

4.11 Niger

4.11.1 Migration trends

4.11.1.1 Immigration

While Niger cannot be considered a major country of destination for international migrants, it is an important country of transit for sub-Saharan migrants, mostly from ECOWAS Member States, travelling towards Algeria, Libya, and eventually to European countries.

The distinction between the notions of country of transit and country of destination is certainly useful and corresponds to reality, but it does have its limitations. In the case of Niger, transit within the country may take months and even years. Given the financial cost of travelling through the Sahara and eventually, by boat, to Europe, it is common for migrants to interrupt their trip in order to earn further sources of income. Nigerien cities such as Agadez, Arlit and Dirkou have become such stopover zones, where migrants prepare for the continuation of their trips. These cities are also places of initial return for expelled or stranded migrants. In many of these instances, it is not sufficient to consider Niger as simply a country of transit as it can in fact become a country of destination for temporary migration flows.

Moreover, such immigration for the purpose of temporary stay or longer residence exists in Niger and represents a phenomenon that deserves to be given an overview.

Data	Year	Absolute numbers	% of the Total Population

it can be argued that both the figures presented in the RGPH and the ENAMI are underestimations.

¹⁰ Maga, H., *Migration au Niger, Pro I national 2009* (Paris: IRD, 2010), p. 10. La cadre juridique de la migration irrégulière au Niger

¹¹ INSEnquête nationale sur la migration au Niger (ENAMI) 2011. Analyse des résultats

4.11.1.1.1 Characteristics of immigrants/foreigners

Countries of origin:	...5WtFXb['hc F; D< &\$%fYgi `hgza cghZcfY][bYfg k YfY bUH]cbUg'cZA U]'fl \$Z \$&Lz 6i f_]bU: Ugc f% z%+LzB][Yf]U'f% z-' lZ6Yb]b'f%&z-' lZUbX'Hc[c ft z') l'JYfmiZyk ' fYVtFYXZcfY][bYfg k YfY bUH]cbUg'Zfca '7 hY X j c]fY'f] %\$Lcf; \UbU'f%z% &L'+ ...H\Y'9B5A =&\$%g\ck YX'U'g]a]'Uf'X]gff]Vi h]cb'cZ ZcfY][bYfg k]h' fY[UfX'hc H\Y]f' country of nationality.
Settlements:	...5WtFXb['hc H\Y' F; D< ' &\$%z'h YfY' k Ug' Ub' Yei U' Ua ci bh cZ 97CK 5G' A Ya VYf'

4.11.1.2 Emigration

The modern history of Nigerian emigration includes several phases characterised by specific patterns.

<p>Education level/sectors of employment:</p>	<p>Nigerien migrants are generally low-skilled, which mirrors the general level of education in Niger.</p> <p>It has been argued that the risk of brain drain has remained limited in Niger. According to OECD data regarding migration in the health sector, the emigration rate of nurses was estimated at 1.5% in 2010. However, it was also estimated that a high percentage when compared to the average skill level of the national population.</p> <p>The type of employment differs from one region to another. In neighbouring countries, Nigerien workers tend to be employed largely in the agricultural sector. In OECD Member States, migrants are mainly employed within the industrial, trade, hospitality and health sectors.</p>
<p>Duration of stay abroad:</p>	<p>The duration of stay abroad depends on the countries of destination involved.</p> <p>In ECOWAS Member States such as Côte d'Ivoire, Nigeria and Benin, the stay is generally for six or seven months and corresponds to seasonal agricultural activities.</p> <p>In countries beyond the ECOWAS region, Libya, Gabon and Cameroon, for instance, migration tends to be longer, for periods of one to two years.</p>
<p>Remittances:</p>	<p>Remittances from migrants are an important source of income for many households in Niger. They contribute to the national economy and help to reduce poverty.</p> <p>The amount of remittances received varies significantly between different regions and households. It is generally higher in urban areas and for those with family members working in high-income countries.</p>

Inter-institutional coordination

The main inter-institutional structure entrusted with migration management responsibilities is the Inter-Ministerial Committee in charge of the Elaboration of a National Migration Policy. The Committee was created in 2014 and its members are drawn from the main ministries involved in migration management. International organisations (IOM and the UN) have also been consulted. A National Migration Policy was developed. It is yet to be formally adopted.

The Committee includes the main ministries as well as IOM, UNDP, representatives from the private sector and the civil society. In addition, ad hoc committees have been set up on various migration issues.

4.11.2.2 Immigration: national policy framework and institutional practices

4.11.2.2.1 General immigration provisions

Legislation/Policy Framework	Description
Ordinance No. 81-40 on Entry and Stay of Foreigners in Niger, 1981 ¹⁰²⁵	Decree, Art. 2:By principle, immigration to Niger is subject to the delivery of a visa and a stay permit. Decree, Art. 6:Visas are normally granted by diplomatic and consular posts abroad; they may exceptionally be delivered upon arrival.
Decree No. 87-076 on Entry and Stay Conditions of Foreigners in Niger, 1987 ¹⁰²⁶	Decree, Art. 2:Entry on the territory is subject to a guarantee of return, which may take the form of a return ticket to the country of origin, a deposit or a guarantee from a bank. Decree, Art. 8:The duration of the entry visa cannot exceed three months. Ordinance, Art. 5; Decree, Art. 1:During the period of validity of the visa, a foreigner intending to stay in Niger has to request the delivery of a stay permit from the Ministry of Interior. Decree, Art. 12toArt. 16: The delivery of the stay permit is subject to

Niger has concluded bilateral agreements which include provisions on entry and stay/residence with the following countries: Algeria, Burkina Faso, France, Ghana, Libya, Mali, Morocco and Tunisia. These agreements generally apply equally to Nigeriens in these countries and foreigners from these countries.

4.11.2.2.2 Labour migration

Access to national labour market

Legislation/Policy Framework	Description
Ordinance No. 81-40 on Entry and Stay of Foreigners in Niger, 1981	Decree, Art. 13: Access of foreigners to the national labour market is based on the principle of a work authorisation, which takes the form of a visa from public employment services on the work contract.
Decree No. 87-076 on Entry and Stay Conditions of Foreigners in Niger, 1987	Decree, Art. 13; Labour Code, Art. 48: The work authorisation is to be delivered before entry of the migrant worker on the national territory (excepted is made in the case of nationals from ECOWAS countries and countries with which Niger has concluded agreements and/or which grant preferential treatment to Nigerien nationals so that the principle of reciprocity applies).
Labour Code, 2012 ²⁸	Labour Code, Art. 48 states that the admission of foreign workers is subject to the absence of national competences. Labour Code, Art. 51 specifies that the decision regarding the work authorisation is made by the National Agency for Promotion of Employment. Labour Code, Art. 50 includes an obligation on the employer to organise the training of national staff in order to replace foreign workers.

Nigerien legislation does not specify whether access of foreigners to the national labour-market is governed by a quota system or a labour market test system. According to representatives of the Ministry of Employment, the option adopted by Niger is the labour market test. Employers intending to employ a foreign worker have to submit a request to the National Agency for Promotion of Employment, which will first look for a competent worker available on the national labour market before delivering the work authorisation. In practice, the labour market test is not enforced. The work authorisation is delivered once the worker is already on the national territory and the role of the National Agency for Promotion of Employment is more to register foreign workers than to protect the national labour market.

Although the legislation does not include specific provisions on the status of ECOWAS Member State nationals, administrative practices apply the delivery of an ECOWAS residence permit for a period of one year, renewable on a biennial basis.

Rights within employment

Legislation/Policy Framework	Description
Labour Code, 2012	Art. 2 provides for equal treatment with nationals. Art. 190 includes an exception to the principle of equal treatment concerning trade unions. While all foreigners can join a trade union, administrative and executive functions are limited to nationals that enjoy civic and political rights and foreigners that have resided in Niger for a minimum of three years (and whom enjoy the aforementioned civic and political rights).

²⁸ Loi No. 2012-45 portant Code du travail de la République du Niger.

Foreigners, regardless of their legal status, benefit from all the obligations and rights of the labour legislation as a principle.

4.11.2.2.3 Irregular migration

Legislation/Policy Framework	Description

inform Nigerien emigrants regarding investment opportunities in rural areas of Niger; enhance remittances through conventions with financial stakeholders (International Monetary Fund, banks, etc.); and encourage interactions between migrants and local development actors.

The core responsibilities of the Ministry of Foreign Affairs, Cooperation, African Integration and Nigeriens Abroad, as well as those of the High Council for Nigeriens Abroad, include the identification and promo

recognised the importance of allowing Nigerien nationals to hold dual/multiple citizenship. A law proposal in this regard has been submitted to the Nigerien Parliament.

With regard to the direct relationship between members of the diaspora and national authorities, a Centre for Nigeriens Abroad (CNA) has been instituted within the Directorate for Nigeriens Abroad with a view to liaising with the diaspora and mobilising resources for the social and economic development of Niger. Efforts are

Convention	Description
Convention with Burkina Faso (Upper Volta), 1964 ¹⁰⁵⁰ Convention with Mali, 1964 ¹⁰⁵¹	"Nationals from the considered countries can enter and reside on the territory of the other state party without the need for a visa or a stay/resident permit. "The only requirement is the possession of an identity document from the country of nationality. "Not only are these provisions more favourable than those foreseen by the ECOWAS texts but they are also easier to implement as they do not impose on the states obligations to be carried out but rather a duty to abstain.
Convention with Tunisia, 1966 ¹⁰⁵²	"Its content is similar to the agreements with Burkina Faso and Mali and foresees the entry, stay and residence without the requirement of a visa or a permit. It also specially mentions the principle of access to the labour market on an equal footing with nationals.
Convention with Morocco, 1967 ¹⁰⁵³	"This foresees the removal of visa requirements for nationals of the state parties.
Convention with Algeria, 1981 ¹⁰⁵⁴	"Foresees the removal of visa requirement for nationals of the state parties. "K \] Y h Y U [f Y Ya Y bhk] h A cfc V W t \ U g V Y Y b] b Z c f W g] b W h Y % - \$ g z]] g U g U f Y still required for nationals of Algeria to enter Niger and vice-versa. "The agreement includes a provision on readmission of migrants in an irregular
Conventions with Libya, 1971, ¹⁰⁵⁶ 1988 ¹⁰⁵⁷	"H Y V t b j Y b h c b c Z % , , X c Y g b c h] b W X Y g d Y W W F [\ h g f Y [U f X] b [Y b f m U b X g U n z but rather guarantees the general civil and economic rights of the considered individuals. "H Y % + % V t b j Y b h c b Z c f Y g Y g U g d Y W W Y [U f Y [] a Y Z c f B [] Y f Y b g Y U g c b U workers in Libya. It sets up cooperation mechanisms between the competent authorities of the two states for the recruitment of workers, foresees the delivery of a three month visa, and a stay permit valid for one year, which is renewable up to a limit of two years.
Conventions with France: Social security, 1973 ¹⁰⁵⁸ Agreement on circulation and stay of persons, 1994 ¹⁰⁵⁹	"H Y % - (V t b j Y b h c b] b W X Y g h Y Z c c k] b [X Y f c [U h c b h c h Y V t a a c b : f Y b W] a a [f U h c b Y [] g U h c b B [] Y f Y b b U h c b U g \ U j Y h Y d c g g] V] h m r c c V U] b U % \$! year residence permit after three years of stay in the country (instead of 5 years under French administrative law).
Agreement with Italy, 2010	"This agreement focuses on security and most notably foresees cooperation activities in the area of tracking in persons and irregular migration.

¹⁰⁵⁰ \$ Protocole d accord (d limitation des fronti eres, mouvements des populations, coop eration entre les autorit es fran Y b h f Y Y B [] Y f Y h U < U i h Y J c H U g [b o Y Y & ' f] b % * ("

¹⁰⁵¹ % " 7 c b j Y b h c b X o H U V] g g Y a Y b h Y h X Y W F W U h c b X Y g d Y f g c b b Y g Y b h f Y Y B [] Y f Y h U A U] z & & 5 d f] % * ("

¹⁰⁵² & " 7 c b j Y b h c b X o H U V] g g Y a Y b h Y b h f Y Y B [] Y f Y h U H b] g] Y z % ' C V t V Y f % * * "

¹⁰⁵³ ' " 5 W t f X d c i f U g i d d f Y g g] c b X i j] g U Y b h f Y Y B [] Y f Y h Y A U f c W z + B c j Y a V Y f % * + "

¹⁰⁵⁴ (" 5 W t f X d c f U b h g i d d f Y g g] c b X i j] g U Y b h f Y Y B [] Y f Y h 5 [o f] Y z & % B c j Y a V Y f % , % "

¹⁰⁵⁵) Maiga, D Analyse des conventions bilat erales entre le Niger et certains pays voisins ou amis en mati ere de circulation des personne 75 F - A 5 G - B c " " \$ z & \$ % z d " & "

¹⁰⁵⁶ * Organisation de la d l i v r a n c e des visas, du d o p l a c e m e n t et de l e m p l o i de la main d o e u v r e saisonni ere dans la zone Z c b H U] o f Y b [] o f] Y b b Y z % ' C V t V Y f % + % "

¹⁰⁵⁷ + " 7 c b j Y b h c b X o H U V] g g Y a Y b h Y h X Y W F W U h c b X Y g d Y f g c b b Y g Y b h f Y U @ V n Y h Y B [] Y f z ' \$ i b Y % , , "

¹⁰⁵⁸ . " G Y Y g Y W h c b (% % & " " "

¹⁰⁵⁹ - Convention entre le gouvernement de la R o p u b l i q u e fran a i s e et le gouvernement de la R o p u b l i q u e du Niger relative W F W U h c b Y h U i g o c i f X Y g d Y f g c b b Y g z % ' G Y d h a V Y f % - + "

4.11.4 References

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