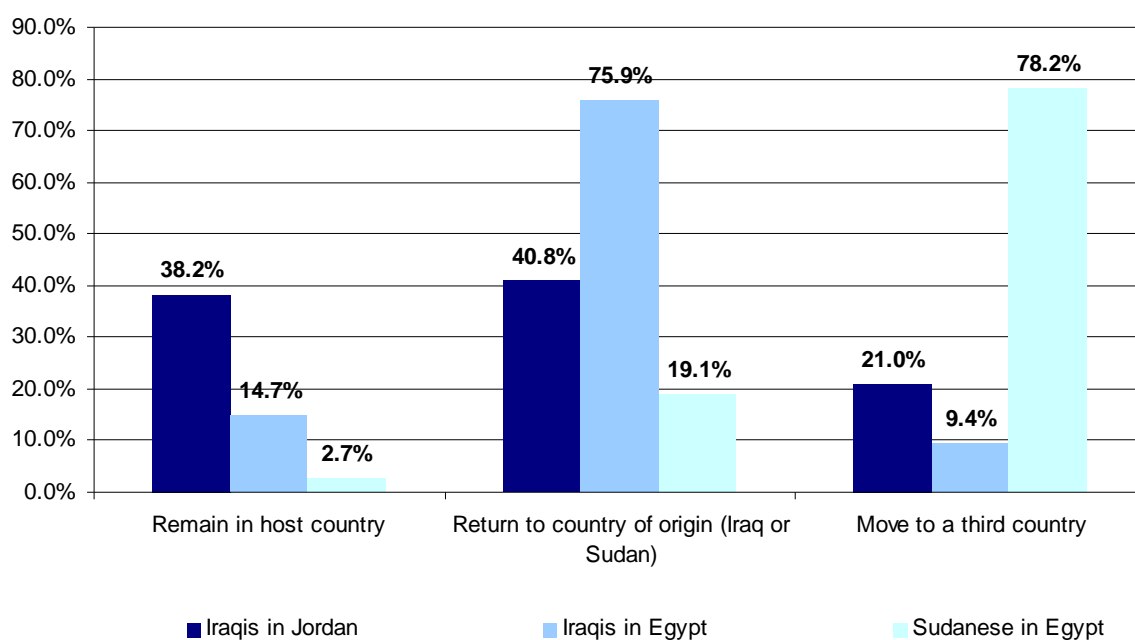
Figure 15. Residence status of Iraqis based on country of residence



Source: Fafo (2007), DRC (2007), IOM (2010b).

The data presented above show the complexity of residency situation of Iraqis displaced in Egypt, Lebanon and Jordan. Registration with UNHCR tends to be positively correlated to validity of residence permit as obtaining a UNHCR registration card (until 2009 issued prima facie to all Iraqis (UNHCR, 2009)) entitles most Iraqis to reside in the host country in Jordan and Egypt. In Lebanon, registration with UNHCR allows for legal residence for a maximum of nine months (see section 3.4). Therefore, even though the vast majority of Iraqis in Lebanon (65 %) were registered with UNHCR, only 28 per cent of them had a valid residence permit. The same report shows that over 60 per cent of Iraqi respondents had entered Lebanon irregularly (DRC, 2007).

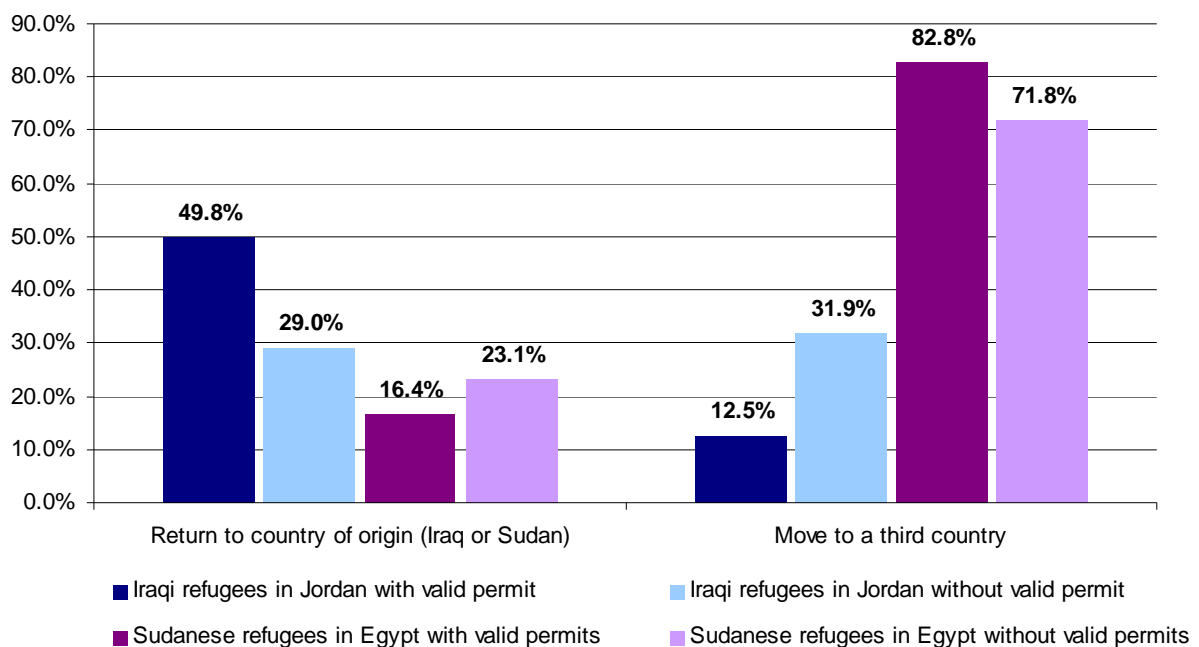
Figure 16. Residence status of Iraqis based on country of residence



Source: Fafo (2007), IOM (2009b), IOM (2010b).

Migration intentions can also be used as a potential indicator of the propensity of different migrant and refugee populations to engage in transit migration. Intentions to remain in the host countries are higher for Iraqis in Jordan (38 %), then Iraqis or Sudanese in Egypt (15 and 3 % respectively). It should be noted that the two surveys used in Egypt made use of a much smaller and thus less representative sample and that the questions were framed in different ways in each of the study, hence the responses should be compared with a degree of caution. For Iraqis the most preferred option seemed to be to return to Iraq (41 % for Iraqis in Jordan and 76 % for those in Egypt. The question was framed in a way to make returns conditional upon on improvements of the security situation). Only 20 per cent of Sudanese in Egypt were planning to go back to Sudan in the coming five years, given the current situation (i.e. without significant changes). The vast majority of Sudanese (78 %) preferred to move to a third country, with Australia (52%), US and Canada (28 %), Europe (9.5 %) and Israel (4.7 %) as the top destinations. It is interesting to note that most Sudanese in Egypt seem to identify resettlement as a refugee to a third country as their favourite option, even though only 39 per cent of them were refugees recognized by UNHCR and even though resettlement opportunities for Sudanese have declined drastically since UNHCR changed its refugee status determination policy in 2004 (IOM, 2009b). It is clear that the preferred option for Sudanese might not be the most feasible one and it can be noted that irregular migration intentions may be present for the 5 % of respondents who were considering migration to Israel, where there is no official channels for resettlement or economic migration for the vast majority of Sudanese. Also, because the fieldwork for the IOM study was conducted in 2008, it is not clear to what extent the changes in policies concerning irregular migration between Egypt and Israel may have impacted the propensity to leave Egypt (HRW, 2008). For Iraqis in Egypt, resettlement to a third country is an option for approximately a tenth of respondents. Again, it is important to stress that in some countries the question was posed assuming an improvement in the security situation at home (Iraqis in Egypt), assuming no change (Sudanese in Egypt) or letting the respondent decide whether they would come back only if situation improves (Iraqis in Jordan).

Figure 17: Migration intentions based on validity of residence permit

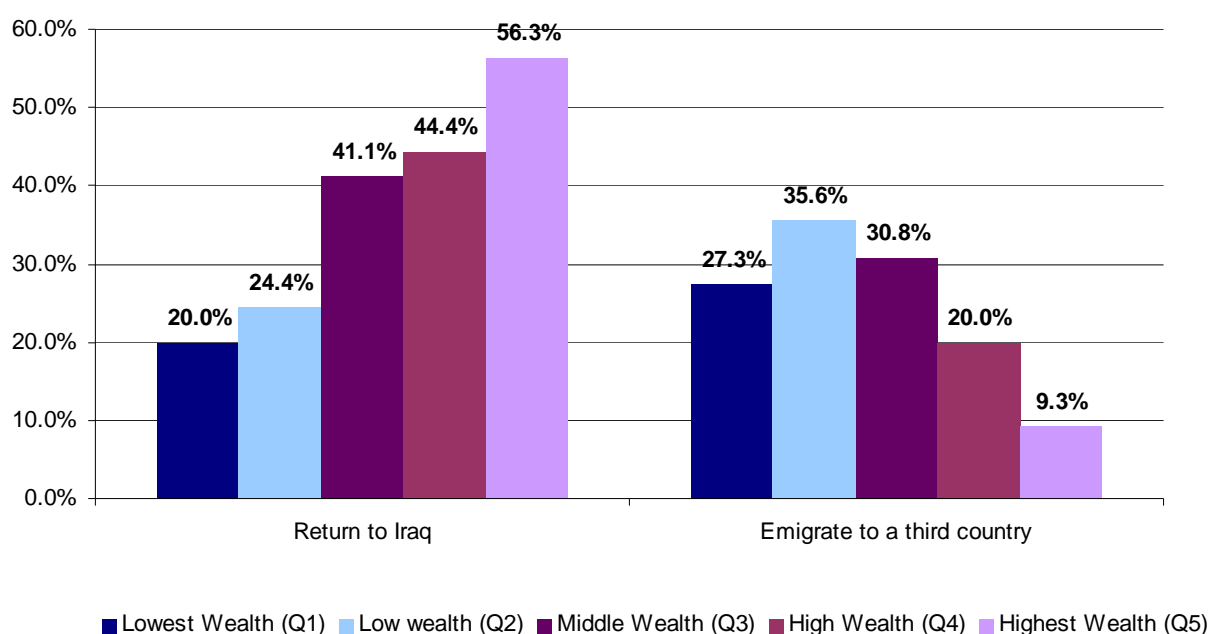


Source: Fafo (2007) and IOM (2009b). For Sudanese, having an open asylum or refugee with UNHCR was used as a proxy for validity of residence permits.

The residence status of Iraqis in Jordan and Sudanese in Egypt seem to determine, to some extent, different decisions in terms of future migration. Interestingly the majority of Iraqis with a valid residence permit (regardless of whether they are registered with UNHCR or not) prefer to return to Iraq, whereas Iraqis without valid residence permit are as likely to return as to migrate to a third country (Fafo, 2007). The situation seemed to be reversed for Sudanese in Egypt, where movement to a third country is by far and large the most preferred option, validity of residence seemed to be associated with preference to move to a third country (IOM, 2009a).

It should be noted that for Iraqis, validity of residence permit might be positively correlated with economic status (with the wealthiest ones, for instance, being able obtain residence visas as entrepreneurs). In fact, migration intentions seem to be correlated strongly with wealth, with wealthier Iraqis more likely to return than to resettle elsewhere, and less well-off Iraqis more likely to want to resettle than return (Fafo, 2007).

Figure 18. Residence status of Iraqis based on country of residence



Source: Fafo (2007).

4. Conclusions

Despite the lack of data, it can be concluded that irregular and transit migration are an important concern for the four countries analysed in this paper. Like in many other high- and middle-income countries, Jordan and Lebanon (and, to some extent, Iraq) are concerned about the possibility that opportunities in the local labour market (especially in sectors that require low-skilled workers such as agriculture, domestic work and construction) may act as a pull factor for nationals of neighbouring countries and Asian countries to enter the country (whether regularly through a tourist visa or irregularly) and seek employment or move to a third country. In the case of Egypt, geographic location and the existence of long porous borders result in easiness for certain nationalities to enter, reside or transit through the country. Policy makers in the region are concerned that irregular and transit migration may allow the informal sector of the economy to thrive as transit migrants may engage in informal employment to finance the remaining part of their journey. Thus transit migration may hinder the economic growth of the country and posing employment challenges for nationals as well as other

migrants, in addition to obvious security concerns that may have adverse effects not only in terms of internal security, but also regional stability and even diplomacy.

Lack of data and obvious security concerns make it difficult to gauge the extent of irregular entry and its impact on transit migration through the region. The extent of transit migration in Jordan, Iraq and Lebanon seems to be minimal, although lack of evidence does not allow reaching a conclusive answer. The case of Egypt deserves more attention, as transit migration may be more relevant and may indeed be one of the major drivers of irregular migration in the country, as opposed to the other three countries analysed. Review of existing research and media reports enabled us to identify existing routes from East Africa, transiting through Sudan and Egypt and towards Israel and Europe. In the case of Egypt it seems that irregular immigration tends to be closely associated with transit migration. However little evidence is available on the extent to which transit migration routes coincide with irregular migration routes used by Egyptians to go to Europe and based on data available, it seems that most migrants transit through Egypt en route to Israel.

In terms of capacities to manage transit migration, two models arise from the analysis of the different case studies. These models need to be placed against the backdrop of the significant inflows of migrants and refugees to the region, including transit migrants. This in turn results in countries having to strike a complex balance between complying with international law (for instance in terms of allowing people in need of international protection to seek asylum) and economic and political rationales (such as providing a certain degree of free mobility to other Arab citizens) with the necessity to ensure that these policies do not become a pull factor for irregular and transit migrants and that nationals are not crowded out by migrants and refugees when accessing health, education and social services. The first model applies to countries like Jordan that experience only small transit migration flows and thus can manage them within existing frameworks for managing irregular migration (border controls, detecting fraudulent travel documents etc...). The second model applies to countries like Egypt where sustained transit migration is dictated primarily from geographical location. In this case, contrasting transit migration solely through measures aimed at counteracting irregular migration might prove ineffective and costly in many regards. Given the complexity of the phenomenon in these cases a more comprehensive strategy might be needed to tackle both the root causes as well as perceptions and specific vulnerabilities of migrants in transit in terms of smuggling, trafficking or abuse in informal labour market.

Finally, countries in the region are slowly moving towards the adoption of more comprehensive approaches to migration as exemplified by Iraq's National Guidelines for Migration Management issued in 2008, inter-ministerial committees dealing with trafficking in persons such as in the case of Jordan and integrated border management. These recent developments signal a shift towards a more comprehensive approach to management of migration that encourages inter-ministerial cooperation and that considers migration from its labour, security, border management, diplomacy and development angles. It is vital that these efforts are sustained in order to propose comprehensive and sustainable responses to transit and other forms of irregular migration.

Appendix

1. Third country nationals (TCNs) refused entry, found to be illegally present and returned from EU countries in 2008 (rounded)

	Total		Total selected regions (see below)			
	2008	2009	2008	2009	2008	2009
TCNs refused entry at the external borders	636,325	501,175	505,860	384,480	79.5%	76.7%
TCNs found to be illegally present	610,205	559,090	224,140	195,150	36.7%	34.9%
TCNs returned following an order to leave	243,205	249,600	43,725	51,230	18.0%	20.5%

	Total Horn of Africa		Eritrea		Ethiopia		Sudan		Somalia	
	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009
TCNs refused entry at the external borders	1,270	630	315	95	155	105	185	115	615	315
TCNs found to be illegally present	35,480	31,405	21,075	10,810	1,015	1,060	2,305	2,660	11,085	16,875
TCNs returned following an order to leave	1,690	3,790	325	1,570	250	215	345	465	770	1,540

	Total non-Arab Middle Ea:		Afghanistan		Iran	
	2008	2009	2008	2009	2008	2009
TCNs refused entry at the external borders	1,260	1,010	595	475	665	535
TCNs found to be illegally present	59,355	59,090	49,820	49,940	9,535	9,150
TCNs returned following an order to leave	3,725	9,040	1,990	6,690	1,735	2,350

	Total Mashreq (Arab M. E.:		Palestine		Iraq		Lebanon		Jordan		Syria	
	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009
TCNs refused entry at the external borders	2,815	1,655	390	230	1,285	670	440	280	130	185	570	290
TCNs found to be illegally present	52,040	40,605	7,415	10,500	37,445	23,175	2,210	1,885	410	465	4,560	4,580
TCNs returned following an order to leave	10,075	11,325	780	480	6,185	7,910	765	780	315	310	2,030	1,845

	Total North Africa		Egypt		Libya		Morocco		Tunisia		Algeria	
	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009	2008	2009
TCNs refused entry at the external borders	500,515	381,185	735	695	285	345	497,735	378,500	720	580	1,040	1,065
TCNs found to be illegally present	77,265	64,050	6,800	5,755	845	1,050	39,780	30,090	14,085	13,485	15,755	13,670
TCNs returned following an order to leave	28,235	27,075	1,945	1,590	705	675	16,020	15,365	2,805	2,855	6,760	6,590

Source: Eurostat (2010)

Statistical concepts and definitions used by Eurostat can be found at:
http://epp.eurostat.ec.europa.eu/cache/ITY_SDDS/EN/migr_eil_esms.htm

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