CARIM – Migration Profile

Niger

The Demographic-Economic Framework of Migration
The Legal Framework of Migration
The Socio-Political Framework of Migration

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on the basis of CARIM database and publications

February 2011
The Demographic-Economic Framework of Migration

Poverty,\(^1\) prolonged and frequent droughts, structural famine together with demographic pressure and unemployment dynamics have been the main causes of the persistence of intense outward migration flows from Niger. Historically, these flows took place along the routes of Western African intra-regional mobility, where circular and temporary migration played a role of adjustment in population dynamics, natural resources and work opportunities among the countries of the region. At the beginning, Nigeriens – prevalently from the regions of Tillabéri and Dosso – were directed at covering labor shortages in plantation and construction industries in the Ivory Coast and in Ghanian cocoa farms. But by the mid 1970s, the oil-led expansion of road and building construction, infrastructure, education and allied sectors in Nigeria started to attract the majority of Nigerien emigrants, especially from the regions of Tahoua, Zinder and Meradi (Adepoujou, 2008). From the mid-1980s, as a consequence of the prolonged economic crisis in West Africa, this regional mobility was partially reduced. Meanwhile, the worsening of the overall conditions of Nigeriens resulted in a rise in emigration and in a partial diversification of destinations. Today, migrants – mostly irregular – are increasingly attracted by Maghreb countries (especially Libya and Algeria), Saudi Arabia and to a lesser extent by Southern Europe and the US.

As to immigration patterns, due to its strategic position at the crossroads between Sub-Saharan and North African countries, Niger has always been an important country of transit for those aiming at improving their life conditions in the Maghreb area and, more recently, in the South of Europe. In the 1990s, the Nigerien route even rose in importance as a consequence of the closure of the Tchad-Libyan border and the increased risks of the Malian-Algerian itinerary. Being a strategic point of departure for Tamanrasset in Algeria and for the Sebha oasis in Libya, Agadez is today a major link town, insomuch as its economic structure (hotel trade, itinerant trading, transport, etc.) is often defined as a gainful "transit economy".

In the international arena, Niger attracts foreign companies and professionals from all over the world because of its uranium resources\(^2\), especially from 2003, as a consequence of the upsurge in uranium prices. French but also Chinese, Canadian, Australian, South African, Indian and English firms, which employ for the most part foreign workers, are investing more and more in Nigerien territory.

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\(^1\) According to the Human Development Index, Niger ranked 167th out of 169 countries in 2010.

\(^2\) In 2009, Niger was the sixth producer of uranium in the world with 3,243 tU per year, i.e. 6.4% of world production (www.world-nuclear.org).

CARIM - Consortium for Applied Research on International Migration (www.carim.org)
According to the Global Migrant Origin Database (GMOD), the stock of Nigeriens residing abroad in 2000 equaled 496,773 or 3.5% of the total resident population in Niger.

The majority resided in other Western African countries (89.4%), especially in Burkina Faso (27.8%), the Ivory Coast (26.2%), Nigeria (11.9%), Guinea (10.8%) and Ghana (5.2%). An important proportion resided also in other African countries (4.1%) while the rest of the world hosted only 6.4% of the total Nigerien population residing abroad. A recent survey confirms the importance of circular migration for Nigeriens: of those aged 30 years or more, 85% migrated at least once, of whom the vast majority originated in Western African countries (89.3%), especially in Mali (34.5%), Burkina Faso (14.8%), Nigeria (14.9%) and Benin (13.7%).

Foreign nationals represent a very small proportion of the total resident population which even decreased over time, from 1.6% in 1977, to 1.4% in 1988 to 0.8% in 2001. The observed drop between the two last censuses (-0.6 percentage points) is due to acute prolonged periods of droughts and food crisis together with the social, economic and political crisis which overtook the country between 1984 and 1999 and which led to the two coups d’etat of 1996 and 1999 with a 50% devaluation of the CFA franc (Mounkaila, 2009).

As already mentioned, many foreign companies have been attracted by the possibility of extracting uranium in Nigerien territory, especially since 2003 when, after two decades of downturns, the price of uranium started to rise again. The interest of developed economies in nuclear energy is, in fact, on the rise given the global increase in demand for electricity and the momentum to reduce greenhouse gases. Indeed, despite the low proportion of foreign

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3 This database is provided by the Development Research Centre on Migration, Globalisation and Poverty of the University of Sussex and includes data on the stock of international migrants in 226 countries, as collected by the 2000 round of population censuses (for further details, see http://www.migrationdrc.org).

4 This survey on migration behavior was conducted in 2007 in the region of Tahoua, the region with the highest rate of emigration in the Nigerien territory. It was developed in the framework of the project Le Nger, espace d’émigration et de transit vers le sud et le nord du Sahara : rôle et comportement des acteurs, recompositions spatiales et transformations socio-économiques, and was managed and financed by the Institute de Recherche pour le Développement (IRD, Paris).
only 5.1% have a tertiary education (DIOC-E statistics). Nigeriens are mainly employed as professionals (17.1%), service workers and shop and market sales workers (15.7%), technicians (14.7%) and as craft and related trades workers (14.5%).

It is worth mentioning that both the GMOD and DIOC-E databases are likely to underestimate the number of Nigeriens abroad not only because of the large numbers of irregulars who are not counted, but also because, in other ECOWAS countries, Nigeriens are not obliged to have a work permit, so that official statistics simply do not count them.

**Flows**

In recent years, emigration from Niger has tended to diversify its destinations and types of movements. The majority though of emigrants are still directed towards other Western African countries in a circular migration framework (Adepoujou, 2008). Data on international return migrants seem to support this thesis.

In 2001, there were 371,295 Nigerien international return migrants. Despite data not allowing any assessment of the number of migrations they had experienced or whether, indeed, they wished to migrate again, the high number of return migrants having resided abroad for less than one year (79,276 or 24.5% of the total stock of Nigerien emigrants in 2001) and from 1 to 4 years (where the same value equaled 14,475 migrants). Nigeriens are mainly employed as professionals (31.0% in the mining industry (source: Ministère nigérien de la fonction publique et du travail) meaning a large overrepresentation of highly-skilled immigrants in the country.

Since the 1990s, Niger has become the privileged space of important flows of transit migrants directed to Maghreb countries and in some (minor) cases to Southern European countries. So, its historical role as a country of transit and commercial exchange between Sub-Saharan countries and North Africa seems to be renewed. Estimates on transit migrants through Niger are scarce and not generally reliable. According to Bensaad (2003), in 2003 Agadez registers the passage of a minimum number of 65,000 migrants directed to Algeria and Libya, a much larger number than the one reported by official statistics as registered at the Niger-Libya (Dirkou) and the Niger-Algeria borders (Assamaka), according to which the same value equaled 14,475 migrants.

**Flows**

Officially, Niger hosts a low number of refugees, around 198 individuals in 2008 (UNHCR). Nevertheless, according to the US Committee for Refugees (USCRI), in 2006, there were perhaps 15,000 Mahamid Arabs living in the Diffa region of eastern Niger (USCRI, 2009). This population arrived in Niger in several waves from Chad fleeing drought in the early 1970s and armed conflict in the 1980s. They were never granted refugee status and the majority does not hold Nigerien citizenship. In October 2006, Niger announced that it would return them to Chad due to increasing tensions with the national in the total resident population, in 2007 foreign companies represented 5.0% of the total companies working in Niger, a value which reached 31.0% in the mining industry (source: Ministère nigérien de la fonction publique et du travail) meaning a large overrepresentation of highly-skilled immigrants in the country.
stayed there for less than 1 year is very high (59,204 or 25.7% of the total of return migrants from these countries) as well as those who returned after a period of 1 to 4 years (where the same values equaled 67,577 individuals or 30.2%, respectively); on the contrary, Nigerien return migrants, having resided in non-African countries others seem to be more stable and emigrate for longer periods.

Finally, the number of deported migrants in recent years gives an idea of the irregular component of Nigerien emigration.

<table>
<thead>
<tr>
<th>Country of expulsion</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Algeria</td>
<td>4,512</td>
<td>653</td>
<td>812</td>
</tr>
<tr>
<td>Libya</td>
<td>2,052</td>
<td>287</td>
<td>1,421</td>
</tr>
<tr>
<td>Saoudi Arabia</td>
<td>133</td>
<td>1.9</td>
<td>286</td>
</tr>
<tr>
<td>Nigeria</td>
<td>124</td>
<td>1.8</td>
<td>602</td>
</tr>
<tr>
<td>Other countries</td>
<td>89</td>
<td>1.3</td>
<td>127</td>
</tr>
<tr>
<td>Total</td>
<td>6,910</td>
<td>100.0</td>
<td>3,248</td>
</tr>
</tbody>
</table>

In the period 2005-2007, 11,799 Nigeriens were deported, more than a half from Algeria (54.4%) and around one third (32.9%) from Libya. However, according to various scholars (see e.g. Bensaad, 2008; Mounkaila, 2007) official numbers are likely to underestimate the real scale of this phenomenon.

The Legal Framework of Migration

Niger’s legal framework of migration can hardly be adapted to the nature of its territory, with long, partially marked, moving and porous borders, traversed by various, generally informal, routes. While legislation relating to migration among Niger’s Sahel neighbours dated back forty years before the recent reforms, rules governing the entry and stay of foreign nationals in Niger have been modified in the 1980s and the asylum law in the 1990s. Unlike these neighbours, i.e. Mali, Libya and Algeria, Niger has not recently reformed its legislation. As in Mali, control of mobility has neither been a priority, nor even desirable: Niger has a long history of being a Trans-Saharan hub and an area of temporary migration.

Besides, Niger’s regulation already comprises a set of rigid rules, as well as sanctions against irregular migrants and those who help them. This regulation does not expressly include subsequent evolutions within the ECOWAS\(^7\) concerning the right of circulation, residence and establishment. Yet, as in Senegal and Mali, it distinguishes immigrants and non-immigrant aliens, the latter enjoying circulation benefits. Regulation from the 1980s remains undeveloped. It is silent about possible rights associated with the stay of foreign nationals in Niger. As is typical of a country with strong mobility, regulation excludes foreign nationals from a large number of independent professions.

Niger is not fundamentally an immigration country. Most foreign nationals on its territory are nationals of ECOWAS member states, who benefit from free circulation. These migrants are generally unaware of the various steps needed to have permission for longer regular stay, and they are mostly in an irregular situation. Due to controls strengthening the Mediterranean and Saharan borders, Niger also receives people deported from Libya and Algeria. For the same reasons, transit migration has become more sedentary over parts of its territory. So far, Niger has not wished to take part in the collective expulsions practice, which affects diplomacy in the region. Moreover, thousands of its nationals in an irregular situation abroad are victims of this practice every year. Yet, Niger has also seen growing pressure to control its borders and its territory. An agreement concluded with Italy in February 2010 should contribute to giving it the means for such a policy. Since 2009, European funding has also been aimed at securing the border between Niger and Libya, a border that is generally closed.

Refugees in Niger are few and UNHCR has decided not to operate in the country any longer, nor to dedicate any special budget. The refugee status determination process is handled by the national authorities to the Ministry of the Interior, which provides a national commission of eligibility. Assistance to refugees is mainly ensured by the NGO CARITAS-Niger

\(^7\) Economic Community Of West-African States.
<table>
<thead>
<tr>
<th>General legal references</th>
<th>Outward migration</th>
<th>Inward migration</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bilateral agreements:</strong> Agreement on the circulation of persons with Tunisia (1965), Morocco (1967), Algeria (1981); convention on the circulation and establishment of persons (1988) and agreement on securing the border with Libya (2009); agreement with France related to the circulation and the stay of persons (1994); agreement on cooperation related to security issues with Italy (2010), among others.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Member State of the African Union,</strong> the ECOWAS and the CENSAD.</td>
<td></td>
<td></td>
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<tr>
<td><strong>Circulation</strong></td>
<td><strong>Entry and Exit</strong></td>
<td></td>
</tr>
<tr>
<td>Freedom to leave the territory is not guaranteed by the Constitution. Nigeriens are exempted from visa requirements for entrance to ECOWAS countries.</td>
<td>Distinction between non-immigrant (including ‘transit travellers’) and immigrant (intending to stay) aliens. Entry dependent on the presentation of a passport and a visa, vaccination certification, and repatriation guarantees. Carrier in charge of deportation. Non-immigrants aliens and ECOWAS-country nationals are exempted from visa requirements for Niger and can stay for up to 3 months.</td>
<td></td>
</tr>
<tr>
<td><strong>Struggle against irregular migration</strong></td>
<td><strong>Palermo protocols:</strong> ratified</td>
<td></td>
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<tr>
<td></td>
<td>Irregular entry, stay and work: from 2 months to 2 years in prison and from 25,000 to 250,000 FCFA (1981 Ordinance). The same sanctions against those who, directly or indirectly, have voluntarily facilitated the irregular entry, circulation or stay of a foreign national in Niger. Mitigating circumstances and suspended sentences are prohibited. The non-declaration of hosting a foreign national, even without profit, is punished with from 1 to 3 months in prison and from 5,000 to 25,000 FCFA.</td>
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</tbody>
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8 Convention on the Protection of all Migrant Workers and Members of their Family.
10 Community of Sahel-Saharan countries.
### Rights and settlement

<table>
<thead>
<tr>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Irregular stay (non delivery or non-renewal of stay permit)</td>
<td>4,000 to 50,000 FCFA, 15 days or more in prison (1987 Decree).</td>
</tr>
<tr>
<td>Stay permit required for a stay of more than three months.</td>
<td>Delivery and renewal are conditioned on the presentation of a medical certificate, except for those who are exempt. Stay permits last 2 years.</td>
</tr>
<tr>
<td>Stay permits last 2 years.</td>
<td></td>
</tr>
<tr>
<td>Means of living required for stay for studies or tourism.</td>
<td></td>
</tr>
<tr>
<td>Six-month absence from the country or three-month period without means of living.</td>
<td></td>
</tr>
<tr>
<td>Access to work: stay permit for employed work if possession of an employment contract approved by the Labour Ministry. Decree n°87-36 of 12 March 1987 regulating conditions for foreign nationals to have independent work. List of professions forbidden or that need authorisation.</td>
<td></td>
</tr>
<tr>
<td>Civil service reserved for nationals.</td>
<td></td>
</tr>
<tr>
<td>Family reunification: silence.</td>
<td></td>
</tr>
<tr>
<td>Access to public services: yes.</td>
<td></td>
</tr>
</tbody>
</table>

#### Nationality

- **Jus sanguinis** by paternal descent. Nigerien mothers transmit their nationality only when the father is unknown or stateless.
- **Jus soli**: double, without any discrimination: nationality of origin for the child born in Niger to a parent who was also born there. The foreign woman getting married to a Nigerien man acquires nationality, unless she renounces said nationality. The foreign man married to a national woman does not get any easier access to nationality. Possible naturalization after ten years in the country. There is no right to stand for election for ten years, and no access to the civil service for five years after naturalization. Dual citizenship is allowed.

### Refugees

- **1951 Convention**\(^\text{12}\): ratified.
- **1969 Convention**\(^\text{13}\): ratified.


- UNHCR in Dakar.

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\(^{12}\) Geneva Convention relating to the status of refugees.

\(^{13}\) OAU Convention governing specific aspects of refugees in Africa.
The Socio-Political Framework of Migration

The free circulation of goods and persons within the ECOWAS, instituted in 1979, and the geographical position of Niger, at the crossroad of the Maghreb, West Africa, East Africa and Central Africa, are crucial aspects of the socio-political framework of migration from, to and through this country. On the one hand, almost 90% of Nigerien migrants live in ECOWAS countries, mainly in Burkina Faso, Ivory Coast, Nigeria, and Guinea-Conakry; on the other hand, tens of thousands of sub-Saharan migrants pass trough Niger each year on their way to Libya and Algeria and, to a lesser extent, Europe.

The Nigerien State has been through a phase of political transition since the military coup in February 2010. The management of migration is not considered a priority. But the role of Nigerien migrants in developing their country has prompted increasing interest in the last years. The Rural Development Strategy (SDR), adopted in 2003 in the frame of the Accelerated Development Strategy for the Reduction of Poverty (SDRP), considers out-migration a factor contributing to the reduction of poverty among the rural population. The SDR recommends securing the revenues of migrants, the so-called exodants, and promoting their investment at the local level, in coordination with development actors.

Furthermore, a Ministry of African Integration and the Nigerien Abroad was created in 2007, and then incorporated into the Ministry of Foreign Affairs in 2010. It supports the participation of the Nigerien diaspora in the development of their country of origin. For example, in 2009, in the frame of the TOKTEN program, designed by the UNDP, this Ministry identified the institutions and the economics sectors of activity that could benefit from the competences and the expertise of highly-qualified Nigeriens living abroad.

Though associations of Nigeriens abroad exist in several countries, the institutionalization of relations between the diaspora and the State are weak. However, after the February 2010 military coup, the Prime minister, Mahamadou Danda, and the Chief of the State, the general Djibo Salou, took care to meet representatives of Nigerien communities abroad, on the occasion of official visits to Libya and Chad, for the former, and in Burkina Faso, for the latter. Recently, the possible participation of Nigeriens abroad in the presidential election of January 2011 has been much debated, raising logistical as well as political issues.

Moreover, migration flows through the Sahara have concentrated since the 1990s on the Nigerien route, because of the closure of the Chad-Libya border and because the route joining North Mali to Tamanghasset in Algeria was too risky. The Nigerien State does not consider transit migration through its territory to be a problem and, consequently, such movement of persons has progressively developed outside any legal framework. For example, all transit migrants whatever their country of origin and their legal status, including migrants from ECOWAS countries who are entitled to circulate freely in Niger, pay so-called 'taxes', naturally illegal, at almost every army or police check point. Although Algeria and Libya have intensified the fight against irregular migration lately, under the pressure of the EU, the flows of transit migrants through Niger have not decreased. The means and the cost of crossing the Algerian or the Libyan border are negotiated, each time, according to the implementation, or not, of security procedures.

Agadez is the main stop-over on the transit migrant’s route, followed by Dirkou on the road to Sebha in Libya and Arli on the road to Tamanrasset in Algeria. In these cities, various economic activities depend on the passage of migrants: the drivers, who are often Tuareg; the travel agencies, which chart the trucks and negotiate with the public administration (army, police, and customs); touts, hotel-keepers, restaurant owners, prostitutes, mechanics, etc. Many migrants are stuck in Niger, because they cannot pay their passage or because they have been turned back or expelled from Libya or Algeria. Some migrants, relying on their experience, provide advice to new migrants and own profitable businesses, but many others are exploited by their employers and prostitution is common among women. Local and international NGOs (e.g. Timidria, ANDDH, CISP) as well as international organizations (e.g. IOM) provide assistance to these migrants and support them in returning to their country of origin.

Furthermore, several cooperation programs aim at developing control over irregular migrations. In 2009, Italy granted Niger equipment (vehicles, IT hardware, etc.) in the framework of a new cooperation agreement aiming at fighting drug trafficking, terrorism, and irregular migration. Currently, Italy is also developing an important project in Libya to strengthen the control of the Saharan borders. Furthermore, the IOM has implemented several programs with the support of Italy and the EU to train Libyan and Nigerien
security officers at the border and to support the return and the reintegration of the migrants in their country of origin. In 2007, the IOM also supported the creation of an interministerial committee to improve the management of migration flows, under the direction of the Ministry of Interior in which the Directory for the Surveillance of the Territory (DST) is in charge of border control.

However, the management and the control of migration flows through Niger are problematic: the obvious lack of equipment and human resources compared with the immensity of the territory to be controlled and the inefficiency of any legislation in the face of widespread corruption. Furthermore, when considering Nigerien migration policy, the fight against irregular migration to Europe, which represents a small part of the whole migration flows in the broader region, should not hinder economic exchanges and the circulation of persons between Niger and its neighbors.

### Niger’s socio-political framework

<table>
<thead>
<tr>
<th></th>
<th>Outward migration</th>
<th>Inward migration</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Governmental Institutions</strong></td>
<td>Ministry of Interior and Decentralization (Directory of the Surveillance of the Territory)</td>
<td>Ministry of Foreign Affairs, of the African Integration, and of the Nigerien Abroad</td>
</tr>
<tr>
<td></td>
<td>- Ministry of Justice</td>
<td></td>
</tr>
</tbody>
</table>

**Governmental Strategy**

Mobilize the competences and the financial assets of Nigeriens abroad in favor of development

The stay and the circulation of foreign nationals are not considered a problem.

**Civil Society Action**

- Exchanges between members of the Diaspora and the official representatives of the government (Chief of State, Prime minister, Ambassadors)
- Various associations within the Diaspora (Union of Nigerien Students in Egypt -UENE-; Association of Nigerian Nationals in Belgium -ARNIBEL-; etc.)
- Demands for out-of-country voting for Nigerien citizen’s abroad
- Web portal (www.nigerdiaspora.net)
- Reinsertion of expelled migrants (Union of the Young Entrepreneur from Niger -UJEN-)

- Assistance and protection of the transit migrants (Timidria; Nigerien Association of Human Rights -ANDDH-; International Committee for the Development of the Peoples –CISP–)

**Challenges**

- Support the reintegration of expelled migrants

- Assist transit migrants stuck in Niger and impede abuses (exploitation, corruption)

**International Cooperation**

- UNDP (TOKTEN)
- IOM (Reintegration Facility; Assisted Voluntary Return and Reintegration Programme for Stranded Migrants in Libya and Morocco; Assistance for the Return and Reintegration of Trafficked Children)

- Italy-Niger bilateral agreement against drug trafficking, terrorism and irregular migration
- IOM (Across Sahara; Reception and Assistance of Migrants in the Region of Agadez; Capacity Building in Border Management)

This socio-political framework does not claim exhaustive coverage but intends rather to provide a synthetic picture of socio-political facets and policy developments shaping migration developments and governance in, across, and from Niger. The socio-political framework is based on data and papers available for download on the CARIM web-site (www.carim.org).

Additional references: