

Migration Governance in Algeria: Challenges, Interests and Future Prospects

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Introduction

In EU migration dynamics, Algeria holds a significant role as a departure, transit and destination country. It has maintained its national approach to address what constitute shifting migration dynamics during the recent decade. Algeria has also been confronted by a range of migratory challenges, ranging from irregular migration, forced displacement, and brain drain. The current context requires Algeria to step out of its comfort zone and establish sustainable and strategic cooperation with neighbouring countries (i.e., sub-Saharan countries) as well as the European states. This article provides an assessment of the current migratory framework of Algeria. It also highlights the priorities, interests and future promising realms of cooperation in line with the Renewed Partnership with the Southern Neighbourhood and the New Pact on Migration and Asylum. This aims to inform and set ahead migration dialogue with the EU for a future mutually beneficial and sustainable partnership. The article draws on the findings of the survey “Towards sustainable and mutually beneficial migration partnerships in the Southern Mediterranean” launched within the framework of the project “EuroMeSCo: Connecting the dots”, led by the European Institute of the Mediterranean (IEMed) and the “EUROMED Migration V” project, coordinated by the International Centre for Migration Policy Development (ICMPD).

Algeria's policy position

Despite being a significant actor in the region, Algeria's engagement regarding migration with the EU remains very limited. The country's migration profile has shifted in the recent two decades and it is no longer solely a country of departure: it has become a transit and highly attractive destination. The outbreak of the conflict in Mali and Libya has also triggered further displacement and change in the patterns of migration (Musette & Khaled, 2012). Overall, there is a strong deficit in terms of the evidence-based data and statistics on migration into and from Algeria.

Algeria remains of particular interest to the European Union member states regarding migration governance. However, the EU has not been successful in constructively engaging Algeria in migration management cooperation. Algeria signed the Association Agreement in April 2002 with the EU that entered into force in September 2005. This agreement sets out a framework for the EU-Algeria relationship in all areas including trade. Algeria has also been part of the Valletta Summit between the EU and the AU as from its Action Plan (2015). It has failed to meet the recommendations under the framework of the Trust Fund and the African Union Protocol on the Free Movement of People (2018) (Boubakri et al., 2021) and there is a lack of transparency on what has been implemented so far from these agreements particularly concerning the issue of migration.

In fact, Algeria has not engaged in any structural reforms of its migration governance strategy. Rather, it has opted for an autonomous approach to migration governance. In other words, its approach is based on the national policy implemented by its ministerial departments, yet this approach suffers from inconsistency and less systematic coordination among the different sectors in charge of migration management (Boubakri et al., 2021).

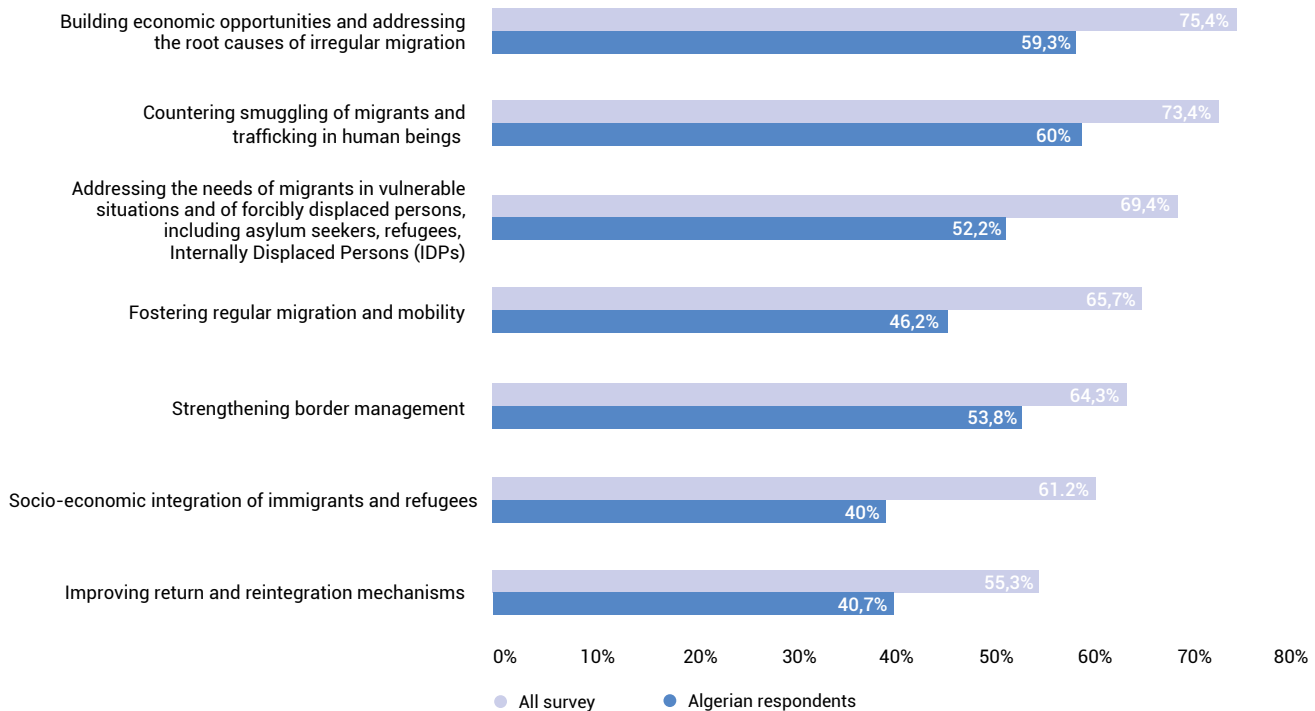
The public survey conducted highlights key areas of migration policy. Algerian respondents place countering smuggling of migrants and trafficking in human beings, building economic opportunities and addressing the root causes of irregular migration and addressing the needs of migrants in vulnerable situations or forcibly displaced persons at the forefront of migration policy for Algeria. It is also worth mentioning, that border management as well as fostering and strengthening regular migration and mobility are considered key areas of migration policy.

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GRAPH 1

Q.1 To what extent do you consider that the following areas of migration policy are important for your country.
(% of high and very high)



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

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The current challenge impeding this new phase of cooperation with the EU as well as other regional states is to mutually identify the orientation of this new partnership. The remaining challenge for Algeria is that there is currently both a repressive and indifferent approach towards migration that disregards the complex composition of the migration flows and adopts a securitisation perspective that considers irregular migration a threat to the national order. It is also more likely that Algeria will prefer to manage migration outside any legal or institutional framework. Ultimately, this approach is less effective at managing migration flows while nurturing serious concerns in terms of migrants' fundamental rights (Médecins Sans Frontières, 2020).

Irregular migration

Given the current devastating socio-economic and political situation in Algeria compounded by the implications of the COVID-19 pandemic (World Bank, 2020) which

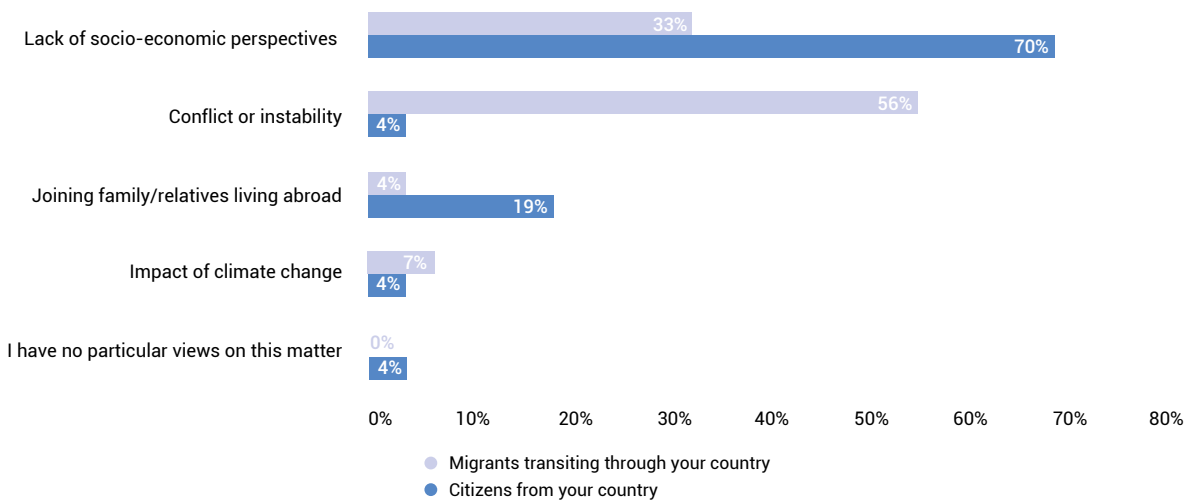
blurred the future of youth in the country, irregular migration is quite likely to continue. Additionally, Algerian nationals face increasing difficulties to secure legal pathways to migration. Despite efforts to travel and provide all necessary documents during visa processes, Algerians –particularly young Algerian men – are systematically denied visas (Sanchez et al., 2021). The EU’s visa facilitation agreements remained less satisfying for the Algerian partner. This has in part led to an increase in the irregular departures from Algeria towards Spain and Italy (TSA, 2021).

The current socio-economic and political situation in Algeria offers a blurred future for youth, thus, irregular migration is quite likely to continue

The findings of the survey show that the main driver of outward irregular migration from Algeria is the lack of socioeconomic perspectives, while conflict and instability are the main trigger factor for irregular migration from the sub-Saharan countries and West and Central Africa.

GRAPH 2

Q.8 What is the main driver of outwards irregular migration from your country? (Algerian respondents)



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

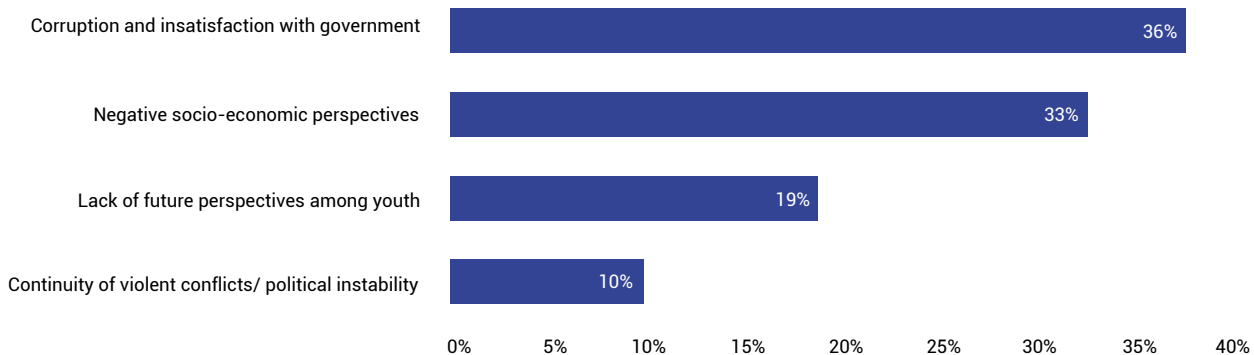
The Algerian authorities found their policy arsenal on irregular migration by introducing a repressive law that criminalizes irregular migration

The Algerian authorities found their policy arsenal on irregular migration by introducing a repressive law that aims to regularise the entry and exit of foreign nationals. To counter irregular migration, the state adopted Law 08-11 in June 2008, which criminalises the irregular migration of both its citizens as well as foreign nationals (Journal Officiel, 2008; Souiah, 2016). Overstaying is also considered a crime and subject to expulsion from the Algerian territory. Irregular migrants, mostly from Central and West Africa represent an important labour force in Algeria. However, there are little or no instruments in place for them to regularise their status or secure work permits. The migrants find themselves living under a constant threat of deportation to the southern borders of Algeria and reports have alerted on the critical human rights implications of such practices (Arrouche, forthcoming, Médecins Sans Frontières, 2020).

The implications of the pandemic of COVID-19 on the fragile Algerian economy impose a further burden on the government to ensure economic recovery. According to the survey findings, irregular migration is more likely to continue.

GRAPH 3

Q.9 In relation with the main driver you identified in Q.8, why is irregular migration likely to continue to increase for migrants transiting through your country? (categories developed from the open-ended answers)



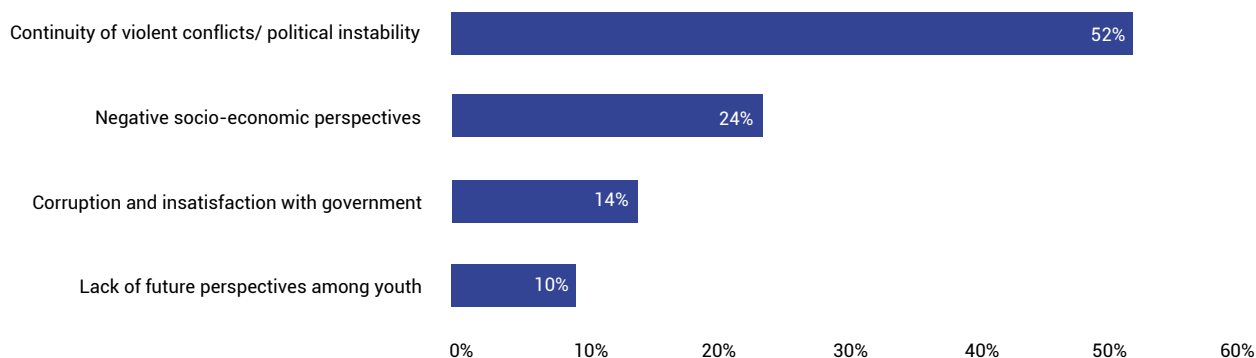
Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

Furthermore, West and Central African migration to Algeria is more likely to increase also due to the instability and conflicts, lack of economic opportunities and gloomy outlook, corruption and discontent with governments in the region. A fundamental factor that has not been raised in the survey results and requires a timely and serious consideration is climate change. According to the World Bank's new Groundswell Africa reports, climate change represents a great challenge to the African continent in

the upcoming years leading to the internal displacement of up to 86 million Africans by 2050 (World Bank, 2021). Thus, urgent concrete climate and development action is needed.

GRAPH 4

Q.9 In relation with the main driver you identified in Q.8, why is irregular migration likely to continue to increase for migrants transiting through your country? Algerian respondents (categories developed from the open-ended answers)



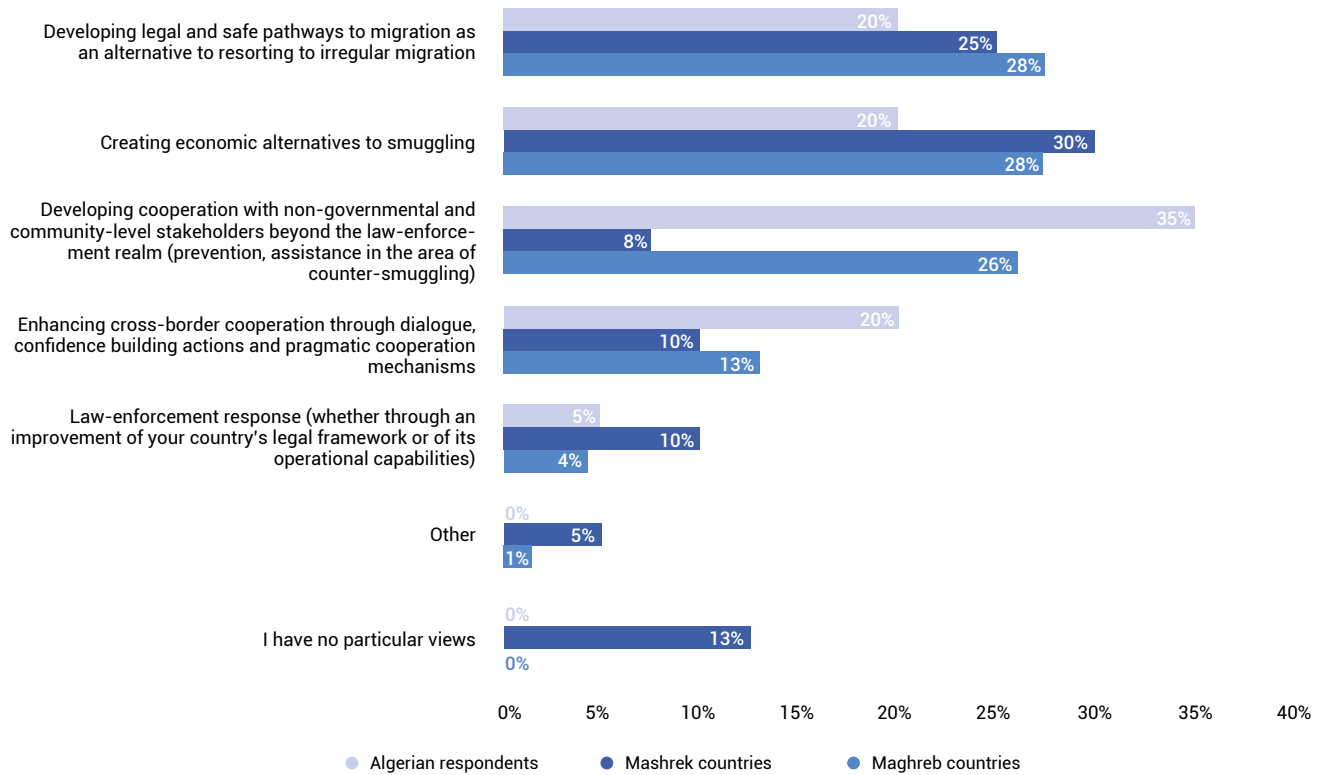
Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

Within the European Union, efforts to counter irregular migration and smuggling are key priorities for both EU member states and Algeria. The survey findings highlight that the most effective ways to fight migrant smuggling are as follows: developing cooperation with non-governmental and community-level stakeholders beyond the law-enforcement realm (prevention, assistance in the area of counter-smuggling) and developing legal and safe pathways to migration as an alternative to resorting to irregular migration (Graph 5). Accordingly, counter-smuggling policies introduced in the Renewed Action Plan against smuggling must not criminalise smuggled migrants, and rather they have to protect the rights of the irregular migrants, refugees, those who use the service of the smugglers, and who independently engage in facilitating their irregular movement (see Arrouche, et al., 2021).

The findings also refer to creating economic alternatives to smuggling and enhancing cross-border cooperation through dialogue, confidence-building actions and pragmatic cooperation mechanisms. These findings support the recent recommendations under the EuroMeSCo policy study “Beyond networks, militias and tribes: rethinking EU counter-smuggling policy and response” based on empirical findings of the current trends and dynamics of facilitation of irregular migration (Sanchez et al., 2021).

GRAPH 5

Q13 What is the most effective way to fight migrant smuggling?



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

Return and Reintegration

Despite the uncertainties around the data on voluntary and mandatory return, it is clear that Algeria (as an origin country) is not willing to cooperate on readmission agreements.

Algerians are among the top nationalities ordered to leave the EU; their returns account for 8.6% of the total based on the EU's recent figures (European Commission, 2020). The rate of return to Algeria is particularly low since 2018, and it slowed down due to the border closure enforced in the wake of the pandemic and other difficulties that impede carrying out return operations (European Commission, 2020). Despite the uncertainties around the data on voluntary and mandatory return, it is clear that Algeria (as an origin country) is not willing to cooperate on readmission agreements. According to the EU report (2020, p. 15), "one of the major obstacles is that the EU has had a 'mandate to negotiate a readmission agreement since 2002', and 'Algeria has so far not confirmed its agreement to start negotiations'".

According to the EMM5-Euromesco survey findings, the main issues impeding Algeria's cooperation at the national level are the lack of policy standards on return and reintegration along with the weak mechanisms, infrastructure. Also, the absence of post-return reintegration assistance for returnees is a problematic obstacle considering the deteriorating socio-economic and political conditions in the country. Additionally, these limitations and lack of capacity reflect the government's inadequate approach that excludes crucial actors such as civil society instead of supporting their activities and engagement on the issue of migration overall and return in particular.

At the international level, the survey echoes concerns that "Cooperation on return and reintegration aims to solve the problem in the host country while ignoring the problems of the countries of origin and the problems of migrants." (Academic statement). In addition, the findings also point out that "some EU member states dictate their conditions of return and reintegration on the countries of passage-Maghreb and mainly Algeria" (Civil society statement). These perspectives on EU-Algeria relations are broadly consistent with Algeria's cautious stance on cooperation initiatives, particularly those that might be perceived as undermining the state's sovereignty.

This stance has not changed so far. During his visit to Spain to discuss the relaunch of the bilateral relations between the two countries, the foreign minister Boukadoum expressed the significant role of the Euro-Mediterranean relations as well as the European Neighbourhood Policy, the 5+5 dialogue and the Union of the Mediterranean (Ministry of Foreign Affairs, European Union and Cooperation, 2021). The issue of migration has been one of the topics of discussion between the two partners. However, Boukadoum expressed that Algeria is facing considerable pressure from EU member states to quell migration flows from the south. Having become a country of origin and destination, Algeria must protect itself and cannot act 'as the policeman for Europe' (Redondo, 2021). This statement shows that Algeria still frames migration as a threat to be apprehended through a security-oriented approach (see Werenfels, 2018; Zardo & Loschi, 2020). Indisputably, the 'externalisation' of EU borders in the region remains a very prominent point of discord.

In retaliation to Algeria's lack of engagement in bilateral readmission agreements, some EU member states have pressed for more conditionality in relations. France's recent declaration to significantly reduce the quotas of visas for North African countries provides a case in point (Le Parisien, 2021). This threatening approach is likely to further complicate and impede the emergence of a solid partnership on migration.

As noted above, migrants in irregular situations face constant risk of deportation. The procedures entail collective expulsions that often fail to meet humanitarian standards

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asserted by the United Nations Office of the High Commissioner for Human Rights (OHCHR, 2018).

Nevertheless, empirical evidence shows that migrants find their way to the country despite being deported several times (Arrouche, Forthcoming). Thus, the return has less impact on deterring the migrants' aspirations to migrate again or return to Algeria (Arrouche, et al., 2021). Algeria also increased its cooperation with IOM recently to organise voluntary return flights of sub-Saharan migrants to their countries of origin (IOM, 2021).

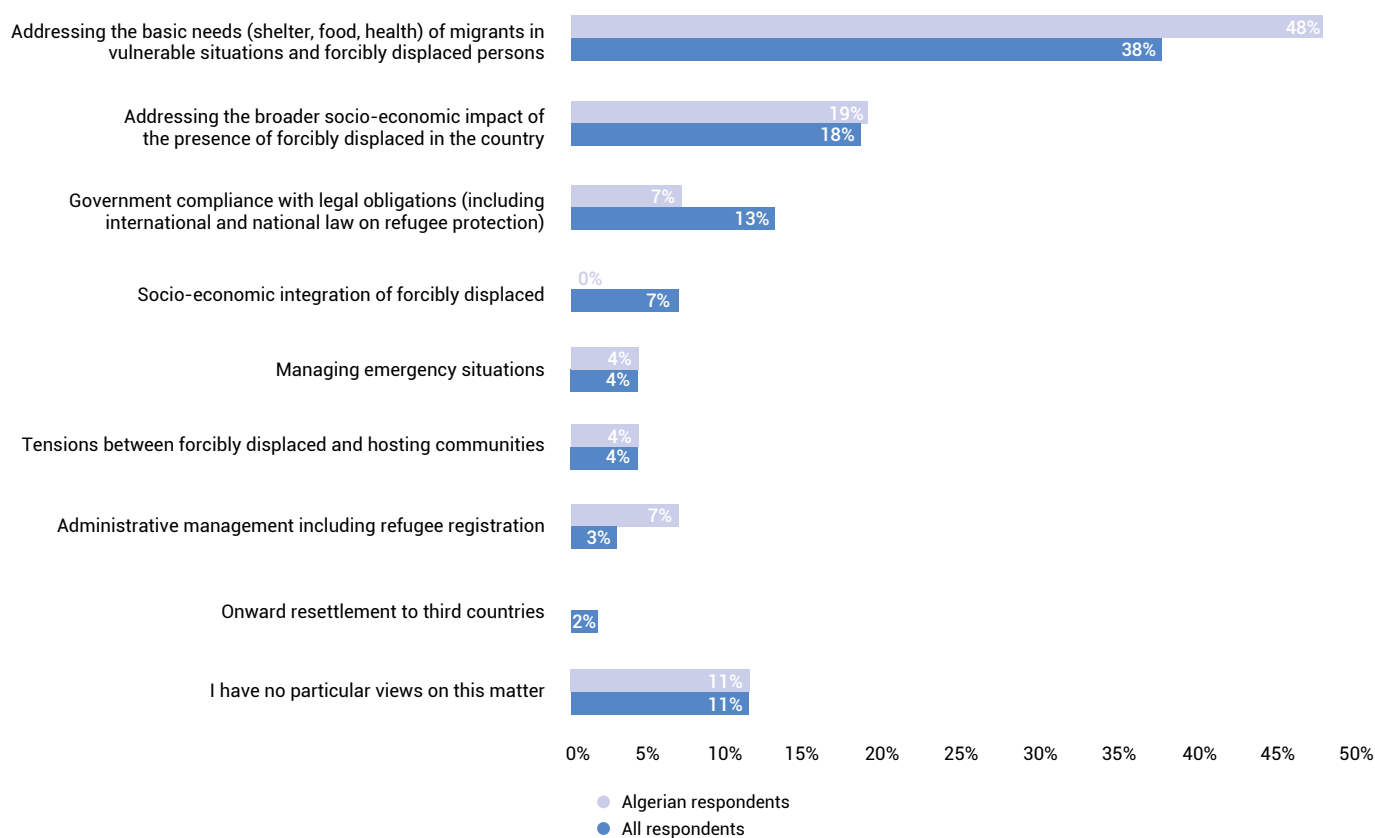
Protection of Forcibly Displaced People

Despite taking part in international conventions, Algeria still has not established an asylum system to meet its international commitments

Algeria is a signatory of several conventions regarding refugee and asylum governance such as the 1951 Geneva convention signed in 1963, the 1969 Organisation of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa (UNTC, 1969) and the 1994 Arab Convention on Regulating Status of Refugees in the Arab Countries (Teevan, 2020). The national constitution of 2016 and the reformed one of 2020 also state *"The treaties ratified by the President of the Republic under the conditions foreseen by the constitution shall prevail over the law"* (Secrétariat Général du Gouvernement, 2016; Journal Officiel, 2020). Yet, despite taking part in all these conventions, Algeria still has not established an asylum system to meet its international commitments. A reform initiative aimed at creating an asylum system was introduced in 2012. However, the latter has not seen the light.

GRAPH 6

Q.3 What is the main challenge that your country encounters while dealing with migrants in vulnerable situations and forcibly displaced persons?



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCO Euromed Survey

According to the survey results, Algeria still struggles to address the basic needs of migrants in vulnerable situations and forcibly displaced people. In light of the absence of a comprehensive national asylum and protection framework, the United Nations High Commissioner for Refugees (UNHCR) has assumed the provision of protection for displaced people, conducting registration, facilitating access to health care, and enrolling children in education (UNHCR, 2021). Access to the UNHCR registration in Algeria remains very limited with no arrangements in place for vulnerable individuals' reception and protection. This is due to the government's reluctance to allow international organisations to engage with the migrants or access the border areas of the first entry points of migrants for example the city of Tamanrasset and Ain Saleh in the south (Teevan, 2020). The situation was exacerbated by the COVID-19 outbreak (Médecins Sans Frontières, 2020).

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UNHCR's activities remained constrained to the city of Algiers or the Refugee camps of Western Sahara in the city of Tindouf (UNHCR, 2021). Consequently, displaced people are unaware of the presence of UNHCR, find it difficult to register with them, or are unable to travel to their office in Algiers as they are subjected to detention and forced deportation (Arrouche, forthcoming). The support of the EU and the effective implementation of their cooperation are still unclear and less transparent. In Algeria there are very few asylum projects indirectly funded by the EU through the UN agencies and the budget dedicated to Algeria is quite small as opposed to Morocco and Tunisia (Teevan, 2020). According to the European Commission report on the state of EU-Algerian relations between 2018-2020, two actions have been implemented by the International Organization for Migration (IOM) regarding the voluntary returns to Algeria, and for capacity building and protection of most vulnerable categories of refugees and asylum seekers in Algeria, implemented by the UNHCR (European Commission, 2020, p. 16). To keep up and assist with the health situation, the EU introduced the programme entitled "Fast track emergency response to COVID-19" that would provide support to Algeria. The programme may be implemented through the UN agencies such as IOM, UNHCR and The World Health Organisation (WHO) (European Commission, 2020, p. 16).

In light of the current situation, there is an urgent need to adopt a systematic framework to govern forced displacement in compliance with national and international legal obligations. The survey findings suggest that an important area of support from the EU is to strengthen the state's development of tools, mechanisms, and procedures to introduce an accessible asylum system. However, the prospects of a fully-fledged system emerging soon are limited. Thus, urgent mechanisms for basic humanitarian support of the most vulnerable and forcibly displaced individuals are a priority currently. Further support to UNHCR services as well as other international organisations is highly recommended.

The New EU Agenda: Prospects for Algeria

Algeria's interests in the area of international migration appear to differ from those of the EU. Despite this, Algeria needs to face the issue of migration and take steps towards building a new strategic partnership to address implications arising from its limited approach and lack of capacity. Initiating a constructive dialogue with partners in the region, including the EU and Member states, is essential to bring about lasting solutions and a more conducive policy environment.

The survey respondents suggest different areas of cooperation regarding migration such as providing legal and technical support, strengthening state agents, civil society actors through training and knowledge exchange, develop new pathways for legal

migration. These would allow Algeria to autonomously develop a legal framework to manage migration. However, addressing the principle of sovereignty and non-interference is highly important between the two partners. Sovereignty remains an absolute hallmark of Algeria's international engagement, and this consideration needs to guide partners in the formulation of potential cooperation initiatives.

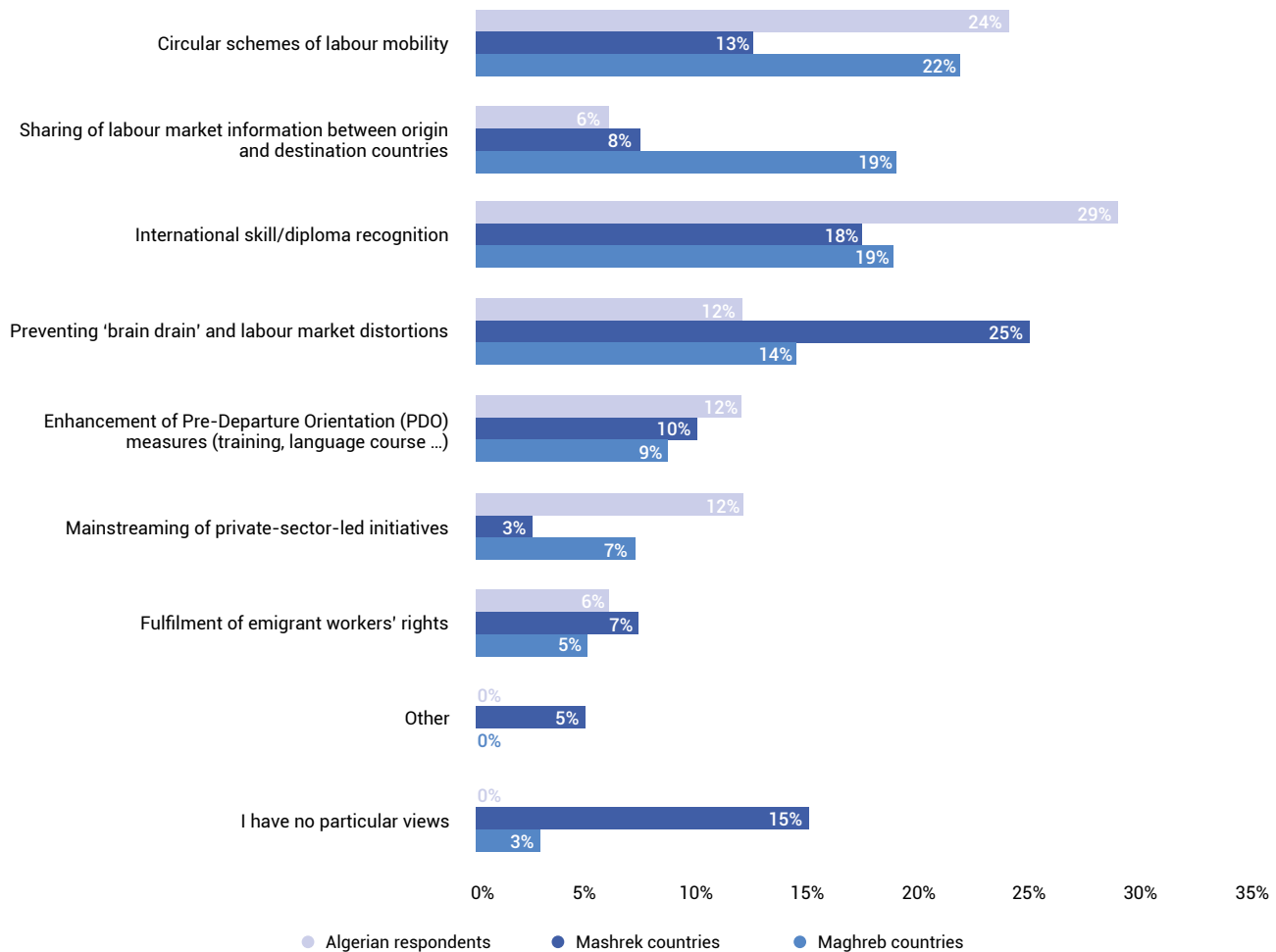
Fostering regional cooperation among North African countries, with West and Central Africa as well as in the Mediterranean, is a key step towards better migration management. However, this is more likely to be difficult due to the current political instability in Libya and Tunisia as well as the tension between Algeria and Morocco.

Another area of cooperation lies also in establishing diverse economic and industrial avenues such as in the sector of agriculture, health, energy, pharmaceutical industry, and mining. These are among the top priorities for Algeria. The European Union already provides support through diverse programmes that aim to promote the participation of young people in socio-economic life. The EU has implemented the Training-Employment-Skills Support Programme (AFEQ), the Youth-Employment Support Programme (PAJE) and the Social Action Support Programme and for Sustainable Local Development in North-West Algeria (PADSEL-NOA) (European Commission, 2020, p. 9). Additionally, a programme that supports the engagement and employability of young people in the sector of tourism (Jil-Siyaha) (European Commission, 2020, p. 9). Further support also can be seen in the sector of transport, agriculture, fishing ...etc. Although these are important initiatives, there is still a need for long-term projects that generate wide-scale employment, consolidate industries and strengthen local development and economy during these challenging times of the pandemic.

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GRAPH 7

Q.20 In which domains should cooperation with the EU be improved in priority?



Source: Compiled by the IEMed based on the results of the EMM5-EuroMeSCo Euromed Survey

Stronger migration cooperation is also expected to benefit Algeria's education infrastructure, in need of radical reform and modernisation. Enhanced mobility can foster knowledge exchange, support and building capacity in the area of digital transformation and research and innovation. This happens already through different programmes such as the Erasmus programme. This programme is considered a successful initiative that has considerably strengthened Algerian institutions. These developments are noticeable. For this reason, survey respondents suggest creating

research collaboration and training between the European educational institutions and Algeria ones to strengthen the Algerian educational field. Creating sustainable circular mobility as well as student migration for Algerians is an empowering approach, while also preventing brain drain and labour market distortions. Algeria should seize the opportunity to create legal channels to attract and engage the diaspora abroad to support the country's development and prevent brain drain.

Furthermore, the European Commission has recently introduced its Talent Partnerships which may open more opportunities for labour migration (such as circular schemes), support international skill/diploma recognition that would strengthen the Algerian educational system. Sharing of labour market information between origin and destination countries can boost the domestic market via a system of training that ensures transferable skills needed to diversify and consolidate the country's development trajectory.

Finally, conducting empirical research that allows to assess the current situation and point to the policy gaps to be addressed is crucial. There is a lack of official statistics and evidence-based data on the realities of both regular and irregular migration flows. Enhancing the collection of empirical evidence on irregular migration from and to Algeria, forcibly displaced people, smuggled migrants is essential to achieve effective policies. Evidence-based research on migration flows needs to be promoted in a future partnership as it generates nuanced knowledge on the migrants' perspectives, conditions, and impact of the current policies on their lives.

Enhancing the collection of empirical evidence on irregular migration from and to Algeria, forcibly displaced people, smuggled migrants is essential to achieve effective policies

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