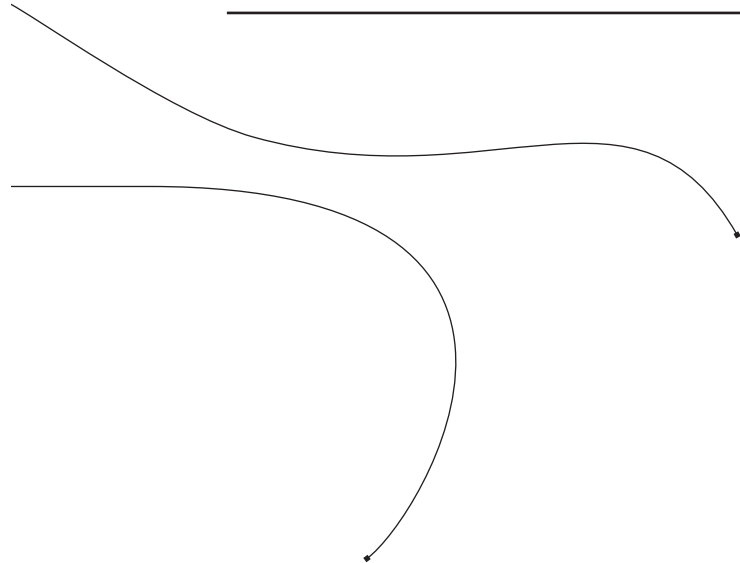
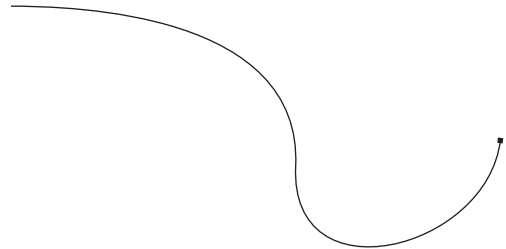


Chapter 3



THE AFRICAN APPROACH ON MIGRATION



Discussions of intra- and extra-continental migration are now on the agenda in Africa. ECOWAS and African Union initiatives are reviewed below followed by an overview of West African national migration policies (more extensive research is necessary¹). By observing the relations between actors in the African mobility system, it is possible to analyse the relative consistency of bilateral and regional goals and commitments. This information will be useful to understanding the issues involved in a common African approach on migration.

1 ECOWAS AND REGIONAL MOBILITY

The mission of the Economic Community of West African States (ECOWAS) is to promote integration in all of its areas of economic activity. The free movement of community citizens and their right of residence and establishment in another country other than their country of origin are part of this mission.² Since the 1990s, the political dimension of integration has also fallen under its purview. In order to strengthen the principle of supra-nationality, ECOWAS restructured its institutions beginning with the Secretariat, which was transformed into a Commission in 2005. Similarly, the establishment of common rules deviated from the inter-governmental method through conventions and protocols entering into force after national ratification. The new system foresees a series of community legislative acts,³ among which those of the Council of Ministers can be enforced and implemented directly in Member States. ECOWAS is the focal point of integration and co-operation initiatives in West Africa: economic partnership agreements with the EU, the implementation of NEPAD,⁴ etc.

1.1 Free Movement of Persons within the ECOWAS zone

In application of Article 27 of the Treaty establishing ECOWAS, Protocol A/P.1/1/5/79 confers upon community citizens the right to enter all Member States provided they possess travel documents⁵ as well as the right of entry, residence and establishment. The successive texts complementing the free movement regime are:

- Supplementary Protocol A/SP.1/7/85 on the code of conduct for the implementation of Protocol A/P.1/5/79;
- Supplementary Protocol A/SP.1/7/86 on the second phase (right of residence) of the aforementioned Protocol;
- Supplementary Protocol A/SP.1/6/89 amending and complementing the provisions of Article 7 of the aforementioned Protocol;
- Supplementary Protocol A/SP.2/5/90 on the implementation of the third phase (right of establishment) of the aforementioned Protocol.

These provisions apply to an area of traditional mobility where there is considerable cross-border movement by persons who often lack identity papers. Long-distance movements between complementary agro-economic zones are just as numerous and rooted in West African history (ECOWAS/SWAC 2006, Fall 2004, 2007). Confronted with this high degree of human mobility, the newly independent states attempted to regulate movement by applying strict border and migration controls. Having only just won national sovereignty, states were initially reluctant to fully implement the Protocol on the Free Movement of Persons according to schedule.

Indeed, the progressive implementation of the free movement regime should have been extended over a fifteen year period as soon as the Protocol entered into force. Even after the number of ratifications necessary to its application had been obtained, however, difficulties of application persisted, hindering effective movement. The decision to maintain and in some cases increase the number of border control posts (where different official languages are employed) impeded smooth movement. It encouraged administrative hassles and extortion in places where travelers often do not have a full understanding of their rights as ECOWAS citizens. The historical context in which the Protocol was approved also helps to explain its partial implementation, namely the economic recession affecting the main host countries such as Nigeria. In 1983, Nigeria expelled foreign workers, citing the clauses authorising the suspension of free movement. Other countries have also called upon these clauses: Liberia in 1983, Senegal in 1990, Benin in 1998 and Côte d'Ivoire in 1999 (Adepojou 2005 cited in Agyei & Clottey 2007). Moreover, delays in liberalising intra-regional commercial trade weakened the integration agenda, including that aspect of it concerning the "free movement of persons."

Finally, participation in several convergent initiatives and conflicts of interest between members of different regional groups have also been partly responsible for this situation. Nevertheless, in the last few years, several measures have been undertaken to try to make up for lost time, in particular:

- The harmonising of passports since 2000. Today, six countries use the regional passport: Burkina Faso, the Côte d'Ivoire, the Gambia, Ghana, Guinea, Niger, Nigeria and Sierra Leone.
- The creation of joint border posts since 2005, in co-ordination with WAEMU (→ [Box 3.1](#)). The most heavily trafficked of them – for example, the Aflao post between Ghana and Togo – are given priority for computer equipment.
- The organisation of training and awareness-raising workshops for border police and customs officers with funding from development partners.

Box 3.1

WAEMU and the free movement of persons

ECOWAS countries who are also members of the West African Economic and Monetary Union (WAEMU) are creating a common market based on the free movement of persons, goods, services and capital and the right of establishment of persons carrying out an independent or salaried activity (Articles 4, 91 and 92 of the WAEMU Treaty). These countries are Benin, Burkina Faso, Côte d'Ivoire, Guinea Bissau, Mali, Niger, Senegal and Togo.

In 2005, the Conference of WAEMU Heads of State and Government approved the progressive approach proposed by the Commission in view of the implementation of freedom of movement of persons, residence, provision of services and the right of establishment. This suggests the adoption of regional codes of freedoms and rights of movement as well as harmonisation measures. They concern four areas:

- Right of establishment for the freedom to carry out self-employed professions.
- Under equal conditions, access to higher education establishments.
- Establishing a community visa for nationals of countries outside the WAEMU or ECOWAS zones.
- Building control posts juxtaposed on both sides of the border of member countries.

In 2006, regulations were adopted on free movement and establishment of workers having specific professions (experts-accountants, pharmacists). In 2007, the building of joint border posts progressed in some border areas between Burkina Faso and Niger, Burkina and Togo, Burkina and Mali. Today, the Commission is working on a draft common policy in the areas of movement and stay of third country nationals.

See: www.uemoa.int/Publication/rapport%20activite%20UEMOA/Rapport2007Com.pdf

The free movement of persons is more and more often raised at ECOWAS Heads of State and Government summits as among the priority action areas for integration. The development of a common position on migration in keeping with the construction of the Euro-African partnership has contributed to reframing the debate by giving it a second wind. The absence of mechanisms suitable for controlling the infiltration of criminals into national territory, the lack of harmonisation among migration policies and legislation and the inadequate state of the infrastructure necessary if borders are to be “erased” are the main obstacles to the free movement of persons from the perspective of a regional approach to migration (Agyei & Clotey 2007).

1.2 ECOWAS’ common Approach on migration

The 33rd Summit of Heads of State and Government held in Ouagadougou, Burkina Faso on 18 January 2008 adopted the ECOWAS common approach on migration on the basis of a draft approved by the Council of Ministers in June 2007. The approach consists of two parts: the first is devoted to the legal framework and key principles; the second contains the “migration and development” action plan.

The influence of Europe, which is the main extra-continental destination of West African immigration, is obvious from the very outset of the document. Policy dialogue in keeping with the Cotonou Agreement between the EU and Africa, the Rabat Final Declaration and the Tripoli Declaration and Action Plan (→Chapter 2) are integral components of the legal framework as are the ad hoc resolutions and conventions of the United Nations.

The interconnection between regional and intercontinental migration dynamics/dimensions and the cause and effect relationship between migration and development in West Africa shape the fundamental principles of the approach, of which there are six:

1. Ensuring the free movement of persons as both a priority and driver of integration;
2. Promoting legal migration outside the region as a development factor;
3. Reducing human trafficking as a moral and humanitarian imperative;
4. Harmonising at three levels: bilateral agreements are to be consistent with community texts, economic, trade and development aid policies are to be consistent with migration policies of Northern countries; West African national migration management policies are to be consistent with sector development policies;
5. Protecting the rights of migrants, asylum-seekers and refugees;
6. Integrating the gender aspect of migration policies.

The Action Plan includes a series of measures putting these principles into practice. The direct link between migration and development emphasised in Tripoli is taken on board here to simultaneously address the two components and harmonise the corresponding policies. → [Box 3.2](#) presents the Plan in detail and shows the convergences and overlaps with the commitments made in Rabat and Tripoli. An ad hoc ministerial committee (still being assembled) will supervise the implementation of the common approach.

Box 3.2

Action Plan for the ECOWAS Common Approach on Migration

Free Movement

Implementation of the Protocol

Circulation and securing of ECOWAS travel documents; information, awareness raising, training and education on community citizens' rights and responsibilities with concerned officials and populations; ratification of United Nations-related conventions and lobbying EU countries for them to do the same; harmonisation of labour laws related to independent professions; eliminating administrative harassment on roads.

Operationalisation of regional cross-border co-operation funds

Financing of concrete mobility facilitation actions in border areas; supporting populations living along borders; facilitating good neighbourly relations.

Regional territorial planning strategy

Developing new growth areas in potentially attractive zones, improving infrastructure in the most disadvantaged zones.

Legal Migration

Regional and national pilot experience

Creation of receiving, information, orientation and support centres for potential migrants and returning migrants in view of their re-insertion; building ECOWAS' capacities to analyse and share information related to immigration and the return to country of origin.

Students and young professionals

Better access to higher education institutes in Africa, North America, Europe, Asia, etc.; facilitated return to country of origin for students upon completion of their education; exchange agreements in order to improve language and professional understandings, to acquire professional experience in another country with measures assuring return at the end of the stay; partnership between West African and global scientific and technical institutes; broadening the fields of study taking into account labour market needs; strengthening excellence and training centres for entrepreneurship and business development support structures.

→

Diasporas

Strategic thinking on capitalising on West African diasporas' competencies and financial resources; proposing joint actions to facilitate financial and investment remittances in zones of origin; diasporas' participation in development projects in these zones.

Policy Harmonisation*Monitoring migration and migration policies*

Create an observation and information system on: flows, instigating factors, regional socio-economic trends, migrant profiles.

International collaboration to harmonise migration and development policies

Broadening the competencies of mechanisms monitoring and clandestine migration by sea to protect and conserve water resources in West African territorial waters; taking into account the correlation between subsidised or used product exports and unemployment or under-employment.

Combating irregular migration and human trafficking*Irregular migration and trafficking*

Information and awareness-raising campaigns; reinforced co-operation at the regional level and between ECOWAS and receiving countries outside of West Africa (dismantling mafia networks, clandestine migration, logistical support and joint management of voluntary returnees); principle of returning irregular migrants respecting dignity and human rights; implement reinsertion measures for returning migrants; technical and financial co-operation for managing emergency situations; respect international commitments.

Strengthening dialogue with transit and receiving countries

ECOWAS framework for dialogue on combating irregular migration, repatriating and readmission in addition to bilateral agreements.

Strengthened capacity for managing migration

Training of national immigration services personnel; creation of digitised and shared databases; establishing an ECOWAS early warning system

Strengthening protection and assistance for trafficking victims

Law enforcement-related and legal co-operation; co-operation on border controls; ratification of the United Nations Convention on combating organised transnational crime; victim assistance and reinsertion projects; creation of national solidarity funds for victims; harmonisation of national legislation in accordance with international standards; co-operation for humanitarian assistance for trafficking victims in distress.

Migrants, asylum-seekers and refugees' rights*Protection of migrants' rights*

Integration policy for migrants and combating xenophobia; awareness-raising for the ratification of the United Nations Convention on rights of migrants and their families; regional monitoring mechanism of the implementation of this Convention.

→

Protection of asylum-seekers' and refugees' rights

Mechanism guaranteeing the right of residence and establishment in member countries for community national refugees.

Gender and migration

Integrating the gender aspect into migration policies; intensified training in entrepreneurship; eliminating illegal trade obstacles which disproportionately penalise women.

1.3 Dialogue with the EU

The process leading to adoption of ECOWAS' common approach was influenced by the follow-up to the Rabat Conference in which regular meetings were held between West African and European partners. Meeting in Madrid in June 2007, the two parties exchanged views on the progress of their respective approaches and agreed to facilitate the co-ordination of migration initiatives in order to assure success. In this way, they created a network of contact points in each country or organisation involved in the Euro-African partnership on migration.

The discussions were initially integrated into the work undertaken by the EU-ECOWAS Ministerial Troika. In October 2007, the Ministers present in Ouagadougou agreed to use ECOWAS' approach as a basis for further dialogue between Europe and West Africa beyond the commitments made in Rabat. They re-organised their co-operation by once again addressing certain areas of action set forth by the ECOWAS approach: migration and

In October 2007, the Ministers agreed to use ECOWAS' approach as a basis for further dialogue between Europe and West Africa beyond the commitments made in Rabat.



development, legal migration, undocumented migration, strengthening operational co-operation, migration and the diasporas and migration and gender. It would seem that the respective EU and ECOWAS approaches have evolved by reciprocally influencing

one another, at once at the level of each bloc and in relations between blocs.

Secondly, a joint EU-ECOWAS working group was created to facilitate political dialogue between the two parties and to act as a decision-making assistance mechanism for migration. It supports the Troika Ministerial and executes its decisions. Its specific objectives are: to analyse and address essential information for decision-making; the link between African and European expertise and the political level; the co-ordination and visibility of EU and ECOWAS initiatives vis-à-vis civil societies and other involved international entities; the proposal of concrete and detailed work programmes.

The Group's composition follows the structure of the EU-ECOWAS Troika Ministerial. Its participants are high-level civil servants involved

in and with expertise on migration issues. Yet its size can vary according to the issues under discussion. If need be, civil society representatives or specialised United Nations agencies may be invited. The Group organises ad hoc meetings outside of the Troika calendar. Decisions are made by consensus. The group will meet for the third time in May 2008 in Brussels.

2 THE AFRICAN UNION DRAWS ATTENTION TO THE CHALLENGE FOR DEVELOPMENT POSED BY MIGRATION

Since 2006, the AU has been considering developing an orientation framework for its member States' migration policies while at the same time participating in the UN initiatives and dialogue with the EU on "migration and development". An experts' meeting held in Algiers in March led to a common draft position statement that was ratified by the Heads of State and Government at the Banjul Summit in July 2006. African leaders presented it to their European partners during the Tripoli Ministerial Conference in December.

In its position statement, the African Union emphasised that it considers migration a major challenge for the continent over and above the migration and development agenda.⁶ In fact, it has become necessary to work towards better management and treatment taking account of stability and security, the rights of individuals and human resources (e.g. the brain drain). Migration has in this respect been the object of strategic thinking on the part of Pan-African institutions for fifteen years now.⁷

The AU identified nine themes, divided into sub-themes (AU 2006), in order to come up with recommendations that were specific enough to support regional and national policy reforms (→ [Box 3.3](#)). These guidelines are not restrictive but rather provide states with a framework for implementing measures that have already been advocated by other national, regional and international bodies.

The AU deemed it necessary to submit for member country approval certain priorities that diverged, at least partly, from those identified by the Euro-African partnership. Border controls, labour migration and the consequences of migration for security and stability, including extended forced displacement situations, were at the top of the list of Member States' concerns and priorities, reflecting the diversity of national perspectives among them. "Migration and development" was treated separately at the end of the document and was primarily concerned with the African

diaspora's contribution to economic growth, investment and business on the continent. The Framework proposed by the AU is an ambitious project because it seeks to bring migration policies up to international standards, harmonising them at the regional level and ensuring that they are consistent with all other government efforts at the domestic level. Although it presupposes a different approach, the Europe-Africa Strategy adopted in Lisbon (→ [Box 3.3](#)) supports the Framework's implementation. This was a success for the African Union, which was present at the Summit. Furthermore, the two agendas concur on the issue of capacity-building for national and regional structures involved in managing migration as well as on the importance of dialogue and partnership among all actors and levels concerned, from the local to the international.

Box 3.3

Themes, sub-themes and proposals for strategies to be implemented in the AU's guidelines

Labour Migration
<p><i>National policies, institutions and legislation</i> Ratification and implementation of ILO Conventions; harmonisation of labour and migration legislation, international recruitment and admission programme reforms, including social security issues for migrant labour; focal points on labour migration in all ministries concerned; promotion of equal opportunities; programmes targeting migration and gender, migration and spread of HIV/AIDS; promotion of social dialogue; quotas for migration of low-skilled labour from neighbouring countries; etc.</p>
<p><i>Regional co-operation and labour migration policies harmonisation</i> Permanent contact between countries of origin and destination to follow-up on migrant workers' living and working conditions; data collection, analysis and exchange; harmonisation of sub-regional policies/legislation on free movement and the right of residence; etc.</p>
<p><i>Labour mobility and regional economic integration</i> Implementation of free movement system in regional economic communities; labour exchange programmes</p>
Border Management
<p>Adoption of precise criteria and categories for admission, expulsion and grant of protection; border control and management technology optimisation, staff training; information campaigns targeting potential migrants; co-operation and co-ordination of judicial, customs and migration officers at the national level; regional and international co-operation for information sharing; etc.</p>

Irregular Migration

Clandestine migration

Ratification and implementation of ad hoc UN Conventions; regional counter-measures to dismantle organised crime networks and promote legal migration; regional consultative processes and national/regional policy harmonisation; joint border control between neighbouring countries; information sharing; etc.

Human trafficking

Reform and strengthening of legislation by incorporating ad hoc UN Conventions; capacity-building and information campaigns targeting vulnerable groups; physical and legal protection of victims and pursuit of traffickers and their accomplices.

Return and readmission

Procedures and standards coherent with international legal instruments concerning return, readmission and reintegration; protection of migrants' rights in case of forced return; facilitation of voluntary return; regional/international return and readmission agreements; readmission commissions to assist in reintegrating repatriated migrants; etc.

Security and Stability

National and international efforts to curb illegal cross-border flows; strengthening conflict prevention and management mechanisms.

Forced Displacement

Refugees and asylum seekers

Ratification and implementation of ad hoc UN Conventions; capacity-building of officials involved in the identification, protection and assistance of asylum seekers; governmental focal points for mass migration flow management; local protection capacity-building; information and awareness raising against xenophobia; bilateral co-operation; etc.

Internally displaced persons

Ratification and implementation of ad hoc international instruments; collaboration with specialised international agencies for the protection of and assistance to internally displaced persons; mobilisation of resources to strengthen the concerned national bodies; etc.

Prolonged displacement

Improvement of refugees' capacity to meet their own needs (access to employment and land, free movement, socio-economic rights); education and training ensuring their integration into the host communities/reintegration in their own countries; global and integrated approach based on international solidarity and cost sharing in order to guarantee voluntary return, local integration or re-settlement; environmental protection programmes; etc.

→

Crisis/conflict prevention, management and resolution

Diplomatic initiatives and international co-operation; integrated migration policies based on ad hoc provisions of regional crisis prevention, management and resolution mechanisms; post-conflict reconstruction; early warning system for conflict-related mass population flows; disarmament, demobilisation and reintegration of former combatants.

Migrants' rights

Policies and legislation

Strengthening of national systems, including through the harmonisation of national policies with the international migrants' protection system; fair treatment of detained migrants; equal access to justice; integration strategies; information campaigns; facilitation for the establishment of migrants' associations; etc.

Non-discrimination

Ratification and implementation of ad hoc international instruments; raising awareness of personnel concerned with migrants' rights and gender issues; etc.

Integration and reintegration

Fair treatment of migrants; equal access to education, training and economic opportunities for migrants' children, their naturalisation and facilitation of family reunification; bilateral programmes between countries of origin and destination; etc.

Stateless persons

Reform of nationality laws; etc.

Internal Migration

Combating poverty and environmental degradation; information to potential migrants.

Data and Statistics

Collection and analysis

Ad hoc legislation; national co-ordination; mobilisation of international funds; digitisation of files in embassies and consulates; implementation of NEPAD's priority area of new technologies.

Regional data exchange

Development of regional data collection and processing standards; regional information sharing and good practices' exchange forum; etc.

Migration and Development

Collaboration with the African diaspora

Mobilisation of international partnerships to strengthen links between the diaspora and Africa; political, social and economic incentives for returnees; African database on the diaspora; North-South and South-South partnership; incorporation of documents negotiated with financial backers (annexes on migration and development in strategic poverty reduction documents) in national development plans; etc.



Brain drain

Implementation of NEPAD's human skills retention goal; facilitation of circular migration at regional level; better private sector opportunities; etc.

Transfer of funds

Ad hoc policies for attracting investments; financial sector reforms; post office network and credit institution strengthening support (in rural areas); collaboration with all stakeholders, including funding agencies, to facilitate investments in productive sectors; quality improvement of data available; etc.

Inter-State and Inter-Regional Co-operation

Harmonisation of laws, standards and procedures, pooling of information and data, and efficient use of these resources; migration and forced displacement considered as integral parts of Africa's security and development agenda; Euro-African partnership; etc.

Other social issues to take into consideration

Migration, poverty and conflict

Management of the deeper causes of migration; environmental protection; promotion of democracy; strengthening of African conflict prevention, management and resolution mechanisms; etc.

Migration and health

Equal access of migrants and forcedly displaced persons to the health systems of host countries; implementation of ad hoc regional strategies; reinforcing knowledge; harmonisation of migration and health policies; etc.

Migration and environment

Taking environmental issues into consideration in migrants' management; environmental protection programmes.

Migration and labour movement

Facilitation of short-term skilled migration; regional and inter-continental co-operation; implementation of the WTO agreement's ad hoc provisions; relevant training to officers in charge of migration and labour movement, etc.

Migration and gender

Protection of migrant women's rights; combating trafficking and trading; raising awareness regarding gender issues in addressing migration.

Migration, children and youth

Protection of children's rights by ratifying the ad hoc implementation of UN Conventions; equal access to the health system, education and housing; link between migration and family legislation; exchange programmes for African integration.

Migration and senior citizens

Protection of their rights; access to pension; training, resettlement and family reunification.

MIGRATION FROM THE PERSPECTIVE OF WEST AFRICAN STATES

In 2003, 38 of Africa's 53 countries did not have specific policies regulating immigration and 43 did not have a voluntarist policy with regard to emigration (UNDESA 2004). In West Africa, very few States had well-defined migration policies, which are moreover unevenly implemented from one country to the next (IMI 2007). Domestically, these policies may fall under the purview of different ministries, departments or agencies or, in some cases, several institutions at the same time, leading to problems in co-ordination and the likelihood of competition in their implementation (Agyei & Clottey 2007). In Burkina Faso, for instance, the Ministry of Labour, Employment and Youth Affairs is responsible for emigration

How do bilateral agreements influence the implementation of the regional free movement system and the migration dynamics observed on the ground?



controls, the Ministry for Territorial Administration and Decentralisation for managing all migration issues while the Ministry of Foreign Affairs and Regional Co-operation is in charge of promoting integration, including

the free movement of persons and the strengthening of institutions such as ECOWAS.⁸ There is a shortage of readily available information concerning the distribution of authority regarding migration in each country and this undermines co-ordination, not only at the national but also the regional level.

Upon gaining independence, some West African states promulgated laws governing the entry, stay and settlement of foreigners within their territory or tackled the issue through labour legislation. Since the phenomenon of conflict-related, forced displaced persons emerged in the 1990s, the most affected countries (Mali, Niger, the Côte d'Ivoire, Senegal, Ghana, etc) adopted ad hoc legislative measures consistent with international standards. The → [Table 3.1](#) below lists some recent and less recent national laws in force. According to information made available by the ILO, Ghana is the only country to have adopted a global law on migration since 2000. However, in 2007 Agyei & Clottey underscored the fact that this law did not have any specific provisions for ECOWAS nationals, thereby failing to link migration management with the regional integration process.

Table 3.1

Legislation concerning migration in some West African countries⁹

Benin	Labour Law, Act no. 98-004 of 27 January 1998 Act no. 86-012 of 26 February 1986 on regulations concerning foreigners in the People's Republic of Benin
Burkina Faso	Decree no. 2007-308/PRES/PM/MAECR of 24 May 2007 on the creation, attributions, organisation and operation of the High Council for Burkina Faso nationals abroad Labour Law, Act no. 98-750 of 23 December 1998
Cameroon	Act no. 2005-006 of 27 July 2005 on the status of refugees 2000/286 Decree of 12 October 2000 specifying the conditions of entry, residence and departure of foreigners in Cameroon Labour Law, Act no. 92-007 of 14 August 1992
Chad	Act no. 038/PR/96 of 11 December 1996 on the Labour Law
Côte d'Ivoire	Act no. 2002-003 of 3 January 2002 related to the identification of persons and stay of foreigners in Côte d'Ivoire
Ghana	Regulation on Immigration 2001 (l.i. 1691) Act on Immigration no. 573, 2000-02 Act on refugees no. 305D, 1992
Guinea	Order no. 054/PRG/SG/87 of 22 July 1987 on the conditions of entry and residence of foreigners in the Republic of Guinea
Mali	Act no. 04-058 of 25 November 2004 related to the conditions of entry, stay and settlement of foreigners Act no. 98-040 of 20 July 1998 on the status of refugees Act no. 92-020 of 18 August 1992 on the Law in the Republic of Mali
Mauritania	Decree no. 36-89 of 15 June 1989 on the establishment of a High Commission for Employment and Reintegration Decree no. 74-92 of 19 April 1974 establishing the conditions of employment for foreign labour and instituting a work permit for foreign workers
Niger	Act no. 97-16 of 20 June 1997 on the status of refugees Act no. 33/CN of 31 October 1991 on the creation of a Higher Council for Overseas Nigerians
Nigeria	Act no. 52 of 1989 (ch. 244) on the National Refugee Commission Regulation on Immigration, l.n. 93 of 1963

→

Senegal	<p>Decree no. 2003-291 of 8 May 2003 on the establishment of a National Committee for the Management of Refugees, Repatriates and Displaced Persons</p> <p>Act no. 97-17 of 1 December 1997 on the Labour Law</p> <p>Decree no. 91-041 of 16 January 1991 on the establishment of an Emigrants' Policy Co-ordination Committee</p> <p>Act no. 71-10 of 25 January 1971 related to the conditions of entry, stay and settlement of foreigners</p>
Togo	Act no. 19 of 29 December 2000 on the status of refugees in Togo

Source: Natlex, ILO Database and Droit-Afrique (African Law) online portal.

According to these authors, though West African states do not have official migration policies, they display a general tendency in favour of restricting immigration that runs counter to the spirit of the Protocol on Free Movement they had nevertheless signed. One reason for this is the difficulty of extending to foreigners social protections that, due to limited financial resources, are already scarcely available to nationals. States thus prefer to regulate issues related to free movement, labour recruitment, conditions of residence and social protection reciprocity for foreigners in a bilateral manner. Some agreements have been listed by the ILO and are set out below in chronological order. Although they may be rather old and only cover labour migration, they clearly describe existing migratory relations among West African countries and between those countries and their North African counterparts.

- Agreement between Burkina Faso (then Upper Volta) and the Côte d'Ivoire on hiring and employment conditions for Upper Volta labourers, 1961.
- Agreement on the settlement and movement of persons between Burkina Faso and Mali, 1969.
- Agreement on the employment and residence of Mauritanian workers in Senegal and Senegalese workers in Mauritania, 1972.
- Agreement on the movement, employment and residence of Congolese workers in Senegal and Senegalese workers in the People's Republic (now Democratic Republic) of Congo, 1974.
- Agreement between Burkina Faso and Gabon on technical co-operation on labour issues, 1974.
- Agreement on the settlement and movement of persons between Niger and Libya, 1988; and
- Agreement on labour and the use of human resources between Algeria and Mauritania, 2004.

Over the years, these agreements have been suspended then re-instituted depending on the needs, national economic and political

conditions and the state of relations between the parties (e.g., agreements between Burkina Faso and the Côte d'Ivoire on the recruitment of foreign labour⁷⁰). How do bilateral agreements influence the implementation of the regional free movement system and the migration dynamics observed on the ground?

This question is of great relevance today, with new agreements under discussion between African countries, not only with regards to labour migration but also concerning readmission and the fight against unauthorised migration. Information on their content and the manner in which they are being implemented by the countries concerned is scarce and difficult to trace. However, such information is of strategic importance in order to have complete view of the constraints and opportunities associated with the implementation of the free movement regime and a common regional approach to migration.

The final observation concerns the changing attitudes of national governments in regards to the need for a proactive approach to migration management. Since the UN published the results of its Survey on Migration in 2004, West African States have become increasingly involved in this issue. Restrictive measures have been succeeded by a clear desire to fully manage the phenomenon in keeping with the "migration and development" perspective. In the end, the current situation seems at times to work in favour of a regional migration management system, and at times against it.

It works in the regional system's favour when migration issues are incorporated into the regional integration agenda pursued by the states as a strategy for optimally integrating Africa into the globalisation process. But it goes against it when West African States consider it preferable and advantageous to negotiate their migration policies mostly or even exclusively with their European partners. If the discussion takes the form of negotiations between quotas, readmission and development aid, this situation is likely to give rise to a form of competition vis-à-vis their European interlocutors to the detriment of co-operation among neighbouring countries.

SEVERAL KEY FACTORS OF REGIONAL AND NATIONAL APPROACHES

Over the last few years, several attempts have been made at the continental, regional and national levels to regulate migratory dynamics in Africa. They have sought to create systems capable of addressing both the historical characteristics of migration (its circularity, extensive and informal character, the co-existence of individual and group migration decisions, both short and long distance, rapid directional changes depending on opportunities, etc) and more recent issues (prolonged, forced, mass displacement, integration of second or third generation migrants in host societies, etc.). Whereas ECOWAS underscores linkages between migration, development and regional integration in the implementation of its approach, the African Union and national states tend to be more sensitive to the security and stability issues raised by human mobility.

Although the different actors' perspectives are not identical, the approaches developed at the pan-African, regional and national levels have three factors in common:

- The role of European partners – both collectively under EU leadership and/or individually through their political and economic ties with Africa – in defining the measures to be prioritised and their funding.
- The importance given to harmonising policies: a) within African governments among different sector policies; b) among member countries of regional co-operation and integration institutions with regards to national migration management systems; and c) on the part of partners in the North in their global relations with third countries.
- The commitment to dialogue, partnership, co-ordination and collaboration among all stakeholders. Since 2005, this has been evident from the frequency with which various meetings on the subject, in Europe and Africa, have brought together representatives from both continents.

Migration is therefore at the forefront of Africa's political agenda, just as it is in other international contexts. In this framework, the system of governance for African and Euro-African migration management regimes urgently needs to be discussed if the commitments that have been made and the approaches agreed upon are to last. The meagre input of civil society to the debate and the persistent imbalance between the parties involved is nevertheless to be regretted.

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- 1 *Furthermore, this strategic thinking is in line with the objectives of the "West African International Migration Observatory" programme for renewed co-operation between West Africa and the European Union, co-ordinated by IRD (EuropeAid/124151/C/ACT/Multi).*
- 2 *Created in 1975, its member States are Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, the Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo. The free movement of goods and persons is among the fundamental principles governing co-operation among member countries, the others being equality, inter-dependence, solidarity, collective autonomy, co-operation, harmonisation, economic integration, non-aggression, maintenance of peace, respect, protection and promotion of human rights, economic and social justice, the promotion and strengthening of democracy.*
- 3 *Additional acts, regulations, guidelines, decisions, recommendations and opinions.*
- 4 *See: www.nepad.org/2005/fr/home.php. Integration and regional co-operation, thus free movement, are considered priorities as they contribute to establishing favourable conditions for sustainable development and poverty reduction.*
- 5 *Valid travel documents and health certificates provide the entry right without a visa and to stay for a maximum of 90 days in a member country. A state however has the right to deny entry to a community citizen if this citizen is considered inadmissible according to the laws of the country.*
- 6 *There are 50 million African migrants out of a total of 200 million; 50% of internally displaced persons are displaced in an African country and 28% of refugees in the world are Africans. See www.africa-union.org/root/au/Conferences/Past/2006/April/SA/Apr5/meeting_fr.htm.*
- 7 *E.g.: Abuja Treaty in 1991, urging the implementation of free movement, the Durban Conference on Security, Stability, Development and Co-operation in Africa in 2002, the AU's work with the African diaspora, NEPAD, etc.*
- 8 *www.primature.gov.bf/gouvernement/attributions.php#mae.*
- 9 *Furthermore, this strategic thinking is in line with the objectives of the "West African International Migration Observatory" programme for renewed co-operation between West Africa and the European Union, co-ordinated by IRD (EuropeAid/124151/C/ACT/Multi).*
- 10 *On 22 February 2008, the Burkina Faso Minister for Foreign Affairs and Regional Co-operation visited Côte d'Ivoire to discuss the conditions necessary for re-instating their bilateral co-operation. The free movement of persons and goods between the two countries was one of the items on their agenda. See www.lefaso.net/spip.php?article25754.*

ANNEXES

Annex I contains graphs and bar charts using data from OECD statistics. It is important to take into consideration that data collection and compilation of migration inflows varies and is specific to each country. However, the major trends become evident. → [Figures I.1–I.10](#)

Annex II sets out a chronology of significant events and meetings that occurred in 2005 (the tragic incidents in Cueta and Melilla). The human and above all security dimensions will henceforth be extremely important in the “management” of migration issues.

Figure I.1

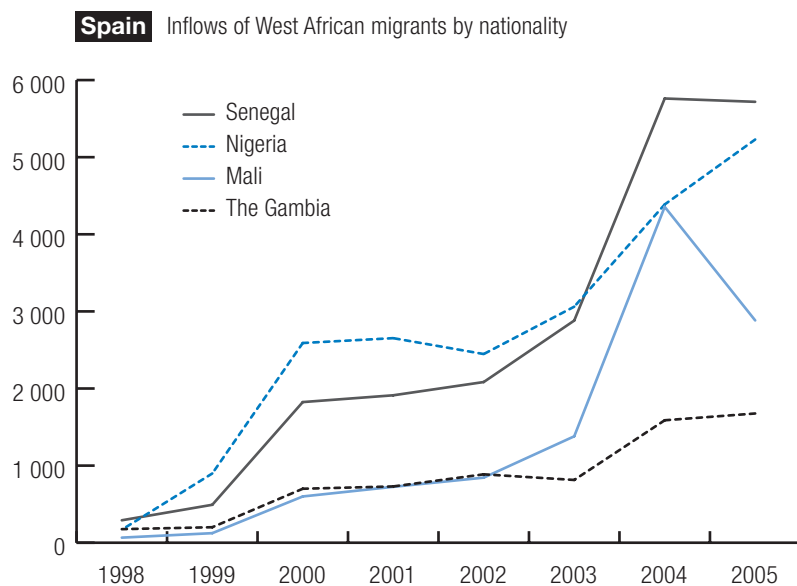


Figure I.2

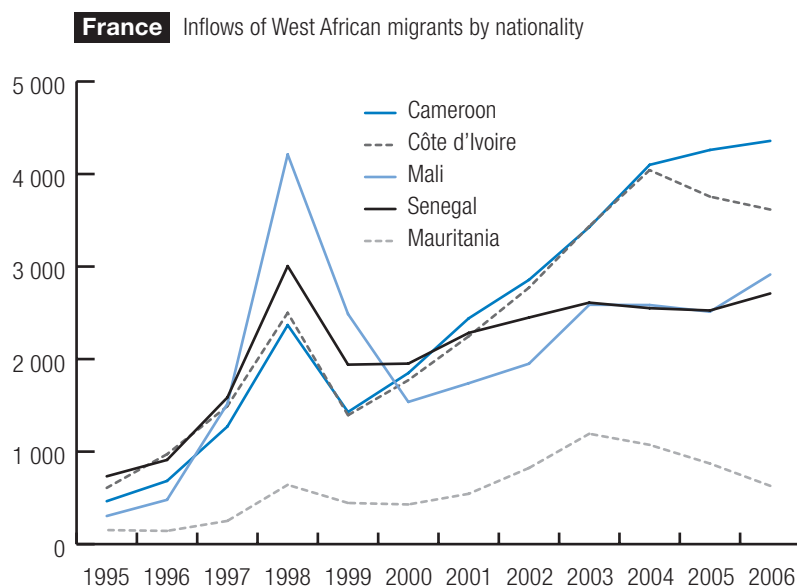


Figure I.3

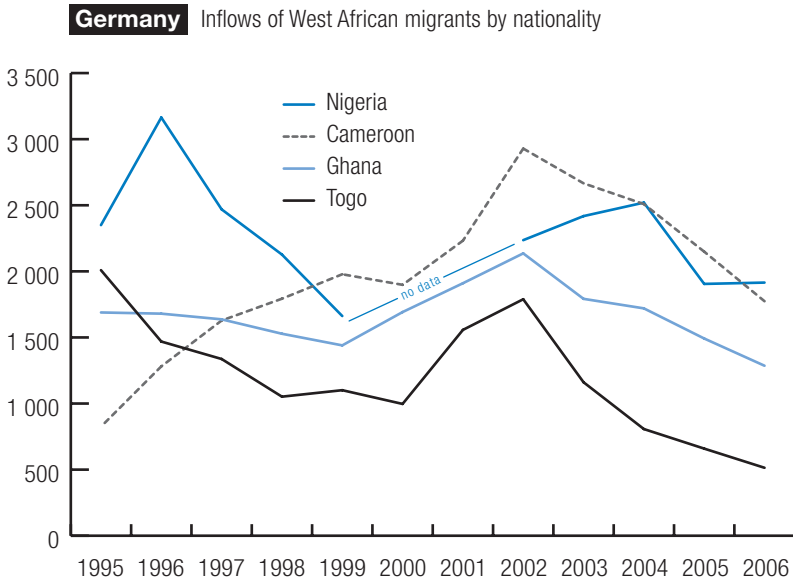


Figure I.4

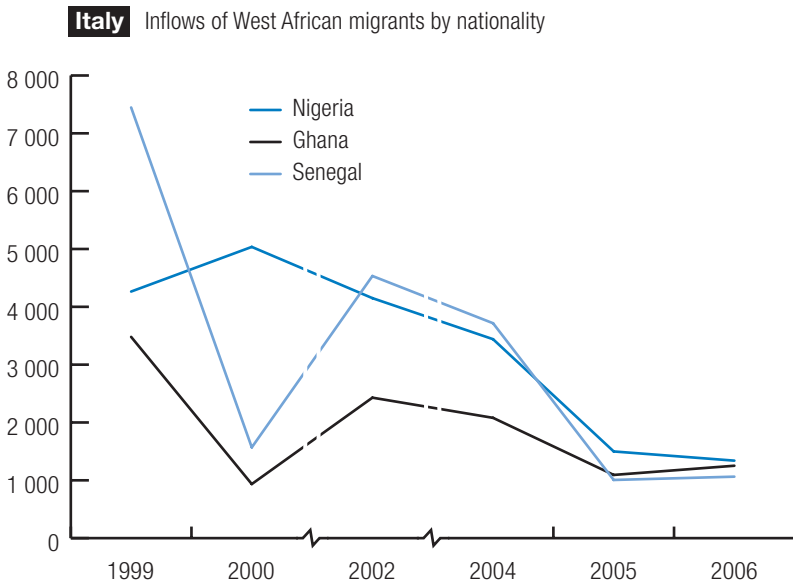


Figure I.5

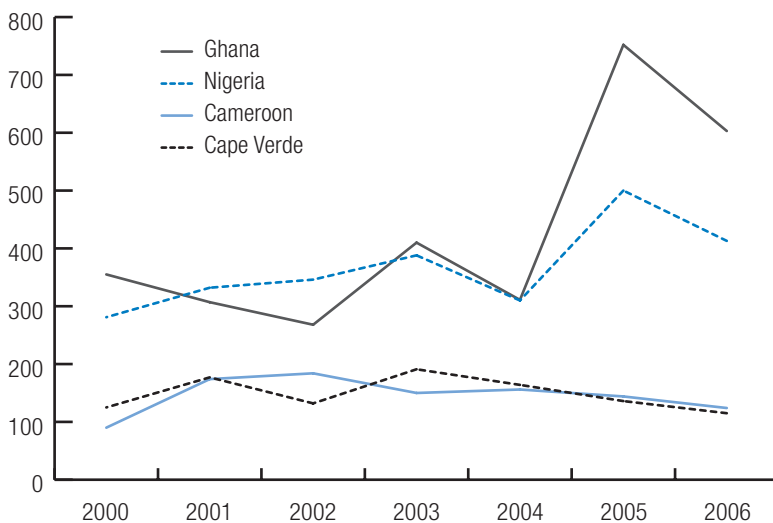
Netherlands Inflows of West African migrants by nationality

Figure I.6

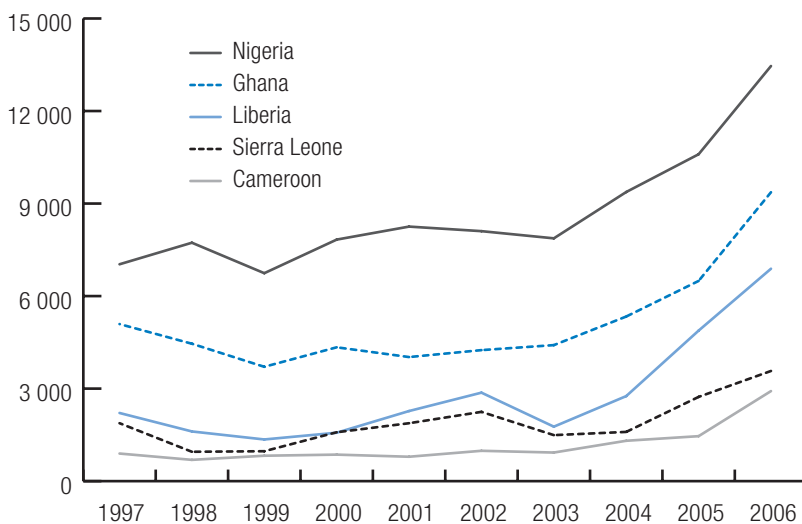
USA Inflows of West African migrants by nationality

Figure I.7

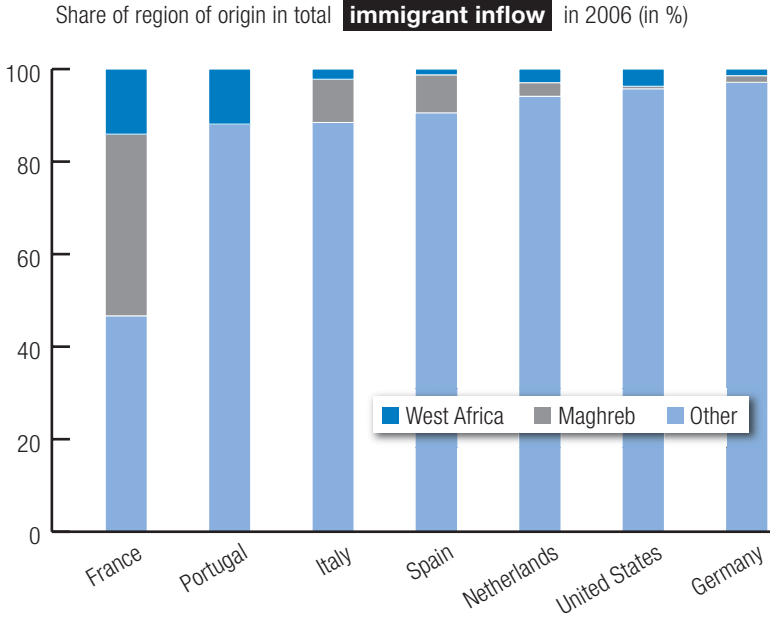


Figure I.8

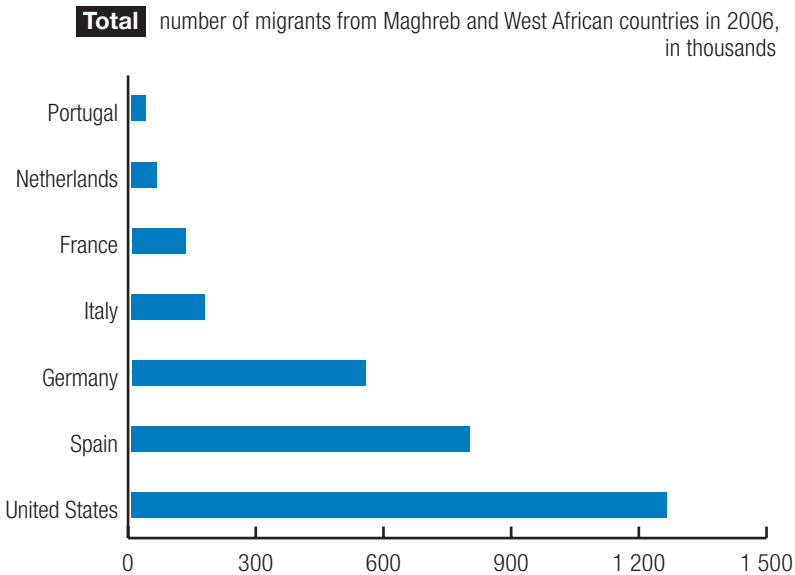


Figure I.9

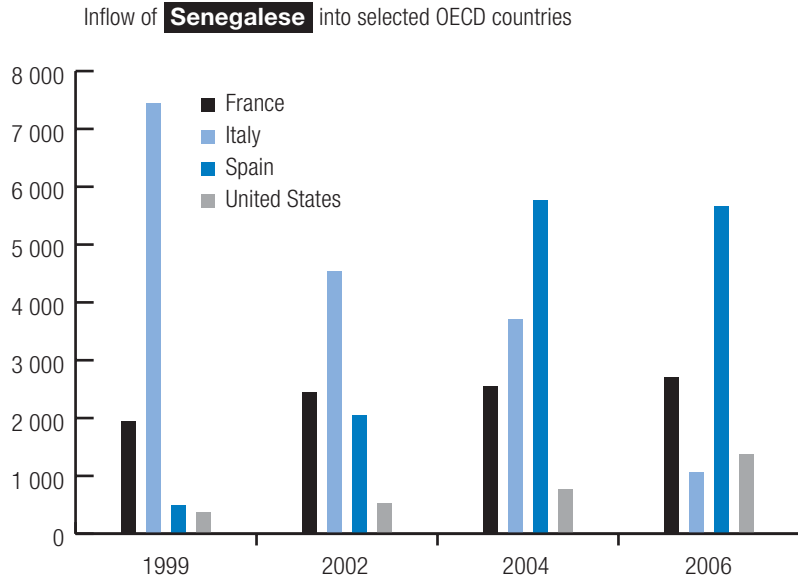
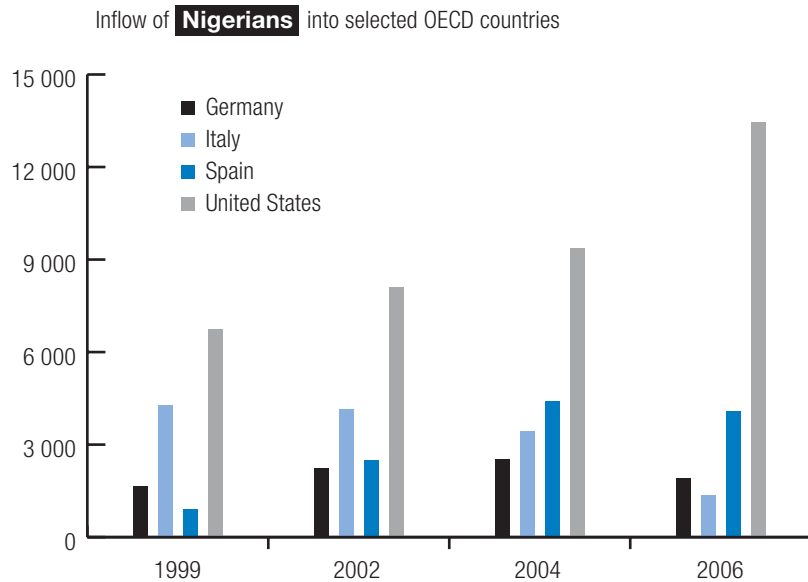


Figure I.10



Chronology¹

Global approach to Migration

2005

September

Hundreds of immigrants try to enter the territories of Ceuta and Melilla.

→ For four days hundreds of immigrants, mainly young men from Sub-Saharan Africa who would do anything to get to Europe, try to enter the Spanish cities of Ceuta and Melilla.

October

European leaders meet informally to try and respond more effectively to the problems of migration.

→ On 27 October EU leaders meet at Hampton Court (UK) to discuss the growing problem of illegal immigration and the urgent need to take action, not least to prevent the loss of human life among illegal immigrants.

→ Recognising the need for EU intervention, given the increasingly strong public interest in these issues, they call for action and dialogue in a spirit of partnership between all the countries involved (in particular the countries of North and Sub-Saharan Africa).

November

Communication from the Commission to the Council and the European Parliament – Priority actions for responding to the challenges of migration – First follow-up to Hampton Court

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005DC0621:EN:NOT>

December

The European Council adopts the Global Approach to Migration

Brussels European Council, 15 – 16 December 2005, 15914/1/05 REV1
www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/87642.pdf

Focusing on Africa and the Mediterranean, this approach aims to implement comprehensive and coherent actions, recommending in particular:

→ cooperation with third countries and regional organisations in all related areas (legal and illegal immigration, development, refugee protection, human trafficking);
 → coordination of different policies: external affairs, development, employment, justice and interior affairs.

The approach assumes:

→ strengthened cooperation between EU Member States;
 → a dialogue with Africa;
 → a dialogue with neighbouring countries in the Mediterranean region.

2006

January

Work starts on implementing the plan.

European Commission, EU Member States, Frontex, Europol, international organisations (UNHCR, IOM).

May

Immigration is one of the main items discussed at the Ministerial Troika Meeting between the Economic Community of West African States (ECOWAS) and the EU. A joint working group on migration is set up.

www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/er/91464.pdf

May

The Commission initiates a bilateral dialogue with Mauritania and Senegal on the basis of Article 13 (Migration) of the ACP-EC Cotonou Agreement.

- The Commission establishes a bilateral dialogue with priority countries of Sub-Saharan Africa. Meetings are held in Mauritania and Senegal in May and in Mali in September. Similar meetings are planned with other African countries to review all migration issues relevant to the EU and Africa.
- The dialogue on immigration continues within the framework of the regular political dialogue between the local missions of the Commission and the authorities of the countries concerned.
- EU Commissioner Frattini travels to Libya to explore opportunities for dialogue and cooperation on migration issues.
- There is an improvement in dialogue and cooperation between the EU and North African countries, including Morocco, Algeria and Libya, which are important transit countries.
- Libya, which is recognised as an important partner in migration issues, invites a team of experts to visit its southern borders. Later in the year Libya hosts the EU-Africa Ministerial Conference on Migration and Development.

June

Euromed Ministerial meeting on migration.

- An agreement is reached to gather information on projects and best practices regarding legal and illegal immigration, migration and development, human trafficking and return issues, to enable the Commission to draw up a more detailed plan of action.

As of June

Networks of Immigration Liaison Officers are established along four key migration routes.

- The network of Immigration Liaison Officers will be linked to the migration routes initiative.
- The network will cooperate with EU Member States, Frontex [www.frontex.europa.eu], Europol [www.europol.europa.eu] and the Commission delegations in African countries to establish an information system on illegal immigration and human trafficking.
- Regional networks of Immigration Liaison Officers are established along the four specified key migration routes.
- The Liaison Officers are to draw up reports on illegal immigration and formulate concrete recommendations to increase cooperation along migration routes.
- Each regional network has a Member State named as leader: Spain, Portugal, France, Italy and the United Kingdom. Each of these countries organises regional meetings to draw up operational plans of action for each route.

*July***The Commission proposes the creation of Rapid Border Intervention Teams.**

→ Managed by Frontex and made up of national experts from various EU Member States, these Intervention Teams can supply rapid technical and operational assistance in case of a mass influx of immigrants. Regulation (EC) No 863/2007
<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32007R0863:EN:HTML>

*July***Participants in the Euro-African Ministerial Conference held in Rabat focus on the western and central migration routes that cross Africa towards Europe.**

www.maec.gov.ma/migration/En/documentation.htm

→ The participants [www.maec.gov.ma/migration/En/participants.htm] agree to look at these migration routes together and to adopt concrete proposals of cooperation [www.realinstitutoelcano.org/materiales/docs/RabatDeclaration_ActionPlan.pdf] between the countries of origin, transit and destination along specific migration routes.

→ A budget of 2.45 million Euros is allocated to Mauritania to finance measures related to the rapid reaction mechanism.

The measures relate, among others, to:

- capacity building in the areas of detection (patrol boats) and arrest (staff training);
- humane detention conditions and return of migrants;
- re-examining current legislation;
- raising awareness;
- supporting the new Mauritanian unit responsible for immigration.

→ Frontex presents a feasibility study concerning a Mediterranean Coastal Patrol Network [www.europa.eu/rapid/pressReleasesAction.do?reference=MEMO/06/454&format=HTML&aged=1&language=EN&guiLanguage=en] (MEDSEA).

→ MEDSEA studies the possibility for a central command structure in the Mediterranean and recommends the establishment of national coordination centres in the EU Member States.

→ A second study concerning the technical feasibility of a surveillance system for the southern maritime borders of the EU and Mediterranean (BORTEC) is completed in December 2006.

Summer

Frontex coordinates joint operations in the Mediterranean and Atlantic for the surveillance of the southern maritime border of the EU and saving illegal immigrants in danger of dying at sea.

Operations include:

→ joint operations off the Atlantic coast of North Africa during the summer to offer operational assistance to Spain (patrols and humanitarian aid);

→ Hera I and Hera II in the Canary Islands: granting technical assistance to Spain to organise the return of identified illegal immigrants and establish joint patrols. Several EU Member States participate in these operations;

→ joint patrols in the Mediterranean (southern Sicily, Lampedusa and Malta).

*September***United Nations High-Level Dialogue on International Migration and Development in New York.**

www.europa-euun.org/articles/en/article_6221_en.htm

This dialogue :

- strengthens links between migration policy and development policy;
 - endorses the idea of a Global Forum on Migration and Development.
- The Commission contributes a communication on EU policies.

*November***The first EU-Africa Ministerial Conference on Migration and Development takes place in Tripoli.**

http://ec.europa.eu/justice_home/doc_centre/immigration/docs/AU-UE-22.11.06.pdf

At this conference the EU and Africa agree to:

- cooperate in the management of migratory flows in a spirit of mutual partnership and shared responsibility;
- commit to a partnership between countries of origin, transit and destination;
- make political commitments and take concrete actions, in the knowledge that appropriate policy responses can best be found together;
- take measures in the areas of migration and development, management of migratory flows, peace and security, human resources and the brain drain, human rights and the well-being of the individual.

*30 November***Communication from the Commission to the Council and the European Parliament – The Global Approach to Migration one year on: Towards a comprehensive European migration policy**

<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52006DC0735:EN:NOT>

In summary:

- Significant progress has been made with African countries and regional organisations on migration issues. Discussions could also be undertaken with other regions (Eastern Europe, Latin America and Asia).
- Proposals include strengthening the dialogue and cooperation with Africa on all migration issues: legal and illegal immigration, improved refugee protection, strengthening of links between migration policy and development policy. Specific proposals include Migration Support Teams, the European Job Mobility Portal, migration centres and Mobility Packages.

2007*April***The joint ECOWAS-EU Working Group on Migration meets in Luxembourg alongside the ECOWAS-EU Ministerial Troika Meeting**

www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/er/93800.pdf

- A dialogue with the key African countries involved is launched in accordance with Article 13 of the Cotonou Agreement.

16 May

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on circular migration and mobility partnerships between the European Union and third countries

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007DC0248:EN:NOT>

→ The Commission proposes new measures for incorporating legal migration opportunities into the EU's external policies and presents means to facilitate and encourage circular and temporary migration. The communication underlines the need to improve mobility between the EU and third countries and better adapt to the EU's labour needs. It proposes establishing tailor-made mobility partnerships with countries and regions of origin and transit.

16 May

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Applying the Global Approach to Migration to the Eastern and South-Eastern Regions Neighbouring the European Union

[http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007DC0247R\(01\):EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007DC0247R(01):EN:NOT)

→ The communication widens the geographical scope of the Global Approach to Migration and presents recommendations for improving dialogue and cooperation with the countries concerned.

October

EU-ECOWAS Ministerial Troika Meeting

www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/er/96478.pdf

November

First Euro-Mediterranean Ministerial Meeting on Migration

www.eu2007.pt/NR/rdonlyres/8D86D66E-B37A-457E-9E4A-2D7AFF2643D9/0/20071119AGREEDCONCLUSIONSEuromed.pdf

December

EU Africa Summit

www.eu2007.pt/NR/rdonlyres/BAC34848-05CC-45E9-8F1D-8E2663079609/0/20071208LISBONDclaration_EN.pdf

→ The declaration affirms cooperation between the EU and Africa, also in the area of immigration, and outlines the cooperation and processes in progress (see above the EU-Africa Ministerial Conferences held in Tripoli and Rabat) in a general political framework. The concrete actions are outlined in the Joint Strategy.

www.eu2007.pt/NR/rdonlyres/D449546C-BF42-4CB3-B566-407591845C43/0/071206jsapenlogos_formatado.pdf

5 December

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – *Towards a Common Immigration Policy*

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007DC0780:EN:NOT>

10 December

Council Conclusions on mobility partnerships and circular migration

www.eu2007.pt/NR/rdonlyres/4B8B3D1F-86EA-4591-93ADC09DAAD6D42E/0/97508.pdf

→ The Council invites the Commission and Member States to finalise pilot mobility partnerships with Cape Verde and Moldova.

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www.cespi.it/home.html
- Centro Studi Immigrazioni – CESTIM
www.cestim.org/

- Consortium for Applied Research on International Migration
www.carim.org/
- Courrier international
www.courrierinternational.com/
- (The) Development Research Centre on Migration, Globalisation and Poverty – University of Sussex
www.migrationdrc.org/
- ECOWAS
www.ecowas.int/
- Equality and Human Rights Commission – United Kingdom
www.equalityhumanrights.com/en/Pages/default.aspx
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<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52006DC0735:fr:NOT>
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- European Council
www.coe.int/t/F/Coh%E9sion_sociale/Migrations/welcome2.asp#TopOfPage
- European Council on Refugees and Exiles
www.ecre.org/
- European Foundation for the Improvement of Living and Working Conditions
www.eurofound.europa.eu
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www.diplomatie.gouv.fr/fr/europe_828/union-europeenne-monde_13399/politique-migratoire_14603/conference-euro-africaine-rabat-10-11.07.06_38190.html
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www.integrationindex.eu/
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- OECD – Directorate for Employment, Labour and Social Affairs
http://www.oecd.org/departement/0,3355,en_2649_33729_1_1_1_1_1,00.html
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<http://www.ilo.org/public/english/protection/migrant/>
- Parlamento italiano
www.parlamento.it/leggi/02189l.htm
- Platform for international Cooperation on Undocumented Migrants
www.picum.org/
- Plate-forme migrants et citoyenneté européenne
www.pmc-europe.info/component/option,com_frontpage/Itemid,1/
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www.sudonline.sn/spip.php?article7635
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www.sussex.ac.uk/migration/
- UNDESA – High-level Dialogue on International Migration and Development
www.un.org/esa/population/migration/hld/index.html
<http://www.un.org/migration/>
www.un.org/esa/population/publications/ReplMigED/migration.htm
- United Nations – Development Policy and Analysis Division
www.un.org/esa/policy/wess/index.html
- World Bank
www.worldbank.org/

Electronic Resources by country

Belgium

www.belspo.be/belspo/home/publ/pub_ostc/agora/ragee058_fr.pdf
www.migrationinformation.org/Profiles/
www.belgium.be/eportal/application?pageid=charterPodPage&navId=30523&languageParameter=fr

Canada

www.cic.gc.ca/francais/ausujet/immigration/index.asp
www.migrationinformation.org/Profiles/

France

www.premier-ministre.gouv.fr/chantiers/immigration_865/
www.vie-publique.fr/th/acces-thematique/immigration.html
<http://lesrapports.ladocumentationfrancaise.fr/BRP/074000232/0000.pdf>

Germany

www.auswaertiges-amt.de/diplo/fr/WillkommeninD/EinreiseUndAufenthalt/Zuwanderungsrecht.html
www.migrationinformation.org/Profiles/

Italy

www.interno.it/mininterno/export/sites/default/it/temi/immigrazione/
www.migrationinformation.org/Resources/italy.cfm

Netherlands

www.ind.nl/EN/
www.migrationinformation.org/Resources/netherlands.cfm

Portugal

www.acime.gov.pt/
www.migrationinformation.org/Profiles/display.cfm?ID=77

Spain

<http://extranjeros.mtas.es/>
www.migrationinformation.org/Profiles/

United Kingdom

www.ind.homeoffice.gov.uk/
www.bia.homeoffice.gov.uk/

United States

www.dhs.gov/ximgtn
www.migrationinformation.org/Resources/unitedstates.cfm

 GLOSSARY¹

Alien: A person who is not a citizen of the country in which he or she lives. A “legal alien” is someone who lives in a foreign country with the legal approval of that country. An “illegal alien” (or undocumented alien) is someone who lives in a foreign country without the legal approval of that country. A distinction is made between illegal immigrants and illegal aliens; the former being someone who wishes to settle permanently in the new country. A distinction is made between illegal immigrants and illegal aliens – the former being someone who wishes to settle permanently in the new country.

Circular migrant: One who moves regularly between his or her home country and a foreign country for employment-related reasons. Typically, though not exclusively, circular migrants do agricultural or construction work, returning home when employment opportunities wane, or when they have made a bit of money. The term “circular migrant” is not entirely synonymous with guest worker, because the latter term implies that the individual fits into a specific employment-visa category of the host country; a circular migrant can be in a host country illegally or legally. Further, a guest worker may come to a host country for a set period of time and only return home when the visa expires – in other words, there is no back-and-forth and hence no circularity.

Economic migrant: *Sometimes used as an equivalent to the term labour migrant or migrant worker. However, the two concepts may cover different categories. The term “labour migrant” can be used restrictively to only cover movement for the purpose of employment while “economic migrant” can be used either in a narrow sense, which includes only movement for the purpose of employment, or in a broader sense that includes persons entering a State to perform other types of economic activities such as investors or business travellers.*

Expulsion: A decision by a public authority, either administrative or judicial ordering an alien who has been lawfully resident to leave the country. This order might or might not include a ban on return. Seen in phrase: expulsion of foreigners.

Flow: *The term used for the unstable and changing portion of an overall population figure*

Forced departure: *So as to avoid using the word “expulsion” (a legal-technical term in State immigration law), we speak of “forced departure” of an alien in cases in which authorities enforcing the decision of expulsion have used physical or other pressure to force an alien to leave his former country of residence.*

Illegal migrant: A person who comes to settle in a country without the correct legal documentation, or who lives there using false identification or no documentation at all (“sans papiers” - without papers), or who otherwise resides in a country without formal permission. E.g., a person who enters a country on a tourist or student visa and then overstays his or her visa becomes an illegal immigrant.

Intergovernmental method: *Negotiation sessions between representatives of national governments*

Irregular migration: It is defined by the Global Commission on International Migration as a complex and diverse phenomenon in which the main focus is irregular flows and entries, rather, for example, than the various challenges posed by stocks or irregular migrants such as undocumented work.

Labour migration: Movement of persons from their home State to another State for the purpose of employment.

Migrant smuggling; smuggling of migrants: Defined in the relevant Protocol as follows: “Smuggling of migrants” shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident”.

Naturalization: in law, refers to an act whereby a person acquires a citizenship different from that person’s citizenship at birth. Naturalization is most commonly associated with economic migrants or refugees who have immigrated to a country and resided there as aliens, and who have voluntarily and actively chosen to become citizens of that country after meeting

specific requirements. However, naturalization that is at least passive and often not voluntary, can take place upon annexation or border adjustments between countries. Unless resolved by denaturalization or renunciation of citizenship, naturalization can lead to multiple citizenship.

Non-refoulement: *A core principle of refugee law that prohibits States from returning refugees in any manner whatsoever to countries or territories in which their lives or freedom may be threatened. The principle is usually considered a part of customary international law and is therefore binding on all States, whether or not they are parties to the 1951 Convention relating to the Status of Refugees.*

Refugee: Defined under the 1951 Convention relating to the Status of Refugees (article 1) as “any person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country”. In France, refugee status is a legal status recognised by the Office français de protection des réfugiés et apatrides (OFPRA), in accordance with the Geneva Convention of 28 July 1951 as well as the law of 25 July 1952 (in its draft of the law of 11 May 1998) referring to two categories of persons: anyone meeting the definitions set out in Article 1 of the Geneva Convention of 28 July 1951 related to the status of refugees; “any person persecuted due to his/her actions on behalf of freedom” (L. 11.5.1998, Article 29).

Return migration: I.e., migrants returning to their country of origin – going home

Stock: *In migration statistics, used to describe the stable portion of an overall population figure*

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1 *The text in italics has been translated based on the official source text. www.ion.int and United Nations Multilingual Terminology Database <http://157.150.197.21/dgaacs/unterm.nsf>*

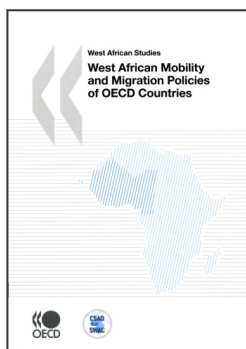
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LIST OF ACRONYMS

ACP	Africa, Caribbean, Pacific
AU	African Union
CAI	<i>Contrat d'Accueil et d'Intégration</i> (France)
ECOWAS	Economic Community of West African States
EPA	Economic Partnership Agreement
EU	European Union
FRONTEX	European Agency for the Management of Operational Co-operation at the External Borders
ILO	Immigration Liaison Officer
IND	<i>Immigratie- en Naturalisatiedienst</i> (Immigration and Naturalisation Service) (the Netherlands)
MEDSEA	Mediterranean Coastal Patrol Network
OECD	Organisation for Economic Co-operation and Development
PALOP	Portuguese-speaking African Countries
SIS	Schengen Information System
SWAC	Sahel and West Africa Club
WAEMU	West African Economic and Monetary Union



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