

# **CARIM** – Consortium for Applied Research on International Migration

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# **CARIM – Migration Profile**

# Syria

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

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#### The Demographic-Economic Framework of Migration

The violent repression put in place by Syrian authorities against the anti-government protests which began in March 2011 is causing massive population displacements in Syria. For the most part, these movements are temporary and internal: however, the relevance of Syrian refugees entering Turkey, Jordan and Lebanon is currently on the rise. As of 22 October (2011), 7,749 Syrian citizens are based in four camps along the Turkish-Syrian border according to the Turkish government. This figure results from 19,382 arrivals vs. 11,633 returns observed since March 2011 (Government of Turkey, 2011). In Lebanon, since April 2011, the United Nations High Commissioner for Refugees (UNHCR) has assisted over 9,000 people fleeing Syria. Among them, many returned, while others were relocated inside Lebanon. Today, there are 4,840 Syrian refugees (905 families) registered with the UN Agency, residing mostly with host families in precarious conditions (UNHCR, 2011). In Jordan, as of 28 December (2011), nearly 2,000 Syrians are registered with UNHCR, though larger numbers are estimated. Here, they tend either to stay with relatives or to rent accommodation on their own (UN Children's Fund - UNICEF, 2011). These figures are particularly striking if we look at the number of Syrians registered with UNHCR before the crisis (2010, Jan 1<sup>st</sup>): 198 in Jordan, 64 in Lebanon and 9 in Turkey.

Despite the difficulty of drawing global scenarios for the immediate future – a result as well of scarcity of data on the real situation inside the country – the scale of governmental repression as well as the weak reaction of the international community may foreshadow a potential refugee crisis which, together with the Libyan crisis (see the CARIM-Migration Profile on Libya at <a href="http://www.carim.org/public/migrationprofiles/MP\_Libya\_EN.pdf">http://www.carim.org/public/migrationprofiles/MP\_Libya\_EN.pdf</a>), would seriously aggravate the already precarious equilibria at the borders of Southern and Eastern Mediterranean countries.

Historically, Syria experienced several waves of emigration due to socio-political events, economic fluctuations and high rates of unemployment. The majority of outward flows have been directed towards other Arab countries, despite Syrian emigrants' profile often differing according to destination country, the type of move envisaged and the period of emigration. At the end of the 1950s, a first wave of emigration was observed among the Syrian elite – including entrepreneurs and professionals – aimed at avoiding the rigid regulations implemented by the socialist regime at home and benefiting from job market opportunities in certain Arab countries and, to a lesser extent, in the US. In the mid-1970s, the expanding economic opportunities in the Gulf as well as the labour shortages created in Lebanon as a result of the civil war (1975-1989) resulted in a second big wave of emigration, this time of low skilled Syrians. While outward flows to the Gulf slowed in the 1980s after the implementation of policies limiting Arab immigrants, Syrian unskilled emigration to Lebanon continued in large numbers until 2005. In that year, the assassination of the former Lebanese Prime Minister Rafic Hariri and the withdrawal of the Syrian Army from Lebanon undermined the already precarious living conditions of Syrian workers in Lebanon so that large numbers of returned home (Mehchy and Mahadi Doko, 2011; Kawakibi, 2009, Fargues, 2009) though many are believed today to be back in Lebanon (Fargues, 2009).

As to immigration patterns, despite the absence of reliable and official statistics, Syria is considered a main receiver in the region. Immigrants in Syria can be grouped into three main groups: refugees; labour migrants; and transit migrants. Refugees are by far the largest group. Labour migrants include *domestic workers*, originating mainly in southeast Asia and *highly-skilled employees*, who started to arrive in concomitance with the economic and legal reforms accompanying the recent transition of Syria to a social market economy in 2005. Finally, there are transit migrants who enter Syria mainly from Asia.

#### **Outward migration**

#### \_\_\_\_\_

Stock

According to destination country statistics, the number of Syrian emigrants living abroad c. 2010 is 415,745 individuals, or 1.9% of the total resident population in Syria. They are mainly to be found in the Gulf states (28.9%), followed by European Union Member States (26.4%) and by other Southern and Eastern Mediterranean countries (22.1%). Among destination countries Saudi Arabia comes first (26.2%) followed by the US (15.4%) and Lebanon (10.6%).

Country/area of residence	Definition (a)	Reference date (1 Jan)	Source	Number	%
European Union				109,913	26.
of which Germany	(B)	2010	Central register of foreigners	31,583	7.
Sweden	(A)	2010	Population Register	19,646	4.
France	(A)	2005	Population Census	15,510	3.
Romania	(A)	2009	Population Register	7,541	1.
Netherlands	(A)	2010	Population Register	6,946	1.
Spain	(A)	2010	Population Register	4,941	1.
Greece	(B)	2006	Residence permits	5,747	1.
Others		se	e note (b)	17,999	4.
Gulf States				120,524	28.
of which Saudi Arabia	(A)	1995	GMOD, v. 4 (c)	109,048	26.
UAE	(A)	1993	GMOD, v. 4 (c)	6,379	1.
Others		se	e note (c)	5,097	1.
Selected SEM countries	s			92,226	22.
of which Lebanon	(B)	1997	Enquête "Conditions de vie des ménages" ACS	44,129	10.
Jordan	(B)	2004	Population Census	38,130	9.
Egypt	(B)	2006	Population Census	4,560	1.
Others		se	e note (d)	5,407	1.
Rest of the world (selec	est of the world (selected countries)		94,082	22.	
of which US	(A)	2009	Annual Population Survey	64,112	15.
Canada	(A)	2006	Population Census	18,800	4.
Australia	(A)	2008	Migration Australia (estimates)	8,599	2.
Others		se	e note (e)	2,571	0.
Total				416.745	100.

(a) Immigrants are defined as "foreign-born" (A), or "non nationals" (B)

(b) The sources, reference dates and definitions used for other EU countries are: 1. Population Registers for Austria (2009, A), Belgium (2010, B), Bulgaria (2009, B), Cyprus (2009, A), Czech Republic (2010, A), Denmark (2010, A), Estonia (2008, B), Finland (2010, A), taly (2010, B), Latvia (2010, A), Lithuania (2008, A), Poland (2010, A), and Slovenia (2010, A); 2. Residence permits for Hungary (2010, B), and Matta (2008, B); 3. Register/Database for Foreigners for Portugal (2010, B), and Slovakia (2010, B); Household Survey for Ireland (2010, A); Population census for Luxembourg (2001, B), and United Kingdom (2001, A).

(c) The Global Migrant Origin Database, version 4 (GMOD, v.4) is provided by the Development Research Centre on Migration, Globalisation and Poverty. The sources, reference dates and definitions used for the Gulf States are 1. Population census for Bahrain (2001, A), and Oman (1993, A); 2. "source unclear or not stated but obtained from National Statistics Bureau" for Kuwait (2001, A), Saudi Arabia (1995, A), and United Arab Estimates (1993, A); and 3. "unknown, need check with United Nations" for Iraq (2000, A).

(d) "Others" include Algeria (Population Census, 1998, B), Morocco (*Direction Générale de la Sûreté Nationale* 2010, B), Palestine (Population Census, 2007, A), Tunisia (Population Census, 2004, B), and Turkey (Population Census, 2000, B).

(e) "Others" include New Zealand (Population Census, 2006, A), Norway (Population Register, 2009, A), and Switzerland (Population Register, 2008, B).

There are, however, two main reasons why these estimates are not able to explain the whole phenomenon and why interpretations must be made with caution.

First figures referring to Syrian migrants living in the Gulf countries are outdated and – given the

#### **Inward migration**

#### Stock

According to census data, in 2004, 102,396 foreign nationals resided in Syria, or 0.6% of the total population. The majority of these were other Arab nationals (86.5%) and non-Arab Asian nationals (9.4%).

Foreign nationals residing in Syria by country of citizenship and sex, 2004					
Country of oidizonabin	Males	Females	Total		
Country of citizenship	Wates	remaies	Number	%	
Other-Arab Countries	46,167	42,399	88,566	86.5	
Europe	1,165	1,915	3,080	3.0	
Non-Arab African Countries	356	200	556	0.5	
Non-Arab Asian Countries	4,364	5,274	9,638	9.4	
Oceania	28	19	47	0.0	
America	250	259	509	0.5	
Total	n.a.	n.a.	102,396	100.0	
% on the total resident population			0.	6	
Source: 2004 Syrian population census					

Such figures, however, did not include either Palestinian or Iraqi refugees. Immigrants in Syria can, in fact, be categorized into three main groups: refugees; labour migrants; and transit migrants.

The first is by far the more relevant from a quantitative perspective. Among refugees, Palestinians and Iraqis form the largest groups. According to estimates made by the Palestinian Bureau of Statistics and Natural Resources of Damascus, in 2009 Palestinians were 467,956, the vast majority being, however, not migrants but second and now third generation Palestinian refugees – refugees in relation to 1948.

In 2001, an *ad hoc* survey (see note 1) enabled the detection of various aspects of Palestinians' living conditions in Syria,<sup>2</sup> as well as in Jordan and Lebanon.

Selected socio-economic indicators of Palestinians residing in Syria, Jordan, and
Lebanon, years around 2000

Country of	Poverty rate	Unemployment	Labour market participation rate		
residence	(*)	rate	Males	Females	Total
Syria (2001)	23.0	9.0	75.0	21.0	48.0
Jordan (2001)	31.0	10.0	<70.0	13.0	n.a.
Lebanon (1998)	35.0	10.0	<70.0	16.0	n.a.

(\*) The poverty rate is defined as the percentage of households earning less than 2 US dollars per day.

Source: Fafo surveys (cited in Hanssen-Bauer and Jacobsen, 2007, and Egset and al-Madi, 2007.

Overall, Palestinians in Syria show lower poverty rates than in Lebanon and Syria. Poor households, defined as families who earn less than 2 US dollars

<sup>&</sup>lt;sup>1</sup> According to a survey managed by the Fafo Foundation and the Damascus-based Palestinian Central Bureau of Statistics, in 2001 only 27,000 first-generation Palestinian refugees were living in Syria (Tiltnes, 2007).

<sup>&</sup>lt;sup>2</sup> Palestinians in Syria either live in camps or outside of camps. Among the latter, they can be distinguished as those living in 'gatherings' – clusters of households – and those who live isolated from others. The survey focused on Palestinians living in camps and in gatherings of more than 25 Palestinian refugee households, the other group being nearly impossible to reach.

reluctance of these states in disseminating data on population by nationality – no more recent estimates can be proffered. Syrian statistics cannot help here, since no estimate of Syrian citizens living abroad is given out by the authorities.

Second, these figures do not include a significant group, the Syrian migrants working in Lebanon who, despite the absence of statistical data on back-and-forth mobility, are known to move on a circular or temporary basis. Also before the Lebanese Civil war (early 1970s), Syrian workers were estimated at more than 200,000 (Fargues, 2009). During the Civil war (1975-1989) their numbers peaked due to the presence of labour shortages left open by hundreds of thousands Lebanese emigrants and given too Syrian control of Lebanese territory and the Lebanese border which eased Syrians entries and exits (Fargues, 2009). After the war, these movements continued and flourished, pushed up by reconstruction works and thanks to visa facilitation agreements. Syrian workers in Lebanon have never been counted and estimates range from 300,000 to 500,000 individuals (Mehchy, 2011); i.e. from 5.5% to 9.2% of the working age population living in Syria in 2010. According to a recent study conducted by Infopro in 2008, these migrants tend to be male, poorly educated and employed in low skilled and scarcely protected jobs: 3 out of 4 Syrians in Lebanon work in the construction sector, while the rest are employed in agriculture and cleaning services. Family migration seems, instead, to be related to concierge jobs, for which housing is guaranteed free of charge (Balanche, 2007).

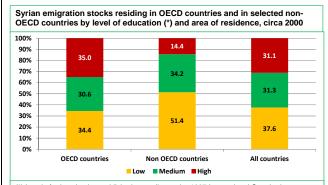
Overall, Syrian emigrants have an intermediate skilled profile: 37.6%, 31.3%, and 31.1% hold, respectively, a low, medium and high level of education. This profile hides, however, large differences according to destination country. Syrian emigrants residing in (selected) non OECD-countries are significantly less educated than those living in OECD states: in the former area, the majority (51.4%) has a low level of education, while only 14.4% have a high-skilled profile; the same proportions in the OECD area equal 34.4% and 35.0%. Among OECD countries, the US is the country with the highest percentage of highly-skilled Syrian migrants (36.6%) (source: DIOC-E dataset).

per day, represent 23% of Palestinian households in Syria, vs. 35% and 31% in Lebanon and Jordan, respectively. Extreme poor households, for whom the poverty threshold is fixed at 1 US dollar per day, account for 5% of all Palestinian households in Syria vs. 15% and 9% in respectively Lebanon and Jordan (Hanssen-Bauer and Jacobsen, 2007). So, despite Syria being, generally speaking, poorer than Lebanon and Jordan, Palestinians tend to perform better because they are more likely to be included in the labour market: the adult labour force participation rate is 48%, i.e. 75% for males (vs. less than 70% both in Lebanon and Jordan) and 21% for females (vs. 16% in Lebanon and 13% in Jordan). The highest labour force participation rates are found in rural parts of Damascus. As to employment performances, differences are not so pronounced: the unemployment rate ranges, indeed, from 9% in Syria to 10% in Lebanon and Jordan. Nevertheless, if we consider only refugees living in the camps, Palestinians in Syria tend to perform substantially better by registering an unemployment rate of 9%, vs. 13% in Jordan and 17% in Lebanon. These positive outcomes are largely the result of undiscriminating access conditions to employment enjoyed by Palestinians in Syria, including access to its large public sector in which around 36% of Palestinians are, it is estimated, employed (Egset and al-Madi, 2007).

Despite Syria being considered the most significant receiver of Iraqi refugees, these Iraqi refugees have never been counted. Controversial figures assess their number at 1.2 million in 2007 (source: Syrian authorities), dropping to 1 million in 2010 (source: UNHCR). Like their true size, the living conditions of Iraqis are largely unknown. Nevertheless, unlike Palestinians, they are not permitted to work or open their own business so they are dependent on external financial support, including their savings, remittances humanitarian assistance, and participation in informal market activities (Mehchy, 2011).

Other refugees registered with UNHCR amount to 5,414 in 2010, mainly originating in Somalia (51.0%), and Afghanistan (29.8%) (source: UNHCR). Moreover, Syria hosts around 300,000 stateless Kurds who have been living without Syrian citizenship, and thus without fundamental civil rights, since 1962 (Mehchy, 2011).

The second group of immigrants living in Syria includes *highly-skilled employees* and *domestic workers*. As to the former, they have recently been attracted by the need for foreign experts in the Syrian economy especially in certain sectors



(\*) Level of education is established according to the 1997 International Standard Classification of Education (ISCED) of UNESCO. Low level of education includes: Level 0 – Pre-primary education; Level 1 – Primary education or first stage of basic education; Level 2 – Lower secondary or second stage of basic education. Medium level of education includes: Level 3 – (Upper) secondary education; Level 4 – Post-secondary non-tertiary education. High level of education includes: Level 5 – First stage of tertiary education; Level 6 – Second stage of tertiary education. Source: DIOC-E dataset

As to their occupational profile, Syrian emigrants tend to be employed at high occupational levels regardless of destination. 65.5% are employed in "high skilled white collar" jobs – such as legislators, managers, professionals, etc. – , i.e. 93.9% in (selected) non-OECD countries and 44.5% in the OECD area (source: DIOC-E dataset).

Again, it should be mentioned that the DIOC-E dataset, from which the abovementioned figures are taken, does not include either Syrian people living in the Gulf or Syrian temporary migrants working in Lebanon.

#### **Flows**

Thanks to flow statistics collected by the 4 main OECD countries of destination for Syrian emigrants, namely US, Germany, Canada and Sweden, it is possible to reconstruct the magnitude of Syrian migration towards these countries in the last 4 decades, i.e. from 1970 to 2008.



The rise of migration flows in the more recent period (1990-2008) seems to confirm the search for destinations outside the Arab world following the diminished opportunities for entering the Gulf.

In the last decade, however, migration patterns seem to have remained almost stable despite fluctuations. This is confirmed by the inward flows in a

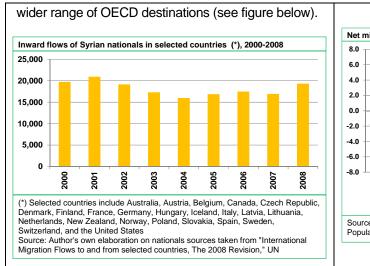
(telecommunications, banking, insurance, etc.) a result of the rise of foreign and local investments following the transition to a social market economy. Their employment status is specifically regulated by a recent labor law 17/2010, according to which they are 1. required to have specific expertise that is not available among Syrians and 2. to train Syrian workers in order to make them rapidly obtain the necessary experience. Following these legal provisions, the Syrian authorities started in 2010 to record foreign employees. In June 2010, their number was estimated at 995 by the Ministry of Social Affairs and Labour (MOSAL), despite there being a general consensus that larger numbers of foreign experts, particularly from Russia, have been living in Syria with their families for long periods of time. The press estimates from 5,000 to 7,500 foreign workers (see Mehchy, 2011).

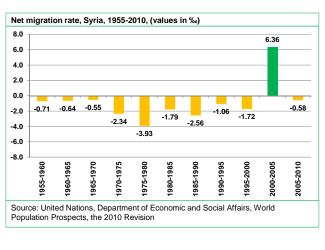
The presence of domestic workers has been, instead, on the rise since 2001, following the legalization of foreign nationals as domestic workers. It peaked after 2006, as a result of the organization of this work under specific manpower agencies. In 2010, Syrian manpower agencies estimated their number at around 75,000-100,000 individuals mainly women from Indonesia, the Philippines and Ethiopia. According to many experts, they represent a particular vulnerable group since they are *de facto* excluded from Syrian labour law and subjected to poor working conditions and abuse.

Finally, a third group of immigrants includes transit migrants, who mainly originate in Asia and the CIS countries (Sørensen, 2006).

#### **Flows**

No official statistics are currently available on legal inward migration flows entering Syria. According to the United Nations Department of Social Affairs, the net migration rate was substantially negative in the period 1955-2010, except for a 5-year period 2000-2005, when, they estimate, a positive rate was observed, due to the massive influx of Iraqis following the US invasion in 2003.





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#### The Legal Framework of Migration

The legal framework governing migration in Syria is quite similar to the frameworks of other states in the Mashreq, due to similar national and regional issues. The law relating to foreign nationals is lacking and heterogeneous, being based largely on administrative/executive decisions rather than legislation. The conditions for aliens to enter, stay in and exit from the country were defined in a presidential decree of 1970, and some ministerial decisions complement and fill out its provisions. Arab nationals are favoured as regards access to the territory, to work and to nationality. A recent regulation tends to frame and protect the most vulnerable migrants: some decisions have been adopted to govern the employment of domestic workers, who are still not covered by labour law, and a decree against trafficking in persons has been published. Yet, no bilateral convention links Syria to foreign labour-sending countries, and especially domestic worker senders like the Philippines and Indonesia.

Aliens generally work in the informal sector.

No overall law deals with Syrian emigration but a series of measures adopted since the beginning of the 2000s aim at enhancing links with expatriates. Notably, the conditions for exemption from military service have been progressively relaxed to remove what was an obstacle to the return – temporary or more long-lasting – of Syrian emigrants and their descendants. Conscription is also an obligation for Syrians born abroad, and since the 1990s, it could be avoided by emigrants in the Gulf and in the US, provided that financial compensation was paid. In 2005, military service was reduced from thirty to twenty-four months, and the possibility of buying exemption with 2,000 US dollars was extended to all Syrians born abroad who have resided there since the age of 18. Those who were born in Syria and who left it before the age of 11 and who had lived abroad for more than 15 years could also be exempted with the payment of 5,000 euros. In 2009, a new law harmonised the situation of all the emigrants who can now buy their freedom from military service after five years abroad and with the payment of US 6,500 dollars. These measures are, above all, to facilitate tourist visits on the part of Syrian expatriates and their descendants, as well as to improve public funding.

Syria has no law on refugees. UNHCR deals with refugee-status determination procedure and their protection, while UNRWA<sup>3</sup> is in charge of Palestinian refugees.

Syria is the country where the situation of Palestinians is reputed to be the most favourable. Palestinian issues are ruled by Law n°260 of 10 July 1956 dedicated to those Palestinian refugees from the 1948 exodus. It is stipulated that Palestinians who reside in the country when the law is promulgated will be considered as Syrian citizens of origin as regards employment, work, trade and military service. Palestinians are thus granted the same rights and duties as national citizens, with the exception of political rights and access to real estate. During the first two decades after 1948, an administrative directive forbade Palestinians from buying real estate in Syria. The prohibition has been lifted but some restrictions have remained, with limits of one house per family and a prohibition on the purchase of agricultural lands – unless there is an exceptional authorisation by decree from the Interior ministry (Law n°189 of 1952). Unlike other Arab nationals, Palestinians do not need a work permit. They are constrained to compulsory military service in the Palestine's Liberation Army created in 1964, they can work in the public service, occupy a political position and travel with a Syrian *laissez-passer* valid for six years, just as national citizens can.

The Palestinians who came from the 1956 and 1967 wars were registered with a service created in 1949 and were granted the same rights as the 1948 refugees, with some exceptions: they are hired on the basis of temporary work contracts, they cannot benefit from hierarchical advancement in the public services and they do not carry out military service. All the Palestinians are assimilated to nationals regarding access to work (Law n°17 of 2010) and passport issuance (Law n°42 of 1975).

Though they are considered as Syrian citizens by the law of 1956, Palestinian refugees resident in Syria are not given the right to be naturalised as people with Arab origin can be, which means with privileges stipulated in the nationality law. As in Egypt, Syria invokes its solidarity towards the Palestinian people's fight. This policy has resulted in abandoning many Palestinians to statelessness in the name of preserving their future.

<sup>&</sup>lt;sup>3</sup> United Nations Relief and Works Agency for Palestine refugees in the Near East.

Kurds are also affected by statelessness. Due to a growing distrust from the Syrian nationalist regime towards Kurdish people at the beginning of the 1960s – and after the failure of unity with Egypt – decree n°93 of 23 August 1962 called for an exceptional census in the province of Al-Hassakeh, in the North-East of the country, where almost half of Syria's Kurdish population lives. The Kurds there were accused of being from Turkish Kurdistan and illegally registered. They had to demonstrate that they had lived in the country at least since 1945, like most of the refugees from Kemalist Turkey in the 1920s or other elements of the Kurdish population which has settled in Syria in the last centuries. Tens of thousands and maybe hundreds of thousands of Kurds were deprived of their Syrian nationality as a result. The statelessness of these Kurds has been transmitted from generation to generation, though decree n°276 of 1969 stipulates that children born in the country from stateless parents should be granted nationality. Kurds are granted a special identity card by the Interior ministry which also allows residence. As noncitizens, they are deprived from access to real estate, to public services and to companies and from political rights. They are not allowed to join a professional organisation and thus cannot become engineers, doctors or journalists. In two speeches in 2005 and 2007, Bachar El Assad promised to resolve the situation of the Kurds who lost their nationality. Nothing was done till a Presidential decree dated 7 April 2011, which granted citizenship to over 100,000 of them.

	Outward migration	Inward migration			
General legal references		Presidential decree n°29 of 1970 related to aliens' entry and stay in Syria and their exit.  Ministerial decree n°30 of 2007 related to Arab			
		nationals' entry and stay in Syria and their exit.  1990 Convention <sup>4</sup> : ratified.  ILO: 49 conventions ratified <sup>5</sup>			
	Bilateral agreements: Agreement on border posts with Lebanon (1999), agreements on Syrian workers with Qatar (2003 and 2008) and the United Arab Emirates (2008), manpower agreements with Jordan (2007) and Kowet (2008), among others.				
	Member State of the <i>League of Arab States</i> .				
Circulation Entry and Exit	The right to leave the country is not guaranteed in the <i>Constitution</i> .  The emigration of civil servants is subject to authorisation and an exit visa.  Law n°42 of 1975 on passport issuance; Presidential decree n°1623 of 1970 regulating Syrians' exit and entry.  A wife should generally follow her husband in emigration (family code, 1953) and can be prevented from emigrating alone by her husband (decision n°876 of 1979).	A medical certificate indicating the absence of contagious disease should be presented at entry.  Decision n°1350 of 15 August 1984: entry without visa for nationals from all Arab states, from the Gulf, from the Emirates and from the Sultanates.  Entry visa requirement re-established for Iraqis in 2007 (decision n°30 of 2007).  Decision n°205 of 24 April 1972: Definition of entry and exit points.  Exit visa for aliens. Presidential decree n°67 of 2005 related to the exit tax for foreign and national citizens.			

<sup>4</sup> Convention on the Protection of all Migrant Workers and Members of their Family.

<sup>&</sup>lt;sup>5</sup> Including conventions C111 concerning Discrimination in Respect of Employment and Occupation and C118 Equality of Treatment of Nationals and Non-Nationals in Social Security, but excluding conventions C97 concerning Migration for Employment, and C143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers.

#### Struggle against irregular migration

Palermo protocols<sup>6</sup>: ratified

**Presidential decree**  $n^{\circ}3$  of 2010 against trafficking in persons: 7 years in prison, 1 to 3 million Syrian pounds.

Law n°42 of 1975

Irregular exit: 3 months in prison and/or 500 Syrian pounds.

#### Decree n°29 of 1970:

Irregular entry: 3 months to 1 year in prison and/or 500 to 1,000 Syrian pounds. 2 to 5 years in prison and/or 2,000 to 4,000 Syrian pounds if the alien is a national from a country at war with Syria.

False documents at entry: 2 years in prison and/or 300 to 2,000 Syrian pounds.

Irregular stay or exit: 3 months in prison and/or 100 to 500 Syrian pounds.

Work without permit: 6 months in prison and/or 500 Syrian pounds.

# Rights and settlement

Law n°50 of 2004 related to civil service and emigration; Ministerial decree n°16 of 2007 on Syrian expatriates' associations; Law n°36 of 2009 modifying the rules of emigrants' military service: payment to be exempted from military service reduced (6,500\$ after 5 years abroad).

Law n°30 of 2007: Syrian emigrants with another nationality can avoid their military service in Syria if they do it in their other country.

3 categories of stay permits: 5 year-permit for people residing for 15 years, or for 5 years if they are carrying out a useful activity for the country, or for wives of Syrian citizens after 2 years; a 3 year-permit for people born in Syria and living there for 3 years, or aliens residing for 5 years; 1 year-permit in other cases (Decree n°29 of 1970 and decree n°30 of 2007).

Access to Employment: Laws n°50 of 2004 and n°17 of 2010: a ministerial authorisation is needed. based on the list of professions open to aliens and if there is reciprocity with the origin country. Work permit required. Arab nationals have facilitated access to most of professions. Decree of the Labour ministry n°2137/2009 of 21/07/2009 modifying article of *ministerial decree* n°2040/2005: the percentage of aliens in private financial establishments is limited to 3% provided their qualification is not locally available. The percentage of non-Arab workers in a company not to exceed 10% (and 30% of the payroll).

Domestic workers are not covered by the labour law but by a series of decisions since the Prime Minister's decree n°81 of 2006 which imposed a working contract. Decree of the Interior Ministry n°29 (12/03/2007) related to the entry of female migrant workers and their stay as domestics, and Arab and foreign nannies; decree n°62 of 2007 related to sanctions for contract violation; decision n°27 of 2009 governing recruitment offices. Artists are governed by decision n°81 of 2008.

Civil service: Open to Palestinians. Jobs there are also open to Arab nationals if the Prime minister considers it a national necessity (law n°50 of 2004).

<sup>&</sup>lt;sup>6</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, and Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000.

Family reunification: Legal silence. Access to public services: access to food aid and public hospitals is not given to aliens. Iraqis have free access to health and education. Other aliens enjoy free access to education and quasi-free access to health services. Access to real estate ownership: excluded with some exceptions. Nationality: Legislative decree n°276 on the Syrian Arab nationality, 24 November 1969; Regulation on application for naturalisation, withdrawal, renunciation and forfeit of nationality, decision n°92 of 22 June 1976. Jus sanguinis through paternal descent. A Syrian mother does not transmit her nationality, unless her child is born in the country without recognised paternity. There is no jus soli. Naturalisation is possible after a five year-residency in the country, unless one has a contagious disease. Arab fellows benefit from a facilitated access to nationality, being emigrants in a third country without any Arab nationality, or immigrants in Syria. Foreign women can obtain the nationality of her Syrian spouse after a two-year marriage and residence in the country or she will become a citizen immediately if she is an Arab. The Syrian women cannot transmit nationality to a foreign husband. Penal sanctions exist in the case of the acquisition of another nationality without authorisation from the Syrian authorities. Authorisation is given only if the military service obligations have been fulfilled. Dual nationality is tolerated. Refugees **1951 Convention**<sup>7</sup>: not ratified. Protocol for the Treatment of Palestinians in Arab States, accepted. Palestinian refugees are under UNRWA's mandate. Decision n°1531 of 6 September 1980: Issuance of stay visas to Palestinian refugees. Non-Palestinian refugees fall under UNHCR's mandate. There is no national law on asylum or refugee status determination procedure.

<sup>&</sup>lt;sup>7</sup>Geneva Convention relating to the status of refugees.

### The Sociopolitical Framework of Migration

Syria is an important migration crossroads in the Middle East. As well as the Palestinian refugees who arrived in 1948, Syria hosts Iraqi refugees, who arrived, for the most part, post the 2003 invasion, and labour migrants from Asia and Africa. -Then, Syria is, simultaneously, a labour-sending country, with Syrian migrants heading toward Lebanon, the Arab Gulf, and the West.

Since spring 2011, the violent repression against the protests in Syria have caused a significant, though limited, movement of refugees towards Turkey and Lebanon. In the cases when the security situation has got better, some of these refugees returned to their homes in the following days or weeks. Gradually, the Syrian army has positioned more troops along the borders in order to control those fleeing the country. However, on-going violence there might conceivably cause further movement of refugees.

The Turkish government has opened its border to refugees. In contrast, the arrival of Syrian refugees in Lebanon has triggered strong political tensions. The Lebanese government, nominated in June 2011, includes the political parties supporting the strategic alliance with Syria (March 8 Alliance). The Lebanese army has expelled and driven back refugees on several occasions, but it has not the means to control all the frontier between Syria and Lebanon.

UNHCR supports the Turkish and Lebanese authorities in registering and providing basic assistance to the refugees, occasionally even resettling them in third countries. In Turkey, four camps were created along the border. In the North of Lebanon, because of the close relations between the peoples on each side of the border, most refugees are hosted by relatives.

Moreover, Syrians abroad, in particular those settled in Europe, play a significant role in the the opposition against the Syrian regime. For example, Burnan Ghalioum, an academic and human-rights activist residing in Paris for the last 30 years, is the head of the National Syrian Council, created in October 2011, which brings together the various opposition groups, including the Muslim Brotherhood.

### Out-migration and the relations with Syrians abroad

The first wave of migration from Syria started at the end of the nineteenth century and ended at the beginning of the 1930s, with a rush on the eve of WWI. This wave was part of the broader movement of migration from the middle-eastern provinces of the Ottoman Empire, in particular from Mount Lebanon and Palestine, towards North and South America (the United States, Argentina, Brazil, etc.), and Egypt, West Europe and, to a lesser extent, Western Africa. The impact of European economic expansion on traditional social organization was the main cause of this wave, along with political and religious conflicts dividing the Ottoman Empire. As a consequence, Syrian-Lebanese communities gradually developed in the host countries, and maintained strong family and economic links with their country of origin. In New York, Buenos Aires, and Sao Paulo, the Syrian-Lebanese intellectual elite played a significant political role in the creation of the new Arab States when the Ottoman Empire finally disintegrated.

The second wave of migration from Syria started at the end of the 1950s and continued until the present. The main countries of destination have been Lebanon, Jordan, and the Arab oil-producing countries, and Europe and North America.

Syrian migration to Lebanon is exceptional because of the importance and the sustainability of the flows since the 1960s, with the exception of the Lebanese Civil War (1975-1990) and after the withdrawal of the Syrian army from Lebanon in 2005. It consists mostly of temporary and low-skilled circular labour migrants. The main causes of this migration is unequal economic development and the lack of obstacles to the free circulation of persons between Syria and Lebanon. At the end of the 1950s, the Lebanese authorities encouraged Syrian workers, to be used as a cheap and easily exploitable labour force, eventually causing a deterioration in the working conditions of low-skilled Lebanese workers. In parallel, Syria has not limited labour migration flows to Lebanon (except on certain occasions in order to exert political leverage on its neighbour), which has helped lower pressures on the labour market and has increased the remittances sent. In addition, after Syria took control of Lebanon in 1991, it imposed the signature of four bilateral agreements for social and economic cooperation, which included provisions for the free circulation of

persons, together with free labour, employment, and professional and economic activities<sup>8</sup>. The withdrawal of Syrian troops from Lebanon in 2005, in parallel with a series of violent acts against Syrian workers, was followed by a return movement, but such movements were limited, in time and quantity. Since then, internal political divisions in Lebanon have got in the way of the revision of said agreements.

With the exception of Lebanon, and a series of administrative measures created to limit brain drain, the Syrian regime has not intervened in the management of labour migration. In contrast, the Ba'ath party tried to organize and control Syrians abroad for political and economic reasons.

The creation of a certificate for so-called *migrant citizens* in 1963, after the dismantlement of the Arab United Republic, aimed at facilitating the position, the employment, and the economic investment of individuals of Syrian origin, as well as other Arab nationals. In 1969, the new naturalization law included provisions to facilitate the naturalization of *migrant citizens*. In parallel, after Syria's defeat by Israel in 1967, Syria looked at setting up a political lobby among Syrians abroad to defend its interests. Syria eventually supported the creation of the Federation of Arab Entities (FEARAB) at Buenos Aires in 1963, however, the activities of this organization have been secondary.

Moreover, several laws and measures were implemented during economic liberalization (*Infitah*, in the 1970s, 1990s, and 2000s) with the aim of encouraging Syrian migrants (and other Arab nationals) to invest in Syria. In the early 2000s, after Bachar al-Assad came to power, international experts with Syrian origins were recruited to implement a program of economic reforms: Issam Zeïm, expert for the United Nation Development Program, was in charge of the Ministry of Planning; Ghassan Rifaï, former senior official from the World Bank, was in charge of the Ministry of Economy and Trade; Fadel Nibras, a graduate from the French *Grandes écoles*, became counsellor of the president for Administrative Reform; etc. However, the project failed in face of the Ba'ath party opposition and the private interests of entrepreneurs close to the regime. True, the liberalization of the banking system and of real estate growth attracted the Syrian middle class and Syrians abroad, but favoured speculation rather than sustainable economic growth.

### Refugees and labour migrants in Syria

Labour migrants are mostly female domestic workers from the Philippines, Ethiopia and Sri Lanka, and low-skill workers from Egypt and Sub-Saharan Africa, in addition to irregular migrants passing through Syria on their way to Lebanon or the European Union.

Regarding domestic workers, the Syrian Interior ministry has regulated their recruitment with a special agency. For domestic workers, it imposed the contracting of accident insurance, days off, holidays, and suitable living conditions. These regulations strictly forbids marriage between a Syrian and a foreign domestic, in order to limit trafficking in women. Furthermore, the Ministry of Social Affairs and Labour adopted a law (n°2040, February 6<sup>th</sup> 2007) to 'organise the agencies specialized in the recruitment and employment of foreign labourers and domestics'. This law strengthen the domestic's rights and insists that the salary be written into the contract and that there be suitable housing. It entitles the domestics to medical care, it defines a set of sanctions in cases of violence or discrimination on the basis of nationality, race, or gender. Moreover, the law restricts the creation of new agencies, imposes the payment of significant taxes, limit the agencies' fees (a percentage of the domestic's salary), and notes that the agencies have the responsibility of repatriating the domestics in cases of problem.

The Syrian government's efforts to regulate the employment of foreign domestic workers could be extended to other sectors of labour migration. In the textile industry, for example, employers complain about manpower shortages, but the unions warn against important inflows of low-skilled migrants that would negatively impact salaries and working conditions in Syria.

Moreover, Syria hosts great numbers of refugees, Palestinian and Iraqis mainly, but only the former are officially considered as such, and Syria has no asylum policy, nor, indeed, does it have an administrative procedure to grant refugee status.

<sup>&</sup>lt;sup>8</sup> Agreements of September 13th 1993, in the framework of the Treaty of Fraternity, Coordination and Cooperation of May 25th 1991.

In 1948, 100,000 Palestinians took refuge in Syria, that is to say less than 3% of the Syrian population. Such a percentage, quite low in contrast with Jordan and Lebanon, and a strong Arab nationalist stance, explains how the Palestinian refugees in Syria enjoyed social and economic rights, access to employment and real estate propriety. Although they did not benefit from political rights and are taken care of by the United Nation Relief and Works Agency for Palestinian Refugees (UNWRA), the Palestinian have been gradually integrated into Syrian society and some camps, such as Yarmuk in Damascus, are now part of the city. Moreover, the Ba'ath regime has attempted to control the Palestinian social and political organizations. In 1966, the state supported the creation of the *Sa'iqa* to counter the influence of the *Fatah*, against which Syria fought during the Lebanese civil war (1975-1990) and after the Oslo peace agreement (1993).

Regarding the Iraqi refugees in Syria, most of them fled the sectarian violence that devastated their country after the US invasion in 2003, though Syria was already a refuge and a space of transit for Iraqis for political and economic causes prior to this date. Conditions of entry and stay in Syria became stricter for Iraqis between 2005 and 2007, because of the massive inflows of refugees, but the obligation to have a visa is partly enforced. Most Iraqis in Syria reside in the cities: Damascus and its suburbs, Aleppo, Latakia, Deir ez-Zor. They usually regroup on the basis of sectarian affiliation be that Sunni, Shia, Christian Chaldean or Assyrian. The last group, who can benefit from migration networks, are overrepresented. Those arrived in 2004-2005 usually belong to middle and high social classes, while those who arrived later rarely have financial capital. Their sources of income are irregular: savings brought from Iraq, currency sent by their family, and revenues from informal labour (construction for men and sewing for women). Many hope to leave Syria and settle in another country, in particular in Europe or in North America. However, very few have benefited from family reunification schemes or the resettlement programs of the UNHCR. Presently, the future of Iraqi refugees remain a crucial issue in a context of increasing violence in Syria with the continuing absence of political stability in Iraq.

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<sup>&</sup>lt;sup>9</sup> For example, Iraqis from Iranian origin expelled in 1969-1971 and in 1980; Kurdish Iraqis fleeing repression in the late 1980s; and economic migrants during the international embargo (1991-2003).

Syria's socio-	Outward r	nigration	Inward migration		
political framework	Labour	Refugees	Labour	Refugees	
Governmental Institutions	Ministry of     Foreign Affairs     and Emigrants	- Security apparatus - Syrian Army	<ul> <li>Ministry of Interior</li> <li>Ministry of Social Affairs and Labour</li> </ul>	<ul> <li>GAPAR         (General         Authority for         Palestinian Arab         Refugees)</li> </ul>	
Governmental Strategy	<ul> <li>Facilitate         temporary low         skilled labour         migration, in         particular toward         Lebanon.</li> <li>Limit brain drain.</li> </ul>	Control the departure of Syrian refugees toward Lebanon and Turkey (since Spring 2011)	Regulate the employment of foreign domestics and guarantee their rights.	<ul> <li>Support the rights of Palestinian refugees.</li> <li>Control the Palestinian social and political organizations.</li> </ul>	
Civil Society Actions	<ul> <li>FEARAB (Federation of the Arab Entities)</li> <li>Opponents:</li> <li>CNS (Syrian National Council)</li> <li>OSDH (Syrian Observatory for the Human Rights)</li> </ul>	N/A	<ul><li>Unions</li><li>Human Rights</li><li>Organizations</li></ul>	<ul> <li>Communal         Organisations         (national,         sectarian,         ethnic).</li> </ul>	
Challenges	Develop     partnership with     third countries     to promote     labour migration     (Lebanon, Arab     Gulf, Western     countries).	Halt repression and violence and implement large- scale political reforms.	<ul> <li>Facilitate labour migration, protect the rights of foreign workers, and guarantee the working conditions of Syrian labourers.</li> </ul>	- Define and implement an asylum policy, in particular for the Iraqi refugees.	
International Cooperation	- Agreement of Social and Economic Cooperation and Coordination with Lebanon on September13th 1993.	- UNHCR - International, Turkish and Lebanese NGOs.	N/A	- UNHCR - UNICEF - UNRWA	

<sup>(1)</sup> 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 Syria

The socio-political framework is based on data and papers available for download on the CARIM web-site (<a href="www.carim.org">www.carim.org</a>).

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