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Comparative Analysis of Migration Policies and Social Transformations in the MENA Region

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Abstract

This article explores the historical developments of migration in the Middle East and North Africa (MENA) countries. It investigates the major turning points in the history of migration in the region, and some of the major policies and regulations that have been adopted in reaction to the inflow of migrants and the political and economic considerations that have motivated such polices. It argues that in some countries, improvised and exclusionary policy schemes necessitated by short-term political objectives and factors related to the interests of the political system have exacerbated the conditions of the migrant population and limited the prospects of integration. Hence, Saudi Arabia persistently adopts a populist purge against migrants by aggressively pushing for nationalizing various job sectors that were previously occupied by immigrants. Other countries in the region, and more specifically in North Africa, have taken a pragmatic attitude toward migration. They have consequently given up their exclusionary and highly securitized approach to migration and adopted national migration strategies that have opened the door for upward social mobility as well as social and political participation.

Keywords

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Introduction

The Middle East and North Africa (MENA) region has become a major destination for migrants in the last 50 years. While the Middle East, and more specifically the countries of the Gulf Cooperation Council (GCC) are a destination for thousands of migrants from Asian countries like India, Bangladesh and Pakistan, the region of North Africa has for long served as a transit space for migrants attempting to reach the EU. However, given the security measures imposed by the European Union, North Africa is becoming a final destination for thousands of migrants from Sub-Saharan Africa. In brief, the inflow of migrants, refugees and asylum-seekers has made the MENA region a major destination for international migrants. It is estimated that the region hosts approximately 34.5 million international migrants, which translates into 14 percent of the global migrant population.[1]

This paper explores the migration policies and regulations adopted throughout the region since the period of independence (1950s and 1960s) until the present day. It argues that such policies offer some lessons that defy conventional wisdom. Among these lessons is the relevance of resources to the success of migration policies. The region shows that while the countries that are endowed with great natural and financial resources (Saudi Arabia, the UAE, Algeria) have failed to adopt comprehensive migration polices, the countries that have very limited resources (Tunisia, Morocco) and that were historically countries of emigration, have realized successful national migration policies. In other words, the countries of the region demonstrate great diversity in their reactions to the inflow of migrants and in terms of their capacities to develop adequate responses. For instance, while some countries continue to adopt exclusionary migration models, as is the case with the Kafala system[2] in the Gulf, they ignore the lessons from the "guest worker" programs and their failure in Europe. Other countries have reached the conclusion that such nationalist models are costly to maintain and have a negative impact on the country's image and soft power. Therefore, they seek to forge migration policies that facilitate the integration of immigrants.

The investigation of migration policies adopted throughout the region reveals that exclusionary public attitudes, coupled with short-term and shortsighted policies, increase the vulnerability of migrants, limit the prospects of their political and social participation, and eventually further consolidate and reinforce xenophobic and discriminatory public attitudes. In fact, restrictive and exclusionary migration policies, as is the case in the GCC, only lead

to creating two parallel populations with minimal contact. In other words, citizens and migrants have limited contact which can translate into conflict in the future. The migrant-led riots and protests that took place in Saudi Arabia, the UAE and other GCC states constitute a case in point.

Shifting Global Migration Trends, Mixed Migrant Inflows and Diverse Policy Responses

There are various internal political considerations related to the interests of local elites, as is the case with Saudi Arabia, and the demands of strategic partners, as is the case with Morocco, represent majors factor that shape migration policies in the MENA region. However, there are other external and far-reaching factors such as military conflicts, neocolonial practices, border externalization policies and globalization which profoundly affect migration patterns and policies in the MENA region. These external factors make migration patterns extremely fluid and dynamic in a way that imposes urgent and constantly changing policy challenges on the countries of the region.

Military conflicts and neocolonial endeavors have played a major role in the changing migration patterns in the MENA region, and are therefore imposing new policy questions on public officials. For example, prior to 2011, Libya hosted 2.5 million migrants from the Middle East, Asia, and Sub-Saharan Africa.[3] However, the NATO-led intervention in Libya in 2011 overnight turned these economic migrants into refugees and asylum seekers. Most of these refugees moved to other neighboring countries in the MENA region. The U.S.-led invasion of Iraq in 2003 also caused significant waves of migration. It is estimated that the war on Iraq led to the displacement of approximately four million Iraqis. More than two million of these migrants and refugees were displaced within the MENA region, while only 200,000 moved outside the Middle East.[4] The Syrian revolution and subsequent international proxy war has also caused major population movement. It is estimated that the number of refugees and asylum-seekers generated by the conflict in Syria exceeds six million. Although the images of few hundreds of Syrian refuges heading toward the EU borders often attract the attention of the international media, the majority of these refugees are displaced within the Middle East. For instance, Turkey hosts 3,587,779 refugees, while Lebanon alone hosts approximately one million.[5]

As far as Sub-Saharan migration is concerned, recent data indicates that mobility in Africa takes place mostly within the region. In fact, 84 percent of

migration movement in West Africa takes place only within the region. For example, in the Côte d'Ivoire, 2,350,024 of the country's total immigrants (2,406,700) are actually living within the Economic Community of West African States (ECOWAS) region. Similarly, a significant number of migrants from Burkina Faso choose to migrate within the region. Hence, there are 1,310, 892 migrants from Burkina Faso living in the Ivory Coast.[6] However, such significant figures can radically fall, given the fact that many African states such as Chad, Guinea, Nigeria, Cameroon and Niger are ranked high in the fragile (failed) states index.[7]

The radically and rapidly changing political context in many African countries has a major impact on migration patterns in the MENA states, and an even more significant impact on the distinction between economic migrants, refugees and asylum-seekers. In other words, political fluidity in the region makes migration patterns highly unpredictable, and lines of distinction between migrants and refugees extremely blurred and fluid. For instance, in 2004, Sudan witnessed the signing of a historic peace agreement between the central government and the Sudan People's Liberation Army. Accordingly, this peace agreement meant that the situation of the country as "unsafe" was no longer valid. Therefore, the UNHCR suspended its RSD (Refugee Status Determination) process for all Sudanese persons applying for refugee status. Such a decision was inappropriate, given that the signing of the peace agreement did not necessarily mean that acts of war had completely ceased. In fact, even if it did apply to a certain extent to refugees from South Sudan, it did not necessarily apply to refugees from Darfur.[8]

Given the fact that Egypt hosts the world largest number of Sudanese refugees and asylum-seekers, the Egyptian government was forced to deal with the impact of what seemed to be such a minor shift in categorization. Directly after announcing the decision, a limited number of asylum-seekers tried to gather in front of the office of the UNHCR in Cairo to present a memorandum of protest. This spontaneous and unorganized act of protest initiated by few migrants evolved into a large-scale and well-organized sit-in that included an average of between 1,800 and 2,500 individuals. Given that Egypt was living under a state of emergency, after various negotiation rounds with the migrants, the Egyptian security forces initiated a violent operation to disperse the protestors. The operation led to a bloodbath and resulted in the death of 23 persons, half of whom were women and children.[9]

The MENA states are located at the epicenter of an international migration corridor. Consequently, policy makers need to continuously update the legislative framework and formulate new laws and regulations in order to properly address the challenges that such diverse

population inflows create. In addition to the outside factors inherent in the globalization of conflicts in the region, there are other factors inherent in the political systems of the countries of MENA that often seek to create a split between citizens and the migrant population. The countries of the MENA region have witnessed major and historic social transformations that include increasing urbanism, massive growth of the service sector and increased access to basic education.[10] However, migration has often been disconnected from these social transformations because the migration policies adopted by governments have mainly sought to limit the impact of human mobility on social transformation. The exclusion of Arab migrants from the migrant recruitment scheme in the 1960s represents just one attempt to isolate the oil-rich such as Saudi Arabia, Kuwait, and Bahrain countries from the major social changes related to the increased demand for democratic participation among the middle classes that was taking place in other Arab countries such as Egypt and Syria. Similarly, the major aim of current migration polices, especially in the GCC, is to homogenize the local population based on ethnic, religious and sometimes sectarian lines and exclude millions of foreign workers from any form of social or political participation. In many cases, migrants are viewed merely as imported labor; therefore, the social, material and symbolic borders between immigrants and citizens are highlighted. The segregated housing and extremely limited intermarriages between the locals and migrant workers manifest such boundaries which often lead to an increase in violence and racism against immigrants.

The Gulf Cooperation Council: Exclusion of Immigrants through Nationalization Policies

According to Fargues, migration toward the Middle East, and more specifically the countries of the GCC went through three major stages.[11] The first stage

was characterized by a preference for migrants from Arab countries given the cultural and religious affinities. Yet, such a preference would soon fade because of certain political and economic considerations. The second stage witnessed a preference for Asian migrants over Arab ones, mostly due to economic considerations. Finally, the last stage is characterized by a backlash against migration as a whole and an inclination to adopt further restrictive migration policies that seek to encourage migrants to leave the region.

The first stage was initiated in the 1930s thanks to crude oil exploration. During this period, oil production skyrocketed, which generated a tremendous inflow of foreign currency that was used to launch large-scale infrastructure building. This period coincided with nation-state building in the region. Therefore, financial resources were not only used to provide services, but to guarantee the loyalty of tribal leaders to the ruling families. The notions of nationality and national boundaries were alien to the countries of the region; people mostly identified themselves along family, ethnic or tribal lines.[12]

Moreover, contrary to Iran or Turkey, which have a history as distinct political and social units, many of the present Gulf monarchies emerged as a result of the Sykes-Picot agreement of 1916. Therefore, there were attempts to consolidate the conception of the nation through the establishment of fixed borders and the adoption of nationality laws. However, during naturalization campaigns, many people failed to realize the importance of registering in order to acquire citizenship as they were mostly leading a nomadic lifestyle. This abrupt process of state formation caused the Middle East to have one of the highest numbers of stateless persons. Hence, Saudi Arabia and Kuwait alone have 163,000 stateless persons.[13] In addition to stateless people, border disputes and conflicts displaced many people. For instance, the Iraq-Iran war of 1980–1988, which was partially motivated by disputes over the Shatt al-Arab waterway, displaced thousands of people from both the Iraqi and Iranian sides.[14]

During the first stage of immigration toward the Middle-East, most of the migrants in the region originated from neighboring Arab countries such as Egypt and Palestine. Arab migrants could easily be integrated with the local communities in the Gulf, given the linguistic, religious and cultural similarities. However, the Arab migrants represented a challenge for the local elites. There was the realization that the strong transnational networks the Arab immigrants had formed could potentially be used for political mobilization. Consequently, ethnic Arabs were no longer included in the naturalization

programs that various GCC states initiated in the 1960s. For instance, the amendments made to the Kuwaiti Nationality Laws in 1965 and 1966 were designed to consolidate the powers of the Kuwaiti nationalists by including the "illiterate" Bedouins who identified with the monarchy through tribal lines, and excluding educated Arab immigrants who backed Pan-Arabism.[15] In parallel, there was a shift of preference in favor of Asian migrants over Arab ones despite all the cultural and linguistic affinities. In fact, strikes and labor unrests headed and organized by Arab immigrants, as occurred in 1954, led to the exclusion of Arabs from the migration scheme. The protests of 1954 were led by Arab workers who demonstrated against unequal pay, specifically the unfair and extremely low wages they received compared to their American counterparts. Arab migrants were politically conscious and

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therefore inclined to engage in organized political activism.[16] The racist and discriminatory policies that Saudi companies such as ARAMCO adopted by paying Iraqi, Indian and African American engineers salaries that were significantly lower than the salaries paid to white Americans received little international attention. Subsequent events, such as the support proffered by many Palestinians affiliated with the Palestinian Liberation Organization (PLO) to Iraq's invasion of Kuwait granted further legitimacy to policies that sought to exclude Arabs.[17]

The second phase was characterized by a preference for Asian migrants. The increasing oil prices subsequent to the 1973 crisis provided the resources to launch further and larger industrial and development projects. The labor needed for such projects was provided mainly through bilateral agreements with home country governments.[18] However, the sharp demand for labor could not be met by the offer made through official channels, and therefore independent recruiting agencies flourished, as did unscrupulous and abusive practices.[19] Yet, recruiting migrants from countries like Bangladesh, India, the Philippines and Pakistan maintained a steady increase. Preference for Asian migrants over Arab ones was driven by both political and economic considerations. Unlike Arab migrants, Asian migrants were not politicized

and were not prone to protest, yet they were still considered a threat to the country's national identity. In the economic sphere, Asian migrants received significantly lower salaries; therefore, they drove the cost of development projects down. The same old issues of discriminatory wages were maintained, yet they faced little resistance. The 2015 Gulf Business Salary Survey highlights the discriminatory distribution of salaries in the GCC. For instance, a western migrant in Saudi Arabia was paid almost 30 percent more than an Asian migrant, while an Arab migrant received a pay six percent higher than that of an Asian migrant.[20]

Despite the discriminatory nature of wages in the GCC, however, the inflow of migrants from countries like the Philippines, India and Bangladesh to the GCC continued to increase because of the huge gap between wages in these countries and those in the GCC.[21] Therefore, the discriminatory nature of wages in the GCC had little impact on the inflow of migrants. Migrants could still make almost five times more than what they could have made at home while doing the same job.

The countries of the GCC have been consistently characterized as having an "open economy" yet a "closed society." In other words, the state encouraged entrepreneurial activities that require the recruitment of extra migrant) labor. However, the society was closed in the sense that there were no paths to citizenship and migration policies were designed to prevent the creation of first generation immigrants or permanent residents.[22] Therefore, the third phase reflected a desire to maintain and consolidate policies and regulations that prevent migrant integration and upward socioeconomic mobility. In fact, this phase was characterized by an incomprehensible backlash against immigration. Starting from the 2000s, the countries of the GCC set for themselves three major challenges: first, reducing dependence on foreign labor; second, increasing the participation of citizens in the national workforce; and finally, reducing the outflow of remittances. Various governments in the GCC have attempted to achieve these objectives, albeit through improvised and exclusionary policy schemes. These policies were often passed under the umbrella of nationalization, for example "Saudization" or "Emiratization." Such policies sought to guarantee national unity and social cohesion through the exclusion of migrants. Consequently, they further reinforced the mental image of immigrants not as an integral part of society or as individuals who have contributed to its current state of welfare, but rather as dispensable and undesirable Others.

For instance, in early 2011, Saudi Arabia introduced an employment system called *Nitaqat* that sought to encourage Saudi companies and business holders to employ Saudi nationals instead of migrants.[23] The program was later reformed in 2016 in order to be part of the Crown Prince Mohammed bin Salman's Saudi Vision 2030. The main idea of the program is to classify entities with more than six employees into six ranges, namely Red, Yellow, Low Green, Medium Green, High Green and Platinum as per their "job Saudization" rates, that is, the number of Saudi employees they had.[24] Companies are evaluated on the basis of their size and activities. Consequently, the top five percent of firms similar in terms of Saudization are placed in the Platinum Range, while the lowest five percent are placed in the Red Range. The services and facilities provided by government agencies such as the Ministry of Labor and Social development depend on such categorization. Hence, the official guidelines of *Nitaqat* clearly state:

> The facilities and services provided by the Ministry of Labor and Social Development will help the Green and Platinum entities grow and expand and, as a result, employ more Saudis. In contrast, the entities in the Red and Yellow Ranges which fail to cooperate in Saudization and comply with the provisions of the Labor Law and its Executive Regulations will not enjoy such facilities. That may weaken their ability to retain their current workforce.[25]

The *Nitaqat* program was intended to increase the participation of nationals in the job market and consequently decrease the number of migrants in the country. However, as Alshanbri and his colleagues indicate, the Saudi educational system had not adequately prepared citizens to undertake some of the mid-level and high-level skill jobs that were filled by migrants.[26] In addition, the type of jobs and the required working hours prevented citizens from taking advantage of the *Nitaqat* program. Moreover, the fact that migrants were being paid a lot less than citizens provided very few incentives for the companies to recruit citizens. Instead, the *Nitaqat* programs only created the objective conditions for more corruption and fake Saudization. In brief, the so-called Saudization campaign as projected in "Vision 2030" has only forced migrants to leave Saudi Arabia and has failed to achieve its intended objective of providing jobs for Saudi nationals.[27]

In fact, the implementation of the so-called nationalization policies has been accompanied by grave human rights abuses. For instance, between 2017 and

2018 the Saudi authorities launched mass arrest, detention and deportation campaigns against migrants. It is reported that during this period the Saudi authorities arrested approximately 670,000 migrants. News reports reveal that:

> 469,836 migrants were arrested for residency violations; 142,016 were arrested for breaking labor laws; 59,420 were arrested for breaching border security; and 1,300 persons were detained for providing accommodation and transport to 'illegal expatriates,' nearly 200 of whom were actually Saudi citizens.[28]

The conditions under which those migrants were kept between arrest and deportation are unknown. The absence of transparency and public accountability or judiciary oversight in Saudi Arabia creates a scarcity of data with regard to the exact numbers and conditions of detention centers in the country.

In Saudi Arabia, deportation campaigns were employed to strictly decrease the number of migrants in the country. However, other more subtle and less violent measures were also used to incentivize migrants to return to their home countries. Hence, various GCC governments also sought to impose taxes on the remittances sent by immigrants as a way to curb the outflow of foreign currency from the region. For instance, in 2012, Saudi Arabia imposed an income tax on non-nationals, while Kuwait was discussing the possibility of reducing highly subsidized public services provided to non-nationals.[29] The adoption of such policies reflects the ideas and objectives set in the national visions of the GCC, which mostly sought to increase non-oil based revenues, reduce dependence of citizens on government subsidies and increase the participation of citizens in the national job market by reducing the number of immigrants.

Various forms of abuse are still practiced against immigrants, including passport withholding, physical and verbal abuse, denial of days off, contract substitution and unpaid overtime work. Female migrants face the double challenge of being migrants in a region that provides little protection for them and being women in male-dominant societies. For instance, the Arab region and more specifically the countries of the GCC and Lebanon host approximately 1.6 million domestic workers,[30] almost 20 percent of the world's total. Various reports highlight the abuses to which domestic workers are subjected. For example, a report conducted in Sri Lanka revealed that out of 8,087

complaints regarding abuses to domestic workers, half of the complaints came from Saudi Arabia. Human rights reports reveal various cases where the Saudi authorities failed to bring citizens who abuse domestic workers to justice.[31] In fact, in the year 2000 alone, more than 19,000 domestic workers escaped from their sponsors in

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Saudi Arabia because of mistreatment and abuses. Such a situation is more likely to deteriorate than be resolved, mostly because it is being normalized. For instance, Waldman reports that some facilities that train domestic workers in Sri Lanka often seek to soften and normalize the abuses that their domestic workers are likely to face in the GCC.[32] The trainees are consistently told that the employers are always right and that "Mama [the employer] beats you and burns you if you do anything wrong."[33]

The same abusive practices against migrants differ in terms of scale and type. The countries of the GCC are not homogeneous in their response to the issue. Countries like Qatar and Kuwait have moved faster than Saudi Arabia in reforming their migration regulations. For instance, Kuwait adopted a new law in 2016 that sets the minimum wage and limits the number of extra hours for domestic workers. Similarly, the Emir of Qatar ratified law No. 15 regarding domestic workers in mid-August, 2018. This was qualified by a women's right activist as "a positive step, if long overdue, that Qatar finally enacted labor rights law to protect its almost 200,000 domestic workers."[34] Other countries in the region still resist change, and Saudi Arabia and Bahrain have not made modifications to their regulations related to domestic labor since 2012 despite the constant appeals of human rights groups. In fact, in many cases, policy reforms in the region have been more concerned with international criticism and the country's image than resolving actual problems. Therefore, various laws and regulations have been adopted, but they are not accompanied by the tools or the desire that would ensure their implementation. For instance, the Saudi Ministry of Labor and Social Development claims to impose statutory fines on employers who confiscate their employees' passports as a reaction to Cabinet Decision No. 166; however, reports reveal that this law is not actually being implemented.[35]

The continuing abuses against migrants, coupled with limited access to the legal system, have in many cases led migrants to engage in protests and organize and mobilize in demand of their rights. For instance, in mid-2008, Kuwait witnessed mass demonstrations organized by Asian migrants demanding their unpaid salaries. The media coverage at that time referred to this as "the revolution of the Asians." The protests included approximately 7,000 migrants. The initial attempt to disperse the protests evolved into violent clashes and resulted in the injury of six migrants. After brief negotiations, the security forces cracked down on the migrants and arrested more than 700 who were later deported. Similarly, in early October 2018, hundreds of migrant workers organized a mass protest demanding their salaries after working several months without receiving any pay. The Saudi security forces intervened swiftly and opened fire on the protestors, which led to the death of one migrant. So far, no official or independent investigation has been conducted into the event and the Saudi authorities refuse to give any comments on the incident.[36] One explanation as to why no investigation was opened during the incident was that many of the workers had contacts with ARAMCO, the powerful state-owned oil company.[37]

This latest event echoes various other past events, as it shows that the same security approach is being used to crackdown on migrants. For example, in November 2013, groups of migrant workers, mainly from Ethiopia, organized protests in the Manfouha district in Riyadh demanding their salaries. Security forces attacked the protesters which resulted in various injuries and two deaths.[38] It was also reported that Qatar had waves of protests organized by migrants. However, given the massive flow of fake news about Qatar in the context of the Gulf crises and the allegations made by Qatar's rivals, it is hard to substantiate or verify such reports. These reports include news about a protest that was organized by Asian migrants in mid-April 2018.[39] In brief, the failure of various migration policies to achieve their intended effects, coupled with the absence of legal frameworks protecting the rights of migrants and the rise of unwelcoming public sentiments are pushing migrants toward further vulnerability that might breed more violence in the future.

As Castles points out, there are three major factors that contribute to the failure of migration policies: "factors arising from the social dynamics of the migratory process; factors linked to globalization and the North-South divide and factors arising within political systems."[40] As far as migration policies in the GCC are concerned, they always contain such ingredients. For

instance, the backlash against immigration in the GCC set forward in the "nationalization" campaigns is only one of the manifestations of the social dynamics that control migration policies in the region. Building boundaries around nations through the exclusion and repression of migrants not only consolidates security-based approaches to migration issues, but also deprives migrants of their basic human rights and pushes them further into irregularity and vulnerability instead of integration.

Moreover, the nature of the political systems in the region has led to the development of migration policies that are unsustainable and costly to uphold. One of the major reasons why migration regulations in the GCC, and more specifically in Saudi Arabia, fail to achieve their intended objective is the fact that they rely on stakeholders to act against their own material interests. For instance, the Kafala system relies on both migrants and employers to act against their interests.[41] It is based on short-term contracts, which in turn leads to the rotation of migrant workers and therefore prevents the creation of first generation immigrants or permanent non-citizens. Yet, given that companies and entrepreneurs have invested considerable time and resources in order to recruit migrants and train them, they have no incentive to replace their current workers with new ones who would need training. Workers, for their part, have no incentive to return home given the huge discrepancy in salary between the home and host countries. Therefore, the economic actors have no interest in upholding the guidelines set in the Kafala system, which in turn paves the way for suspicious and unscrupulous practices.

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From a normative standpoint, the Kafala system is based on the premise that the foreign visitor should be vetted and protected by his/her local host. The direct binding between the "guest" and the local host is supposed to prevent the guest from violating the local traditions and norms, and enjoy the protection bestowed on him by his/her host. Such an idea is quite primitive and almost impossible to maintain in the modern world, let alone the idea that a foreigner cannot distinguish what is right and what is wrong, and thus needs to be in the custody of a national. In brief, the Kafala system as well as many migration regulations in the GCC are quite hard to defend both from normative and rational standpoints. They are also very hard to successfully implement.

North Africa: Common Challenges, Various Policy Reactions

Despite limited resources, high rates of unemployment among nationals and low human and economic development indicators, various countries of North Africa have demonstrated an understanding of the need to develop comprehensive national migration and integration strategies. For instance, in 2014 Morocco adopted its "National Strategy of Migration and Asylum" while Tunisia announced in early 2013 a draft national migration and integration strategy. Oil producing countries like Algeria and Libya have not yet succeeded in developing a comprehensive national approach to migration. Libya continues to struggle to rebuild its state institutions which were devastated by the 2011 uprisings. Consequently, issues related to national reconciliation, peace-keeping efforts and the management of the country's natural resources are prioritized over the migration issue.[42] On the other hand, Algeria continues to adopt a security-based approach to migration. The demonstrations that forced President Bouteflika to resign have also disrupted political institutions in the country and brought the military to the fore. The rise of Ahmed Gaid Salah as a powerful figure shows that the military will remain a key player in Algerian politics, but also that Algeria's security-based approach to migration will persist in the short and midterm.[43]

The countries of North Africa (Morocco, Algeria, Tunisia, Libya, Mauritania) have been countries of emigration since their independence. This means that the movement of the population has for a long time been outwards, mostly in the direction of Europe. A minority of highly educated individuals migrated to Canada and the U.S. Given the undemocratic nature of the region's governments, emigrants were viewed with great suspicion. Political regimes feared that emigrants would use their political freedoms in the West to engage in anti-regime activism. They thought that political conflicts could be easily transferred from the home country to the host country, and vice versa.[44]

However, various events have led such governments to realize the need to rely on emigrants in order to promote economic development. They realized that threats to the regime were mostly internal. For instance, Morocco witnessed various failed military coup attempts. In addition, economic stagnation has increased political dissent and made social protests and riots more frequent. The riots of Casablanca in 1965 and 1981, which turned into bloodbaths due to the brutal interference of the military are a case in point.[45] Consequently, the shift toward positive attitudes toward emigrants was both politically and

economically justified. As far as the economy is concerned, remittances sent by migrants served as an indispensable source of foreign currency, especially for non-oil-exporting countries like Morocco and Tunisia. The emigrants were also viewed positively because they were expected to come

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back home with the capital and expertise they gained abroad and invest in national development projects. In fact, most MENA countries did not witness an economic rise or developmental leap as expected during their struggle for independence. Therefore, migration was viewed as a "safety valve" through which political pressure could be released. This also meant giving the unemployed and unhappy young population a chance to build their future in Europe instead of engaging in political activism at home.[46]

In this context, the Moroccan state has encouraged emigration to Europe as part of a strategy to decrease political discontent and increase economic development in what has often been referred to as "le Maroc inutile." As the French colonial system left a legacy of strong centralized state, the regions that had strong industrial infrastructure and were agriculturally productive were called "le Maroc utile," or "the useful Morocco," while the mountainous territories far from the center were deemed "useless" and were excluded from development projects, which eventually increased the risk of protest and rebellion against the central government. In Morocco, the Rif region represents a case in point. Similarly, in Tunisia, the policies adopted by President Habib Bourguiba (1957–1987), and later throughout the rule of Zine El Abidine Ben Ali (1989–2011) tended to exploit the country's peripheral regions in favor of the center. As a result, poverty was extremely high and economic development was very low in these regions, which included cities like Kairouane, Kasserine and Sidi Bouzid where the initial protests that eventually led to the "Jasmine Revolution" started.[47]

The realization that high rates of unemployment and discontent among the young population could lead to mass political mobilization urged the governments of countries like Morocco and Tunisia to support emigration. For instance, Morocco signed many bilateral labor recruitment agreements

with a number of European countries (e.g. with France in 1963, Belgium in 1964 and the Netherlands in 1969).[48] It is estimated that eight percent of the Moroccan population are emigrants. In fact, the remittances that Moroccan migrants sent home in 2017 represented 6.81 percent of the country's GDP.[49] Similarly, it is estimated that 10 percent of Tunisia's population resides abroad and 83 percent of those living abroad reside in the EU. Remittances sent by Tunisians represent four percent of the country's GDP.[50] Therefore, Tunisia has adopted various laws and decrees that establish certain favors for Tunisians residing abroad in terms of taxation. These include decree no. 2009-2162 of July 14, 2009 and Decree No. 95-197 of January 23, 1995.

Yet, not all of the outflow of migrants to Europe occurred through the official channels of the "guest worker" programs. Thousands of people have used the Mediterranean Sea to cross to the EU countries irregularly. Similarly, thousands of migrants from Sub-Saharan Africa have used the countries of North Africa as a transit to flee to Europe. However, the signing of the Schengen Agreement meant that while the EU worked hard to remove its internal borders and therefore facilitate the free movement of people and products, it tried harder to strengthen and consolidate its external borders. Consequently, various border control and surveillance systems were installed across the Mediterranean Sea. More military and naval forces were deployed in the region to prevent migrants from reaching the EU countries.[51] For instance, Spain installed a state-of-the-art surveillance system called the Integrated System of External Vigilance (SIVE). Various advanced pieces of equipment such as radar units, infrared cameras and video cameras were installed along the Straits of Gibraltar and the Canary Islands in order to detect and intercept vessels coming from the other side of the Mediterranean.[52] On the EU level, the European Border and Coast Guard Agency, also known as Frontex, was established in 2005 in order to facilitate collaboration in the management of the EU's external borders. However, the securitization of the EU's borders has not stopped the inflow of migrants. It has only made migration more dangerous and costly.[53] In fact, the latest data reveal that in 2019 alone, 10,656 migrants and asylum-seekers successfully crossed the Mediterranean Sea and landed in Spain, Italy and Greece. However, it is also estimated that 854 individuals died in the same period while attempting to cross. The figure below shows that the numbers of deaths and incidents of missing persons have been consistently high.
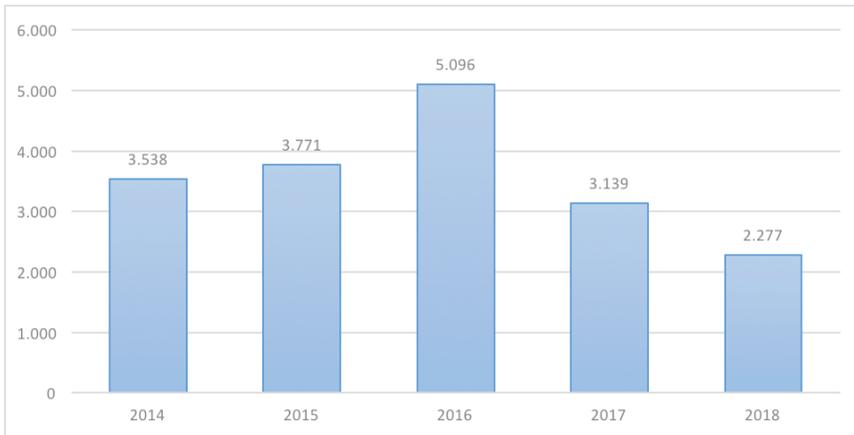
Figure 1: Officially recorded number of deaths and missing people in the Mediterranean Sea (2014–2018)

Source: UNHCR, https://data2.unhcr.org/en/situations/mediterranean.

In addition to securitizing its borders, the EU also encouraged transit countries like Morocco and Tunisia to engage in a war against immigration and act as a buffer zone for Europe. The EU offered technical help for border control as well as political and economic incentives for transit states. For instance, in 2005 it funded projects totaling 40 million Euros in order to reinforce security measures in Morocco.[54] Libya also signed an agreement in late 2008 that allowed joint patrols in Libyan waters. Yet, this agreement was hard to implement given the discord between some EU state members. Eventually, in 2009, Italy accused Malta and its coastal guards of diverting 40,000 migrants and refugees toward Italy.[55]

However, responding to the EU's combat against migration has not come without costs. For instance, in early October 2005, groups of Sub-Saharan migrants estimated to be around 600 stormed the fence separating Morocco from the Spanish-occupied cities of Ceuta and Melilla. The migrants used homemade ladders to climb over the barbed wire fences separating the Moroccan-Spanish border. The Moroccan border control guards who were described by *The Guardian* as "trigger-happy" opened fire on the migrants

and five were shot dead.[56] This incident and various subsequent events drew international attention to the Moroccan-EU approach to the issue of migration. For instance, the EU Commission's Vice-President Franco Frattini commented on the Ceuta and Melilla incident, stating: "This awful tragedy is another demonstration of the urgent need to step up our joint efforts to manage migration more effectively."[57] Various events that followed highlight the fact that securitization of the borders is not enough, as it only increases the number of victims and urges smugglers to adopt more advanced and sophisticated methods.[58]

Legal frameworks have also been adopted to combat irregular migration. For instance, in 2003, Morocco adopted Law No. 02-03 regarding the entry and stay of foreigners.[59] The new law was criticized by various human rights groups for providing legal ground for abusive practices against migrants. For instance, articles 34 and 35 of the law make it possible to detain migrants for a period of time that can be extended up to 26 days, while the detention zones do not fall under the authority of the Ministry of Justice, and thus are not subject to judicial oversight.[60] One year later, Tunisia also adopted Law No. 2004-6 in response to the EU's efforts to criminalize migration across the Mediterranean Sea.[61] According to this law, assisting, hosting or transporting irregular migrants and refugees can lead to a three-month prison sentence and/or a fine of 500 dinars.[62] Algeria adopted a similar law in 2008—Law No. 08-11—regarding the entry and stay of foreigners. Similar to the laws passed in Morocco and Tunisia, this law established various measures that violate the human rights of migrants. For example, article 24 stipulates that any individual who fails to leave the country after being ordered to do so by the local authorities is subject to a prison sentence of two to five years. The appropriate legal channels through which migrants, refugees and asylum-seekers can appeal against such a decision are not included in the law.[63] Since the adoption of the law, Algeria has consistently deported or repatriated migrants. Between 2017 and 2018, it forcibly repatriated more than 6,500 migrants. Reports also reveal that each year, approximately 3,000 migrants and asylum-seekers were expelled from Algeria prior to 2018.[64] Such abusive practices against migrants have caused various diplomatic disputes between Algeria and various African states such as Nigeria and Guinea.[65] In addition to Law No. 08-11, Algeria adopted Law No. 09-01 in 2009 in order to curb the irregular outflow of migrants. According to this law, irregular exit from the national territory by foreigners and citizens alike is punishable by a prison sentence of two to six months.

One of the first calls for a new and humanitarian migration policy on the southern side of the Mediterranean came from Morocco. In late 2013, the King of Morocco called for a "new vision for a national migration policy that is humanist in its philosophy, responsible in its approach and pioneering at the regional level."[66] This call was motivated both by good intentions and vested self-interest. Morocco's collaboration with the EU caused great inconvenience for the Moroccan leadership, and its war against irregular migration harmed Morocco's image among the African states and in the reports of human rights organizations.[67] Moreover, the security measures and the advanced security apparatus proved unable to deter migrants from undertaking the journey though the Mediterranean Sea.[68] Following the King's statement, the Ministry of Migration Affairs and Moroccans Residing Abroad announced the country's "National Strategy for Migration and Asylum."[69] The new strategy covered various areas such as education, health, social assistance, and employment. As far as education is concerned, prior to the adoption of the national strategy on migration, Sub-Saharan migrants had extremely limited access to the country's educational system. However, once the policy was announced, Circular No. 13-487 adopted by the Ministry of National Education ended all of the legal and administrative barriers that had for long excluded migrants from education.[70] Similar measures were adopted to facilitate the access of migrants to the job market and health services.

Similar to Morocco, despite having limited resources and an unstable political situation, the Ministry of Social Affairs in Tunisia announced in late 2014 a draft national strategy on migration. According the Ministry of Social Affairs, two divisions within the ministry were established in the post-Jasmine Revolution era: The General Division for Planning and Follow-up is responsible for communicating with Tunisians residing abroad and receiving returnees as well as asylum seekers who face difficulties. These directorates include departments such as Planning and Foresight, Follow-up and Communication, and Monitoring and Analysis. The second directorate, namely the General Directorate for International Cooperation, is responsible for exploring the possibility of consolidating means of bilateral and multilateral international cooperation in the field of migration, and constructing the legal and administrative mechanisms that guarantee the rights of migrants.[71] Although the new policy has not been followed by regularization campaigns as was the case with Morocco, the move still sets another precedent in the MENA region, since it highlights the need to develop a comprehensive national strategy that paves the way for integration and citizenship.

The policy came as a reaction to the increasing number of Sub-Saharan migrants in the country. Currently, Tunisia serves as a country of transit and, to a lesser extent, a country of final destination for thousands of Sub-Saharan migrants. The latest official data reveals that between 2004 and 2014 the number of foreign nationals residing in Tunisia has increased from 35,192 to 53,490—a 66 percent increase. These figures do not include the approximately 10,000 migrants who reside in the country in an irregular way. The policy was also introduced in order to respond to concerns expressed about the difficulties that migrants face in accessing education and health services. One study reveals that migrants lack any legal mechanisms through which they can regularize their status once their temporary residence permit expires. They consequently lack legal protection and often become targets of criminal activities such as robberies and scams.[72]

Therefore, the announcement of the national strategy was followed by the adoption of various regulations and ministerial circulars that aimed at facilitating the access of migrants, specifically Sub-Saharan migrants, into various services such as health and education. For instance, on October 17, 2017, the Tunisian Ministry of Health announced Circular No. 53, which sought to facilitate the access of foreign nationals to private and public health facilities, and to establish a special medical register for foreign patients. Prior to this, the Ministry of Health had adopted Circular No. 95 on October 7, 2015 to facilitate the access of refugees coming from Syria and Libya to the country's health sector. The final version of the national strategy has not yet been announced, as Tunisia is still going through a democratic transition.

Conclusion

Starting from the 1990s, the countries in North Africa have changed from sending countries to transit countries and finally to final destination countries for Sub-Saharan migrants. Many countries in North Africa have realized the uselessness of exclusive migration policies and consequently developed national migration and integration strategies despite having limited resources. For instance, Morocco and Tunisia have adopted various measures that facilitate the access of migrants to education, health services and the job market, consequently facilitating their socio-economic integration and upward social mobility.

Starting from the 1990s, the countries in North Africa have changed from sending countries to transit countries and finally to final destination countries for Sub-Saharan migrants.

Oil rich countries in the Middle East and more specifically the GCC member states continue to adopt exclusionary migration models that do not pave the way to either integration or citizenship. Instead, they adopt policies that not only fail to achieve their intended outcomes, but produce various negative effects. For instance, nationalization campaigns in Saudi Arabia and the UAE have reduced the number of migrants in the country without increasing the employment rates of citizens. This is an issue that will certainly affect the economic development of the region and further destabilize its social structure.

Although the countries of the GCC and North Africa cannot be viewed as homogenous units, Algeria's approach to the inflow of migrants is similar to the one adopted by the GCC countries. Similarly, the countries of the GCC are not strictly homogenous. For instance, while the UAE and Saudi Arabia have further consolidated their "nationalization" policies through the exclusion of migrants, Qatar has shown signs of reform. However, the general trend within the GCC is rejection and exclusion, a trend that is strengthened by the nationalist discourse. The current backlash against immigration is only one of the manifestations of resistance in the face of inclusion. It is a rejection of the new social and demographic realities. Yet, the increasing frequency of migrant-led protests indicates that such an attitude is difficult and expensive to maintain. On the other hand, the overall trend in North Africa reflects a pragmatic and less nationalist approach to migration. Therefore, the North African states adopt national migration strategies whose major aim is to promote the integration of migrants.

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