

## CARIM – Consortium for Applied Research on International Migration

Co-financed by the European Union

# *CARIM – Migration Profile*

## *Tunisia*

The Demographic-Economic Framework of Migration

The Legal Framework of Migration

The Socio-Political Framework of Migration

Report written by

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on the basis of CARIM database and publications

June 2010



## The Demographic-Economic Framework of Migration

Labor market's poor performance together with a stalled democratization process have been the main determinants of the persistence of labor emigration flows from Tunisia. In contrast with the sustained economic growth of Tunisia over the last decades, the unemployment problem has never discontinued and more recently has largely affected the most educated persons, too. Tunisian emigration was traditionally destined to Western European countries - especially France, Germany and Belgium - and to a lesser extent to Libya. After the limitations put in place by European countries in the 1970s and the mass expulsion of Tunisian nationals from Libya in 1985, Tunisia experienced a process of family settlement in Europe, a diversification in the choice of destination countries together with significant inflows of return migrants. Today, new European destinations (i.e. Italy and Spain) are acquiring more and more relevance in attracting Tunisian migrants, especially their irregular component.

As to inward migration, Tunisia does not host large numbers of regular migrants. Indeed, their (low) proportion on the total resident population (less than 1%) has not changed a lot since 1970s. However, since 1990s Tunisia has evolved into an important transit country receiving flows - mainly from Sub-Saharan countries - attempting to reach Southern Italy from Tunisian coasts.

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<p>In 2008, Tunisians recorded in Tunisian consulates abroad were 1,058,700, or 10.2% of the Tunisian population. In the last decade, Consulate records<sup>1</sup> show a rise in the propensity to leave the country: from 2001 to 2008, the number of Tunisians abroad increased from 764 thousands to more than 1 million at an annual average growth rate of 5.5% (compared to the Tunisian population growth rate equal to 1.0% in the same period.)</p>						<p>In 2004, 35,192 foreign nationals were recorded as residing in Tunisia. They represent a very small proportion of the total resident population (0.4%), i.e. the same value registered at the 1994 Census. Irregular migrants are also living in the country but no solid estimate of their number has been provided.</p>																																																																																																																																																	
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<p>82.6% of Tunisians abroad live in Europe, mainly in France (54.6%), Italy (13.4%) and Germany (7.8%). From 2001 to 2008 Italy and Germany registered the highest annual average growth rates of the stock of Tunisians, equal to 11.5% and 12.4%, respectively. The lower rate registered in France</p>						<p>The majority of recorded immigrants comes from other Maghreb countries (27.3% and 18.1% from Algeria and Morocco, respectively) and</p>																																																																																																																																																	

<sup>1</sup> Consular records comprehend all individuals being Tunisian nationals abroad without distinguishing by migrant generation.

(3.3%) confirms the rising diversification of Tunisian flows over time according to destination country.

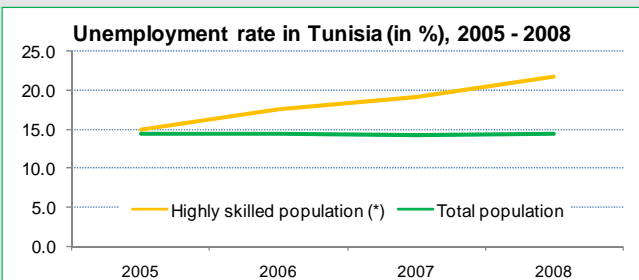
It is worth mentioning that from 1990 to 2002 around 51 thousand Tunisians had been regularized in Italy. Furthermore, important numbers are also found in Arab countries which host 14.5% of Tunisians abroad (7.9% in Libya).

As to their gender profile, the majority of Tunisians registered at the Consulates are men (64.7%). In OECD countries, Tunisians have on average a low level of education (56.0%). 26.5% is employed as craft and related trades workers and 11,2% as plant and machine operators; however, an important proportion (12.8%) is employed in highly skilled occupations, e.g. as professionals or managers (OECD.stat.)

**Flows**

According to the Tunisian National Institute of Statistics, the net migratory balance from May 2006 to May 2007 equaled to (-)14,340 Tunisian nationals. As to the emigrants (23,130), a majority was directed to France (44.0%), was young (55.8% from 15 to 29 years old), male (79.1%), single (75.6%) with a graduate educational degree (46.3%) and job-motivated (66.3%).

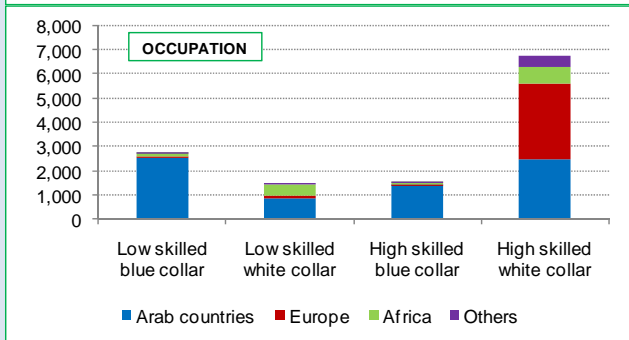
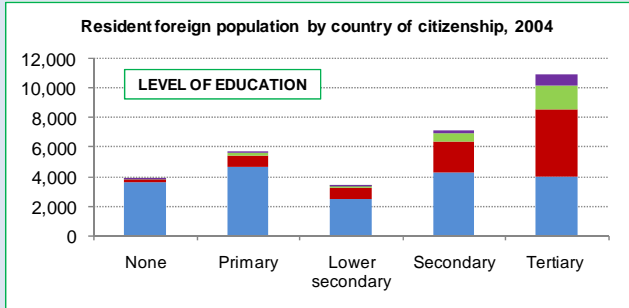
By looking at the recent evolution of Tunisian outflows, two main patterns seem to emerge. On the one hand, highly skilled outward flows (i.e. those with a university degree or more) are evolving into an important proportion of the total of registered outflows: from 19.6% in 2001 to 30.0% in 2008. Actually, the high investments aimed at improving the Tunisian educational system (as a percentage of GDP, educational expenditure rose from 4.0% in 2001 to 5.7% in 2008) has not coincided with a parallel development in highly-skilled job opportunities. From 2005 to 2008, the unemployment rate of highly skilled persons rose from 14.8% to 21.6% while the total unemployment rate remained stable around the value of 14.2%.



Notes: (\*) Highly skilled population comprehends persons with a tertiary education. Source: *Enquête Nationale sur la Population et l'Emploi*, Tunisian National Institute of Statistics.

Europe (27.5%), especially from France (13.1%) and Italy (4.4%).

As to their profile, immigrants have a high level of education (58.1% are graduate or more). Indeed, they tend to be employed in highly skilled occupations (65.1%), mainly as legislators, senior officials and managers (28.0%) and professionals (19.8%).



Source: Tunisian Census, 2004

**Flows**

In the last decade, the African presence in Tunisia is becoming more important for various reasons. On the one hand, the large investments of Tunisian authorities in the educational system has tended to attract more and more students from the whole continent; on the other hand, the displacement of the African Development Bank (ADB) from Abidjan (Ivory Coast) to Tunis in 2003 has gradually led to a rise in highly skilled immigration from other African States.

However, the largest inflows from other African states use to transit through Tunisia for indefinite duration waiting to cross the Mediterranean and reach Southern Italy.

According to a declaration of the former Minister of Interior Hedi Mhenni, more than 40 thousands intercepted cases of irregular migrants had been registered in Tunisia in the period 1998 - 2003. They were mainly Maghreb and Sub-Saharan nationals, even if 52 nationalities had been counted.

## CARIM Migration Profile: Tunisia

Wish to emigrate among Tunisian youth, 1996 - 2005: Percentage of young persons (15-29) who declare that they wish to emigrate							
Individual characteristics	1996	2000	2005	Individual characteristics	1996	2000	2005
<b>Sex</b>			<b>Age</b>				
Male	28.9	53.5	84.2	15 - 19	20.5	44.4	76.1
Female	13.6	36.9	66.0	20 - 24	23.8	46.5	76.6
<b>Total</b>	<b>22.0</b>	<b>45.2</b>	<b>75.9</b>	25 - 29	22.5	44.7	74.2
<b>Economic activity</b>			<b>Total</b>				
Employed	24.7	47.6	77.2	<b>Total</b>	<b>22.0</b>	<b>45.2</b>	<b>75.9</b>
Unemployed	30.8	54.4	84.9	<b>Level of education</b>			
Student	23.1	46.3	76.2	Illiterate	5.8	2.6	66.0
Student	26.4	47.6	75.1	Primary	19.3	44.9	77.0
Girl at home	6.3	30.2	60.0	Secondary	25.6	48.5	77.2
<b>Total</b>	<b>22.0</b>	<b>45.2</b>	<b>75.9</b>	University	24.3	45.9	73.0
			<b>Total</b>				
			<b>22.0 45.2 75.9</b>				

Source: Consultation nationale des jeunes en 1996, 2000 et 2005, Ministère de la Jeunesse en collaboration avec l'Institut National de la Statistique, Tunisia.

On the other hand, an impressive growing number of young people (aged 15-29 years old) is wishing to emigrate. According to a longitudinal national survey carried out by the Ministry of the Youth in collaboration with the National Institute of Statistics, the proportion of young people who declared that they wish to migrate rose from less than a quarter (22.0%) in 1996 to more three quarters (75.9%) in 2005. It is worth mentioning that this *potential* emigration trend concerns all individuals regardless their age, sex, level of education or economic activity (Fourati, 2008.)

Références: Fourati H. 2008. "Consultation de la jeunesse et désir d'émigration chez les jeunes en Tunisie 1996-2005", CARIM Analytical and synthetic notes.

## The Legal Framework of Migration

On February 3, 2004, three months after its Moroccan neighbour and two months after promulgating a new law to combat terrorism, Tunisia reformed its migration law. However, unlike other states in the region it limited its reform to reinforcing penal sentences against assistance to irregular migration. This legal activity fits into Euro-Mediterranean policies aiming at increasing control over circulation and sanctions against irregularity. Tunisia is the first Maghreb country to have ratified a Euro-Mediterranean association agreement (entered into force in 1998) whose social chapter urges it to combat irregular emigration. It began negotiations in 2010 in order to obtain an ‘advanced status’ from the EU, such as Morocco received in 2008.

The law of May 14, 1975 on passports and travel documents, modified in 2004, governs nationals’ as well as foreign nationals’ entry and exit. It remains in force, as does the law of March 8, 1968 concerning foreign nationals in Tunisia.

The 2004 reform, which implemented the Palermo Protocol against the smuggling of migrants, toughened sanctions against any contribution – organised or otherwise, with or without profit – to irregular migration of foreign as well as of Tunisian citizens. The 1968 and 1975 laws already provided for the penalisation of irregular – foreign or national – migrants, and sentences remain the same. All these sanctions are consistent with the practice in Europe and the Maghreb, including in the way they affect non-profit assistance, or sentence migrants, and so overstep the Palermo Protocols. Tunisia alone punishes the non-denouncement of irregular migrants, even non-denouncement on the part of those protected by professional secrecy.

This legislative arsenal organises temporary labour migration in a strict fashion and suffers from a number of lacunae as far as foreign nationals’ rights are concerned: e.g. protection from expulsion, legal appeal, family reunification and refugee status.

Tunisia is reluctant to sign the Convention on the Protection of all Migrant Workers and Members of their Family, but has committed itself at international and bilateral levels concerning circulation advantages as well as readmission and border control, attempting to combine its interest in favouring its citizens’ mobility with its will to control them.

	Outward migration	Inward migration
<b>General legal references</b>		<i>Law 68-07 of 8 March 1968</i> on foreign nationals, <i>Decree 1968-198 of 22 June 1968</i> regulating the entry and stay of foreign nationals in Tunisia.
	<i>Law 1975-40 of 14 May 1975</i> regarding passports and travel documents, modified by law 2004-6 of 3 February 2004.	
		<i>1990 Convention</i> <sup>2</sup> : not ratified. <i>ILO</i> : 59 conventions ratified <sup>3</sup>
	<i>Bilateral agreements</i> : among others, the convention of establishment with Algeria (1963), and Morocco (1964); the consular convention with Mauritania (1964); the convention related to the right of ownership, work, the following of an occupation or trade, the establishment of a domicile, and movement with Libya (1973); conventions on labour force with Libya (2003) and Syria (2004); against double income taxing with	

<sup>2</sup> Convention on the Protection of all Migrant Workers and Members of their Family.

<sup>3</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.

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	<p>Morocco (1975); with Italy on stay and work (1995), on entry and readmission (1998), on seasonal workers (2000); with France on stay and labour (1988), young professionals' exchanges (2004) and joint management of migrations (2008).</p>	
	<p>Member State of the <i>African Union</i>, the <i>Arab Maghreb Union</i>, the <i>League of Arab States</i> and the <i>CENSAD</i><sup>4</sup>.</p>	
<p><b>Circulation</b></p> <p><b>Entry and Exit</b></p>	<p>Freedom to leave the territory is guaranteed in the <i>Constitution</i>.</p> <p>Tunisians are exempted from a visa requirement for entrance to Maghreb countries.</p>	<p>To enter, foreign nationals must pass through the frontier post, and present passport and visa.</p> <p>European and Maghreb nationals are exempted from visa requirements, so are nationals from Niger, Senegal, Guinea, Ivory Coast, Gambia, Ghana and Liberia, among others.</p>
<p><b>Struggle against irregular migration</b></p>	<p><i>Palermo protocols</i><sup>5</sup>: ratified</p> <p>Up to 3 years in prison and 8000 dinars fine for people who contribute, even without profit, to irregular migration. Up to 4 years in prison for hosting a 'clandestine'. Aggravated sentences in case of organization. Non-denouncement is also punished (2004-6 Law).</p>	
	<p>National citizens' irregular exit is punished with a 15-day to 6-month prison sentence and/or a 30 to 120 dinars fine (1975 Law).</p>	<p>Irregular entry or stay is punished with a one-month to one-year prison sentence and a 6 to 120 dinars fine, also with deportation and possible prohibition from return.</p> <p>Irregular exit from the territory is punished with the same sentences (1968 Law).</p>
<p><b>Rights and settlement</b></p>	<p>Expatriates have voting and eligibility rights.</p> <p>Stay abroad is to be temporary when within technical cooperation, or for students who have a grant to study in the EU and have to return after 3 years to work in Tunisia (Decree of the Minister of Higher Education, 31 October 2001).</p> <p>Tax advantages for temporary or definitive return.</p>	<p>One-year temporary stay permit, renewable once, except for nationals from countries linked to Tunisia by bilateral conventions (France, Algeria, Morocco, etc.). Renewable two-year ordinary stay permit for people who have regularly resided in the country for 5 years, or who are born and have constantly lived in Tunisia, or with Tunisian children, and for foreign women married to Tunisian men.</p> <p>Work if previous delivery of a contract approved by the Labour Minister, and a stay permit with authorisation to work (double ministerial visa). National preference. One-year contract, renewable once. Derogations for export companies and development projects.</p>

<sup>4</sup> Community of Sahel-Saharan countries.

<sup>5</sup> The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000.

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		<p>Civil service reserved for nationals, as well as most of liberal professions except special authorisation on the basis of bilateral agreements and the principle of reciprocity.</p> <p>Family reunification: legal silence.</p> <p>Access to public services: yes.</p> <p>Access to estate ownership: forbidden in agricultural zone submitted for authorisation in urban zones unless a bilateral agreement exists (e.g Morocco, Algeria, Libya), and reciprocity is respected, free in tourist zone (+ tax advantages).</p>
		<p>Nationality: <b>Decree-Law n°63-6 of 28 February 1963</b>. <i>Jus sanguinis</i> by descent of father or mother. Discrimination: children born abroad to a Tunisian mother and a foreign father are Tunisian if they opt to be when coming of age or if their parents request nationality during their minority. <i>Jus soli</i>: triple - nationality of origin for the child born in Tunisia to a father and a grand-father also born there, with a repudiation right at majority unless the child has an army commitment. A foreign woman can obtain nationality after two years of marriage with a Tunisian man and two years of residence in the country. Easier access to naturalization for a foreign man married to a Tunisian woman. Dual citizenship is allowed.</p>
<b>Refugees</b>		<p><b>1951 Convention<sup>6</sup></b>: ratified.</p> <p><b>1969 Convention<sup>7</sup></b>: ratified.</p> <p><b>Protocol for the Treatment of Palestinians in Arab States</b>: not accepted.</p> <p>No national refugee status determination procedure. No legal reference to a stay permit. No agreement with UNHCR. Only the Constitution's reference to the prohibition on the extradition of political refugees.</p>

<sup>6</sup> Geneva Convention relating to the status of refugees.

<sup>7</sup> OAU Convention governing specific aspects of refugees in Africa.

### The Socio-Political Framework of Migration

In the last years, Tunisia has made great efforts to promote the concerted and global governance of irregular and regular emigration. This approach, which rests on cooperation with destination countries – notably those across the Western shore of the Mediterranean – is based on the following axes: putting migration policies in a more global context, embedded in the partnership process with the EU (the Euro-Mediterranean partnership);<sup>8</sup> multiplying options and routes for legal emigration with immigration countries (e.g. Italy and France); transcending a security-based perspective in the management of irregular migration; and seeking to ensure the better integration of Tunisian citizens living in European countries. In order to supervise the Tunisian Diaspora, the Tunisian government has also consolidated a political strategy relying on five fundamental pillars: meeting the Diaspora's needs while providing social assistance; reinforcing cultural links with migrants abroad and their families in Tunisia; encouraging investments and remittances; capitalizing on Tunisian expatriate skills; and developing an information system destined to keep Tunisian nationals abroad abreast of developments.<sup>9</sup> In spite of these ambitious pillars, it is noteworthy that Tunisian emigrants' political participation remains limited as they can only vote in presidential elections and referendums. In addition, it is worth reflecting on the extent to which the Tunisian state keeps Tunisians abroad as a means of state control.

Notwithstanding governmental efforts to manage legal emigration and reform Tunisian legislation along these lines, there has been an upsurge in irregular emigration flows from Tunisia. Civil-society actors have consequently called for the balanced and human-centered governance of clandestine emigration. And many associations have highlighted the need to map out the real causes underlying the phenomenon.<sup>10</sup>

Like other countries in the Maghreb, Tunisia has managed to articulate its emigration policies, but this contrasts with an underdeveloped institutional framework beneath the immigration apparatus.<sup>11</sup> In fact, immigration policies in Tunisia are centered on organizing entry and residence for foreign nationals and have not yet tackled the question of managing labour immigration within a socio-economic developmental context.

In the last years, Tunisia has received irregular and transit migrants:<sup>12</sup> mainly migrants from the Maghreb and from Sub-Saharan Africa whose aim is to reach Europe through "the Tunisian channel"<sup>13</sup>. Whilst the Tunisian associative sector has developed action plans to remedy the precarious situation of these migrants, the Tunisian government emphasizes a regulatory stance.

An analysis of governmental prerogatives in migration suggests that special attention is given to managing emigration and highly-skilled professionals' capital. Less attention is given to the question of immigration.

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<sup>8</sup> See Abdelrazak Bel Hadj Zekri, « La dimension politique de la migration irrégulière en Tunisie », *CARIM Analytical Note* 2008/53, p. 8.

<sup>9</sup> See Zekri, « Les politiques migratoires, les institutions compétentes et leur environnement en Tunisie », *CARIM Analytical Note* 2004/02, pp.2-3.

<sup>10</sup> See for example the speech hosted by the Tunisian League of Human Rights Defence at the migration forum organised by Social Watch in Rome, 2004 quoted in Zekri, « La dimension politique de la migration irrégulière en Tunisie », p. 16.

<sup>11</sup> The majority of immigrants in Tunisia are of Maghrebian origin. It is worthy of note that free circulation in the Maghreb is linked to historical and cultural traditions.

<sup>12</sup> Reliable data on this issue is lacking or incomplete.

<sup>13</sup> Zekri, « La migration de transit en Tunisie : état des lieux et impacts et avancement de la recherche sur la question », *CARIM Analytical Note* 2009/16, p.2. See also Hassan Boubakri et Sylvia Mazzella, « La Tunisie entre transit et immigration : politiques migratoires et conditions d'accueil des migrants africains à Tunis », *Autrepart* no. 36, IRD 2006.



Tunisia's socio-political framework	Outward migration	Inward migration
<b>Governmental Institutions</b>	Ministry of Foreign Affairs; Ministry of Social Affairs and Solidarity; Office of Tunisians Abroad; Ministry of Labour	Ministry of Interior; Ministry of Labour; Ministry of Social Affairs and Solidarity
<b>Governmental Strategy</b>	Develop national policies to support the Tunisian Diaspora; promulgate legislation encouraging remittances and investments; carry out a census of Tunisian professionals abroad (repertory of Tunisian professionals abroad); benefit from Tunisian potential abroad in higher education and research; develop a strategy for disseminating information to the Tunisian Diaspora communities; elaborate a cultural program consolidating the attachment of Tunisian emigrants and their families to the homeland; launch negotiations with destination countries on entry and residence conditions for Tunisian emigrants; launch negotiations and devise bilateral accords so as to favour the recruitment of Tunisian nationals abroad; multiply information and awareness-raising campaigns so as to dissuade Tunisians from irregular emigration; and reform Tunisian legislation and policies in order to contain irregular emigration.	Set up rules concerning the entry and residence of foreign nationals; develop government policies on economic immigration and recruitment procedures for economic migrants; cooperate with concerned parties in curbing irregular immigration and transit migration
<b>Civil Society Action</b>	<p><b>(a)</b> Initiatives in the associative sector aimed at:</p> <ul style="list-style-type: none"> <li>- Promoting and defending the rights of Tunisian nationals abroad (e.g. The Tunisian Association for the Defense of Tunisians abroad (ADTE); the Trade Union for Arab Maghrebian Workers (USTMA); Union for Tunisian Immigrant Workers (UTIT), the Tunisians' Federation for a Two-shore Citizenship (Fédération des Tunisiens pour une Citoyenneté des Deux Rives, FRCR)) ;</li> <li>- Finding the underlying causes of irregular emigration and promoting an understanding of irregular emigration based on human and not solely security considerations;</li> <li>- Consolidating Tunisian expatriates' contributions to local development.</li> </ul>	<p><b>(a)</b> Civil-society networks and initiatives aimed at:</p> <ul style="list-style-type: none"> <li>- Sensitising institutions and structures to migrants' rights (e.g. the Tunisian League of Human Rights (LTDH); the Tunisian Association of Female Democrats (ATFD));</li> <li>- Improving the socio-economic and cultural rights of vulnerable immigrant categories (e.g. the General Union for Workers in Tunisia (UGTT), the Tunisian Red Crescent; CARITAS).</li> </ul>

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	(b) Initiatives of migrant associations, professional and student Diaspora networks for reinforcing links among Tunisian Diaspora communities (e.g. ATUGE)	
<b>Challenges</b>	<p>The need to:</p> <ul style="list-style-type: none"> <li>- Consolidate a concerted and global approach <i>vis-à-vis</i> irregular emigration: favouring, for instance, regional and international cooperation spurring local development, addressing the root causes of illegal emigration and launching negotiations with destination countries so as to increase the options for legal migration as an alternative to irregular emigration;</li> <li>- Extend the outreach and influence of local civil-society actors in policy making: e.g. in the irregular emigration field.</li> </ul>	<p>The need to:</p> <ul style="list-style-type: none"> <li>- Improve the coherence of the institutional framework regulating immigration by better delineating the different migrant categories and the regulatory frameworks defining their status;</li> <li>- Extend the outreach of civil associations so that they can assist migrants in a precarious situation (mainly transit migrants) more efficiently.</li> </ul>
<b>International Cooperation</b>	Tackle migration governance in the context of political dialogue frameworks (5+5 dialogue); establish bilateral and multilateral agreements in such a way as to organise legal emigration flows to European countries (particularly Italy and France) <sup>14</sup> ; cooperate with the International Organisation of Migration (IOM) in order to favour the integration of Tunisian nationals abroad or to facilitate their return (professional reintegration)	Establish frameworks and /or bilateral and regional agreements so as to better organise migratory flows in the Maghreb region; develop cooperative mechanisms with international organisations such as UNHCR in order to assist vulnerable migrant categories.

(1) This socio-political framework does not claim exhaustive coverage, but intends rather to provide a synthetic picture of the socio-political facets and policy developments shaping migration developments and governance in, across, and from Tunisia.

<sup>14</sup> In April 2008, France and Tunisia signed an agreement on the concerted governance of migration and solidarity development. See CARIM's socio-political database.