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# Report on Highly Skilled Migration in Egypt

*Tarek Badawy*

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**CARIM Analytic and Synthetic Notes 2010/49**

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**Highly-Skilled Migration Series**  
*Legal Module*



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

**Analytic and Synthetic Notes – Highly-Skilled Migration Series**  
**Legal Module**

**CARIM-AS 2010/49**

**Report on Highly Skilled Migration in Egypt**

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This publication is part of a series of papers on Highly-Skilled Migration written in the framework of the CARIM project and presented at a meeting organised in Florence: 'Highly-Skilled Migration into, through and from Southern and Eastern Mediterranean and Sub-Saharan Africa' (30 November – 1 December 2009).

These papers will be discussed in two other meetings between Policy Makers and Experts on the same topic in early spring 2010. The results of these discussions will also be published.

The entire set of papers on Highly-Skilled Migration are available at <http://www.carim.org/HighlySkilledMigration>.

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## **CARIM**

The Consortium for Applied Research on International Migration (CARIM) was created at the European University Institute (EUI, Florence), in February 2004 and co-financed by the European Commission, DG AidCo, currently under the Thematic programme for the cooperation with third countries in the areas of migration and asylum.

Within this framework, CARIM aims, in an academic perspective, to observe, analyse, and forecast migration in Southern & Eastern Mediterranean and Sub-Saharan Countries (hereafter Region).

CARIM is composed of a coordinating unit established at the Robert Schuman Centre for Advanced Studies (RSCAS) of the European University Institute (EUI, Florence), and a network of scientific correspondents based in the 17 countries observed by CARIM: Algeria, Chad, Egypt, Israel, Jordan, Lebanon, Libya, Mali, Mauritania, Morocco, Niger, Palestine, Senegal, Sudan, Syria, Tunisia, and Turkey.

All are studied as origin, transit and immigration countries. External experts from the European Union and countries of the Region also contribute to CARIM activities.

CARIM carries out the following activities:

- Mediterranean and Sub-Saharan migration database;
- Research and publications;
- Meetings of academics and between experts and policy makers;
- Migration Summer School;
- Outreach.

The activities of CARIM cover three aspects of international migration in the Region: economic and demographic, legal, and socio-political.

Results of the above activities are made available for public consultation through the website of the project: [www.carim.org](http://www.carim.org)

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## **Abstract**

This paper provides an analysis of the relevant laws that cover the migration of highly skilled persons who originate from, or settle in, Egypt. Highly skilled foreign nationals with unique professional skills are given advantages (in investment, property ownership for investors and taxation) that make their settlement in Egypt relatively easy when compared to the treatment given to non-skilled foreign workers. Non-skilled workers usually do not obtain work permits, they are employed in the informal sector and thus are not eligible for naturalization. Despite the advantages given to highly skilled foreign migrants, some professions are restricted to Egyptians.

In order to deal with overpopulation, Egypt encourages its citizens to emigrate. This can be demonstrated by the tax benefits that the law offers to Egyptian emigrants, their right to retain Egyptian citizenship and confer it upon their children, the exemption of their children from military service if the children have other citizenships, the opportunity of public-sector employees to return to their former place of employment if they decide to return to Egypt, and finally, the negotiation of agreements with foreign governments to improve the status of Egyptian workers overseas as well as to counter organized crime and people smuggling across borders.

## **Résumé**

Cette note fournit une analyse des lois couvrant la migration des personnes hautement qualifiées originaires d'Égypte ou s'y installant. Les étrangers hautement qualifiés pourvus de compétences uniques bénéficient de privilèges (dans le domaine de l'investissement, de la propriété et de l'imposition) qui rend leur installation plus facile que pour les travailleurs étrangers non qualifiés. Ces derniers n'obtiennent généralement pas de permis de travail, sont employés dans le secteur informel et ne peuvent ainsi accéder à la naturalisation. En dépit des privilèges offerts aux migrants hautement qualifiés, certaines professions demeurent réservées aux nationaux.

Pour gérer la surpopulation, l'Égypte encourage ses citoyens à émigrer. Ceci est démontré par divers facteurs, tels que les avantages fiscaux offerts aux émigrés, leur droit de garder leur nationalité et de la transmettre à leurs enfants, l'exemption du service militaire pour leurs enfants dotés d'une autre nationalité, la possibilité pour les employés du secteur public de retrouver leur poste à leur retour en Égypte, et enfin la négociations d'accords bilatéraux visant à améliorer le statut des travailleurs égyptiens à l'étranger, ainsi qu'à lutter contre le crime organisé et le trafic transnational des personnes.

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## Introduction

This paper focuses on the legal dimensions of highly skilled migration into, through, and from Egypt. More specifically, the paper will provide an analysis of the relevant laws that cover the migration of highly skilled persons who originate or settle in Egypt. For the purposes of this paper, highly skilled migration is defined as “migration of persons with tertiary level education, whether they achieved that level before or after migration” (CARIM definition). The definition, therefore, excludes workers with no tertiary education. However, it includes refugees who can be included in this definition. Accordingly, some parts of this paper will cover highly skilled refugee migrants.

## Labour Laws

### *a. Skilled migrants:*

According to article 27 of the Unified Labour Code (Law 12/2003), the employment of foreign nationals is only permitted on the basis of reciprocity. This said, foreign nationals seeking employment in Egypt must obtain a valid work visa (article 28). Foreign nationals who are employed in Egypt without a valid visa and their employers are subject to sanctions: a fine in the case of employers; and arrest and jail followed by deportation for foreign workers. The different laws pertaining to the employment of foreign workers in Egypt impose some restrictions on foreign nationals working there.<sup>1</sup> The restrictions include a ban on the employment of foreign workers with HIV and the deportation of HIV positive foreign nationals to their states of origin. There is also a ten percent cap on the number of foreign nationals employed in Egyptian companies.<sup>2</sup> employers must also pay 1000 LE in employment fees to the Egyptian government for each foreign national who is issued with a work permit. Citizens of Greece, Italy, Palestine,<sup>3</sup> Sudan<sup>4</sup> and Lebanon<sup>5</sup> are exempt from the last requirement for reasons of reciprocity.

In light of the above, and given the current economic conditions in Egypt, there are hardly any incentives for highly skilled migrants to settle in Egypt. For example, the practice of the liberal professions is subject to highly restrictive laws: so article 8 of Law 51/1981 on the Regulation of Medical Institutions specifies that physicians working in Egyptian health centres must be Egyptian citizens. Exceptions can be made for foreign physicians that are registered with the Egyptian Medical Association, provided they are deemed experts in their fields, and provided too that non-Egyptian experts in these fields can be found. Moreover, these physicians must be issued with a special permit from the Minister of Health as well as the Medical Association. Moreover, non-Egyptians are not permitted to work as lawyers (Law 17/1983); however, exceptions can be made for lawyers from countries that have signed bilateral agreements on the practice of law with Egypt. To date, the practice of law in Egypt is restricted to citizens of Palestine and Sudan, in addition, of course, to Egyptians.

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<sup>1</sup> For more details, see Tarek Badawy, “Irregular Migration, the Case of Egypt” (2008), CARIM Analytic and Synthetic Notes 2008/58, Legal Module, [http://cadmus.eui.eu/dspace/bitstream/1814/10103/1/CARIM\\_AS%26N\\_2008\\_58.pdf](http://cadmus.eui.eu/dspace/bitstream/1814/10103/1/CARIM_AS%26N_2008_58.pdf).

<sup>2</sup> Companies Act (Law 159/1981).

<sup>3</sup> Article 6 of Decree 136/2003 of the Minister of Emigration and Manpower.

<sup>4</sup> Agreement Between the Government of the Arab Republic of Egypt and the Government of the Republic of Sudan on Freedom of Movement, Residence, Work, and Property (9 September 2004) 37 Official Gazette 2041.

<sup>5</sup> Mohamed Rabie, *Al-Akhbar*, December 31, 2009, at 10.

The restrictions that are imposed on foreign nationals with respect to access to the employment market, property ownership, as well as the percentage of Egyptian workers in any given company are tempered by Egypt's investment laws. These will be examined below.

*b. Refugees:*

The influx of hundreds of thousands of Iraqis into Egypt fleeing violence at home increased the number of highly skilled workers among the refugee population.<sup>6</sup> A brief examination of the right of refugees to work is therefore needed. The right to wage earning employment is a fundamental precondition for the local integration of refugees in Egypt. First, working in the formal sector provides refugees with the protection of Egypt's Labour Law.<sup>7</sup> The law regulates their salaries, their wage increases, and the stability of their employment contracts, which can enable refugees to save money and use it for their daily expenses and children's education fees.<sup>8</sup> The law can also provide refugees with a sense of security as they cannot be arbitrarily dismissed (Article 120 of Law 12/2003) or discriminated against for reasons of religion, race, ethnicity or, indeed, on any other basis (Article 35 of Law 12/2003). Due to the difficulties associated with attempting to find employment in the formal sector,<sup>9</sup> most refugees work in the informal sector where they are vulnerable to abuse and arbitrary dismissal and where they are poorly paid.<sup>10</sup>

The lack of employment opportunities in the formal sector constitutes a permanent bar to the naturalization of refugees. According to Egypt's Nationality Law (Law 26/1975), foreign nationals need to fulfil several requirements for naturalization including knowing Arabic and being employed.<sup>11</sup> The *de facto* restriction on employment and naturalization gives refugees in Egypt no incentive to

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<sup>6</sup> Unlike the majority of refugees in Egypt who, with few exceptions, are generally poor and from rural areas in their countries of origin, a high percentage of refugees from Iraq have advanced university degrees, speak Arabic and come from urban centres, which makes their integration in Egyptian society easy in comparison to refugees from other countries.

<sup>7</sup> Unified Labour Code (Law 12/2003). In the absence of any explicit mention of the contrary, this law should cover all forms of employment, including the informal sector. However, the formal sector is easier to supervise. Article 4 explains that the law does not apply to (i) government workers, (ii) domestic workers, and (iii) family members of employers.

<sup>8</sup> There is an argument that some work-related benefits should not extend to refugees because of the reservation made to Article 24 of the Refugee Convention. For a different opinion regarding the status of reservations in domestic law in general, see Tarek Badawy, "Refugee Children in Egypt and the Right to Education, Examining the Gap between Theory and Practice", (2007) 11 MJHR 95.

<sup>9</sup> Mainly attempting to overcome bureaucratic and procedural hurdles such as being requested to obtain work permits. Similar confusion exists with regard to the right to education. As Grabska explained: "The fact that these procedures are regulated by decrees rather than laws creates confusion in the implementation process and proves challenging as it trickles down from the ministerial level to the school administration level", Katarzyna Grabska, "Who Asked them Anyway? Rights, Policies and Wellbeing of Refugees in Egypt", online: University of Sussex, [http://www.migrationdrc.org/publications/research\\_reports/Kasia\\_Egypt\\_Research\\_ReportEDITED.pdf](http://www.migrationdrc.org/publications/research_reports/Kasia_Egypt_Research_ReportEDITED.pdf), July 2006, at 20 [Grabska, "Who Asked them"].

<sup>10</sup> Information obtained through working with refugees in Cairo from 2003 to 2007.

<sup>11</sup> Article 4(Fifth) of Law 26/1975. Although it is not clear whether employment should be restricted to the formal sector, the requirement of documents proving employment means that only those who work in the formal sector are eligible for citizenship. Working in the informal sector makes obtaining documentation difficult for refugees.



integrate. Instead, refugees continue to live on the margins of society,<sup>12</sup> awaiting repatriation or resettlement opportunities, opportunities which will most likely not materialize.<sup>13</sup>

In practice, refugees in Egypt are treated in the same way as other foreign nationals in terms of access to the formal employment market, as refugees are required to apply for work permits and their employers must pay the 1000 LE fee unless the refugees originate from one of the ‘reciprocating’ states mentioned above.<sup>14</sup> Further analysis is beyond the scope of this paper. Suffice it to say that the restrictions imposed on refugees who want to access the formal employment sector in Egypt constitute a breach in Egypt’s obligations under the Convention Relating to the Status of Refugees.<sup>15</sup>

## **Immigration:**

### *a. Citizenship and naturalization:*<sup>16</sup>

Foreign nationals cannot acquire Egyptian citizenship if they are not employed in Egypt. It follows that highly skilled migrants have an advantage then in comparison with non-skilled migrants as they are more likely to work in the formal sector and hence, fulfill the employment requirement for Egyptian citizenship.<sup>17</sup>

Highly skilled migrants who wish to acquire Egyptian citizenship must:<sup>18</sup>

- a. Have a legal source of employment,
- b. Live in Egypt for a period of 10 consecutive years,
- c. Be free of any physical or mental handicap that could make them a burden on the state,
- d. Know Arabic,
- e. Be of good character and not have been found guilty of certain crimes (such as fraud or theft), unless their innocence has been affirmed by a court of law,
- f. Be 21 years old or older, and
- g. Have the naturalisation application approved by the Interior Minister.

The naturalization of non-Egyptians is, therefore, a privilege and not a right. Only children of Egyptians acquire Egyptian citizenship automatically. While highly skilled migrants must fulfil strict

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<sup>12</sup> Reference to the title of Grabska’s article, Katarzyna Grabska, “Living on the Margins: The Analysis of the Livelihood Strategies of Sudanese Refugees with Closed Files in Egypt”, FMRS Working Paper No. 6, online: The American University in Cairo [http://www.aucegypt.edu/ResearchatAUC/rc/cmrs/reports/Documents/Living\\_on\\_Margins\\_Final\\_July\\_2005\\_000.pdf](http://www.aucegypt.edu/ResearchatAUC/rc/cmrs/reports/Documents/Living_on_Margins_Final_July_2005_000.pdf), June 2005 [Grabska, “Margins”].

<sup>13</sup> Until 2003, an average of 4,000 to 5,000 refugees used to be resettled out of Egypt every year. However, over the years, resettlement opportunities have decreased due to changing policies in resettlement countries and at UNHCR. In 2008, fewer than 700 refugees will be resettled (321 refugees from January to 31 May 2001), UNHCR Fact Sheet-Egypt, May 2008 [on file with author]. The decreasing number of resettlement opportunities, coupled with the rising number of refugees in Egypt, means that the majority of refugees in Egypt will have to be locally integrated unless they choose to return to their States of origin.

<sup>14</sup> Supra notes 3 to 5.

<sup>15</sup> Article 17, Convention Relating to the Status of Refugees, <http://www2.ohchr.org/english/law/refugees.htm>.

<sup>16</sup> For a detailed analysis of Egypt’s Citizenship Law (Law 26/1975) see Tarek Badawy & Abdallah Khalil, “The Rights of Foreigners and Access to Citizenship” in Africa Citizenship and Discrimination Audit, the American University in Cairo 4 at 6 [http://www.aucegypt.edu/ResearchatAUC/rc/cmrs/reports/Documents/Citizenship\\_Report.pdf](http://www.aucegypt.edu/ResearchatAUC/rc/cmrs/reports/Documents/Citizenship_Report.pdf).

<sup>17</sup> Supra note 11.

<sup>18</sup> Article 4(fifth) of Egypt’s Citizenship Law.

criteria in order to be eligible for Egyptian citizenship, their children born in Egypt can benefit from a waiver of the ten-year residence condition. The requirement that these children reside in Egypt for ten consecutive years is replaced by a requirement that the children apply for citizenship within one year of their reaching the age of consent (Article 4(fourth)). In a previous article, I explained the rationale behind this distinction by stating that:

“It could be argued that the legislator took emotional and practical factors into consideration. The emotional factor is inspired by the *jus soli* principle and aims at facilitating the naturalization of foreigners who were born in Egypt and who feel a strong emotional tie to the country. This tie is manifested by the effort they made to reside in Egypt at the time they were 21 [years old] or, if they were residing abroad, returned to live in Egypt. The practical criterion is that of requiring that the applicant know Arabic. Unless a foreigner born in Egypt grows-up in an Arab country, there is little chance for him to have learned Arabic except if he made an effort to take language classes. The combined effect of the return to the country of birth and knowledge of the language demonstrate a strong potential for integration in Egypt and an effective tie to the country.”<sup>19</sup>

Finally, Article 16 of the law poses additional challenges to naturalized Egyptians as their citizenship can be at risk of revocation if, for example, they join the military of their country of origin without obtaining the authorization of the Egyptian government, or work with foreign agencies or governments at war with Egypt.

#### *b. Investment:*

While foreign nationals must overcome several legal and bureaucratic hurdles in order to work in Egypt, the law provides them with more flexibility in the area of investment. Given that investors are not employees *per se*, foreign national investors do not need to apply for a work permit as requested in Egypt’s Unified Labour Code. Furthermore, foreign investors are immune from the requirements that liberal professionals are required to fulfil before working in Egypt.

Egypt’s Law on Investment (Law 8/1997) grants tax benefits to foreign investors. Article 3 of said law provides that nothing in the law prevents investors from enjoying benefits and tax exemptions provided by other laws. Law 8/1997 is, therefore, complementary to other laws in this regard. Furthermore, companies that invest in Egypt cannot be subject to expropriation or nationalization by the state (Articles 8-10); they also have the right to own immovable property in Egypt (Article 12) in contrast to the general rule that prohibits foreign nationals from owning immovable property in Egypt.<sup>20</sup> In addition, investors enjoy tax exemptions from 5 to 20 years (Articles 16-17) and are exempt from all land registration fees (Article 20). Moreover, the profits that companies that invest in Egypt make following their merger, division or change of legal structure are exempt from taxation (Article 24). Finally, investors have the right to choose the forum for the resolution of investment disputes relating to Law 8/1997. This right is not absolute and is subject to the conditions stated in Article 7 of Law 8/1997 as well as to the Egyptian Constitution.

#### *c. Education:*

The right of foreign children to an education has been the subject of academic scrutiny for the last seven years. The focus on education is primarily due to the Egyptian government’s imposition of obstacles to the access of foreign children to primary education in Egypt. These obstacles mainly affect refugees because most highly skilled migrants send their children to private schools and, as a consequence, children of highly skilled migrants are not covered by the domestic laws that deal with

<sup>19</sup> Badawy and Khalil, *supra* note 16 at 10.

<sup>20</sup> For detail see Badawy and Khalil, *ibid*.

the right to education. The obstacles were discussed at the meetings of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (“Committee”) in 2007, which ended with the Committee urging – in its recommendations – the Egyptian government to facilitate access to education to refugee children. We have yet to see any serious action on the part of the Egyptian government in this regard.

The confusion with respect to the right of foreign children to education is caused by the existence of a multiplicity of laws and decrees that cover this subject. Examples include the National Law on the Rights of the Child (Law 12/1996), the Minister of Education’s Decree 24/1992 on the access of non-Egyptians to public education in Egypt,<sup>21</sup> as well as the Convention on the Rights of the Child (“CRC”) as published in Egypt.<sup>22</sup> A careful examination of these laws leads to the conclusion that priority should be given to the National Law of the Child and the CRC as published domestically, as these override Decree 24/1992. Accordingly, all foreign children in Egypt have the right to public education in state-run schools. Unfortunately, in practice, foreign children cannot enjoy this right for administrative, linguistic and bureaucratic reasons.<sup>23</sup>

The Law on Higher Education (Law 49/1972) does not provide any benefits to foreign nationals or refugees who wish to enrol in Egyptian universities. The Executive Charter of Law 49/1972 provides a list of fees that foreign students must pay that range between 1000 and 1500 British Pounds for undergraduate studies and 1200 to 2500 British Pounds for postgraduate studies.<sup>24</sup>

## **Emigration:**

Emigration is a right that is protected by the Egyptian Constitution.<sup>25</sup> The legal emigration of Egyptians is strongly encouraged by the government. This encouragement is predominantly a result of increasing population in Egypt and a disproportionate increase in unemployment. Emigration is also encouraged because Egyptian emigrants send remittances to their families and are, therefore, a valuable source of money for the country. Having said this, those leaving Egypt can only do so legitimately by exiting the country through one of the recognized exit points. Those who leave the country illegally may be subject to arrest, fines and/or sentenced to one year in prison.<sup>26</sup>

In order to encourage emigration, the Egyptian government has recourse to measures that can induce skilled professionals to leave Egypt temporarily or permanently. For example, according to the latest legal provisions on income tax, persons can only be taxed on the income that they earn *in* Egypt, regardless of their nationality.<sup>27</sup> This is a departure from the previous Tax Act, which imposed taxes on Egyptians who worked overseas irrespective of the source of their income. Given that the majority of Egyptian migrants in the Gulf region are exempt from having to pay income

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<sup>21</sup> The decree distinguishes between different categories of foreign nationals on the basis of their nationalities with respect to the right to public education in Egyptian schools.

<sup>22</sup> The CRC achieved the status of ordinary law in accordance with the relevant domestic formalities by virtue of its publication in the Official Gazette on February 14, 1991.

<sup>23</sup> For a detailed analysis of the different laws and obstacles that prevent foreign children from accessing state-run schools in Egypt see Badawy, *supra* note 8.

<sup>24</sup> Executive Charter of Law No.49 of 1972 on University Organization and Presidential Decree No. 809 of 1975. For detail see Abdallah Khalil, “Al-Tashri’at al-Misriya zat al-‘Elaqa Bellage’een (Egyptian Legislation Relating to Refugees)”, paper presented at the Judges Conference on ‘Refugees and the Law in Egypt’ on 4-5 May 2004, Judges’ Club, Cairo, at 27-28.

<sup>25</sup> “Citizens shall have the right to permanent or temporary emigration”, Article 52 of the Egyptian Constitution.

<sup>26</sup> Amnesty International, “Sudanese Refugees at Risk of Forcible Return”, UA: 76/10 Index: MDE 12/017/2010 Egypt, April 9, 2010.

<sup>27</sup> Articles 2 and 3 of the Income Tax Act (Law 91/2005).

taxes in their states of residence, the tax benefits that they enjoy pursuant to the latest Tax Act has the triple advantage of increasing the revenue these migrants earn on a yearly basis, encouraging the migration of Egyptians, and increasing the remittances these migrants send to their families, which will then fuel the Egyptian economy.

The Egyptian government also provides other incentives for Egyptians to emigrate. As mentioned in the previous section, children of Egyptians acquire Egyptian citizenship as a right according to the *jus sanguinis* principle. The law, therefore, guarantees that Egyptian emigrants can keep their ties to Egypt by maintaining their right to retain as well as to transfer Egyptian citizenship to their offspring. The following passage summarises the legal guarantees that help emigrants maintain their ties with Egypt.

Law 111/1983<sup>28</sup> affirms the right of Egyptians to migrate permanently or temporarily, as individuals or in groups. According to this Law, the State should protect and maintain contact with its citizens living abroad (Arts. 1 and 2), and organize seminars and workshops in Egypt and abroad to study the problems of emigrants and to keep them informed of events and conditions in Egypt.<sup>29</sup>

The Executive Charter of Law 111/1983, issued by the Minister of Manpower's Decree 14/1984, reaffirmed the right of citizens to emigrate (Art. 1). It also clarified that the Ministry of Manpower is responsible for protecting all Egyptians abroad, and for taking steps to guarantee that the rights of Egyptian expatriates are respected. Law 111/1983, gave back citizenship to those who had lost it by emigrating before the present law came into force. Their children and wives can also be naturalized subject to the requirements of Law 26/1975. In addition, Presidential Decree 73/1971 allowed government workers who had resigned in order to emigrate permanently, and who emigrated as a result, to be re-admitted to their original place of work if they return to Egypt within two years of their resignation.<sup>30</sup>

Furthermore, given that military service can only be performed by those who have only Egyptian citizenship, children of Egyptian emigrants who hold foreign and Egyptian citizenship are exempted from military service. It follows that they may visit Egypt at any time without being drafted into the military. This encourages routine visits by expatriate Egyptians to their country of origin often with their children.

Skilled Egyptians can benefit from foreign scholarship schemes that enable them to earn postgraduate degrees abroad. Most of these scholarships contain requirements that Egyptian students return and work for a minimum period in Egypt, the Middle-East, or the Arab world depending on the educational program in question. Furthermore, the Egyptian government sends Egyptian students to study abroad on the condition that said students return to Egypt and pay back their dues to society by working for the government for a certain period of time.

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<sup>28</sup> Law On the Emigration and Welfare of Egyptians Abroad (Law 111/1983).

<sup>29</sup> This can be done by requiring diplomatic representatives to look after the interests of the Egyptian expatriate community. It can also be achieved through liaising with other Ministries and agencies with the purpose of drafting legislation related to migration and signing agreements with foreign States that aim at helping Egyptian expatriates, facilitating their residence in destination countries, and safeguarding their rights and interests abroad (Art. 3-d).

<sup>30</sup> Tarek Badawy, "Egypt: The Legal Dimension of Migration" in Cooperation project on the social integration of immigrants, migration, and the movement of persons, Mediterranean Migration Report, Robert Schuman Centre for Advanced Studies, 2007-2008, unpublished: European University Institute.

## International Agreements:

### *a. Labour agreements:*

It is reported that in 2009, Egypt signed 109 labour agreements.<sup>31</sup> It is difficult to assess the veracity of this statement due, in large part, to the difficulty the public faces in accessing official documents. However, there is some evidence of the existence of bilateral agreements on labour with Jordan, Italy, and Lebanon on the legalization of the status of Egyptian workers in these states as well as the facilitation of their integration into the labour market there. Furthermore, there are ongoing negotiations between Egypt and Libya on the increase and legalization of the status of Egyptian workers in Libya.<sup>32</sup>

Despite the lack of information regarding the international labour agreements that Egypt has signed, the Egyptian Ministry of Emigration and Manpower shares, with interested parties, information regarding labour requirements in foreign states as well as the immigration laws of some of these states.<sup>33</sup>

### *b. Cooperation agreements:*

Egypt has signed bilateral and multilateral agreements with the aim of regulating irregular migration and fighting people smuggling across borders. In 1998, Egypt signed a cooperation agreement with Greece. This agreement came into effect following the President's Decree 441/1998 and was published in the Official Gazette on August 24, 2000. The agreement aims at fighting crime, including organized crime and human smuggling and trafficking between Egypt and Greece. The agreement also aims at exchanging information and expertise between Egypt and Greece in order to fight crime and guarantee border protection. The agreement is subject to derogation within the limits of domestic law and the sovereignty of either country as well as other agreements already in existence between Egypt and Greece.

Furthermore, in September 2004, Egypt signed an Agreement with the Government of the Republic of Sudan on the Freedom of Movement, Residence, Work, and Property (known as the "Four Freedoms Agreement"). The Four Freedoms Agreement allows citizens of Egypt and Sudan to freely move across the border separating both states, and gives them the right to reside, work and own property in either country without a permit. The Four Freedoms Agreement was published in the Official Gazette on September 9, 2004.

In addition, on January 9, 2007, Egypt and Italy signed a cooperation agreement with respect to the return of irregular migrants between Egypt and Italy. The agreement was published in the Official Gazette following the President's Decree 163/2007 on June 26, 2008. The agreement aims to return to their states of origin citizens of either state who fail to meet the residence requirements of the other state. The agreement compels the state that sends a citizen of a third state to the other state by mistake to take that person back. This agreement is subordinate to each state's obligations in international law, especially the 1951 Convention relating to the Status of Refugees.

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<sup>31</sup> Mohamed Rabie, *supra* note 5 at 10.

<sup>32</sup> Mohamed Azzouz and Hisham Ibrahim, *Almasry Alyoum*, <http://www.almasry-alyoum.com/article2.aspx?ArticleID=235403&IssueID=1608>, December 3, 2009.

<sup>33</sup> Information about these migration schemes can be found on the following website <http://www.emigration.gov.eg/AboutUs/AboutIMISProject.aspx>. The Ministry also facilitates the employment of Egyptian workers abroad. Those wishing to apply for work abroad can consult the following website [http://www.mome.gov.eg/work\\_1.html](http://www.mome.gov.eg/work_1.html).

Egypt is also a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (“Protocol”). The Protocol was published in the Official Gazette on September 9, 2004 following the President’s Decree 295/2003. According to Egyptian Constitutional law, the Protocol became an ordinary law following its publication and is, therefore, analogous to a law enacted by the Egyptian parliament. The Protocol is binding for Egyptian courts.<sup>34</sup>

## Conclusion

This article demonstrated that Egypt encourages the immigration of highly skilled migrants to its territory if they are willing to invest in Egypt. The Law on Investment provides tax exemption to foreign nationals who wish to do business in Egypt and provides them with the right to own immovable property, notwithstanding the general rule that non-Egyptians can only own movable property in Egypt. Other highly skilled migrants can reside in Egypt only if they have a work permit, which can only be obtained on the basis of reciprocity. The liberal professions, however, are restricted to Egyptian citizens, subject to a few exceptions.

In order to reduce overpopulation, unemployment and poverty, the Egyptian government also encourages the emigration of Egyptians. To this end, the right to emigrate was enshrined in the Constitution. Similarly, Egyptian law provides Egyptian expatriates with mechanisms that enable them to maintain contact with their country of origin. These mechanisms include the right of Egyptian expatriates to confer Egyptian citizenship upon their children, the exemption of these children from the obligation to perform military service, as well as a general tax exemption on all the income that expatriates earn overseas. The Egyptian government is also actively involved in signing labour agreements with other states so as to facilitate the integration of Egyptian workers abroad, which aims at providing Egyptian workers with protection against abuse as well as encouraging their settlement in these states.

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<sup>34</sup> In April 2010, Egypt’s Parliament passed a bill against human trafficking. The bill will take effect when it is published in the Official Gazette.

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