

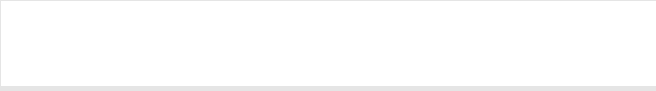
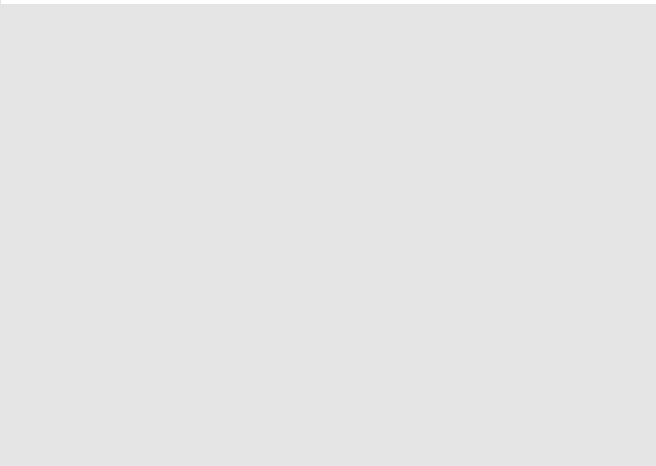


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The majority lived in the European Union – especially in France (75.0%) and Spain (6.4%) – and in “other countries” (7.6%), pa “ote uu yo iU

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<p>According to Algerian policy records (Direction Générale de la Sureté Nationale, DSGN), 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 (DSGN); and 67.0% were younger than 29 (Gendarmerie nationale).</p>	<p>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,² 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%.</p> <p>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.</p>
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References: Bensaad, A. 2008. Les migrations subsahariennes en Algérie, CARIM Research-Report 2008/1, Migration Policy Centre, European University Viadrina

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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.³ 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.⁴

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).

⁵ 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

⁶ 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

⁷ 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

⁸ 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

⁹ 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

¹⁰ 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>

¹¹ Republique Algerienne Democratique et Populaire Minstere de la Justice. (2005).

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.

Law n°08-11 of 25 June 2008 includes:

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.

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&LWL]HQVK	'XDO FLWL]sAutmized. 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>1DWXUDRQpssow Lafer 7 years residence, under certain conditions (but renunciation of original nationality no longer required).</p> <p><u>Algerian citizens can WUDQVPLW WKHL QDWLRQDOLW\</u></p>

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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".¹⁴

²⁴ Algeria's National Plan for the Alliance of Civilizations can be accessed here:
<http://www.maedz.ma/fr/stories.php?story=09/04/08/6791221>

²⁵ Algerian Ministry of Foreign Affairs. (12 February 2013).

