

## MPC – MIGRATION POLICY CENTRE

Co-financed by the European Union

### *MPC - MIGRATION PROFILE*

## Algeria

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

Report written by the

### **MPC Team**

on the basis of CARIM South database and publications

June, 2013

## The Demographic-Economic Framework of Migration

In 1973, after the mass emigration wave towards France in the 1960s, the Algerian government, relying on its oil and hydrocarbon revenues, unilaterally decided to put a halt on outward migration, which was considered a form of post-colonialism. For almost three decades afterwards, there was no mass emigration from Algeria, neither labour-driven – despite constant unemployment – nor forced – notwithstanding the tragic events in that country in the 1990s. In that period, what emigration there was, came as a result of French family-reunification schemes. As to emigrants abroad, their return home was not supported, since they were considered a safety valve for Algeria's local labour market (Fargues, 2006). Since the 2000s, a new upsurge of Algerian labour emigration has been observed in concomitance with the gradual liberalization of the Algerian economy which, however, still has high unemployment, especially among the highly-skilled. This new wave of emigration, indeed, has a qualified emigrant profile, together with diversification in the choice of destination country.

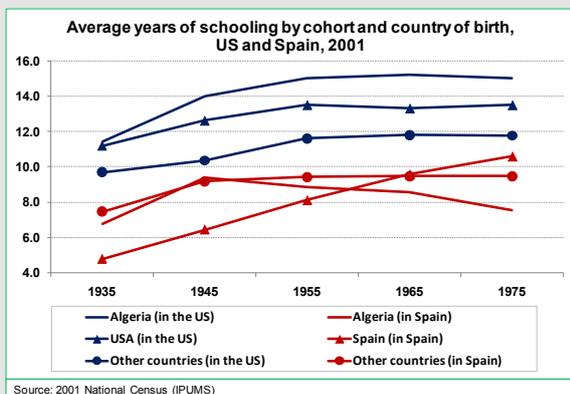
As to immigration patterns, mixed inward flows have been a constant in the history of Algeria. True, almost all European migrants (settled in Algeria during the colonial period) returned home at independence in 1962 and the medium- and highly-skilled migrants called in by the Algerian state in the framework of its technical cooperation with Eastern Europe and some Arab countries in the 1960s and 1970s also returned. But, since the 2000s, Algeria has experienced a new type of immigration, as a result of economic liberalization. Today, growing numbers of foreign firms and workers enter Algeria, especially from China (in the construction sector) and India (in the steel industry). Meanwhile, Algeria continues to play a relevant role in attracting Sub-Saharan migrants destined to cover labour shortages in a variety of sectors (e.g. agriculture, construction, tourism, domestic services, etc.).

During the 2011 Libyan Civil war, Algeria was officially the neighbouring country that received fewest migrants fleeing Libya: 12,296 third-country and 1,666 Algerian nationals reached Algerian borders from February to November 2011 (IOM data). Official figures are perhaps inaccurate here though. International agencies were often kept away from Algerian transit border areas. And the United Nations High Commissioner for Refugees (UNHCR) reported that in March 2011, it was contacted directly by the Senegalese embassy worried about 300 Senegalese nationals who were refused entrance to Algeria by the Algerian authorities at the border with Libya (UNHCR, 2011).

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<p><b>Stock</b></p> <p>In c. 2012, 961,850 Algerian migrants resided abroad, that is 2.6% of the population residing in Algeria.</p> <table border="1"> <caption>Algerian emigration stocks by country of residence, most recent data (c. 2012)</caption> <thead> <tr> <th>Country of residence</th> <th>Definition (a)</th> <th>Reference date (Jan 1st)</th> <th>Source</th> <th>Number</th> <th>%</th> </tr> </thead> <tbody> <tr> <td colspan="6"><b>European Union</b></td> </tr> <tr> <td>of which France</td> <td>(A)</td> <td>2009</td> <td>Population Census</td> <td>877,398</td> <td>91.2</td> </tr> <tr> <td>Spain</td> <td>(A)</td> <td>2012</td> <td>Population Register</td> <td>60,207</td> <td>6.3</td> </tr> <tr> <td>Italy</td> <td>(A)</td> <td>2012</td> <td>Population Register</td> <td>23,278</td> <td>2.4</td> </tr> <tr> <td>UK</td> <td>(A)</td> <td>2012</td> <td>Annual Population Survey</td> <td>22,000</td> <td>2.3</td> </tr> <tr> <td colspan="6"><b>Southern-Eastern Mediterranean (SEM) countries (b)</b></td> </tr> <tr> <td>of which Tunisia</td> <td>(B)</td> <td>2004</td> <td>Population Census</td> <td>11,209</td> <td>1.2</td> </tr> <tr> <td colspan="6"><b>Other countries (c)</b></td> </tr> <tr> <td>of which Canada</td> <td>(A)</td> <td>2006</td> <td>Population Census</td> <td>9,612</td> <td>1.0</td> </tr> <tr> <td>US</td> <td>(A)</td> <td>2011</td> <td>American Community Survey</td> <td>73,243</td> <td>7.6</td> </tr> <tr> <td colspan="4"><b>Main total</b></td> <td><b>961,850</b></td> <td><b>100.0</b></td> </tr> </tbody> </table> <p>(a): Algerian migrants are defined according to the country of birth (A) or country of nationality criterion according to countries of residence.  (b): SEM countries include Egypt, Jordan, Lebanon, Mauritania, Morocco, Palestine, Sudan, Syria, Tunisia and Turkey.  (c): "Other countries" include other European countries (Armenia, Belarus, Georgia, Iceland, Liechtenstein, Moldova, Norway, Russia, Switzerland and Ukraine), Australia, Canada, Chile, Israel, Japan, Mexico, New Zealand and United States.  Sources: national statistics (Population Censuses, population registers, registers for foreigners, etc.)</p>		Country of residence	Definition (a)	Reference date (Jan 1st)	Source	Number	%	<b>European Union</b>						of which France	(A)	2009	Population Census	877,398	91.2	Spain	(A)	2012	Population Register	60,207	6.3	Italy	(A)	2012	Population Register	23,278	2.4	UK	(A)	2012	Annual Population Survey	22,000	2.3	<b>Southern-Eastern Mediterranean (SEM) countries (b)</b>						of which Tunisia	(B)	2004	Population Census	11,209	1.2	<b>Other countries (c)</b>						of which Canada	(A)	2006	Population Census	9,612	1.0	US	(A)	2011	American Community Survey	73,243	7.6	<b>Main total</b>				<b>961,850</b>	<b>100.0</b>	<p><b>Stock</b></p> <p>According to the 2008 Census there were 95,000 foreign residents in Algeria, or 0.27% of the total resident population.</p> <table border="1"> <caption>Foreign population residing in Algeria by country of nationality, 1998, 2008</caption> <thead> <tr> <th rowspan="2">Country of nationality</th> <th colspan="2">1998</th> <th>2008</th> </tr> <tr> <th>Number</th> <th>%</th> <th>Number</th> </tr> </thead> <tbody> <tr> <td colspan="4"><b>Arab countries</b></td> </tr> <tr> <td>of which Morocco</td> <td>57,599</td> <td>80.4</td> <td>n.a.</td> </tr> <tr> <td>Tunisia</td> <td>18,661</td> <td>26.1</td> <td>n.a.</td> </tr> <tr> <td>Egypt</td> <td>8,389</td> <td>11.7</td> <td>n.a.</td> </tr> <tr> <td>UAE</td> <td>5,943</td> <td>8.3</td> <td>n.a.</td> </tr> <tr> <td colspan="4"><b>Non-Arab African countries</b></td> </tr> <tr> <td>of which Mali</td> <td>7,134</td> <td>10.0</td> <td>n.a.</td> </tr> <tr> <td colspan="4"><b>Non-Arab Asian countries</b></td> </tr> <tr> <td colspan="4"><b>European countries</b></td> </tr> <tr> <td>of which France</td> <td>1,597</td> <td>2.2</td> <td>n.a.</td> </tr> <tr> <td colspan="4"><b>Other countries and stateless</b></td> </tr> <tr> <td colspan="4"><b>Main total</b></td> </tr> <tr> <td colspan="2"></td> <td><b>71,609</b></td> <td><b>100.0</b></td> </tr> <tr> <td colspan="2"><b>% of the total resident population</b></td> <td><b>0.25</b></td> <td><b>0.27</b></td> </tr> </tbody> </table> <p>Source: Algerian population census (1998 and 2008)</p>		Country of nationality	1998		2008	Number	%	Number	<b>Arab countries</b>				of which Morocco	57,599	80.4	n.a.	Tunisia	18,661	26.1	n.a.	Egypt	8,389	11.7	n.a.	UAE	5,943	8.3	n.a.	<b>Non-Arab African countries</b>				of which Mali	7,134	10.0	n.a.	<b>Non-Arab Asian countries</b>				<b>European countries</b>				of which France	1,597	2.2	n.a.	<b>Other countries and stateless</b>				<b>Main total</b>						<b>71,609</b>	<b>100.0</b>	<b>% of the total resident population</b>		<b>0.25</b>	<b>0.27</b>
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The majority lived in the European Union – especially in France (75.0%) and Spain (6.4%) – and in “other countries” (7.6%), particularly in Canada (3.5%). In the last decade, destinations for Algerian migrants diversified. In particular, the importance of Canada and Spain as new destinations for Algerian emigrants emerged strikingly. For instance, the number of Algerian migrants residing in Spain between 2002 and 2012 almost doubled, meaning an annual average growth rate of 7.1%. In Canada, between 2001 and 2006, the same value stood at 6.0%. After France, these two countries host, today, the largest Algerian migrant communities.

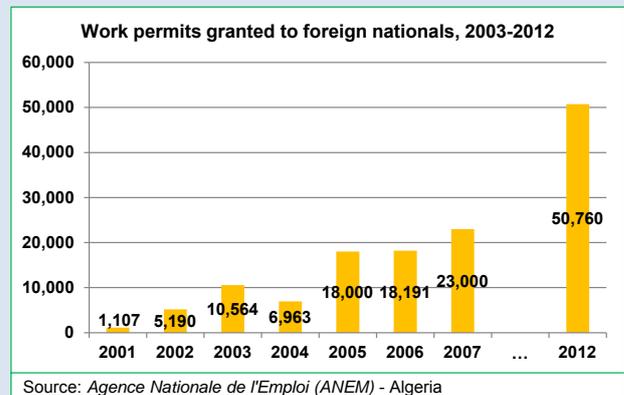
As to their profile, in OECD countries (circa 2006), Algerians are more likely to have a low level of education (51.9%) and an intermediate occupational profile (almost one in three – 30.7% – are employed as technicians or professionals, 24.4% as craft and related trade workers or as service and market sale workers and 14.1% in elementary occupations) (OECD.stat). This profile is largely explained by the relative age of the Algerian diaspora. Actually, the profile of Algerians residing in France has substantially improved: from 1999 (Census) to 2008 (Enquête Emploi) those with a tertiary education passed from 15.2% to 17.3%, while those with an intermediate level went up from 28.1% to 37.2%. However, the period of emigration cannot alone explain the emigrant profile. For instance, as noted by Fargues (2011), considering two recent outward flows – namely, Algerians directed to the US and Spain – while the Algerian community is among the most educated in the US (13.3 average years of schooling vs 10.6 registered both by other foreign-born communities and US-born), in Spain it registers lower levels of education (7.4 average years of schooling) compared with Algerians residing in the US, as well as with other foreign-born communities (8.4) and natives (7.5).



Both absolute and relative values show no relevant changes between the two Censuses (71,609 vs 95,000 and 0.25% vs 0.27% from 1998 to 2008, respectively). 1998 data reveals how most foreign nationals came from other Arab countries (80.4%) especially other Maghreb States (Morocco, 26.1% and Tunisia 11.7) and Egypt (8.3%) as well as from Mali (5.8%) and European countries (7.0%). This is worth mentioning as in the 1998 Census, only 16.4% of the foreign-born population declared a foreign nationality: until 2005, dual citizenship was not allowed (Musette, 2010).

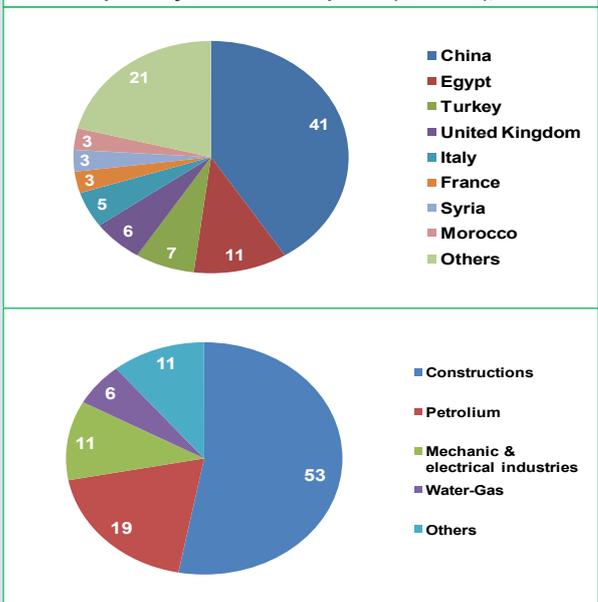
### Flows

Work permit data allows for a better understanding of the recent evolution of labour immigration in Algeria. In the 2000s, an upsurge in labour immigration was observed.



From 2001 to 2012, the number of work permits rose from 1,107 to 50,760.

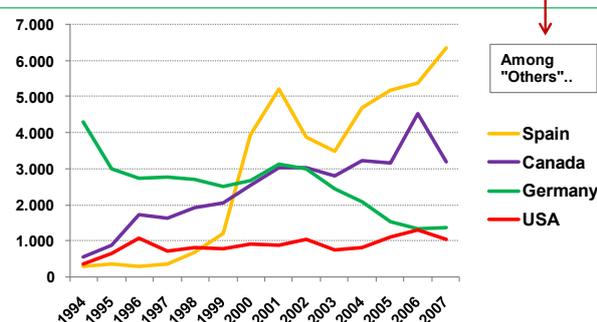
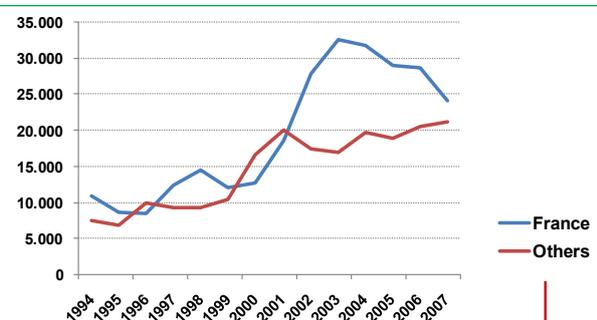
Work permits granted to foreign nationals by country of citizenship and by sector of occupation (% values), 2004



## Flows

Most recent data on outward flows confirm an upsurge in Algerian emigration in the 2000s.

**Outward flows of Algerian nationals by country of destination (\*), 1994 - 2007**



(\* "Others" include Australia, Austria, Belgium, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Iceland, Israel, Italy, Latvia, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Poland, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom and the USA

Source: Author's own elaboration on national sources (in International Migration Flows to and from Selected Countries, The 2008 Revision, UN)

For instance, from 1994 to 2007 annual flows towards France more than doubled (from 10,911 to 24,041 individuals). Growing numbers are also found in Algerian flows directed to Spain (from 307 to 6,338) and to Canada (from 541 to 3,172).

Irregular emigration has substantially increased in the last decade, too.

The phenomenon of *harragas* is on the rise, meaning that increasing numbers of (especially young) Algerians are exposed to the risks of crossing the Mediterranean: this means not 'only' the risk of death, but also the risk of a collapsing health *en route* and jail or exploitation on arrival.

According to 2004 data, foreign workers mainly come from China (41.0%),<sup>1</sup> Egypt (11.0%) and Turkey (6.0%) and work in the construction and oil sector (respectively 53.0% and 19.0%) as well as in the mechanical and electrical industries (11.0%); finally, they are mainly employed in highly-skilled (32.0%), managerial (16.0%) and technical (15.0%) positions. These figures perfectly illustrate the need of the Algerian economy for high-level and mid-level technical qualifications.

Beyond regular migrants, Algeria hosts large numbers of Sub-Saharan irregular foreign workers employed in a variety of sectors, for example in agriculture, construction and tourism, in the northern part of the country – as well as in garment industries and domestic service – in the south (Fargues, 2009). According to official data (Labour and Security Ministry), from 1992 to 2003 around 28,800 irregulars were apprehended by Algerian authorities; a figure which reached respectively 4,870, 5,680 and 3,234 in 2003, 2004 and 2005 (first semester).

However, direct field observation suggests a much higher number of 6,000 irregular migrants deported each month (i.e. 72,000 per year) at the two major border points (in Guezzam on the Niger border and Tin Zouatin on the Malian border), figures which coincide with the views of the consulates of these countries in Tamanrasset (Bensaad, 2008). In this respect, it is worth noting that irregular migrants from Sub-Saharan migrants working in the Algerian informal market are probably – quantitatively – more significant than transit migrants aiming for Southern European countries.

Finally, Algeria has been the main receiver of Saharawi refugees as a result of the conflict over Western Sahara between Morocco and the Polisario Front. Despite the Algerian government never having allowed an official Census of these refugees, a reliable estimate of 90,000 persons living in the camps around Tindouf had been provided by EU satellite imagery (USCRI, 2009).

<sup>1</sup> The large number of Chinese workers is a result of agreements signed between China and Algeria to implement specific programmes to build housing and manufacture construction materials.

**Irregular migrants who were apprehended or reported dead or missing at sea by Algerian police, 2001 - 2007**

Year	Apprehended cases (*)	Dead at sea (**)	Missing at sea (**)
2005	335	n.a.	n.a.
2006	1.636	73	44
2007	1.858	61	55
2008	2.215	98	n.a.

Source: (\*) *Direction Générale de la Sureté Nationale* (DGSN); (\*\*) figures reported by Algerian coast guards (in Labdellaoui, 2009)

According to Algerian policy records (*Direction Générale de la Sureté Nationale*, DGSN), the number of apprehended migrants attempting to cross the Mediterranean stood at 2,215 in 2008; in the same year 98 migrants were reported dead at sea, figures which surely underestimate the phenomenon, but which are, nevertheless, alarming. All surveys which have been conducted on this phenomenon report the young age of these migrants, e.g. 91.3% were younger than 35 (DGSN); and 67.0% were younger than 29 (*Gendarmerie nationale*).

It is worth noting how, unlike Palestinian refugees (who also represent an important number of forced migrants in Algeria, who number about 4,000, and who are well integrated into Algerian society), Saharawi conditions are inhuman: beyond the fact that they do not have freedom of circulation,<sup>2</sup> nor access to employment, in 2008, 18% suffered from global acute malnutrition (GAM) and 5% from severe acute malnutrition, a situation which has, if anything, worsened since 2005 when the same values were stood at respectively 8% and 2%.

Officially, the 2011 Libyan Civil war and its consequent migration crisis did not trigger massive flows of Sub-Saharan migrants coming to Algeria from Libya. According to IOM data, 'only' 12,296 third country and 1,666 Algerian nationals reached Algerian borders from February to November 2011.

References: Bensaad, A. 2008. Les migrations subsahariennes en Algérie, CARIM Research-Report 20081, Migration Policy Centre, European University Institute, San Domenico di Fiesole; Fargues P. 2011. International Migration and the Demographic Transition: a Two-Way Interaction, *International Migration Review*, Vol. 45, Issue 3: 588–614; Fargues P. 2009. Work, Refuge, Transit: An Emerging Pattern of Irregular Immigration South and East of the Mediterranean, *International Migration Review*, Vol. 43, Issue 3, pages 544–577; Fargues P. 2006. International migration in the Arab region: trends and policies, UN expert group meeting on international migration and development in the Arab region, Beirut, 15-17 May, 2006; Musette M.S. 2010. Migration, marché du travail et développement, Document de Travail, *Projet de recherche: Faire des migrations un facteur de développement: une étude sur l'Afrique du nord et l'Afrique de l'Ouest*, ILO, Geneva ; Musette M.S. 2005. Summary report on migration and development in Central Maghreb, *International Migration Papers*, ILO, Geneva; US Committee for Refugees and Immigrants (USCRI). 2009. Stonewalling on refugee rights: Algeria and the Saharawi, USCRI; United Nations High Commissioner for Refugees (UNHCR). 2011. Humanitarian Situation in Libya and the Neighbouring Countries, UNHCR, 17 March 2011.

<sup>2</sup> According to a recent survey (USCRI, 2009), nine out of ten camp residents aged 17-35 would desire a visa to emigrate. During the survey, Said, one of the respondents answered: 'it is really a stupid waste of time to ask such a question – i.e. the wish to emigrate – to any young Saharawi, who has suffered from marginalization, because a visa is our only dream left'.

## The Legal Framework of Migration

Algeria resisted reforming its migration law longer than its neighbours. However, it eventually reformed in two steps. On 25 June 2008, it adopted the law governing foreign nationals' conditions of entry, stay and circulation, which modified for the first time the law ruling foreign nationals established in 1966. Then, on 25 February 2009, it reformed its penal code to add the offence of irregular exit from its territory for its citizens and foreign residents, as well as the crimes of migrant smuggling and trafficking in persons.

Algeria has also introduced new offences and some distinctions between terminologies and penalties. Migrant smuggling is defined by the 2009 law as the organisation, for purposes of profit, of any illegal exit from Algerian territory, whereas the facilitation of a foreign national's irregular entry, stay or circulation is addressed by the 2008 law. Alongside new offences such as marriages of convenience, Algeria has adopted an offence which is now shared throughout the Maghreb, namely irregular emigration. Sanctions against irregular exit from Algerian territory differ depending on whether foreign non-residents, foreign residents or Algerian citizens are involved. Like its neighbour, Morocco, Algeria tends to distinguish foreign nationals, who are supposed to reside, from foreign nationals, who are presumed to circulate, and, in this way, enacts the notion of transit migration. Algerian tribunals have already condemned Algerian citizens who intended to leave the country without passing through border posts or who lacked an entry visa for the destination country. Algeria officially acknowledges the conclusion, between 1994 and 2007, of six agreements on the readmission of irregular Algerians.

Algeria's reforms not only regard irregular migration's penalisation, but also rights for immigrants. The new Algerian law sets time-limits on administrative detention, and it introduces procedural protection for some categories of foreign nationals awaiting expulsion, on the basis of their vulnerability or their links with Algeria, and it mentions family reunification and long-term stay.

At the same time as it modified its Family Code, Algeria proceeded in 2005 to reform its nationality law in a remarkable fashion. It suppressed any kind of discrimination against women. It now has the most egalitarian legislation in the region. Algeria granted its female citizens the possibility of passing their nationality to their foreign spouse – a status previously only granted to men. Algeria also recognised that women have the right to transmit their nationality to children born of a foreign father, these who used to remain foreign nationals till they came of age when they could eventually declare their intention to become Algerians, provided they were born in Algeria and provided that they were residing there. Algeria has also gone further than Egypt in 2004 and Morocco in 2007. Furthermore, it removed the provision mentioning discriminatory access to political rights for new nationals – although it did not reform the electoral code accordingly. Finally, Algeria removed the requirement to renounce foreign nationality as a condition to naturalisation.

Since 1997, Algerian citizens abroad have been given the right to vote in Algerian elections. Of the 462 seats in Algeria's National Peoples' Assembly, eight are reserved to represent Algerian citizens residing abroad. The electoral law reform implemented in January 2012 reaffirmed emigrant voting rights, and included compulsory quotas for a minimum representation of women in elected assemblies. Indeed, a 50% rate was deemed applicable to seats reserved for the national community living abroad.

The main legal framework governing refugees in Algeria is a 1963 Decree creating the Algerian Office for Refugees and Stateless Persons (BAPRA, or Bureau Algérien pour les réfugiés et les apatrides). This office is the institutional body responsible for deciding upon asylum requests and recognising refugee status determined by UNHCR.<sup>3</sup> UNHCR is in charge of refugee status determination and is more generally responsible for supporting persons under its mandate, especially the Sahrawis who have been in camps in the South-West of Algeria since the 1970s. In comparison to the Sahrawis, numbers of other refugees are much fewer, and these are hardly protected as they are generally considered irregular immigrants by the government.<sup>4</sup>

<sup>3</sup> The Algerian Government has approached UNHCR for assistance in developing a national asylum system, and in mid-2012, UNHCR identified an expert to support the Government in updating the draft asylum law in accordance with international standards. Retrieved from: UNHCR 2013 Country Operations Profile –Algeria <http://www.unhcr.org/50a9f8260.pdf>

<sup>4</sup> According to the UNHCR and other sources, Algeria may not automatically recognise the status granted to refugees by UNHCR. Furthermore, the Euro-Mediterranean Human Rights Network (EMHRN) claimed that BARPA's

Legal Framework	Outward migration	Inward migration
<b>General Legal References</b>	<ul style="list-style-type: none"> <li>• 2012 Law n° 12-01, replacing Ordinance N° 97/07 of 6 March 1997 (electoral law)<sup>5</sup></li> <li>• 2009 Executive Decree n° 09-272 amending and supplementing Decree n° 86-276 of 11 November 1986 laying down the conditions of employment of foreign personnel in state agencies, local governments, institutions, organizations and businesses public<sup>6</sup></li> <li>• 2009 Law n°09-01, modifying the Penal code (irregular migration and trafficking)<sup>7</sup></li> <li>• 2008 Law n°08-11 governing foreign nationals' conditions of entry, stay and circulation<sup>8</sup></li> <li>• 1996 Constitution of the People's Democratic Republic of Algeria of 8 December 1996 and amendments<sup>9</sup></li> <li>• 1981 Law n°80-10 related to foreign nationals' employment conditions<sup>10</sup></li> <li>• 1970 Code of Algerian Nationality and amendments<sup>11</sup></li> <li>• 1963 Decree n°1963 laying down detailed rules for the application of the Geneva Convention of 28 July 1951 relating to the Status of Refugees<sup>12</sup></li> </ul>	
<b>Entry and Exit</b>	<p style="text-align: center;"><b>Visas</b></p> <p>Algerian citizens do not need visas to enter Maghreb countries (except for Libya<sup>13</sup>), among others.</p> <p>Since 1994, the border with Morocco has been officially closed.</p>	<p style="text-align: center;"><b>Visas</b></p> <p>To enter, foreign nationals must present passport or valid travel document, and visa. (Law n°08-11 of 25 June 2008)</p> <p>Visas are waived for Maghreb nationals (except Moroccans) and Malian citizens, among others.</p>
<b>Irregular Migration</b>	<p>Law n°09-01 of 25 February 2009 includes:</p> <p>Irregular exit of any foreign resident or national citizen is punished by 2 to 6 months in prison;</p>	<p>Law n°08-11 of 25 June 2008 includes:</p> <p>Irregular stay or labour is penalized with a fine;</p>

recognition rate for Sub-Saharan refugees is at 0%. For more information, see: UNHCR 2013 Country Operations Profile –Algeria (<http://www.unhcr.org/50a9f8260.pdf> ) and EMHRN 2012 Country Factsheet –Algeria ([http://www.euromedrights.org/eng/wp-content/uploads/2012/12/EMHRN-Factsheet-Algeria\\_EN\\_15JAN203\\_WEB.pdf](http://www.euromedrights.org/eng/wp-content/uploads/2012/12/EMHRN-Factsheet-Algeria_EN_15JAN203_WEB.pdf)).

<sup>5</sup> *Journal Officiel de la Republique Algerienne Democratique et Populaire*. (14 January 2012). Law n° 12-01 of 12 January 2012. Retrieved from [http://www.joradp.dz/JO2000/2012/001/F\\_Pag.htm](http://www.joradp.dz/JO2000/2012/001/F_Pag.htm)

<sup>6</sup> *Journal Officiel de la Republique Algerienne Democratique et Populaire*. (2 September 2009). Executive Decree n° 09-272 of 30 August 2009. Retrieved from: [http://www.joradp.dz/JO2000/2009/050/F\\_Pag.htm](http://www.joradp.dz/JO2000/2009/050/F_Pag.htm)

<sup>7</sup> *Journal Officiel de la Republique Algerienne Democratique et Populaire*. (8 March 2009). Law n°09-01 of 25 February 2009. Retrieved from [http://www.joradp.dz/JO2000/2009/015/F\\_Pag.htm](http://www.joradp.dz/JO2000/2009/015/F_Pag.htm)

<sup>8</sup> *Journal Officiel de la Republique Algerienne Democratique et Populaire*. (2 July 2008). Law n°08-11 of 25 June 2008 governing foreign nationals' conditions of entry, stay and circulation. Retrieved from [http://www.joradp.dz/JO2000/2008/036/F\\_Pag.htm](http://www.joradp.dz/JO2000/2008/036/F_Pag.htm)

<sup>9</sup> CARIM. (n.d.). The Constitution of the People's Democratic Republic of Algeria of 8 December 1996. Retrieved from [http://www.carim.org/public/legaltexts/LE3ALG154\\_FR.pdf](http://www.carim.org/public/legaltexts/LE3ALG154_FR.pdf)

<sup>10</sup> CARIM. (14 July 1981). Law n°80-10 of 11 July 1981 related to foreign nationals' employment conditions. Retrieved from <http://www.carim.org/public/legaltexts/ALGLEG00161.pdf>

<sup>11</sup> *Republique Algerienne Democratique et Populaire Minstere de la Justice*. (2005). *Code de la Nationalité Algérienne*. Retrieved from [http://www.droit.mjustice.dz/code\\_nation\\_alger.pdf](http://www.droit.mjustice.dz/code_nation_alger.pdf)

<sup>12</sup> UNHCR. (n.d.). Decree n°1963 of 25 July 1963 laying down detailed rules for the application of the Geneva Convention of 28 July 1951 relating to the Status of Refugees Retrieved from <http://www.unhcr.org/refworld/country,,,LEGISLATION,DZA,,3ae6b52518,0.html>

<sup>13</sup> Since November 2011, Algerians need a visa to enter Libya, except for those with diplomatic or mission passports. Algerian Ministry of Foreign Affairs. (12 February 2013). *Texte intégral du communiqué commun algéro-libyen*. Retrieved from [http://www.mae.dz/ma\\_fr/stories.php?story=12/12/11/8722835](http://www.mae.dz/ma_fr/stories.php?story=12/12/11/8722835)

	<p>Migrant smuggling (exit from the territory) is punished with 3 to 5 years in prison and for up to 20 years in cases of aggravating circumstances.</p> <p>Law n°08-11 of 25 June 2008 includes:</p> <p>Direct or indirect facilitation of a foreign national's irregular exit is punished by 2 to 5 years in prison and 60,000 to 200,000 dinar fine. Accentuated sentences in cases of aggravating circumstances.</p>	<p>Irregular entry punished by 6 months to 2 years in prison and from 10,000 to 30,000 dinars fine;</p> <p>Non-compliance with an expulsion decision punished by 2 to 5 years in prison;</p> <p>Direct or indirect facilitation of a foreign national's irregular entry, circulation, or stay punished by 2 to 5 years in prison, and 60,000 to 200,000 dinar fine. Accentuated sentences in case of aggravating circumstances;</p> <p>Marriage of convenience punished by 2 to 5 years in prison.</p>
	<p><b>Human trafficking</b> penalized with 3 to 10-year prison penalty and a 300,000 to 1 million dinar fine, up to 20-year prison penalty in case of aggravating circumstances. (Law n°09-01 of 25 February 2009).</p>	
	<p style="text-align: center;"><b>Agreements regarding irregular migration</b></p> <ul style="list-style-type: none"> <li>➤ <b>Readmission agreements</b> include: <ul style="list-style-type: none"> <li>• <b>Germany</b> (1997)</li> <li>• <b>Italy</b> (2000)</li> <li>• <b>EU</b> (2002) – in the EU-Algeria Association Agreement (2002), Algeria agrees to readmit any of their nationals illegally present in any Member State, and to negotiate the conclusion of agreements regarding readmission of third country nationals.</li> <li>• <b>Spain</b> (2002) only nationals</li> <li>• <b>Switzerland</b> (2006)</li> <li>• <b>United Kingdom</b> (2006)</li> </ul> </li> <li>➤ <b>Other:</b> <ul style="list-style-type: none"> <li>• <b>Palermo Protocols:</b> in 2001, Algeria ratified Protocol against the Smuggling of Migrants by Land, Sea and Air, and in 2004 it ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children.</li> <li>• <b>EU-Algerian Association Agreement</b> (2002) includes cooperation in order to prevent and control irregular migration.</li> <li>• <b>Algeria and France</b> agreement (2008) on cooperation to fight against irregular migration and human trafficking (Decree No. 2008-373 of 18 April 2008).</li> <li>• <b>United Arab Emirates and Algeria</b> (March 2013) signed an agreement including cooperation on combatting human trafficking.</li> </ul> </li> </ul>	
<p><b>Rights and Settlement</b></p>	<p><b>Emigrant voting rights</b> in municipal, presidential, and parliamentary elections Eight seats are reserved in the National People's Assembly for Algerian citizens abroad; half of these seats are reserved for women (Law n° 12-01 of 12 January 2012).</p> <p><b>Right of exit</b> from the territory is guaranteed in the Constitution (Article 44).</p> <p><b>Protection of every citizen abroad</b> is the responsibility of the State, as stipulated in the Constitution (Article 24).</p>	<p><b>Right of entry</b> for nationals is guaranteed in the Constitution (Article 44).</p> <p><b>Protection of person and properties</b> of any foreigner being legally on the territory guaranteed by Constitution (Article 67).</p> <p><b>Residence permits:</b> student permit linked to studies, worker permit linked to labour authorization. A 10 year-permit can be delivered to persons living in Algeria for 7 years and their children, or on the basis of bilateral agreements (Law n°08-11 of 25 June 2008).</p>

	<p><b>Agreements related to settlement</b>          Agreement with <b>Italy</b> on persons' circulation (2000); Agreement with <b>France</b> on circulation and stay of persons (1968, modified in 1985, 1994, 2001); and Visa agreement (1994); and the Protocol on individuals' circulation (2004) with <b>Spain</b>.</p>	<p><b>Access to employment:</b>          Employment of foreign nationals is submitted to the issue of a work permit or a work temporary leave. When work duration is less than 3 months, only the work temporary leave is needed, and can be renewed once. When work duration does not exceed 15 days, no leave is required. Work permits are for two years. Work permits only delivered for positions unable to be filled by an Algerian domestic national or emigrant.. Qualification Requirement (Superior to technician level, principle of non-competition with local workforce). Civil service positions reserved for nationals except on a contractual basis for teachers in scientific and technic fields at a university level or for technic formation. (<i>Law n°80-10</i> of 11 July 1981 and Executive Decree n° 09-272 of 30 August 2009).</p> <p><b>Family reunification:</b> under the terms defined by regulation (<i>Law n°08-11</i> of 25 June 2008 to be regulated by by-laws.</p> <p><b>Access to public services</b> (health, education): yes.</p> <p><b>Access to estate ownership:</b> upon ministerial authorisation.</p> <p><b>Time-limits to detention:</b> placement of a migrant in detention centre allowed for a maximum period of 30 days, renewable pending the formalities of deportation order or repatriation to their country of origin (<i>Law n°08-11</i> of 25 June 2008).</p> <p><b>Temporary suspension of expulsion</b> for: foreign parent(s) of foreign children dependent on t hese parents; certain categories of minors; and pregnant women. (<i>Law n°08-11</i> of 25 June 2008).</p> <p><b>Right to appeal expulsion order:</b> depending upon the seriousness of the charges, a migrant may appeal expulsion order, within a maximum of five (5) days from the date of notification of this decision. The judge decides on the action within a maximum of 20 days from the date of registration of the application. The resort has a suspensive effect on the expulsion. (<i>Law n°08-11</i> of 25 June 2008).</p>
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<p><b>Labour</b></p>	<ul style="list-style-type: none"> <li>➤ <b>Bilateral agreements regarding labour migration</b> include the Agreement on cooperation in the field of labour and use of human resources signed between Algeria and Libya (1987), and the Protocol on labour with Jordan (2004), among others.</li> <li>➤ <b>International agreements regarding labour migration</b> include the 1990 Convention on the Protection of all Migrant Workers and Members of their Family, and several International Labour Organization (ILO) conventions.</li> </ul>	
<p><b>Citizenship</b></p>	<p><b>Dual citizenship</b> is authorized. In the past, some obstacles for Algerians voluntarily obtaining another nationality as the Government viewed obtaining another citizenship as a threat to the homeland (especially given Algeria's colonial history with France).</p>	<p><b>Naturalisation</b> possible after 7 years residence, under certain conditions (but renunciation of original nationality no longer required).</p> <p>Algerian citizens can <b>transmit their nationality</b> to a foreign-born spouse and children born from an Algerian citizen and a foreign-born father/mother.</p> <p>(Code of Algerian Nationality)</p>
<p><b>International Protection</b></p>	<p><b>Prohibition to extradite political refugees</b> stipulated in Constitution (Article 69).</p> <p><b>Algerian Office for Refugees and Stateless Persons</b> established by Decree n°1963-274 of 25 July 1963.</p> <p><b>International agreements related to international protection:</b> Algeria has ratified the 1951 Convention relating to the status of refugees (in 1963); the 1967 Protocol relating to the status of refugees (in 1967); and the 1969 OAU Refugee Convention governing specific aspects of refugees in Africa (in 1974). Algeria also accepted the League of Arab States' 1965 Protocol for the Treatment of Palestinians in Arab States.</p>	

## The Socio-Political Framework of Migration

Although migration policy had almost disappeared from the political agenda since 1973, when the Algerian State decided to end the public management of labour migration to France, Algeria has initiated ambitious reforms in its migration policy. The main objective of the new Algerian migration policy is to control irregular migration. This choice can be explained by a number of converging factors: increased EU engagement with Algeria on irregular migration; the proliferation of smuggling networks involved in cross-border crime; increase in regional terrorist activity; regional upheavals and consequent increases in population movements; and by the indignation of the public confronted by the drama of the *harragas*.

In order to implement such a policy, the Algerian State has progressively developed new legislative tools, while ratifying UN conventions on the protection of the rights of the migrants and on the repression of human trafficking. Moreover, Algeria has strengthened cooperation with the EU and its member states, particularly after the enforcement of the Algeria-EU Association agreement on 1 September 2005. In parallel, the Algerian government has strengthened cooperation with its neighbours, with the exception of Morocco with which it is currently mending relations, in order to enhance border controls and tackle migrant smuggling and other crimes.

Algerian officials are critical regarding European migration policies that focus on security and on selective immigration. They insist on necessary consultation and cooperation between sending and receiving countries in order to define a global and fair migration policy that facilitates the circulation of persons in the Mediterranean and that supports the economic development of migrant origin regions.

In addition to border controls, the Algerian government has also been involved in dealing with humanitarian crises on its borders, such as the displacement of people from Libya and Tunisia after the Arab Spring and the Malian refugee crisis that started in 2012, and has provided humanitarian aid, among other services, in such circumstances. It is also working with the UNHCR to address refugee issues within Algeria's borders.

Developing links with the Diaspora remains a concern for the Algerian government, and several Government bodies have been created including the Delegate Ministry in Charge of the National Community Established Abroad and the Consultative Council for the National Community Abroad. In February 2013, the Secretary of State for the National Community Abroad announced the implementation in 2013 or early 2014 of a new body, the National Advisory Board of the National Community Abroad, which will "establish bridges between Algerians and create a sustainable partnership between Algerian competences inside and outside the country".<sup>14</sup>

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<sup>14</sup> Algeria Ministry of Foreign Affairs (14 February 2013). *Installation du conseil national consultatif de la communauté nationale à l'étranger fin 2013 ou début 2014*. Retrieved from [http://www.mae.dz/ma\\_fr/stories.php?story=13/02/14/0129945](http://www.mae.dz/ma_fr/stories.php?story=13/02/14/0129945)

Socio-Political Framework	Outward migration	Inward migration
Governmental Institutions	<ul style="list-style-type: none"> <li>Ministry of Foreign Affairs</li> <li>Ministry of Employment</li> <li>Ministry of National Solidarity</li> <li>Delegate Ministry in charge of the National Community Established Abroad</li> <li>Consultative Council for National Community Abroad</li> <li>ANEM (National Agency for Employment, previously ONAMO)</li> <li>ANDI (National Agency for the Development and the Investment)</li> <li>CNES (Economic and Social National Council)</li> </ul>	<ul style="list-style-type: none"> <li>Ministry of Foreign Affairs</li> <li>BARPA (Algerian Office for Refugees and Stateless Persons, located within Ministry of Foreign Affairs)</li> <li>Ministry of Employment</li> <li>Ministry of National Solidarity</li> <li>Ministry of Labour</li> <li>Ministry of Social Insurance</li> </ul>
	<b>Irregular Migration</b> <ul style="list-style-type: none"> <li>Ministry of the Interior</li> <li>Ministry of Justice</li> <li>Delegate Ministry at the Regional Cooperation</li> <li>General Directorate of National Security</li> <li>Army General Command</li> </ul>	
Governmental Strategy	<p><b>Facilitation of outward movement for Algerians:</b> working with Member States of the European Union to improve facilitation of movement and address visa issues for Algerians (e.g., with Belgium, Britain, France, Italy).</p>	<p><b>Regulate the stay and the employment of foreign nationals in Algeria.</b></p> <p><b>International Protection:</b></p> <ul style="list-style-type: none"> <li><b>Provide humanitarian assistance</b> to refugees and other displaced foreign nationals<sup>15</sup> Working with governments and international organizations to <b>address refugee-producing conflicts in the region</b> - e.g., with the US, EU, Maghreb countries, Organization for African Union (OAU), Arab League, UNHCR, among others.<sup>16</sup></li> <li>Working with UNHCR for assistance in <b>developing a national asylum system</b><sup>17</sup> Allowing Algerian territory to be used as <b>host for four refugee camps and one settlement</b> in the south-western province of Tindouf for refugees from Western Sahara.</li> </ul>

<sup>15</sup> Most recently, humanitarian aid delivered to Tunisia, Libya, and Mali to address refugee needs and needs caused by the influx of foreign nationals from Libya. Algeria also provided assistance to Malian refugees who were on the borders between the two countries, and sent humanitarian aid to the people of northern Mali and people who have found refuge in southern countries.

<sup>16</sup> For example, the Prime Ministers of Libya, Tunisia, and Algeria agreed to form teams to look into cooperation with neighboring countries over the Malian crisis.

<sup>17</sup> UNHCR. (2013). *2013 UNHCR country operations profile - Algeria*. Retrieved from <http://www.unhcr.org/pages/49e485e16.html>

	<p style="text-align: center;"><b>Overall government approach to migration</b></p> <p>According to Algeria's foreign policy strategy on migration, within its commitment to the United Nations' Alliance of Civilization, entitled <b>National Plan for the Alliance of Civilizations</b>, Algeria states that it: "is trying to convince its partners, both regional and international, that the facilitation of movement of persons, the promotion of human exchanges, the establishment of a partnership for the development of regions with high migration potential, the involvement of developed countries in favour of investment in the countries of origin of migration flows, the economic and social cooperation between the country of transit and destination are all guidelines that promote an intelligent approach."<sup>18</sup></p>
	<p style="text-align: center;"><b>Developing links with Algerian Diaspora</b></p> <ul style="list-style-type: none"> <li>• Implementation of <b>new government body</b>, National Advisory Board of the National Community Abroad, to consolidate links with Diaspora.<sup>19</sup></li> <li>• Secretary of State for the National Community Abroad <b>meeting with Algerians in foreign countries</b> to: address their concerns; obtain input on how to improve relations; encouraging their involvement in development; encouraging Algerians to engage in host country to better integrate (e.g., meetings in Canada, Britain, and Spain<sup>20</sup>).</li> <li>• <b>Implement programs to maintain links</b> with Algerians abroad (e.g., teaching national history and socio-cultural values of the country, Arabic language programs<sup>21</sup> within host countries; email address where Algerians abroad can contact Ministry of Foreign Affairs<sup>22</sup>).</li> <li>• <b>Work with host country governments</b> to improve opportunities for Algerians abroad (conditions of residence, integration, employment, education, etc.<sup>23</sup>);</li> </ul>

<sup>18</sup> Algerian Ministry of Foreign Affairs. (2009). *National Plan for the Alliance of Civilizations*. Retrieved from [http://www.mae.dz/ma\\_fr/stories.php?story=09/04/08/6791221](http://www.mae.dz/ma_fr/stories.php?story=09/04/08/6791221)

<sup>19</sup> The board will bring together 56 representatives from the national community abroad, elected by the national conference, 33 representatives of public administrations and institutions, and five persons appointed by the head of state, among people known for their competence and commitment issues national community abroad. Missions "will include the continuous improvement of public service delivery due by the State to its citizens abroad and promoting the participation of expatriate expertise and national capacity development of Algeria in the fields, scientific, economic and others." For more information, see: [http://seccne.mae.dz/?page=conseil\\_communaute\\_nationale](http://seccne.mae.dz/?page=conseil_communaute_nationale)

<sup>20</sup> For more information, see: (on Canada) [http://www.mae.dz/ma\\_fr/stories.php?story=11/11/08/1781889](http://www.mae.dz/ma_fr/stories.php?story=11/11/08/1781889); (on Britain) [http://www.mae.dz/ma\\_fr/stories.php?story=12/12/02/4053625](http://www.mae.dz/ma_fr/stories.php?story=12/12/02/4053625) and [http://www.mae.dz/ma\\_fr/stories.php?story=11/11/04/7555950](http://www.mae.dz/ma_fr/stories.php?story=11/11/04/7555950); and (on Spain) [http://seccne.mae.dz/?page=communaute\\_espagne](http://seccne.mae.dz/?page=communaute_espagne)

<sup>21</sup> Ministère des Affaires Etrangères- Secrétaire d'Etat Chargé de la Communauté Nationale à l'étranger (n.d.). *Enseignement à distance des langues arabe et Tamazight*. Retrieved from <http://seccne.mae.dz/?page=enseignement>

<sup>22</sup> Ministère des Affaires Etrangères- Secrétaire d'Etat Chargé de la Communauté Nationale à l'étranger (n.d.). *Compétences & Association*. Retrieved from <http://seccne.mae.dz/?page=competences>

<sup>23</sup> For example, the most recent discussions held between Algerian and British officials regarding Algerians in the UK, and with French officials regarding Algerians in France. Retrieved from <http://seccne.mae.dz/?page=entretien> and [http://seccne.mae.dz/?page=rencontre\\_prefet\\_isere](http://seccne.mae.dz/?page=rencontre_prefet_isere)

	<ul style="list-style-type: none"> <li>• <b>Repatriation of Algerian nationals</b> – especially during times of crises (repatriation from Libya and Egypt).</li> <li>• <b>Mobilize the competences and the assets</b> of the Algerians abroad to support development in Algeria.</li> <li>• <b>Support the political participation</b> of Algerians abroad within Algerian elections.</li> </ul> <p style="text-align: center;"><b>Circulation of persons</b></p> <ul style="list-style-type: none"> <li>➤ <b>Exchanges among peoples</b> is a foreign policy objective for the Algerian government <ul style="list-style-type: none"> <li>• According to Algeria's <b>National Plan for the Alliance of Civilizations</b> (2009): Algeria has provided thousands of scholarships to young foreigners particularly in Africa, Asia and Latin America. Algeria has also sent young Algerians abroad for short- and long-term trainings to enable them to deepen their knowledge and then return to the country to practice and build on the achievements,<sup>24</sup> among other efforts.</li> </ul> </li> <li>➤ <b>Working with countries to facilitate circulation of persons</b>, for example: <ul style="list-style-type: none"> <li>• In 2013, as part of a new program of cooperation between <b>Belgium and Algeria</b>, over a period of four years (2013-2016) the two countries will create a working mechanism to examine issues related to the movement of people between the two countries.<sup>25</sup></li> <li>• <b>Libya and Algeria</b> have stated their desire to continue dialogue to cancel visa requirements between the two countries.<sup>26</sup></li> <li>• In November 2012, <b>UK and Algeria</b> agreed to begin negotiations on the mobility of people, whose objective is to facilitate the procedures for obtaining visas for citizens of both countries.<sup>27</sup></li> </ul> </li> </ul>
	<p style="text-align: center;"><b>Irregular Migration</b></p> <ul style="list-style-type: none"> <li>➤ <b>Strengthen bilateral and regional cooperation regarding the control of borders</b> (working with border countries Mali, Mauritania, Western Sahara, Libya, Niger, Tunisia, no substantial cooperation with Morocco.) For example: <ul style="list-style-type: none"> <li>• <b>Algeria-Libya:</b> In February 2013, Algeria-Libya agreed to strengthen cooperation between the relevant departments to protect and defend the borders. Libya and Algeria committed to not allow anyone to use their territory to undermine or threaten the security and stability of each country. Algeria expressed willingness to support and assist in the training of Libyan army officers and maintenance of military equipment.<sup>28</sup></li> <li>• <b>Algeria-Libya-Tunisia:</b> the three countries agreed in January 2013 to implement measures including the creation of joint checkpoints and patrols along the frontiers.<sup>29</sup></li> </ul> </li> <li>➤ <b>Strengthening Algerian security system and closely monitoring borders</b>, especially after Mali crisis, in order to fight against trafficking networks and other forms of crime.</li> <li>➤ <b>Reinforce sanctions</b> against persons involved in irregular migration.</li> <li>➤ <b>Capacity-building cooperation</b> with the EU and some member states (France, Italy and Spain) to strengthen judicial administration and the police.</li> </ul>

<sup>24</sup> Algeria's National Plan for the Alliance of Civilizations can be accessed here: [http://www.mae.dz/ma\\_fr/stories.php?story=09/04/08/6791221](http://www.mae.dz/ma_fr/stories.php?story=09/04/08/6791221)

<sup>25</sup> Algerian Ministry of Foreign Affairs. (12 February 2013). *Lancement d'un nouveau programme de coopération sur quatre ans*. Retrieved from [http://www.mae.dz/ma\\_fr/stories.php?story=13/02/13/4416957](http://www.mae.dz/ma_fr/stories.php?story=13/02/13/4416957)

<sup>26</sup> Algerian Ministry of Foreign Affairs. (12 February 2013). *Texte intégral du communiqué commun algéro-libyen*. Retrieved from [http://www.mae.dz/ma\\_fr/stories.php?story=12/12/11/8722835](http://www.mae.dz/ma_fr/stories.php?story=12/12/11/8722835)

<sup>27</sup> Algerian Ministry of Foreign Affairs. (29 November 2012). *Riches entretiens politiques de M. SAHLI à Londres*. Retrieved from [http://www.mae.dz/ma\\_fr/stories.php?story=12/12/02/4036702](http://www.mae.dz/ma_fr/stories.php?story=12/12/02/4036702)

<sup>28</sup> For more, see: Algerian Ministry of Foreign Affairs. (12 February 2013). *Texte intégral du communiqué commun algéro-libyen*. Retrieved from [http://www.mae.dz/ma\\_fr/stories.php?story=12/12/11/8722835](http://www.mae.dz/ma_fr/stories.php?story=12/12/11/8722835)

<sup>29</sup> Shuaib, Ali. (12 January 2013). *Libya, Algeria and Tunisia to step up border security*. *Reuters*. Retrieved from <http://www.reuters.com/article/2013/01/12/us-libya-borders-idUSBRE90B0G220130112>

<b>Civil Society</b>	<p style="text-align: center;"><b>Diaspora</b></p> <ul style="list-style-type: none"> <li>• ACA (Association of Algerian Competences)</li> <li>• Algerian Association for the Transfer of Technology</li> <li>• REAGE (Network of the Algerian Graduates from the <i>Grandes Ecoles</i> and the French Universities)</li> <li>• ANIMA (Network for the Investment in the Mediterranean)</li> </ul>	<p style="text-align: center;"><b>Assistance to migrants/refugees in Algeria</b></p> <ul style="list-style-type: none"> <li>• LADDH (Algerian League for the Defence of the Human Rights)</li> <li>• SNAPAP (National Autonomous Union of Public Administration Staff)</li> <li>• SOS Women in Distress</li> <li>• NADA (Algerian Network for Defence of Children's Rights)</li> <li>• R&amp;D (<i>Rencontre et développement</i> - Meeting and Development)</li> <li>• <i>Croissant-Rouge Algerian</i></li> </ul> <p style="text-align: center;"><b>Employment</b></p> <ul style="list-style-type: none"> <li>• UGEA (General Union of the Algerian Entrepreneur)</li> </ul>
<b>International Cooperation</b>	<p>Algeria is a member of several international organisations in which it actively works to address issues of migration, including: International Organization for Migration (IOM); International Labour Organization (ILO); UNHCR; Arab League; and Organization for African Union (OAU), among others. Algeria is a participant to the European Neighbourhood Policy (ENP) (although, it has not agreed on an Action Plan within the framework of the ENP) and the 5+5 Dialogue. Algeria is a member of the Union for the Mediterranean (a multilateral partnership within the European Neighbourhood Policy).</p>	