

## CARIM – Consortium for Applied Research on International Migration

Co-financed by the European Union

### *CARIM – Migration Profile*

## *Niger*

The Demographic-Economic Framework of Migration

The Legal Framework of Migration

The Socio-Political Framework of Migration

Report written by

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on the basis of CARIM database and publications

February 2011



### The Demographic-Economic Framework of Migration

Poverty,<sup>1</sup> prolonged and frequent droughts, structural famine together with demographic pressure and unemployment dynamics have been the main causes of the persistence of intense outward migration flows from Niger. Historically, these flows took place along the routes of Western African intra-regional mobility, where circular and temporary migration played a role of adjustment in population dynamics, natural resources and work opportunities among the countries of the region. At the beginning, Nigeriens – prevalently from the regions of Tillabéri and Dosso – were directed at covering labor shortages in plantation and construction industries in the Ivory Coast and in Ghanaian cocoa farms. But by the mid 1970s, the oil-led expansion of road and building construction, infrastructure, education and allied sectors in Nigeria started to attract the majority of Nigerien emigrants, especially from the regions of Tahoua, Zinder and Meradi (Adepoujou, 2008). From the mid-1980s, as a consequence of the prolonged economic crisis in West Africa, this regional mobility was partially reduced. Meanwhile, the worsening of the overall conditions of Nigeriens resulted in a rise in emigration and in a partial diversification of destinations. Today, migrants – mostly irregular – are increasingly attracted by Maghreb countries (especially Libya and Algeria), Saudi Arabia and to a lesser extent by Southern Europe and the US.

As to immigration patterns, due to its strategic position at the crossroads between Sub-Saharan and North African countries, Niger has always been an important country of transit for those aiming at improving their life conditions in the Maghreb area and, more recently, in the South of Europe. In the 1990s, the Nigerien route even rose in importance as a consequence of the closure of the Tchad-Libyan border and the increased risks of the Malian-Algerian itinerary. Being a strategic point of departure for Tamanrasset in Algeria and for the Sebha oasis in Libya, Agadez is today a major link town, insomuch as its economic structure (hotel trade, itinerant trading, transport, etc.) is often defined as a *gainful* “transit economy”.

In the international arena, Niger attracts foreign companies and professionals from all over the world because of its uranium resources<sup>2</sup>, especially from 2003, as a consequence of the upsurge in uranium prices. French but also Chinese, Canadian, Australian, South African, Indian and English firms, which employ for the most part foreign workers, are investing more and more in Nigerien territory.

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<sup>1</sup> According to the Human Development Index, Niger ranked 167th out of 169 countries in 2010.

<sup>2</sup> In 2009, Niger was the sixth producer of uranium in the world with 3,243 tU *per year*, i.e. 6,4% of world production ([www.world-nuclear.org](http://www.world-nuclear.org)).

Outward migration		Inward migration																																																																																																																																																												
<p><b>Stock</b></p> <p>According to the Global Migrant Origin Database (GMOD),<sup>3</sup> the stock of Nigeriens residing abroad around 2000 equaled 496,773 or 3.5% of the total resident population in Niger.</p> <table border="1"> <caption>Nigeriens residing abroad by country of residence, 1960, 1992, circa 2000</caption> <thead> <tr> <th rowspan="3">Country of residence</th> <th colspan="4">Year</th> </tr> <tr> <th rowspan="2">1960</th> <th rowspan="2">1992 (*)</th> <th colspan="2">circa 2000</th> </tr> <tr> <th>Number</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>Burkina Faso</td> <td>n.a.</td> <td>n.a.</td> <td>138,293</td> <td>27.8</td> </tr> <tr> <td>Ivory Coast</td> <td>n.a.</td> <td>n.a.</td> <td>130,387</td> <td>26.2</td> </tr> <tr> <td>Nigeria</td> <td>n.a.</td> <td>n.a.</td> <td>59,043</td> <td>11.9</td> </tr> <tr> <td>Guinea</td> <td>n.a.</td> <td>n.a.</td> <td>53,625</td> <td>10.8</td> </tr> <tr> <td>Ghana</td> <td>n.a.</td> <td>n.a.</td> <td>25,611</td> <td>5.2</td> </tr> <tr> <td>Togo</td> <td>n.a.</td> <td>n.a.</td> <td>16,719</td> <td>3.4</td> </tr> <tr> <td>Benin</td> <td>n.a.</td> <td>n.a.</td> <td>14,680</td> <td>3.0</td> </tr> <tr> <td>Other W. Afr. countries</td> <td>n.a.</td> <td>n.a.</td> <td>5,924</td> <td>1.2</td> </tr> <tr> <td>African countries (exc. of W.Afr.)</td> <td>n.a.</td> <td>n.a.</td> <td>20,483</td> <td>4.1</td> </tr> <tr> <td>Rest of the world</td> <td>n.a.</td> <td>n.a.</td> <td>32,008</td> <td>6.4</td> </tr> <tr> <td><b>Total</b></td> <td><b>16,020</b></td> <td><b>99,927</b></td> <td><b>496,773</b></td> <td><b>100.0</b></td> </tr> </tbody> </table> <p>Notes: (*) The stock of Nigerien emigrants in 1992 refers to Nigeriens who emigrated in the period 1988-1992 and were still abroad in 1992. Source: Nigerien Demographic Survey (1960); <i>Réseau sur migrations et urbanisation en Afrique de l'Ouest - REMUAO</i> survey (1992); Global Migration Origin Database (circa 2000).</p> <p>The majority resided in other Western African countries (89.4%), especially in Burkina Faso (27.8%), the Ivory Coast (26.2%), Nigeria (11.9%), Guinea (10.8%) and Ghana (5.2%). An important proportion resided also in other African countries (4.1%) while the rest of the world hosted only 6.4% of the total Nigerien population residing abroad. A recent survey<sup>4</sup> confirms the importance of circular migration for Nigeriens: of those aged 30 years or more, 85% migrated at least once, of whom the majority experienced more than one migration (Mounkaila et al., 2009). Seasonal migration prevails even though permanence abroad largely depends on agricultural production, as migration is considered as a fundamental survival strategy for Nigerien households both for remittances and for reducing pressure in the local labour market (Mounkaila et al., 2009; Mounkaila, 2002).</p> <p>As to their socio-demographic characteristics, in years around 2000, Nigerien emigrants are mainly men (61.2%) with a low educational profile: 76.9% have no education or hold a primary educational degree while</p>		Country of residence	Year				1960	1992 (*)	circa 2000		Number	%	Burkina Faso	n.a.	n.a.	138,293	27.8	Ivory Coast	n.a.	n.a.	130,387	26.2	Nigeria	n.a.	n.a.	59,043	11.9	Guinea	n.a.	n.a.	53,625	10.8	Ghana	n.a.	n.a.	25,611	5.2	Togo	n.a.	n.a.	16,719	3.4	Benin	n.a.	n.a.	14,680	3.0	Other W. Afr. countries	n.a.	n.a.	5,924	1.2	African countries (exc. of W.Afr.)	n.a.	n.a.	20,483	4.1	Rest of the world	n.a.	n.a.	32,008	6.4	<b>Total</b>	<b>16,020</b>	<b>99,927</b>	<b>496,773</b>	<b>100.0</b>	<p><b>Stock</b></p> <p>In 2001, 88,067 foreign nationals resided in Niger, of whom the vast majority originated in Western African countries (89.3%), especially in Mali (34.5%), Burkina Faso (14.8%), Nigeria (14.9%) and Benin (13.7%).</p> <table border="1"> <caption>Foreign population by country of citizenship, 1997, 1988, 2001</caption> <thead> <tr> <th rowspan="2">Country of citizenship</th> <th>1977</th> <th>1988</th> <th colspan="2">2001</th> </tr> <tr> <th>Number</th> <th>Number</th> <th>Number</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>Mali</td> <td>24,322</td> <td>39,906</td> <td>30,402</td> <td>34.5</td> </tr> <tr> <td>Burkina Faso</td> <td>8,299</td> <td>11,244</td> <td>13,017</td> <td>14.8</td> </tr> <tr> <td>Nigeria</td> <td>13,488</td> <td>n.a.</td> <td>13,093</td> <td>14.9</td> </tr> <tr> <td>Benin</td> <td>6,379</td> <td>n.a.</td> <td>12,063</td> <td>13.7</td> </tr> <tr> <td>Togo</td> <td>2,520</td> <td>5,841</td> <td>6,535</td> <td>7.4</td> </tr> <tr> <td>Other Western African countries</td> <td>n.a.</td> <td>n.a.</td> <td>3,529</td> <td>4.0</td> </tr> <tr> <td>Northern African countries</td> <td>n.a.</td> <td>n.a.</td> <td>402</td> <td>0.5</td> </tr> <tr> <td>Central African countries</td> <td>n.a.</td> <td>n.a.</td> <td>2,322</td> <td>2.6</td> </tr> <tr> <td>Other African countries</td> <td>3,881</td> <td>29,381</td> <td>243</td> <td>0.3</td> </tr> <tr> <td>European countries</td> <td>n.a.</td> <td>3,211</td> <td>2,129</td> <td>2.4</td> </tr> <tr> <td>American countries</td> <td>n.a.</td> <td>491</td> <td>342</td> <td>0.4</td> </tr> <tr> <td>Asian countries</td> <td>n.a.</td> <td>190</td> <td>680</td> <td>0.8</td> </tr> <tr> <td>Rest of the world</td> <td>3,093</td> <td>188</td> <td>23</td> <td>0.0</td> </tr> <tr> <td>Not available</td> <td>20,197</td> <td>9,708</td> <td>3,287</td> <td>3.7</td> </tr> <tr> <td><b>Total</b></td> <td><b>82,179</b></td> <td><b>100,160</b></td> <td><b>88,067</b></td> <td><b>100.0</b></td> </tr> <tr> <td><b>% of the total resident population</b></td> <td><b>1.6</b></td> <td><b>1.4</b></td> <td><b>0.8</b></td> <td></td> </tr> </tbody> </table> <p>Source: Nigerien National Censuses (1997, 1988 and 2001)</p> <p>Foreign nationals represent a very small proportion of the total resident population which even decreased over time, from 1.6% in 1977, to 1.4% in 1988 to 0.8% in 2001. The observed drop between the two last censuses (-0.6 percentage points) is due to acute prolonged periods of droughts and food crisis together with the social, economic and political crisis which overtook the country between 1984 and 1999 and which led to the two <i>coups d'état</i> of 1996 and 1999 with a 50% devaluation of the CFA franc (Mounkaila, 2009).</p> <p>As already mentioned, many foreign companies have been attracted by the possibility of extracting uranium in Nigerien territory, especially since 2003 when, after two decades of downturns, the price of uranium started to rise again. The interest of developed economies in nuclear energy is, in fact, on the rise given the global increase in demand for electricity and the momentum to reduce greenhouse gases. Indeed, despite the low proportion of foreign</p>		Country of citizenship	1977	1988	2001		Number	Number	Number	%	Mali	24,322	39,906	30,402	34.5	Burkina Faso	8,299	11,244	13,017	14.8	Nigeria	13,488	n.a.	13,093	14.9	Benin	6,379	n.a.	12,063	13.7	Togo	2,520	5,841	6,535	7.4	Other Western African countries	n.a.	n.a.	3,529	4.0	Northern African countries	n.a.	n.a.	402	0.5	Central African countries	n.a.	n.a.	2,322	2.6	Other African countries	3,881	29,381	243	0.3	European countries	n.a.	3,211	2,129	2.4	American countries	n.a.	491	342	0.4	Asian countries	n.a.	190	680	0.8	Rest of the world	3,093	188	23	0.0	Not available	20,197	9,708	3,287	3.7	<b>Total</b>	<b>82,179</b>	<b>100,160</b>	<b>88,067</b>	<b>100.0</b>	<b>% of the total resident population</b>	<b>1.6</b>	<b>1.4</b>	<b>0.8</b>	
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<sup>3</sup> This database is provided by the Development Research Centre on Migration, Globalisation and Poverty of the University of Sussex and includes data on the stock of international migrants in 226 countries, as collected by the 2000 round of population censuses (for further details, see <http://www.migrationdrc.org>).

<sup>4</sup> This survey on migration behavior was conducted in 2007 in the region of Tahoua, the region with the highest rate of emigration in the Nigerien territory. It was developed in the framework of the project *Le Niger, espace d'émigration et de transit vers le sud et le nord du Sahara : rôle et comportement des acteurs, recompositions spatiales et transformations socio-économiques*, and was managed and financed by the *Institute de Recherche pour le Développement* (IRD, Paris).

only 5.1% have a tertiary education (DIOC.E statistics).<sup>5</sup> Nigeriens are mainly employed as professionals (17.1%), service workers and shop and market sales workers (15.7%), technicians (14.7%) and as craft and related trades workers (14.5%).

It is worth mentioning that both the GMOD and DIOC-E databases are likely to underestimate the number of Nigeriens abroad not only because of the large numbers of irregulars who are not counted, but also because, in other ECOWAS countries, Nigeriens are not obliged to have a work permit, so that official statistics simply do not count them.

### Flows

In recent years, emigration from Niger has tended to diversify its destinations and types of movements. The majority though of emigrants are still directed towards other Western African countries in a circular migration framework (Adepoujou, 2008). Data on international return migrants seem to support this thesis.

Previous country of residence	Duration of residence abroad				Total	Not available
	< 1 year	1-4 years	5-9 years	10 years and +		
West Africa	65,658	77,227	33,931	79,101	255,917	35,249
% by row	25.7	30.2	13.3	30.9	100.0	
of which Nigeria	27,882	29,029	15,200	38,207	110,318	11,461
Ivory Coast	16,154	21,129	6,775	12,575	56,633	3,289
Benin	8,528	9,022	3,195	4,886	25,631	1,851
Ghana	4,012	5,205	1,956	7,372	18,545	10,899
Mali	1,913	3,684	2,911	8,643	17,351	3,902
Burkina Faso	3,522	3,562	1,648	3,969	12,701	2,540
Togo	3,118	4,835	1,884	2,568	12,405	1,049
others	529	761	362	681	2,333	258
North Africa	3,610	4,360	1,238	2,165	11,373	398
% by row	31.7	38.3	10.9	19.0	100.0	
Others Africa	3,516	4,243	1,685	2,781	12,225	1,059
% by row	28.8	34.7	13.8	22.7	100.0	
Rest of the world	1,260	2,997	1,980	4,162	10,399	3,487
% by row	12.1	28.8	19.0	40.0	100.0	
Not available	5,232	11,298	6,124	10,484	33,138	8,050
Total	79,276	100,125	44,958	98,693	323,052	48,243
% by row	24.5	31.0	13.9	30.6	100.0	

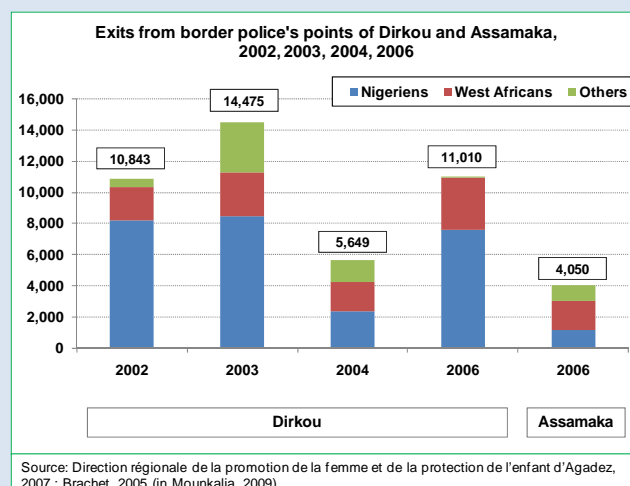
Source: Nigerien National Census, 2001

In 2001, there were 371,295 Nigerien international return migrants. Despite data not allowing any assessment of the number of migrations they had experienced or whether, indeed, they wished to migrate again, the high number of return migrants having resided abroad for less than one year (79,276 or 24.5% of the total of return migrants, i.e. 15.9% of the total stock of Nigerien emigrants in 2001) and from 1 to 4 years (where the same values stood respectively at 100,125 individuals, 31.0% and 20.2%) seems to reflect the fact that Nigerien emigrants tend to circulate or to move temporarily in order to cover labour shortages in neighboring countries. Indeed, these patterns are particularly evident for those who returned from other Western African countries, where the number of those who

nationals in the total resident population, in 2007 foreign companies represented 5.0% of the total companies working in Niger, a value which reached 31.0% in the mining industry (source: *Ministère nigérien de la fonction publique et du travail*) meaning a large overrepresentation of highly-skilled immigrants in the country.

### Flows

Since the 1990s, Niger has become the privileged space of important flows of transit migrants directed to Maghreb countries and in some (minor) cases to Southern European countries. So, its historical role as a country of transit and commercial exchange between Sub-Saharan countries and North Africa seems to be renewed. Estimates on transit migrants through Niger are scarce and not generally reliable. According to Bensaad (2003), in 2003 Agadez registers the passage of a minimum number of 65,000 migrants directed to Algeria and Libya, a much larger number than the one reported by official statistics as registered at the Niger-Libya (Dirkou) and the Niger-Algeria borders (Assamaka), according to which the same value equaled 14,475 migrants.



Officially, Niger hosts a low number of refugees, around 198 individuals in 2008 (UNHCR).<sup>6</sup> Nevertheless, according to the US Committee for Refugees (USCRI), in 2006, there were perhaps 15,000 Mahamid Arabs living in the Diffa region of eastern Niger (USCRI, 2009). This population arrived in Niger in several waves from Chad fleeing drought in the early 1970s and armed conflict in the 1980s. They were never granted refugee status and the majority does not hold Nigerien citizenship. In October 2006, Niger announced that it would return them to Chad due to increasing tensions with the

<sup>5</sup> At the time of writing, DIOC-E is a new global bilateral international migration database provided by OECD, which covers 31 OECD and 58 non-OECD destination countries as well as 233 countries of origin.

<sup>6</sup> However, it is worth mentioning as Niger does not host a UNHCR office so that UNHCR use to monitor the country from its regional office in Benin.

stayed there for less than 1 year is very high (59,204 or 25.7% of the total of return migrants from these countries) as well as those who returned after a period of 1 to 4 years (where the same values equaled 67,577 individuals or 30.2%, respectively); on the contrary, Nigerien return migrants, having resided in non-African countries others seem to be more stable and emigrate for longer periods.

Finally, the number of deported migrants in recent years gives an idea of the irregular component of Nigerien emigration.

Deported Nigeriens by country of expulsion, 2005 -2007						
Country of expulsion	2005		2006		2007	
	Number	%	Number	%	Number	%
Algeria	4,512	65.3	812	25.0	1,094	66.7
Libya	2,052	29.7	1,421	43.8	419	25.5
Saoudi Arabia	133	1.9	286	8.8	-	-
Nigeria	124	1.8	602	18.5	128	7.8
Other countries	89	1.3	127	3.9	-	-
<b>Total</b>	<b>6,910</b>	<b>100.0</b>	<b>3,248</b>	<b>100.0</b>	<b>1,641</b>	<b>100.0</b>

Source: Nigerien Directorate of Territorial Surveillance (DST)

In the period 2005-2007, 11,799 Nigeriens were deported, more than a half from Algeria (54.4%) and around one third (32.9%) from Libya. However, according to various scholars (see e.g. Bensaad, 2008; Mounkalia, 2007) official numbers are likely to underestimate the real scale of this phenomenon.

local population. At that time, Nigerien authorities estimated Mahamid Arabs at *only* 3,300 individuals. Despite this order being later suspended, the situation is still today unresolved and in 2009, Mahamid Arabs living in Niger were still estimated at 15,700 individuals (USCRI, 2010).

References: Adepoju A. 2008. Migration in Sub-Saharan Africa, in *Current African Issues*, 37:1-36; Bensaad A. 2003. *Agadez, carrefour migratoire sahélo maghrébin*, in *Revue Européenne des Migrations Internationales*, (19) 1, pp. 1-28 ; Maga Hamidou Issaka. 2009. *Migration au Niger, Profil National 2009*, International Organization for Migration, Geneva ; Mounkaila H., Amadou B., Boyer F. 2009. *Le Niger, espace d'émigration et de transit vers le sud et le nord du Sahara : rôle et comportement des acteurs, recompositions spatiales et transformations socio-économiques* in Document de synthèse des projets du programme FSP 2003-74 : migrations internationales, recompositions territoriales et développement, Paris : IRD, pp. 109-120 ; Mounkaila H. 2009. *Migration au Niger : Document thématique 2009. Les migrations au Niger : état des lieux, enjeux and perspectives*, International Organization for Migration, Geneva ; US Committee for Refugee Status (USCRI). 2010. *World Refugee Survey 2009*; US Committee for Refugee Status (USCRI). 2009. *World Refugee Survey 2008*.

### The Legal Framework of Migration

Niger's legal framework of migration can hardly be adapted to the nature of its territory, with long, partially marked, moving and porous borders, traversed by various, generally informal, routes. While legislation relating to migration among Niger's Sahel neighbours dated back forty years before the recent reforms, rules governing the entry and stay of foreign nationals in Niger have been modified in the 1980s and the asylum law in the 1990s. Unlike these neighbours, i.e. Mali, Libya and Algeria, Niger has not recently reformed its legislation. As in Mali, control of mobility has neither been a priority, nor even desirable: Niger has a long history of being a Trans-Saharan hub and an area of temporary migration.

Besides, Niger's regulation already comprises a set of rigid rules, as well as sanctions against irregular migrants and those who help them. This regulation does not expressly include subsequent evolutions within the ECOWAS<sup>7</sup> concerning the right of circulation, residence and establishment. Yet, as in Senegal and Mali, it distinguishes immigrants and non-immigrant aliens, the latter enjoying circulation benefits. Regulation from the 1980s remains undeveloped. It is silent about possible rights associated with the stay of foreign nationals in Niger. As is typical of a country with strong mobility, regulation excludes foreign nationals from a large number of independent professions.

Niger is not fundamentally an immigration country. Most foreign nationals on its territory are nationals of ECOWAS member states, who benefit from free circulation. These migrants are generally unaware of the various steps needed to have permission for longer regular stay, and they are mostly in an irregular situation. Due to controls strengthening the Mediterranean and Saharan borders, Niger also receives people deported from Libya and Algeria. For the same reasons, transit migration has become more sedentary over parts of its territory. So far, Niger has not wished to take part in the collective expulsions practice, which affects diplomacy in the region. Moreover, thousands of its nationals in an irregular situation abroad are victims of this practice every year. Yet, Niger has also seen growing pressure to control its borders and its territory. An agreement concluded with Italy in February 2010 should contribute to giving it the means for such a policy. Since 2009, European funding has also been aimed at securing the border between Niger and Libya, a border that is generally closed.

Refugees in Niger are few and UNHCR has decided not to operate in the country any longer, nor to dedicate any special budget. The refugee status determination process is handled by the national authorities to the Ministry of the Interior, which provides a national commission of eligibility. Assistance to refugees is mainly ensured by the NGO CARITAS-Niger

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<sup>7</sup> Economic Community Of West-African States.

## CARIM Migration Profile: Niger

	Outward migration	Inward migration
<b>General legal references</b>		<i>Ordinance n°81-40 of 29 October 1981</i> regulating the entry and stay of foreign nationals in Niger, <i>Decree 87-076 of 18 June 1987</i> regulating the entry and stay of foreign nationals in Niger.
		<i>1990 Convention</i> <sup>8</sup> : ratified. <i>ILO</i> : 34 conventions ratified <sup>9</sup>
	<i>Bilateral agreements</i> : Agreement on the circulation of persons with Tunisia (1965), Morocco (1967), Algeria (1981); convention on the circulation and establishment of persons (1988) and agreement on securing the border with Libya (2009); agreement with France related to the circulation and the stay of persons (1994); agreement on cooperation related to security issues with Italy (2010), among others.	
	Member State of the <i>African Union</i> , the <i>ECOWAS</i> and the <i>CENSAD</i> <sup>10</sup> .	
<b>Circulation</b> <b>Entry and Exit</b>	Freedom to leave the territory is not guaranteed by the <i>Constitution</i> .  Nigeriens are exempted from visa requirements for entrance to ECOWAS countries.	Distinction between non-immigrant (including 'transit travellers') and immigrant (intending to stay) aliens.  Entry dependent on the presentation of a passport and a visa, vaccination certification, and repatriation guarantees.  Carrier in charge of deportation.  Non-immigrants aliens and ECOWAS-country nationals are exempted from visa requirements for Niger and can stay for up to 3 months.
<b>Struggle against irregular migration</b>	<i>Palermo protocols</i> <sup>11</sup> : ratified	
		Irregular entry, stay and work: from 2 months to 2 years in prison and from 25,000 to 250,000 FCFA ( <i>1981 Ordinance</i> ).  The same sanctions against those who, directly or indirectly, have voluntarily facilitated the irregular entry, circulation or stay of a foreign national in Niger. Mitigating circumstances and suspended sentences are prohibited.  The non-declaration of hosting a foreign national, even without profit, is punished with from 1 to 3 months in prison and from 5,000 to 25,000 FCFA.

<sup>8</sup> Convention on the Protection of all Migrant Workers and Members of their Family.

<sup>9</sup> Including Convention C111 concerning Discrimination in Respect of Employment and Occupation but excluding Conventions C118 Equality of Treatment of Nationals and Non-Nationals in Social Security, C97 concerning Migration for Employment and C143 concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers.

<sup>10</sup> Community of Sahel-Saharan countries.

<sup>11</sup> The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 15 November 2000.

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		Irregular stay (non delivery or non-renewal of stay permit): 4,000 to 50,000 FCFA, 15 days or more in prison ( <a href="#">1987 Decree</a> ).
<b>Rights and settlement</b>	Act n°33-CN of 31 October 1991 created a High Council of Nigeriens abroad.	<p>For a stay of more than three months, a stay permit is needed. Delivery and renewal are conditioned on the presentation of a medical certificate, except for those who are exempt. Stay permits last 2 years.</p> <p>Stay for studies or tourism is possible if means of living can be demonstrated.</p> <p>The stay permit may be removed after a six-month absence from the country or a three-month period without means of living.</p> <p>Access to work: stay permit for employed work if there is possession of an employment contract approved by the Labour Ministry. Decree n°87-36 of 12 March 1987 regulating conditions for foreign nationals to have independent work. List of professions forbidden or that need authorisation.</p> <p>Civil service reserved for nationals.</p> <p>Family reunification: silence.</p> <p>Access to public services: yes.</p>
	<p>Nationality: <a href="#">Law n°1961-26 of 21 July 1961</a> (modified in 1973). <i>Jus sanguinis</i> by paternal descent. Nigerien mothers transmit their nationality only when the father is unknown or stateless. <i>Jus soli</i>: double, without any discrimination: nationality of origin for the child born in Niger to a parent who was also born there. The foreign woman getting married to a Nigerien man acquires nationality, unless she renounces said nationality. The foreign man married to a national woman does not get any easier access to nationality. Possible naturalization after ten years in the country. There is no right to stand for election for ten years, and no access to the civil service for five years after naturalization. Dual citizenship is allowed.</p>	
<b>Refugees</b>		<p><a href="#">1951 Convention</a><sup>12</sup>: ratified.</p> <p><a href="#">1969 Convention</a><sup>13</sup>: ratified.</p> <p><a href="#">Law n° 97-16 of 20 June 1997 on refugee status</a> and its <a href="#">decree n°98-382 of 24 December 1998</a>: Refugee status is determined by the national Commission of eligibility for refugee status, to the Ministry of Interior. Assistance by CARITAS-Niger. Equal rights with nationals. Refugee status renewable every two years.</p> <p>UNHCR in Dakar.</p>

<sup>12</sup>Geneva Convention relating to the status of refugees.

<sup>13</sup>OAU Convention governing specific aspects of refugees in Africa.



## The Socio-Political Framework of Migration

The free circulation of goods and persons within the ECOWAS, instituted in 1979, and the geographical position of Niger, at the crossroad of the Maghreb, West Africa, East Africa and Central Africa, are crucial aspects of the socio-political framework of migration from, to and through this country. On the one hand, almost 90% of Nigerien migrants live in ECOWAS countries, mainly in Burkina Faso, Ivory Coast, Nigeria, and Guinea-Conakry; on the other hand, tens of thousands of sub-Saharan migrants pass through Niger each year on their way to Libya and Algeria and, to a lesser extent, Europe.

The Nigerien State has been through a phase of political transition since the military coup in February 2010. The management of migration is not considered a priority. But the role of Nigerien migrants in developing their country has prompted increasing interest in the last years. The Rural Development Strategy (SDR), adopted in 2003 in the frame of the Accelerated Development Strategy for the Reduction of Poverty (SDRP), considers out-migration a factor contributing to the reduction of poverty among the rural population. The SDR recommends securing the revenues of migrants, the so-called *exodants*, and promoting their investment at the local level, in coordination with development actors.

Furthermore, a Ministry of African Integration and the Nigerien Abroad was created in 2007, and then incorporated into the Ministry of Foreign Affairs in 2010. It supports the participation of the Nigerien diaspora in the development of their country of origin. For example, in 2009, in the frame of the TOKTEN program, designed by the UNDP, this Ministry identified the institutions and the economics sectors of activity that could benefit from the competences and the expertise of highly-qualified Nigeriens living abroad.

Though associations of Nigeriens abroad exist in several countries, the institutionalization of relations between the diaspora and the State are weak. However, after the February 2010 military coup, the Prime minister, Mahamadou Danda, and the Chief of the State, the general Djibo Salou, took care to meet representatives of Nigerien communities abroad, on the occasion of official visits to Libya and Chad, for the former, and in Burkina Faso, for the latter. Recently, the possible participation of Nigeriens abroad in the presidential election of January 2011 has been much debated, raising logistical as well as political issues.

Moreover, migration flows through the Sahara have concentrated since the 1990s on the Nigerien route, because of the closure of the Chad-Libya border and because the route joining North Mali to Tamanghasset in Algeria was too risky. The Nigerien State does not consider transit migration through its territory to be a problem and, consequently, such movement of persons has progressively developed outside any legal framework. For example, all transit migrants whatever their country of origin and their legal status, including migrants from ECOWAS countries who are entitled to circulate freely in Niger, pay so-called 'taxes', naturally illegal, at almost every army or police check point. Although Algeria and Libya have intensified the fight against irregular migration lately, under the pressure of the EU, the flows of transit migrants through Niger have not decreased. The means and the cost of crossing the Algerian or the Libyan border are negotiated, each time, according to the implementation, or not, of security procedures.

Agadez is the main stop-over on the transit migrant's route, followed by Dirkou on the road to Sebha in Libya and Arli on the road to Tamanrasset in Algeria. In these cities, various economic activities depend on the passage of migrants: the drivers, who are often Tuareg; the *travel agencies*, which chart the trucks and negotiate with the public administration (army, police, and customs); touts, hotel-keepers, restaurant owners, prostitutes, mechanics, etc. Many migrants are stuck in Niger, because they cannot pay their passage or because they have been turned back or expelled from Libya or Algeria. Some migrants, relying on their experience, provide advice to new migrants and own profitable businesses, but many others are exploited by their employers and prostitution is common among women. Local and international NGOs (e.g. Timidria, ANDDH, CISP) as well as international organizations (e.g. IOM) provide assistance to these migrants and support them in returning to their country of origin.

Furthermore, several cooperation programs aim at developing control over irregular migrations. In 2009, Italy granted Niger equipment (vehicles, IT hardware, etc.) in the framework of a new cooperation agreement aiming at fighting drug trafficking, terrorism, and irregular migration. Currently, Italy is also developing an important project in Libya to strengthen the control of the Saharan borders. Furthermore, the IOM has implemented several programs with the support of Italy and the EU to train Libyan and Nigerien

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security officers at the border and to support the return and the reintegration of the migrants in their country of origin. In 2007, the IOM also supported the creation of an interministerial committee to improve the management of migration flows, under the direction of the Ministry of Interior in which the Directory for the Surveillance of the Territory (DST) is in charge of border control.

However, the management and the control of migration flows through Niger are problematic: the obvious lack of equipment and human resources compared with the immensity of the territory to be controlled and the inefficiency of any legislation in the face of widespread corruption. Furthermore, when considering Nigerien migration policy, the fight against irregular migration to Europe, which represents a small part of the whole migration flows in the broader region, should not hinder economic exchanges and the circulation of persons between Niger and its neighbors.

Niger's socio-political framework	Outward migration	Inward migration
<b>Governmental Institutions</b>	<ul style="list-style-type: none"> <li>- Ministry of Interior and Decentralization (Directory of the Surveillance of the Territory)</li> <li>- Ministry of Foreign Affairs, of the African Integration, and of the Nigerien Abroad</li> <li>- Ministry of Justice</li> </ul>	
<b>Governmental Strategy</b>	Mobilize the competences and the financial assets of Nigeriens abroad in favor of development	The stay and the circulation of foreign nationals are not considered a problem.
<b>Civil Society Action</b>	<ul style="list-style-type: none"> <li>- Exchanges between members of the Diaspora and the official representatives of the government (Chief of State, Prime minister, Ambassadors)</li> <li>- Various associations within the Diaspora (Union of Nigerien Students in Egypt -UENE-; Association of Nigerien Nationals in Belgium -ARNIBEL-; etc.)</li> <li>- Demands for out-of-country voting for Nigerien citizen's abroad</li> <li>- Web portal (<a href="http://www.nigerdiaspora.net">www.nigerdiaspora.net</a>)</li> <li>- Reinsertion of expelled migrants (Union of the Young Entrepreneur from Niger -UJEN-)</li> </ul>	<ul style="list-style-type: none"> <li>- Assistance and protection of the transit migrants (Timidria ; Nigerien Association of Human Rights -ANDDH-; International Committee for the Development of the Peoples -CISP-)</li> </ul>
<b>Challenges</b>	<ul style="list-style-type: none"> <li>- Support the reintegration of expelled migrants</li> </ul>	<ul style="list-style-type: none"> <li>- Assist transit migrants stuck in Niger and impede abuses (exploitation, corruption)</li> </ul>
<b>International Cooperation</b>	<ul style="list-style-type: none"> <li>- UNDP (TOKTEN)</li> <li>- IOM (<i>Reintegration Facility; Assisted Voluntary Return and Reintegration Programme for Stranded Migrants in Libya and Morocco; Assistance for the Return and Reintegration of Trafficked Children</i>)</li> </ul>	<ul style="list-style-type: none"> <li>- Italy-Niger bilateral agreement against drug trafficking, terrorism and irregular migration</li> <li>- IOM (<i>Across Sahara; Reception and Assistance of Migrants in the Region of Agadez; Capacity Building in Border Management</i>)</li> </ul>

This socio-political framework does not claim exhaustive coverage but intends rather to provide a synthetic picture of socio-political facets and policy developments shaping migration developments and governance in, across, and from Niger.

The socio-political framework is based on data and papers available for download on the CARIM web-site ([www.carim.org](http://www.carim.org)).

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