



Jesuit Refugee Service Europe

I DON'T KNOW WHERE TO GO

THE EXPERIENCES OF MIGRANTS LIVING
IN ALGERIA AND MOROCCO



Cover photo: Migrants living outside the village of Tamanrasset, Algeria. Isolated in open desert, they have virtually no where to go.

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Interior cover photo: Migrants being arrested by Algerian police.

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“Good luck doesn’t exist in life... it’s only God keeping us alive.”
A migrant living amidst the desert and rocks outside of Tamanrasset, Algeria





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Introduction

For years the European Union and its member states have been strengthening control mechanisms at the EU's external borders. Most significant are the joint operations of border police and military personnel under the aegis of the EU border agency, FRONTEX. Forced return at the external borders without any system in place that allows for the identification of persons in need of protection, and the denial of access to a fair refugee determination procedure, have become a problem of increasing importance and relevance. There is also the lack of transparency and democratic control of what is going on at the borders. The current discussion on these issues is heavily influenced by judicial and political arguments and not by the migrants' experiences and voices.

Against this background, the Jesuit Refugee Service Europe has set up the "Observatory" project to draw attention to the consequences of the EU's policies of closing the borders to persons in need of protection and putting the responsibility of dealing with these persons onto the transit states, especially in Northern and Western Africa.

We have conducted interviews with migrants who are trapped in Algeria and Morocco to give a voice to the victims of "Fortress Europe". Their

testimonies are both telling and informative.

The main part of the research for this booklet was conducted in 2010, before the outbreak of the "Arab Spring". In spite of all political events and developments and the influx of migrants, refugees and asylum seekers who have fled the violence in Libya since January 2011 and have tried to find a safe place in neighbouring countries, the situation in Algeria and Morocco – as regards granting protection and respecting human rights – has not essentially changed. The situation for such persons in these countries remains precarious.

The testimonies and information herein show that in Algeria and Morocco no national asylum procedure is in place. While the United Nations High Commissioner for Refugees (UNHCR) conducts a form of screening procedure, recognition as a refugee does not lead to the enjoyment of the rights enshrined in international legal instruments. Instead, refugees are often treated as irregular migrants and face the danger of deportation back to their countries of origin and into the hands of their persecutors.

Refugees, asylum seekers and most irregular migrants in these countries are referred to as "*stranded migrants*". The term is often used to describe



JRS Europe researcher Rozemarijn Vanwijnsberghe interviewed migrants in Casablanca and Rabat, Morocco, and in Algiers and Tamanrasset, in Algeria. The JRS project for migrant women and their children, *Service Accueil Migrants*, is based in Casablanca

persons who are “unable to return to a country of nationality or former residence for legal, or intractable humanitarian or logistical, reasons”.¹ In the cases described in this booklet, another element is added: the persons cannot move on in order to escape the situation in the countries of transit because they are denied access to Europe. Consequently, they are “stranded”.

These stranded migrants in Algeria and Morocco share the same dreadful situation. They are denied access to basic social rights and services and live in constant fear of being detained and deported. Even if they have already stayed in these countries for several years, they lack any prospects and the chance to improve their lives.

This situation in Algeria and Morocco is a consequence of border control measures introduced by the EU and its member states. JRS is using this publication to call on every decision maker in the EU and its member states to immediately take the necessary steps in order to change policies so that migrants in need of protection are given access to it.

JRS is very grateful to all who shared their experiences and personal stories with us. The names of migrants referred to in this booklet are not their own in order to protect their identities.

We dedicate this publication to the thousands of men, women and children who have lost their lives at the closed borders of Europe.

Glossary of terms

In order to make this booklet more readable international legal instruments are referred to in an abbreviated form:

- “1951 Refugee Convention” refers to the United Nations Convention relating to the Status of Refugees, adopted 28 July 1951, 189 UNTS 137;
- “1967 New York Protocol” refers to the Protocol relating to the Status of Refugees, adopted 31 January 1967, 606 UNTS 267;
- “Anti-Torture Convention” refers to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted 10 December 1984, 1465 UNTS 85;
- “1990 Migrant Workers Convention” refers to the International Convention on the Protection of the Rights of All Migrant Workers and Their Families, adopted 18 December 1990, 2220 UNTS 3;
- “1969 OAU Refugee Convention” refers to the Convention of the Organisation of African Unity Governing the Specific Aspects of Refugee Problems in Africa, adopted 10 September 1969, 1000 UNTS 46.

Additionally,

- “Asylum seeker” means a person

who has made an application for asylum in respect of which a final decision has not yet been taken;

- “Irregular migrant” means a person who is not a citizen of the country where she or he is staying and whose presence on the territory of a certain State is regarded as illegal because the stay does not fulfil the conditions for stay or residence as set out in the law of the respective State;
- “Migrant” means a person who is staying in a State of which he or she is not a national;
- “Refugee” is a person who, owing to 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; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (Article 1 (A) 2 of the 1951 Refugee Convention);
- “Removal/to remove” means the execution of the obligation to return, namely the physical transportation out of the country.

Morocco: From a transit country to a “mouse trap”

Koukou’s story

Koukou lost her entire family during the civil war in Liberia. In 1996, the house in Monrovia where she was living with friends, including the father of her baby, was bombed and completely destroyed. Koukou survived because she had not been in the house. Her partner was killed. She tried to make ends meet as a street trader. But it was extremely difficult because of the conflict. Finally, in September 1998, Koukou decided to leave the war-torn country and went to Nigeria. There she was admitted to a refugee camp where she obtained a refugee ID-card, but little else. Together with a girlfriend she tried to set up a little shop where they sold African food, but life remained very hard due to the levels of violence in Nigeria. While in Nigeria, Koukou met her husband.

Her husband had a friend in Libya who invited him to work there. Together the family made the long and difficult journey to Tripoli. But surviving there turned out to be quite difficult because Koukou was unable to open a small business as a trader, as women were not allowed to speak to men on the street. So they decided to go to Morocco because they had heard that it was a more liberal country.

Despite having been recognised as refugees, they were treated as irregular immigrants by the Moroccan authorities. One day the police conducted a raid in the district of Casablanca where Koukou and her family lived. They put every migrant they found into buses and brought them to Oujda, at the frontier with Algeria, leaving them in the desert without any food or assistance. During the night the couple with their little daughter went back to Casablanca on foot. They barely manage to survive. Koukou’s husband, a trained mechanic, works from time to time and Koukou runs a small business. In Casablanca a second child was born. Having few resources, the family relies heavily on help from friends and the SAM project (see below) for making ends meet.

Koukou is not the only woman in such a situation. Many migrants find themselves in similar or even worse distress.

Since 2008 JRS has run a small project in Casablanca: the Service

Accueil Migrants (SAM) includes a nursery school for approximately 40 migrant children, a number of regular workshops and activities for migrant women, social outreach and support in emergency situations, and partial support for income-generation. The

project regularly collects information on social and protection needs, exchanging the results with partner

NGOs as a contribution to their advocacy efforts.

Reasons for fleeing

When asked why they left their countries of origin and could not return, the women gave us a wide range of reasons:

- **The ability to survive, especially after the death of a close relative.** “When my mother died I had no one who helped me to survive”, says Emily.
- **Better opportunities for their children, such as a good education.** In the words of Mary: “I want to go to Europe in order to train my baby, so he can become somebody in the future.” She says this is not possible in Nigeria: “I don’t want to go back to my country. Nobody will help me there for my baby.”
- **Fleeing war and violence.** Even under the current circumstances, life is better in Morocco than ‘at home’, says Blessing: “No armed robbers, no

fighters, no gunshots.” Koukou had fled the violence in Liberia and Nigeria: “Too much fighting and killing”, she says.

- **Persecution or ill treatment by family members.** “My husband’s family will maltreat me if I return”, says Julie from Côte d’Ivoire. Destiny from Nigeria states: “My father’s family will kill me”.
- **Domestic workers.** Bernadette, from Senegal, came to Casablanca in order to work as a housekeeper for a Moroccan family. Due to “problems” at work, she quit her job before the contract was ended. Her job-related residence permit expired but she did not have enough money to return home. If she had stayed until the end of the contract, her employer would have paid her trip back home. She cannot leave Morocco on her own. Her situation is a common one.

The end of a traumatic journey

Many migrants have experienced long and traumatic journeys. Blessing, a young single woman from Nigeria, recalls her arrival to Morocco in 2005, travelling by lorry with a group of people. The journey went from Nigeria to Niger (Agadez), then through Algeria

to Morocco (Oujda). “It was a rough one. At a certain stage, somewhere in the desert, the vehicle got bad and we were stuck there for three weeks, not having enough food and water. Later another vehicle came and picked the group up. On our way through Algeria,



we were also intercepted and sent to a place in Mali. The whole journey took a month and three weeks. All 20 people of the group survived and arrived in Morocco.”

Destiny came to Morocco in 2008 by land. Before this she lived in Libya for six months. She travelled to Morocco from Libya with a group of 40 people. The entire trip lasted one year. It was a very tough experience: they were beaten and had all their possessions stolen by armed robbers. One of her brothers died on the way.

Inside Morocco, migrants are often forced to move from one place to another. Gladys lived for one and a half years in the forest near Tangiers. Her first child was born there. According to her, migrants lived there under constant threat of being forced out,

and feared rape and violence by the police. Finally she came to live in Casablanca in the end of 2009.

Many migrants are forced to stay in Morocco after having been intercepted on their way to Europe. This experience can be very traumatic. In 2008 Betty, a young hairdresser from Nigeria who had been living in Morocco since 2000, took a *patera* (Spanish for a small boat) to Spain. There were 35 people packed in it, navigating in the night. The high waves nearly capsized their vessel. Finally, the *patera* was intercepted by a police patrol. The people were brought back to Morocco and sent to Oujda. Betty eventually returned to Casablanca. She says it was a terribly frightening experience that she would not want to try again: “We almost died that day. It is only God who saved us.”



While their mothers participate in educational and vocational training courses, these children take part in day care classes offered by the SAM project

No protection in Morocco

According to UNHCR statistics as of January 2011, 792 refugees were living in Morocco, together with 280 asylum seekers. The vast majority of the refugees – about 67 % – came from sub-Saharan African countries.²

These persons are not the only ones living in Morocco and seeking protection. Most migrants do not register with the local authorities or the UNHCR office, believing they would have a better chance to reach the ‘safe haven’ of Europe if left undetected. This strategy is not without reason: even if asylum is claimed, the chances are not very high that protection needs would actually be met.

Officially, Morocco adheres to the 1951 Refugee Convention and the 1967 New York Protocol as well as to the 1969

OAU Refugee Convention, and the domestic law provides for a residence permit (*carte de résidence*) to be issued to persons who are recognised as refugees by the UNHCR office in Rabat.³

However, Moroccan authorities do not automatically hand out the *carte de residence* to refugees.⁴ Consequently, these persons often only have in hand a paper issued by UNHCR. But without the proper Moroccan documents, they are left without any assistance from the State. The police, in turn, often treats them as irregular migrants.

Refugees also face many difficulties in the labour market because of widespread racism in Moroccan society. Blessing says: “The Moroccans don’t give us work. They are bad, they don’t treat us well.”

Struggle for survival

Most migrants enjoyed a profession in their countries or origin. In Morocco they struggle for survival. They try to set up small businesses as hairdressers or food vendors. Others engage in prostitution.

Room rentals in Casablanca are expensive. A small apartment for a couple with a child can easily cost 1,200 Moroccan dirham⁵ (MAD) per month. Bernadette from Senegal reports that she has to pay 820 MAD per month for the single room she shares with her partner. The average monthly income of a Moroccan household stood at about 5,300 MAD in 2009,⁶ a sum that most migrants can only dream of.

The UN Special Rapporteur for the human rights of migrants, in her report on Morocco, has pointed out that also in other parts of the country, “sometimes six [migrants] may be living in a single room rented from Moroccans. [...] Many migrants apparently sleep in the street from time to time or seek shelter in the forest.”⁷

If migrants become ill they often do not have access to medical care. The Moroccan state does not provide it, and doctors and hospitals are too costly. Some of the interviewed women have mental health problems. Julie, from Côte d’Ivoire, does not admit feeling ill but repeatedly stated, “If I had no children I would commit suicide”. Mary from Nigeria feels her

isolation deeply: “I don't have anybody. I don't know where to go... I'm alone.”

Access to education is also not possible. SAM is the only place in Casablanca where destitute migrant children can find a place in a nursery school, where their mothers can at least receive informal training, either job-related (like hairdressing) or more general (computer and French language courses).



Promoting the SAM project to migrant women and their children



The SAM project offers women workshops on sewing and knitting, as well as English and French language courses

Dumped in a “no man’s land” Deportations to the border with Algeria

On 30 September 2010, the international medical humanitarian organisation, *Médecins Sans Frontières* (MSF), reported that the Moroccan police had deported hundreds of migrants, including women and children, to a no-man’s land at the border between Morocco and Algeria.⁸ Police operations are reported to have taken place between 19 August and 10 September 2010 in many cities throughout Morocco, including Casablanca. Police forces used bulldozers in many of the raids and destroyed migrants’ tents and houses. MSF estimates that 600 to 700 migrants were arrested during the raids and taken to the border between Morocco and Algeria, where they were left to fend for themselves without food or water. Among them were pregnant women, children, and people suffering from medical problems or injuries directly or indirectly related to the police raids. They faced the choice of returning to Oujda (the nearest Moroccan city) on foot or trying to cross to the Algerian side of the border. Abandoned in the middle of the night, they were at risk of being attacked and robbed by bandits and smugglers operating in the area. Those who managed to reach the city of Oujda were left completely destitute, without money, shelter, or personal belongings.

It is not the first time that the

Moroccan police have abandoned migrants in the desert between Morocco and Algeria.

Since 1994 the frontier between both countries has been closed, and there is no legal possibility for the migrants to enter Algeria. Hence most of them try to return to Oujda and from there to other towns in Morocco.

The situation on the other side of the border is not any better. Betty, a young Nigerian woman interviewed in Casablanca, recalls her time in Maghnia, an Algerian town close to the border. “In the vicinity of Maghnia there was a large camp of migrants. It was not a good place. We were in hell! Many people have died in this camp in Maghnia. The men were only allowed out to find something to eat and drink. Women should stay indoors, shut up. Therefore we could only sleep and eat, that’s all. When you needed the toilet, we had to ask for permission and someone went with you to monitor and prevent you from escaping. It was difficult for me as a woman. I had to learn to appear to be sick in order to keep men away from me. My pregnancy was not sufficient to protect me. Quite a few girls were beaten and injured with knives when they resisted to having sex with men in the camp. No way out from this prison of migrants.”

Algeria – silencing migrants

A visit to migrants living in the rocks

Rozemarijn Vanwijnsberghe visited Algeria in May 2010. She managed to speak with a group of migrants living in the desert outside of Tamanrasset, in southern Algeria.

“It’s 3:00 pm when I meet S. at the gate of her house in a popular neighbourhood of Tam [the familiar name for Tamanrasset]. We plan to go and meet the migrants ‘in the rocks’. It’s a little risky, not so much for me as for my friend: While I will leave in a few days, she will continue living here. And it’s better not to have the police keep an eye on every movement you make. My friend knows this but she’s convinced: *We will go. I will accompany you.*”

“In the heat of the day we take the car and drive through the deserted streets of the city. It’s Friday, and after mid-day prayers hardly anybody comes out until evening. We park the car under the only tree we find and continue on foot, leaving the road and entering the rocky hills outside town.

“After walking for a few minutes a person comes to meet us. It’s a man, standing upright, waiting for us to come closer. He is alone, keeping watch. We ask him to take us to the migrants living here, but his first reaction is suspicion and denial.

“After some conversation, all of a sudden, he relaxes and makes a phone call (all of the migrants here have a charged mobile phone). In no time people start appearing at the hilltop opposite the one where we are. *Go down to the tree, the man told us, the people you see coming down are Liberians, they’ll talk with you.* We move. Another migrant invites us to sit with him under a tree. Confidence is growing on both sides.

“Within the next few minutes thirteen men join us, with two more remaining at a distance. All except one (a Nigerian) are Liberians and look to be in their 20s, some perhaps in their early 30s. A young man, suffering from a bad cough, cleaning now and then his runny nose with a dirty cloth and repeatedly blinking his eyes, red because of dust and infection, tells us he just came back from Tin Zaouatin in Mali. *It’s a trip of 700 km through the desert in the open back of a truck. They drop you off at about 15 km from Tamanrasset – sometimes even further away from town – in order not to be seen by the police. This means you have to walk the last stretch’* The others agree and join in the conversation about Tin Zaouatin. *It is a terrible place; it’s hell. You know, many get crazy there. Hardly any food, just some dry bread and milk every day, no water, heat. If you don’t have money, there is no way out of there.*”

“When I ask how long they have been in Algeria, one of them answers: ‘Some of us a few months, others up to a decade. If we had the opportunity, we would go to Europe or America, but good luck doesn’t exist in life, sister. It’s only God keeping us alive. We cannot even come out to pray because of fear of the police. But every morning we pray here, under the tree. From a linen bag hanging on the tree he takes a French bible and shows it to us. One of us reads the text in French and then explains it to us in English.’

“After what they’ve gone through, many would like to return to Liberia or go to another West African country. There we are home, accepted. But it’s very far, and the way down is through the desert, even hotter than here, and we don’t have the money. We look for work, most of us are skilled workers: electricians, carpenters and mechanics. In the morning we go to a place in town where Algerians come

to pick up labourers. In general we don’t accept work from the same employer for a long period of time before getting our pay. We’d rather work and be paid as day labourers. Not that we’re not ready to have a more stable job. But many of us have met employers who call the police at the end of the month instead of paying us.

“Most of the men were in Algiers before and applied for asylum at the office of the UNHCR there. They give you a card for three months. But whenever the police picks you up, they take your paper from you. We are here because we were caught and deported to Tin Zaouatin. From there, we paid our trip back here. We don’t have a life here. Almost every day there are raids by the police. They usually come in the evening, around or 4:00 or 5:00 pm – they could come now. You never know. Sometimes they come twice a day. When they come, they bring dogs and burn all of our belongings”.





Migrants being arrested in the early morning hours by the Algerian police in the desert outside Tamanrasset

Irregular migration in Algeria – officially a taboo

According to official statistics,⁹ between 1 January 2000 and 31 December 2007, the Algerian police have questioned more than 65,000 irregular migrants. The *Gendarmerie Nationale* estimates the number of irregular migrants to have been about 13,000 in 2006 and 22,000 in 2007. The migrants came from more than 48 different countries of origin, the vast majority from Niger (35 %), Mali and Nigeria (15 % respectively).

Between January and June 2011, according to UN statistics, 24,050 persons migrated from Libya to Algeria.¹⁰ Unfortunately, the statistics do not show how many of them are Algerians, Libyans or nationals of another country.

The main affected areas in Algeria are those along the borders, i.e. the southern *wilayas* (provinces) of

Tamanrasset that are at the border with Niger; Adrar, at the Malian border; Illizi at the border with Libya; Tlemcen, at the western border with Morocco. Irregular migrants also live at the margins of some cities and towns in northern Algeria, for instance in squatter areas in Algiers.

This phenomenon is not officially discussed in Algeria, but rather “relegated to informality and negated”.¹¹ The reaction of the authorities is ambiguous, swinging between toleration and repression. On one hand, Algeria is a State party to all relevant international human rights instruments, including the 1951 Refugee Convention and its 1967 New York Protocol, as well as the 1990 Migrant Workers Convention. The State has also adhered to the 1969 OAU Refugee Convention.

Immigration is widely perceived as a danger to national security, in combination with terrorism, criminality and racketeering. In particular migrants from neighbouring Mali and Niger are often suspected of being terrorists.

As a consequence of this ambiguity, immigration is not subject to a coherent policy but rather to *ad hoc* measures leaving most migrants at the margins of society, in a fragile legal situation. They are harassed by the police and exploited by employers, and they face a rising xenophobia among Algerians.¹²

On 25 June 2008 Algeria adopted a new aliens law. The new law¹³ reflects the ambiguity in the Algerian authorities' perception of immigration. It allows immigration, but only under certain conditions. If the immigrant no longer meets these conditions, his or her residence permit is revoked, and s/he becomes subject to deportation. The deportation decision can be contested at a court of justice with a suspensive effect. The person in question has a right to contact diplomatic or consular services of the country of origin, and to be assisted by a lawyer and an interpreter. If the deportation cannot be carried out, the foreigner may receive a residence permit restricted to a certain place.

None of these guarantees are valid for irregular immigrants. They can be immediately transported to the border and forced to leave the country. There is

no possibility to contest such a measure. The law provides for the establishment of centres where irregular migrants can be held until they can be either brought to the other side of the border or to their country of origin. Irregular immigration is a crime, punishable by imprisonment between six months and two years, and a fine between 10,000 and 30,000 dinars (about 100-300 euros). Moreover, any assistance given to an irregular migrant is punishable by two to five years' imprisonment and a fine between 60,000 and 200,000 dinars (600-2,000 euros).

Although the national law refers twice to the international treaties on refugees and stateless persons Algeria is a State party of, the law does not contain any provision offering real protection to persons in need of it. With regard to deportation, there is no reference to the *non-refoulement* principle of the 1951 Refugee Convention or the Anti-Torture Convention. Neither is there any provision for an asylum procedure, nor on the status of Convention refugees.

As a consequence, those seeking protection, as well as irregular migrants, are at extreme risk in Algeria. As UNHCR sums it up, they “are frequently arrested and deported for illegal entry or stay in the country. Sexual and gender based violence against refugee women is also reported. [...] The Government does not provide a legal status to urban refugees. It considers all migrants illegal and there are no prospects for local integration.”¹⁴

Neglected by the authorities, harassed by the police

The migrants Rozemarijn Vanwijnsberghe met ‘in the rocks’ in Tamanrasset are witnesses to this extremely difficult situation. But there are others as well.

In the hospital of Tamanrasset, Rozemarijn met Peter, a young man from Liberia. He was hospitalised for two weeks with an infection and water in his lungs. Initially the doctor thought he had tuberculosis. But the test results were negative. He was still undergoing other tests on his lungs and heart. In the meantime he was regaining strength, having a bed to sleep in and food twice a day. The doctors were kind. Knowing that Peter was squatting ‘in the rocks’, they kept him long enough to allow at least a partial recovery before dismissing him. None of his compatriots or other migrants came to visit Peter in the hospital. They were too afraid of being caught by the police.

Peter did not want to go back living in the rocks. “It’s too hard”, he said, preferring to go back to Liberia. But he would need money to start a life there. Otherwise he had no possibility to survive. “It was a very big mistake for me to come here”, he said. “But ‘friends’ told me that the currency here is strong and so I thought I could make a life for my family. I have been living away from my country since 1990. My father made me and my brothers live in a resettlement camp for Liberian refugees in Ghana (the biggest one

there). I went to primary and secondary school. I was also in the Ivory Coast for a while, until the war broke out. So I went back to Ghana. I started university (a university favouring underprivileged people), because I like history. After a year I had to drop out because my mother died. Then I went back to Liberia. I married and four months ago my baby boy was born. I have not seen him yet. My wife and son live with her family back home.”

His situation in Algeria is desperate: “Life in Tam is very tough. We live in the rocks, without any protection from the sun, the heat or the cold. In winter the nights are very cold. Before we would build ourselves tents with plastic foil; nowadays, we don’t do that anymore because it attracts the attention of the police. So in the morning we get up, brush our teeth, wash our face and feet – there’s a lady who gives us free water – and then we go out to find a job for the day. By 1:00 or 2:00 pm we all come back and gather under a big tree. Those who have earned some money give 50-55 Dinar to the group. With that money we can buy food in the market. But we must always be very attentive. The police can come at any time. Sometimes we are about to eat when they come, and sometimes we have just finished. When they arrive, you run, because when they catch you they bring you to a deportation camp and from there to Tin Zaouatin (Mali). They deport you there in big trucks,

like cages. Animals are better off. During the nights we never really sleep, because we must always stay alert. In the evening we take our mat from the place where we hid it (if the police find it, they burn it), roll it out and lie down. In the morning we hide it again.”

John and Paul, two young men from Liberia, state that sub-Saharan Africans “don’t exist” for the Algerian authorities. Even recognised Convention refugees who hold an ID card issued by UNHCR do not get a chance to establish themselves in Algeria. John explains, “If the security forces catch you, they send you to a deportation camp and then to Tin Zaouatin (Mali).” John has been recognised as a refugee by the UNHCR office in Algiers. From 2005 to early 2010 he lived in Algiers with his wife and child. But some months ago the police caught him and deported him to Tamanrasset, while the rest of the family remained in Algiers. The police officers did not heed his claims that he was legally living in Algeria. Instead they took away his UNHCR Refugee Card and destroyed it. Now John is trying to survive in Tamanrasset without any chance of being re-united with his family.

René, a young man from Chad, is working for an NGO in Algiers, but only unofficially. “It is totally impossible for a sub-Saharan person to find a regular job in Algeria”, he says. “Moreover, the UNHCR refugee status is not recognised

by the Algerian government.”

Previously, he studied for six years at the University of Algiers and became a veterinary surgeon. He returned to Chad when the government changed and hoped for less corruption a chance to get a job. These hopes did not come true, and René went together with a group of young Chadians to Cameroon. There he lived in a refugee camp and, with his veterinary degree, got a chance to work two times a month as an intern. One day, two people ambushed and stabbed him. He was able to run away but it was no longer safe for him to stay in the camp. He decided to return to Algiers where he has been staying since early 2009. René lives (or rather “sleeps”, as he calls it) on the university campus with sub-Saharan student friends. Sometimes there are police raids, mostly during the night when the residents are in. “Those nights you’d rather be out in the streets to come back ‘home’ in the morning and sleep during the day”. Summing up, René states: “Life is hard here, even as a Convention Refugee, because of the lack of official recognition and, as a consequence, because of the impossibility to build up a normal life. I’m happy with my work for the NGO. But what will my future be, I wonder”.

Julie, a middle-aged woman from the Central African Republic, who has established a small business in Tamanrasset, reports: “This afternoon there was a raid in town: policemen in

plainclothes picking up migrants. They beat them as if it's nothing. I wanted to film it with my mobile phone, but didn't dare to do it, because I was afraid they would see it. She adds, "You know, it's not that difficult not to be deported. Either you pay the police or, if you are a woman, you sleep with all those they tell you to sleep with (usually four or five men). Then they let you go. But if you are a man without money, or if you refuse to give 'sexual favours', then you are

deported without any chance to lodge an appeal".

On the other hand, Julie and some other migrants state that it is not difficult to buy a passport from neighbouring Niger. With that in hand, a migrant is allowed to stay in Algeria for three months. "When it expires then you go to Niger, cross the border again and get another three months stamped into your passport", they say.

For the sick: Free treatment in a hospital – but nothing else

In Algeria, admission to a hospital for emergency treatment is free of charge. Sometimes doctors and staff are very friendly and really care for their migrant patients. But there is

no medical care available for these migrants once they have been released from hospital. Adding to this, their living conditions can further endanger their health.

Pierre, a young man from Cameroon, whom Rozemarijn met in the El-Kettar hospital of Algiers, had been living in *Boush Bouk*, a squatter area on the outskirts of Algiers. He had earned his living by moonlighting as a gardener and swimming pool cleaner before he became very ill and had to be hospitalised. "In my 'house', at about two in the night, when the wind comes and it becomes colder, I often must rearrange the plastic foil I use as a wall." A nurse who heard this replied: "Take good care of yourself! You know, you are very sensitive to draught. Your lungs are weak!" And turning to Rozemarijn, she added, "He can survive a summer, but in winter anything may happen".

Victim of rape, infected with HIV, pregnant – and no prospects

A very upsetting story came from Pauline, a young woman from the Democratic Republic of Congo, whom Rozemarijn interviewed in the El-Kettar hospital.

At the time of the interview Pauline was seven months pregnant with twins. She had neither relatives nor friends in Algeria and could only survive with small assistance from an NGO.

Pauline had been raped and as a consequence she became pregnant with twins, but also contracted HIV.

Upon arrival to Algiers, she was “guided” to go and live in *Boush Bouk*. In those squatter areas people are placed together according to their country of origin. A single woman is usually told to go and live with a man. Pauline refused to do so because of her experience of having been raped. Finally, a couple allowed her to live with them, letting her sleep on the floor next to their bed.

There Pauline lived until a week before the interview with Rozemarijn. Then she was admitted into the hospital because of early contractions. A premature birth would put the twins at risk, not only because they would

be weak, but also because they would not have fully benefitted from the anti-retroviral medication Pauline had been given during her pregnancy. Nevertheless, the hospital was prepared to provide the children with any necessary medication as soon as they were born.

But the hospital could only serve as a temporary safety net. Being ill and with two babies, Pauline would not be able to work and earn a living for her and the children. In her poor condition, returning to the Democratic Republic of Congo would not be an option either. The Algerian authorities care little for her situation. Pauline will have to depend heavily on the goodwill of NGOs and neighbours in the squatter camp – without any real hope of establishing a livelihood.



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Intercepted by the Algerian police in Tamanrasset. Many migrants stop here on their journey towards the Mediterranean Sea, situating themselves 10-20km from the village, amid rocks and caves

Stranded migrants – victims of Europe’s policies

The rising numbers of migrants who are stranded on the southern shores of the Mediterranean are, as one analyst has put it, the result of the “quasi hermetic character of the European frontiers”.¹⁵ The EU and its member states have for years made every endeavour to close their common borders to ‘unwanted’ immigrants

the number of reported irregular border crossings is decreasing. But this decrease is due to tighter border controls and the increasingly dangerous journey to Europe, and not as a result of improved conditions in countries of origin. The reasons for fleeing are as pressing as ever; the difference is that it is harder to get to Europe to

On 28 June 2010, the Secretary-General of the Moroccan Ministry for Foreign Affairs, Youssef Amrani, in a statement issued at the end of a meeting with the Spanish Secretary of State for Immigration, Anna Terron i Cusi, praised the cooperation between Morocco and Spain in the area of the fight against illegal immigration that had “efficient results”, as the number of illegal immigrants has substantially dropped over the past two years. He noted that the two countries “are committed to pursuing consultations and coordination in this field and willing to work together to combat this phenomenon.”¹⁶ Nothing was said of the precarious situation of migrants in Morocco by either Mr. Amrani or by Ms. Terron i Cusi.

without putting in place any system of identification and assistance for persons in need of international protection. Instead, they have worked with countries of transit in order to increase their capacity to control the external borders of the EU.

In parallel with the EU’s activities, several member states have developed bilateral contacts and concluded agreements with certain transit countries. The most notorious cases are the close relations of Spain with Morocco, Mauritania and Senegal, and of Italy with Libya.

According to statistics published by the EU border agency, FRONTEX,

seek protection. People instead find themselves trapped in transit countries where protection is scarce.

FRONTEX statistics for 2010 show decreasing numbers of Iraqi, Somali, and Palestinian nationals who were detected while trying to cross the EU’s borders. At the same time, the numbers of detected Afghanis, Pakistanis and Bangladeshis have risen. Reports from Amnesty International and Human Rights Watch provide ample information about the atrocious human rights situations in Iraq, Somalia, Pakistan and Afghanistan. Thus we see that the conditions in several countries of origin have not measurably improved.

It is worth noting that a majority of people who have applied for asylum in Malta were recognised as Convention refugees, or otherwise in need of international protection. Between January 2004 and December 2008, asylum procedures in Malta showed a recognition rate of around 55%. Somalia and Eritrea were the countries of origin for the largest number of persons who were recognised as refugees or who were granted a subsidiary form of protection. A tightening of border controls without complementary measures for identifying persons in need of protection therefore results in the very concrete danger of refusing protection to victims of human rights violations.

Such complementary effective protection mechanisms, despite all promises, have yet to be put into place. While the European Asylum Support Office (EASO) has formally been established, its role, competences and tasks still remain to be defined. The same goes for the relationship between FRONTEX and EASO. At the moment it is not even clear whether EASO will play a significant role at the European borders. On the other hand, FRONTEX does not have a protection mandate. Hence, the danger of breaching the principle of *non-refoulement* during FRONTEX and other border operations is far from being eliminated.

The policy of turning a blind eye to the

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Algerian police detain migrants in movable steel containers. Many are expelled to the villages of In Guezzam, at the border with Niger, and Tinzaouatine, at the border of Mali

atrocious treatment of migrants in need of protection on the other side of the European borders must end. According to the Lisbon Treaty, the EU is “founded on the values of respect for human dignity, (...) the rule of law and respect for human rights” and, in its external relations, shall uphold and promote these values by, *inter alia*, contributing to the protection of human rights.¹⁷ It is time for all European decision-makers, be it the Commission, member states or the Parliament, to hold fast to the promises of the Treaty by taking immediate steps to establish a system of protection for all those in need of it.

Recommendations



To the EU institutions and member states

- The European Parliament should urge the European Commission, Council and member states to establish mechanisms that effectively identify persons in need of protection and ensure the necessary protection to be granted.

- Readmission and other cooperation agreements with third countries, whether concluded by the EU or a member state, must contain a human rights clause protecting the fundamental rights of all migrants, including their economic, social and cultural rights.

- Monitoring of forced returns to countries that have readmission and other cooperation agreements with the EU or the member states must be carried out in order to ensure that the human rights of returnees are protected.

- Forced return to any third country must be immediately stopped if the country cannot effectively protect migrants' human rights.



To the national governments of Morocco and Algeria



- To implement the treaty obligations they have already agreed to, most notably the 1951 Refugee Convention, in order to protect the rights of migrants and refugees in their territories.

- To grant a safe residence status to all persons who are recognised as being in need of protection, either by the national authorities or by the UN High Commissioner for Refugees.

- To implement laws they have already enacted, or to amend their national legislation, in order to ensure the respect and fulfilment of the human and social rights of all migrants, be they legally or irregularly staying in their territories

To individuals of goodwill concerned with the rights of refugees and migrants

- Contact your national authorities and ask if they have readmission or other cooperation agreements with Morocco and Algeria. Send a copy of this booklet. Point out that the government may be sending individuals to countries where their human rights are not respected, and from where they may be returned to other countries where they face risk of persecution.

Credits

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Special thanks to JRS Morocco and the SAM project for their support; to Bahri Hamza for permission to use his photographs; to all of the migrants and refugees who shared their lives with us.

References

Amnesty International: Urgent Action 150/10, 2 July 2010

Bensaâd, Ali: L'immigration en Algérie, une réalité pérnante. *pax & concordia* no 2, deuxième trimestre 2010, pp. 14-15.

Collyer, Michael: Stranded Migrants and the Fragmented Journey. *Journal of Refugee Studies*, Vol. 23, no. 3, pp. 273-293.

Consiglio Italiano per i Rifugiati: Rilascio Eritrei in Libia: Soddisfazione del CIR (Media statement), 17 July 2010

Elmadmad, Khadija: La nouvelle loi du 1 novembre 2003 relative à l'entrée et au séjour des étrangers au Maroc, et à l'émigration et l'immigration irrégulières. CARIM-AS 2004/01, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): Institut universitaire européen, 2004

Elmadmad, Khadija: Le Haut Commissariat des Nations Unies au Maroc. CARIM-AS 2009/29, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): Institut universitaire européen, 2009

Fédération international des ligues des droits de l'homme (FIDH) and others: Lettre ouverte aux Ministres des Affaires Étrangères en Conseil d'association UE-Algérie, 16 juin 2009

FRONTEX: Annual Risk Analysis 2011. Warsaw, April 2011. At http://www.frontex.europa.eu/situation_at_the_external_border/art23.html (accessed on 13 July 2011).

Grant, Stefanie: The Legal Protection of Stranded Migrants. In: *International Migration Law: Developing Paradigms and Key Challenges*. Ed. by Ryszard Cholewinski, Richard Perruchoud and Euan MacDonald. The Hague (T.M.C. Asser Press) 2007, p. 29-47.

Jesuit Refugee Service Malta: "Do They Know?" 2009; also on: www.jrsmalta.org.

Mebroukine, Ali: L'attitude des autorités algériennes devant le phénomène de la migration irrégulière. CARIM-AS 2009/08, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): Institut universitaire européen, 2009

Médecins Sans Frontières (MSF), Press release of 30 September 2010: MSF raises concern over the medical condition of migrants after mass expulsions by the Moroccan police.

MENAFIN-Morocco Business News: Morocco – Households' monthly income at MAD5,300. 2 July 2009

Rodriguez Pizarro, Gabriela: Report of the Special Rapporteur on the human rights of migrants on her visit to Morocco. UN-Documents E/CN.4/2004/76/Add.3, 15 January 2004

UNHCR: 2011 UNHCR country operations profile – Algeria

UNHCR: 2011 Regional Operations Profile – Middle East and North Africa

UNHCR: Update no. 30 – Humanitarian Situation in Libya and the Neighbouring Countries. 22 June 2011

Endnotes

¹ Stefanie Grant, *The Legal Protection of Stranded Migrants*. In: *International Migration Law: Developing Paradigms and Key Challenges*. Ed. by Ryszard Cholewinski, Richard Perruchoud and Euan MacDonald. The Hague (T.M.C. Asser Press) 2007, p. 29-47, at p. 30; Michael Collyer: *Stranded Migrants and the Fragmented Journey*. *Journal of Refugee Studies*, Vol. 23, no. 3, pp. 273-293, at pp. 274-275.

² See www.unhcr.org/cgi-bin/texis/vtx/page?page=49e4860d6 (accessed on 13 July 2011).

³ Article 17 No. 5 of the Loi n° 02-03 relative à l'entrée et du séjour des étrangers au Royaume du Maroc, à l'émigration et l'immigration irrégulières. See Khadija *Elmadmad*, *La nouvelle loi du 1 novembre 2003 relative à l'entrée et au séjour des étrangers au Maroc, et à l'émigration et l'immigration irrégulières*. CARIM-AS 2004/01, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): Institut universitaire européen, 2004, p. 3.

⁴ See Khadija *Elmadmad*, *Le Haut Commissariat des Nations Unies au Maroc*. CARIM-AS 2009/29, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): Institut universitaire européen, 2009, pp. 3-4. For further information about UNHCR's activities in Morocco see www.unhcr.org.ma (accessed on 13 July 2011).

⁵ About 106 Euros (1 MAD = 0.08 Euros) as of 13 July 2011.

⁶ According to MENAFIN-Morocco Business News, 2 July 2009: Morocco – Households' monthly income at MAD5,300. See www.menafn.com/qn_news_story_s.asp?StoryId=1093256547, accessed at 13 July 2011.

⁷ Report of Ms Gabriela *Rodriguez Pizarro*, Special Rapporteur on the human rights of migrants, on her visit to Morocco. UN-Document E/CN.4/2004/76/Add.3, 15 January 2004, paragraph 54.

⁸ Médecins Sans Frontières (MSF), Press release of 30 September 2010: MSF raises concern over the medical condition of migrants after mass deportations by the Moroccan police.

⁹ quoted by Ali *Mebroukine*, *L'attitude des autorités algériennes devant le phénomène de la migration irrégulière*. CARIM-AS 2009/08, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): Institut universitaire européen, 2009, p. 1-2.

¹⁰ See UNHCR, Update no. 30 – Humanitarian Situation in Libya and the Neighbouring Countries. 22 June 2011, accessed on 13 July 2011 at www.unhcr.org/4e0201a09.html.

¹¹ Ali *Bensaâd*, *L'immigration en Algérie, une réalité prégnante*. *pax & concordia* no 2, deuxième trimestre 2010, p. 14.

¹² *ibid.*

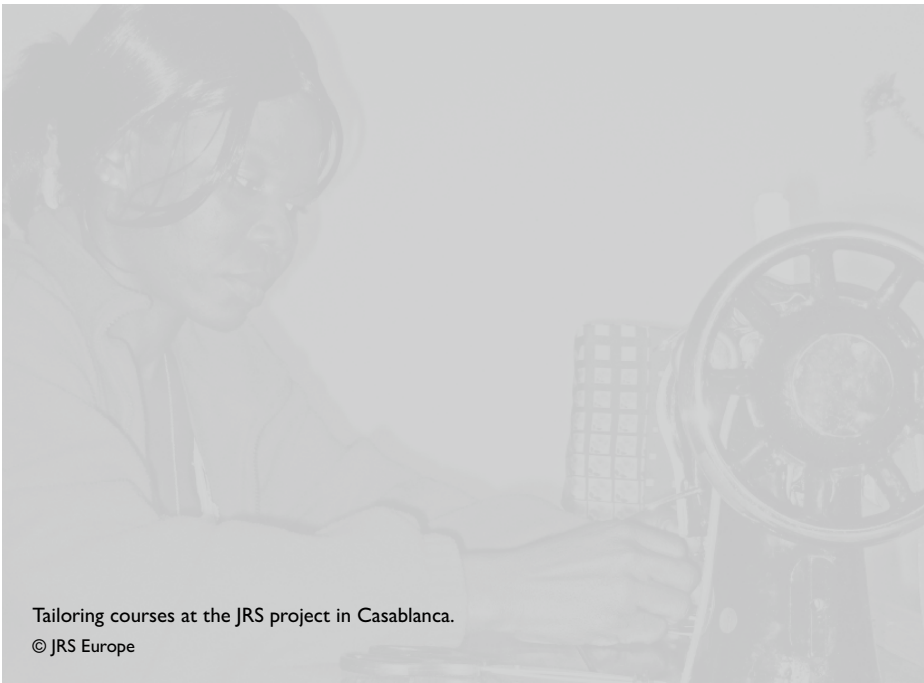
¹³ Loi no 08-11 du 21 Joumada Ethania 1429 correspondant au 25 juin 2008 relative aux conditions d'entrée, de séjour et de circulation des étrangers en Algérie. *Journal Officiel* no 36, 2 juillet 2008. On this law see Ali *Mebroukine*, *op. cit.*, p. 3-5. On critical points of the law see *Fédération internationale des ligues des droits de l'homme (FIDH)* and others, *Lettre ouverte aux Ministres des Affaires Étrangères en Conseil d'association UE-Algérie*, 16 juin 2009.

¹⁴ UNHCR, 2011 UNHCR country operations profile – Algeria; www.unhcr.org/pages/49e485e16.html (accessed on 13 July 2011).

¹⁵ Ali *Mebroukine*, *op. cit.*, p. 2: « caractère quasi hermétique des frontières européennes ».

¹⁶ Agence Maghreb Arabe Presse, *Morocco-Spain Cooperation in Fight against Illegal Immigration 'Efficient'* –Official. 28 June 2010.

¹⁷ Articles 2, 3 para. 5 of the Treaty on the European Union.

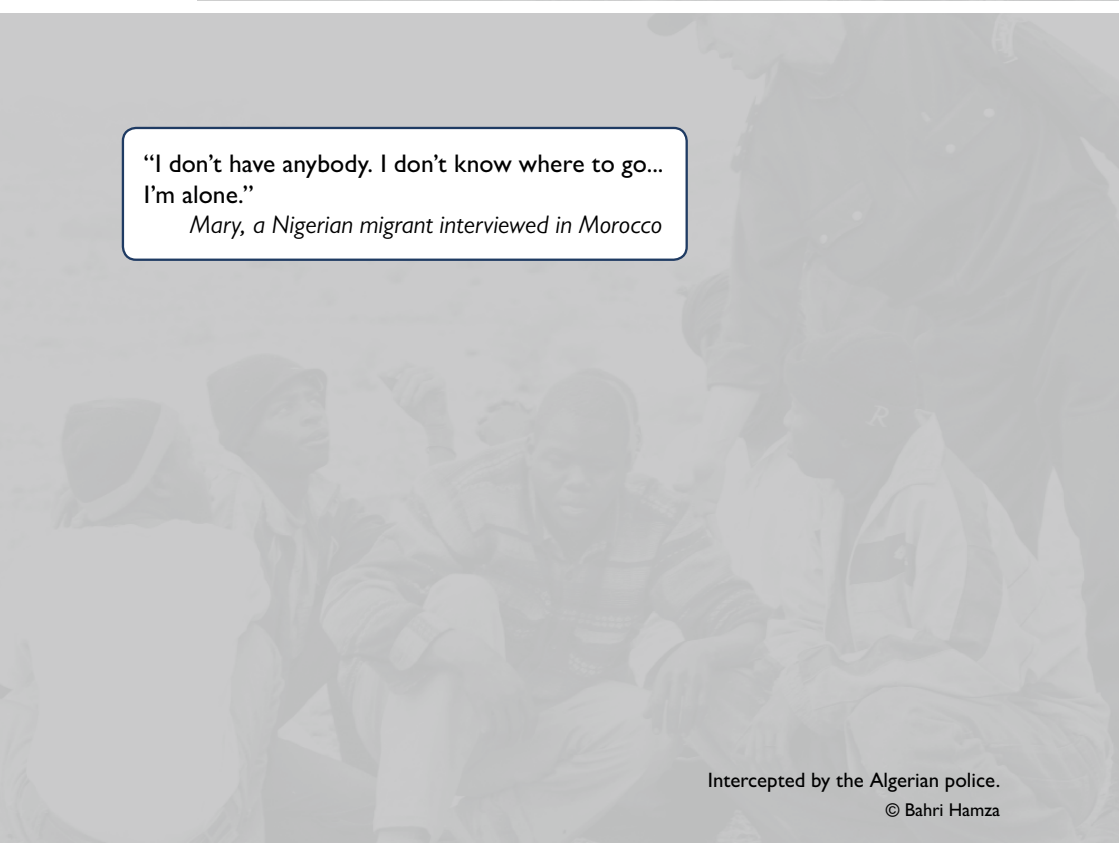


Tailoring courses at the JRS project in Casablanca.

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“I don’t have anybody. I don’t know where to go...
I’m alone.”

Mary, a Nigerian migrant interviewed in Morocco



Intercepted by the Algerian police.

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September 2011



Financial support for the production of this booklet
came from the EU's Fundamental Rights and
Citizenship Programme

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