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# MEDITERRANEAN TRANSIT MIGRATION

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# Policy Responses in MENA Countries of Transit for Migrants: An Analytical Framework for Policy-Making

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## INTRODUCTION

Transit can be defined as 'a stopover of passage, of varying length, while travelling between two or more countries, either incidental to continuous transportation, or for the purposes of changing planes or joining an ongoing flight or other mode of transport.'[1] According to this definition, most persons in transit are not migrants, but simply international travellers bound for their country of departure after their journey has ended.

For logical reasons that will be discussed later, no definition of 'transit migrant' seems to exist. However, a growing number of people on the move find themselves in a situation called 'transit', namely migrants staying on a temporary basis in a country with a view to reaching another country, whether they eventually reach it or not. In the context of this study, these will be referred to as 'transit migrants'. This situation has become so common that, in addition to migrants' countries of origin and destination, an intermediate category has emerged in the migration lexicon: the category of transit countries.

1 IOM, *International Migration Law: Glossary on Migration*, IOM, Geneva, 2004, p. 66.

Provided that migrants in a situation of transit can be identified and counted, there is still no clear picture of where they come from (i.e. a bordering or a more distant country), of how they entered (i.e. legally or illegally), nor of how long they will stay in the transit country (before they either become settlers or leave for another country).

Transit constitutes a phenomenon which may cut across various categories of migrants, ranging from legal, illegal or irregular migrants to readmitted migrants, asylum-seekers and refugees. In other words, transit migration does not constitute an isolated phenomenon; rather, its configuration is closely connected with other processes of mobility that need to be taken into account.

To a certain extent, transit is also a new phenomenon which in part reflects a paradox, namely that the circulation of people is becoming increasingly easy and cheap, whereas immigration is increasingly being restricted by laws and regulations. This is why countries that border the major destination areas are transforming themselves into places of transit for would-be migrants originally destined for these areas. This applies in particular to countries along the southern shore of the Mediterranean, the gateway to Europe. Remaining at the same time major countries of emigration, they often consider transit migrants as unwanted newcomers. Moreover, because countries along the southern shore of the Mediterranean mainly see themselves as countries of emigration, they have a deficit of regulations on immigration and thus offer a niche for transit migrants. Transit migration becomes a matter for policy-making.

As a consequence, the phenomenon of transit raises a wide range of potentially conflicting policy-related issues, such as protecting nationals on labour markets while protecting the basic rights of transit migrants, or taking care of domestic public opinion while managing external relations. It is the contention of this study that the political and legal treatment of transit migration can only be properly assessed and understood if we take into account the intertwining of a set of factors affecting international relations, the domestic economy and finally social concerns in the transit countries themselves.

Such factors will be developed in the second part of this paper. The analysis will demonstrate that the participation of Mediterranean third countries in the joint management of international migration, including transit migration, lies at the crossroads of various factors at the domestic, regional and international levels, which determine their responsiveness and policy options.



The study is also intended to demonstrate that transit migration requires an ad hoc approach, and that besides the management of permanent and temporary migration, further attention should be given to the effective management of transit, for the benefit of all.

## TRANSIT: A GROWING CONCERN FOR A BLURRY NOTION

Transit is certainly one of the most elusive notions of mobility in the migration spectrum. Interestingly, no definition of transit migration or transit migrant can be found in any glossary specialising on migration (UN Population Division, DG Freedom, Security and Justice of the European Commission, IOM, Migration Policy Institute).

As a multifaceted phenomenon, the large variety of actors it involves makes it difficult to quantify from a statistical point of view, because those who count will vary from one transit migrant to another, depending upon their reasons for transiting and whether the administration will grant them any status. Moreover, beyond this obvious heterogeneity of actors, transit migration also constitutes a blurry notion in terms of duration. Being a transit migrant has to be taken for what it is by definition: a transitory state in the migrant's life-cycle. Beyond a certain duration of stay (varying according to the visa regime) in a country initially viewed as a stopping-off place, he/she ceases being a transit migrant and becomes an ordinary migrant (whether legal or illegal).

Duration of stay in the transit country turns out to be determined by a set of factors ranging from the migrant's ability to find the proper channels to leave for the destination area or for another transit country, to his ability to face the living conditions associated with his journey through the transit country. Empirical evidence suggests that these living conditions may in turn vary according to the historical and cultural affinities that exist between transit migrants' countries of origin and the transit country's society.

Similarly, the level of historical and cultural affinity may shape the social and legal conditions that the government (and society) of the transit country will grant to specific groups of transit migrants. In others words, the impact of transit migration (whether legal or illegal), as well as its subjective perception as a problem by the local authorities and society, vary substantially. It also gives rise to highly fluctuating living

conditions in the transit country for specific groups of transit migrants, who are, to various degrees, subjected to vulnerability and insecurity, unequal treatment and human rights abuse, and exploitation.

Ahmet Içduygu's study of Turkey's policy regarding transit migrants is of great interest in showing how transit migrants' living conditions fluctuate according to the subjective treatment they receive from the local authorities. In fact, despite Turkey's limited application of the 1951 Geneva Convention to persons seeking asylum from Europe (Kiri_ci, 2004), it enabled large number of Iranians seeking asylum on its territory to enjoy some form of protection by allowing them to 'enter and stay in Turkey without an appropriate travel document and residence permit' (Içduygu 2000: 360). Iranian migrants using Turkey as a transit country 'have been allowed to stay on as tourists for time periods that are regularly extended' (Içduygu 2000: 360). Conversely, still because of Turkey's limited application of the 1951 Geneva Convention, the mass arrivals of Kurds moving from northern Iraq to Turkey in the late 1980s and early 1990s were viewed negatively by the Turkish authorities, who 'encouraged [them] to go home or to seek refuge in the West rather than to [enable them to] stay in Turkey' (Içduygu 2000: 362).

In the same vein, the dynamics and pre-existence of social networks may also have provided for a significant adjunct to the living conditions of transit migrants (Koser 2004: 30). Such networks not only disseminate information on potential destinations and on how to obtain the official documents needed to leave for the destination country. They also provide information on the safest routes through which the transit migrant can travel to reach the targeted destination areas. In this respect, a survey conducted by IOM (1996) in Istanbul and Ankara supported the argument that Iraqi transit migrants in Turkey relied, among others, on 'relatives and friends' in Turkey to gather information about their intended destination countries and about routes to them.

Other empirical surveys have also showed that, in specific circumstances, the poor living conditions and ordeal with which transit migrants are faced may be compensated for by the dynamics of networks based on mutual organisation and assistance, regardless of their ethnic origins or kinship. For example, field surveys carried out in northern Morocco with sub-Saharan transit migrants placed in the border camps of Gourougou and Bel Younes (Wender 2004) give clear evidence of how the latter can organise their daily lives collectively and find solutions to secure their living in these camps before crossing the border with a view to seeking asylum in Spain or elsewhere in the European Union (EU).



## VARIOUS LEVELS OF RESPONSIVENESS: THE BALANCE OF FORCES

There is no question that the conditions with which migrants are faced in transit countries, regardless of the duration of their transit, are reflective of the preparedness of transit country governments to deal effectively with these patterns of cross-border mobility. The effective management of transit migration on the part of transit (and origin) countries is not a mere question of willingness; rather, it results from a tricky balance of forces which shapes the strategic political options adopted by the transit country's government. This balance of forces lies at the intersection of five interrelated factors:

*Domestic social concerns.* Repeated media coverage of migrants arrested while crossing a country's border illegally shows how societies in transit countries are becoming increasingly aware of the growing dimension of transit migration. The press often reports the difficult living conditions of transit migrants. It also chronicles incidents of confrontation with local populations, which, in the words of Ali Bensaad (2003), may have connotations of social intolerance and racism towards the 'other migrants'. Just like destination countries, transit countries are also faced with social concerns linked with the presence of migrants coming from poorer countries or origin. Just like destination countries, transit countries need to respond to social concerns (whether real or constructed) by adopting drastic measures of control.

*The capacity to absorb foreign labour in the domestic labour market.* Labour markets in transit countries are characterised by a low capacity of absorption of additional labour, leading to high unemployment rates in rural and urban areas and to poverty. The low absorption capacity of the local labour market is certainly a deterrent for transit countries' governments to foster the social and economic integration of migrants (Barros et al., 2004: 135). However, even in developing countries confronted with unemployment, segmented labour markets may offer specific job opportunities to immigrants and allow transit migrants to settle.

*Neighbourly relations between transit countries and migrants' countries of origin.* The ways in which transit countries respond to the management of

migration inflows may have a strong impact on the state-to-state relations with the countries from which migrants originate. This point is particularly salient between countries that are historically and culturally interrelated.

*Neighbourly relations between transit countries and migrants' intended countries of destination.* Transit countries are also emigration countries, since they too have a large number of expatriates living in destination countries. To guarantee fair treatment for their nationals abroad, as well as their temporary circulation, transit countries need to play the efficiency card in managing migration flows in order to appear as credible players vis-à-vis the major destination countries of their expatriates.

*Participation in regional and sub-regional trading blocs.* Transit countries participate in regional and sub-regional trading blocs, which may be organized at the vertical or horizontal levels. The existence of such trading blocs is necessarily founded on mutual obligations and commitments, which often favour the cross-border circulation of goods, services and persons. As far as the mobility of individuals is concerned, the implementation of trade agreements at the regional or sub-regional levels may be conducive to reciprocal visa facilitation or exemption among the parties involved in the trading bloc. As Lorenzo Coslovi (2004: 10) rightly stressed by referring to the political hegemony of Morocco over sub-Saharan Africa, the adoption of measures aimed at restricting flows of immigrants might be counterproductive for political and economic relations between transit and origin countries if such restrictive measures are not properly managed.

These five factors can be seen as providing an analytical framework shedding light on the multifarious forces that shape transit countries' preparedness to manage international migration. The analysis of these factors is also crucial to understanding that the levels of responsiveness of transit countries may vary substantially from one regional context to another, as well as across time. For instance, policy options regarding transit migration may appear to be more restrictive at a given time because such restrictive policy options are strategically conducive to trade concessions and preferential treatment on the part of destination countries. Conversely, other policy options may



prefer to adopt a flexible or pragmatic approach towards transit migration at a given time, for example, because such flexible policy options may be strategically conducive to much-needed relations of good neighbourliness with source countries.

Another insight provided by these five factors lies in stressing that any initiatives aimed at encouraging transit countries to manage flows of migrants better – for example, through enhanced border controls and stricter visa regimes – should take more fully into account the forces that are shaping the policy options of transit countries' governments.

Finally, the various levels of responsiveness that may take place regarding the management of international migration flows, including transit migration, supports the EU argument that patterns of cooperation in the field of migration management should be differentiated (Commission of the European Communities, 2004: 20). Nonetheless, transit is not an isolated phenomenon which can be exclusively dealt with in terms of border controls and security-oriented provisions: it also involves social, developmental and economic concerns in the transit and origin countries that their governments cannot disregard.