

Illegal immigration towards Algeria Its Reality, Consequences, and fighting

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Abstract- This study about illegal immigration to Algeria, is concerned with the great increase of this phenomenon and its negative consequences on the security and stability of Algeria. The study is also analysing the different measures & policies carried out by the Algerian state to confront and to fight this phenomenon.

The importance of this study is very obvious, because it tries to show and to clarify the great danger and the big threat of illegal immigration on the Algerian security and stability in many aspects, and that the actions and the measures taken by Algeria to confront it and to fight it, are not enough.

As a result, the study concludes that it is very necessary to make more collective regional and international efforts and cooperation to fight illegal immigration, because this phenomenon has become a worldwide issue in its spreading and in its threats and dangers as well.

Keywords: Illegal immigration –Fight against illegal immigration –Algeria’s security

ملخص- هذه الدراسة للهجرة غير الشرعية إلى الجزائر، تدور حول تنامي هذه الظاهرة بشكل خطير وغير مسبوق. وتهدف إلى الكشف عن واقعها وتداعياتها السلبية على أمن واستقرار الجزائر في عدة مجالات. كما تهدف إلى تبيان مختلف السياسات والإجراءات التي سلكتها الجزائر من أجل مواجهة هذه الظاهرة والحد من خطورتها.

وتظهر أهمية هذه الدراسة في أنها تحاول إظهار خطورة الهجرة غير الشرعية على الجزائر في كثير من المجالات، وأن الإجراءات والسياسات الجزائرية المتبعة لحد الآن غير كافية.

ومن هنا تخلص الدراسة إلى نتيجة مؤداها أنه لا بد من تكاتف الجهود المحلية والإقليمية والدولية معا لمواجهة ظاهرة الهجرة غير الشرعية والحد من خطورتها وتوسعها، حيث لا تستطيع أي دولة بمفردها القيام بذلك، لأن هذه الظاهرة أصبحت ذات صبغة عالمية في توسعها وفي تهديداتها وأخطارها كذلك.

الكلمات المفتاحية- الهجرة غير الشرعية -محاربة الهجرة غير الشرعية
-الأمن الجزائري

Introduction:

As it is known, the concept of security is characterized by change, according to the factors of time and place. For this reason, security is no more limited to the traditional concept, that is to the military or the political one, which has been concerned only with protecting the political boundaries of the state and its national sovereignty against external military attacks or threats.

It is with the new changes that occurred in the world scene, and with the emergence of globalisation and its expansion, that the concept of security has taken a larger dimension, in order to deal with the nature of the new threats and menaces resulting from these changes. As a result, there are many types of security: economic, social, political, cultural, environmental, humanitarian... and so on. This is due to the rise of several types of threats in the world today.

So, a change has touched the concept of security, due to the change in the nature and the sources of threats, which are facing many actors: states, individuals, and societies ...etc. External military threat is no more the only source, as it has been prevailing for many years, but there are many forms of threats, which are not necessarily military. Among these threats, we find illegal immigrations between countries, which can affect any society in its security, stability, identity and even in its existence and remaining in life.

Concerning Algeria, the subject of this study, the phenomenon of illegal immigration towards it, has expanded and enlarged too much in recent years, and has created many negative consequences, and dangerous threats to the security and the stability of the country and to the society as well, because this phenomenon is linked to many other threats, which are also very dangerous, such

as : smuggling and propagation of drugs, smuggling and trading of arms and people, organised crimes, terrorism and money washing, in addition to other economic, social, moral and health threats.

Illegal immigration to Algeria, especially from the south (the Sahel), has increased too much, either to settle and to work in the country, or to transit from it to other countries, notably to Europe across the Mediterranean sea. This illegal immigration has raised great concerns and worries in Algeria, because of the alarming situation that it presents in many aspects of life.

Algeria, because of its geographical location and other considerations, has become a suitable shelter and a place of refuge to a huge number of illegal African immigrants and others. This situation has presented great challenges to the country requiring the necessity to confront the phenomenon of illegal immigration and to fight it by many means, in order to stop it or at least to reduce its challenges and threats.

So, what is the state and the reality of illegal immigration towards Algeria? What are its different negative consequences? and what are the measures and the policies carried out by Algeria to confront and to fight this phenomenon?

To give answers to these questions, the study is divided into two main chapters. The first chapter deals with the reality and the state of illegal immigration towards Algeria. The second chapter is concerned with these measures and policies taken by the Algerian authorities to confront and to fight illegal immigration, with the hope of protecting the country and its citizens, and to preserve the national security and the national interests?

Illegal immigration to Algeria, reality and consequences:

In this chapter, we will analyse the state and the reality of illegal immigration to Algeria from one side, and the different consequences of this phenomenon on the country from the other.

1. State and Reality of Illegal Immigration to Algeria:

Algeria has been witnessing illegal immigration, which is presenting obvious challenges and threats to its security and stability in many aspects of life and in many sectors.

In fact, several factors have led to and have helped the increasing the spreading of this phenomenon in Algeria, but the most important ones are the historical & the geographical factors. For many years, Algeria has become the target and the dream of many African immigrants, either to settle in the country, or to transit from it to Europe through the Mediterranean Sea.¹ This was helped by the frontiers factor, because Algeria shares thousands, kilometers of frontiers with many African countries, which are the sources, and the origins of illegal immigration (nearly 7000 kms).² Those African immigrants take the opportunity of and exploit the strong historical relations, which link the Algerian tribes in the frontiers, especially the Touaregs, with those in Mali, Niger and Libya. The majority of the tribes in the two sides of the frontiers are the moving Bedouins (the Nomads), they do not recognise the political boundaries of the states, and these frontiers do not have any existence for them. So, crossing the frontiers is a

(1) Kissagou Ignace, *Une Afrique, Un Espoir*, ed. L'Harmattan, Paris 1999, P 90.

(2) الدهيمي الأخضر، التجارب العربية في مكافحة الهجرة غير الشرعية، دراسة حالة الهجرة السرية في الجزائر، بحث مقدم بجامعة نايف للعلوم الأمنية، فيفري 2010، ص 9.

natural behaviour although not legal, and they even consider it as one of their rights. This is because of familial relations and other linkages between these tribes, and also because of their nonstop movements, due to the nature of their lives and their livings.

Furthermore, the Algerian tribes in the South, do receive and welcome the immigrants, legal or illegal, facilitate their transit and their movements, and even give them shelters and other facilities and assistance, because all of them have relative and familial linkages, or even ethnic, religious and other strong relations.

Adding to that, these frontiers are very vast and very long, so that the Algerian authorities are not in the position to keep control on all of them. ³

Another fact is that, the emergence in recent years of these nets organisations of smuggling and transporting African immigrants, led to the arrival of more and more increasing numbers of illegal immigrants to Algeria.

Because of all these reasons, Algeria has witnessed great waves and huge movements of illegal immigrants, whom you can see and meet wherever you go, in villages, in towns and in cities, asking people for charities and donations. ⁴ These African immigrants arrive here, because of the bad conditions and circumstances they are living in their countries: political, social, economic troubles leading to miserable situations: unemployment and poverty in addition to the prevailing insecurity and instability due to internal or civil wars and conflicts. Furthermore, their countries suffer hard natural and climate conditions such as

(3) Kissagou. Ibid, p 92

(4) الصالح محمد، العولمة وفقدان الأمن للبشر في أفريقيا، تحديات وآفاق، القاهرة، مركز المحروسة 2003، ص 14.

desertification and droughts.⁵ These African illegal immigrants, have been joined by the Syrians since the beginning of the crisis in their country.

2. Illegal Immigration's Consequences on Algeria:

Illegal immigration to Algeria presents several negative consequences and threats which touch all aspects of life: economic, social, political, security, moral and health.... etc. It also affects the process of the society, because it presents a threat to the security and the stability of this society, to the state and to the individuals, especially because of its link with other dangers and threats which present great negative impacts as well, particularly the organised crime with its different forms: trade and smuggling of drugs, arms and people, money washing, terrorism and immoral behaviours, expansion of epidemical diseases and other threats and dangers.⁶

A. Economic Consequences:

All illegal activities done by illegal immigrants damage and hurt the economic production and the efforts of development in Algeria. They also lead to waste of money, to the spread of crimes related to getting illegal money, such as robbery, menace, corruption, smuggling, falsification and money washing....etc. Illegal immigrants have also caused the emergence of a cheap manpower market, at the expense of the local one, threatening to increase the unemployment among the Algerian citizens. Illegal

(5) الجمعية العامة للأمم المتحدة، تقرير عام 2007 عن الحالة الاجتماعية في العالم: حتمية العمالة، الدورة 62، البند 64 (1)، جويلية 2007، ص39

(6) العراقي رحيم، حوض البحر الأبيض المتوسط والمستقبل: www.alhiwar.org

immigration causes also the spread of a black market, notably in finance.⁷

All these illegal activities committed by illegal immigrants have of course, negative impacts and consequences on the national economy, on the development and on the process of the economic management, by affecting the administrative, economic and financial systems.

B. Social consequences:

Illegal activities of illegal immigrants have great influence on the values of the Algerian society. These immigrants are spreading some immoral behaviours and deeds in great manner and dangerous way such as the smuggling and trading of drugs propagating them in the society among the young people, leading to all kinds of harmful social consequences.

Illegal immigrants also practice and commit adultery and prostitution, which have dangerous social, moral, educational and health impacts; this leads to the spread of different epidemical diseases, such as AIDS & IBOLA...etc. Other negative consequences of illegal immigration to Algeria is that those illegal immigrants, and to avoid to be watched and arrested, because of their illegal situation and their illegal behaviour and activities, they run away from control by using different curved means, especially corruption, by giving money to some Algerian officials, administrators and individuals, and if they fail, they use any other aggressive means such as menace, violence, and crimes. This of course creates a situation of insecurity, instability and a state of terror and fear inside the Algerian society.

(7) Said Lila. Impact de l'Immigration Clandestine en Afrique, Juillet 2007, <http://www.fr.allafrica.com.stories/pdf>

C. Political & Security Consequences

Adding to what we have just mentioned, the coming of illegal immigrants in great numbers, creates many political and security troubles and problems. Their arrival has always been linked to criminal organisations, this no doubt creates a situation of insecurity and instability inside the Algerian society.

The presence of illegal immigrants leads also to the spread of ethnic and religious conflicts, and other controversies between them and the local inhabitants.⁸

On the other hand, and because of the vast and long frontiers of Algeria, it is very difficult to control them, this helps those illegal immigrants to deal and to cooperate with illegal groups and organisations, especially with terrorist groups, which can have uncontrolled camps and installations inside the frontiers. Illegal immigrants can also cooperate with traders and smugglers of arms, drugs and people, and other criminal organisations. All these activities constitute, of course, serious security threats to the country.

(8) سلام أحمد رشام، الأخطار الظاهرة والكامنة للهجرة غير الشرعية على الأمن الوطني، في كتاب: مكافحة الهجرة غير الشرعية، جامعة نايف للعلوم الأمنية، الرياض 2010، ص 210.

I Algerian policies to fight Illegal immigration:

In this chapter, we shall analyse two major points. First, the reasons and the purposes that push Algeria to fight illegal immigration. Second, the Algerian practical policies and measures of confronting and fighting this phenomenon.

1. Reasons & purposes for fighting illegal immigration:

Even though illegal immigration to Algeria is old, it has only developed and increased in such a dangerous manner in recent years. This obliges Algeria to take effective measures and procedures, and to undertake strict policies to fight it. This is exactly what appears in the official talks and discourses of the Algerian officials and in their concerns. It appears also through legislative measures and through operational security measures with the objective to manage this phenomenon, to dominate it and fight it as well.

The most important reasons for fighting illegal immigration to Algeria are:

A. The increase and the spread of this phenomenon in a terrible manner in the whole world. In this way, the world statistics of 2008, estimated that there are nearly 214 million illegal immigrants in the world.⁹ And Algeria is seen as a vast and propitious environment for the spread of this phenomenon, and its negative consequences. In a report of the United Nations Human Development of 2009, it is stated that: "Immigration necessitates more concerns by governments and international organisations

(9) United Nations, Department of Economic & Social Affairs, Population Division. (United Nations Data Base, Pop /D B /Mig / Stoc Rev 2008). <http://www.esa.un.org/p2kodata.asp>

and civil society, the reason is not because of the great benefits which the whole world can get, by consolidating development, but also because of the dangers which are faced by many persons. These dangers can be partially removed by putting better policies.

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B. The important geographical position of Algeria, which makes it one of the most important receivers of illegal immigrants, and therefore one of the most affected countries by their activities. The position of Algeria as an area which links Africa, Europe and Asia, makes of it the target and the suitable destination for these immigrants either to settle and live in the country, or to transit to Europe and other areas. Finally, Algeria shares long and vast frontiers with seven African countries, making their control difficult if not impossible as already mentioned.

All these geopolitical factors make it necessary for Algeria to have a great determination and to develop firm policies, with the hope of overrunning and dominating illegal immigration, in order to protect the territory and the state's sovereignty, to preserve the security and the stability of the country, and the well-being of the people and society.

C. The increase in recent years of large waves of illegal immigrants to Algeria, in addition to their relations and cooperation with criminal organisations, undertaking dangerous activities, as we have already mentioned earlier.

All these reasons pushed Algeria to build an effective policy of immigration and to take the necessary measures which should

(10) مباركية منير، نحو سياسة جزائرية فعالة في مجال الهجرة، المجلة الجزائرية للسياسة العامة، سبتمبر 2011، ص 45.

be included into the priorities and the strategies of its national security.¹¹

Indeed, the dangerous way that illegal immigration to Algeria has taken, and the resulting threats on its security and stability, led the Algerian authorities to undertake imperative and strict measures, and to put effective operational policies, in order to confront and to fight this phenomenon.¹²

2. Algerian Practical Policies to Fight Illegal immigration

It seems, from what previously seen, that it becomes unavoidable for Algeria to put a very precise and firm policy for immigration in general and illegal one in particular, because the statistics estimate that the rate of illegal immigration to Algeria is nearly 100 thousands immigrants who try to cross the country, 20% among them settle in Algeria, and the rest continue their way to Europe across the Mediterranean sea.¹³ Those who stay in Algeria live illegally to escape and run away from law and justice, and they, therefore, practice illegal activities to earn money and stay in the country secretly .

To fight illegal immigration, Algeria has taken several legislative measures and procedures, as well as many operational

(11) Labdellaoui Hocine, Algérie : la Dimension Politique & Sociale des Migrations, in Fargue Philippe (ed.), Migrations Méditerranéennes, Rapport 2009, Florences Robert Schuman, entre European University Institute 2009, P55

(12) Kerdoun, la Loi 08-11 sur la condition des Etrangers : Mutation des R - gles Juridiques Algériennes & leurs Impacts sur ia Migration Irrégulière, p 84.

(13) Carim Analytic & Synthetic, Notes No 06, Institut Universitaire Eur - péenne, RSCAS 2009, p 02.

security measures and policies, to manage and deal with the security threats caused by illegal immigrants, and their illegal activities.

A. Legislative measures:

It is very important and necessary to deal with immigrants in the frame and the base of law, in order to fight illegal immigration by taking imperative legislative measures. These measures are introduced by the law no 8/11 of July 21 2008, related to the entrance, the residence and the movement of foreigners inside the country. This new law has changed radically the old legislations of the 1966 law.¹⁴

This new law aims at defining the conditions of entry and exit of foreigners, and also their residence and movements in the country, according to operational ways. The new law defines the punishment measures to be taken in case of violation and non-respect of law. A foreigner who commits this violation will be displaced according to article 66 of the new law, and asked to leave the national territory within 30 days. The article 30 of the same law stipulates that the displacing of any foreigner is undertaken according to a decree delivered by the interior ministry, if it appears that his presence in the country constitutes a threat to the public order, or to the security of the country.

The new law gives more attributions and responsibilities to local authorities to control and to pursue the situation of foreigners, notably by refusing their entrance into the national territory. The Wali becomes the person authorised to do that while the 1966 law accorded this prerogative exclusively to the interior minister. The

(14) Journal Officiel de la République Algérienne, No 36, du 21 Juillet 2008, la Loi inclusive No 8/11, du 21 Juillet 2008.

purpose of this new law is to provide more flexibility and more rapidity in fighting illegal immigration, in a more effective way.

So there are repressive security measures to be applied and taken according to the new law of 2008: There is the Displacing which is applied against the foreigners whose presence in Algeria, constitutes a threat to public security and to Algeria's national interests. There is also the Expulsion which is applied against foreigners who do not fulfil the entrance conditions. Criminal punishments can also be applied and executed by prison and financial fines. A foreigner who commits lawful breaches can be jailed for six months, and financial fines would be imposed on him as well.

The objective of the punishment's hardening is to deter and to fight illegal immigration. In addition to these measures, there is the interdiction to reside in Algeria for 10 years against the foreigners on whom a judgement of displacing or expulsion has been imposed. Moreover, the new law punishes by financial fines, the persons who assist foreigners without submitting a report, particularly those who give them jobs or shelters illegally.¹⁵

B. Operational Security Measures:

These measures are seen to be the most important ones in the Algerian policy of fighting illegal immigration, because of the grave impacts of this phenomenon on the state's security. Damages and threats caused by illegal immigration became an important concern for the Algerian security services determined to fight firmly illegal immigration without hesitation.

(15) Labdellaoui Hocine, *la Politique Algérienne en Matière d'Emigration & d'immigration*, Carim, Note d'Analyse & de Synthèse, No 13, Institut Universitaire Européen, RSCAS, p. 1.

The vast surface of Algeria, and the big length of its frontiers, impose on the security services to consolidate the control of the borders which is assured by several sides, whose security missions are to regulate and to organise the transit and to protect the borders. These sides are: Police of the frontiers, National Gendarmerie, the Customs and the Army.

The following practical measures are imposed on foreigners who enter the country illegally.¹⁶

Deportation: Which takes place at the police of the frontiers level. This decision is to be taken when the immigrant does not hold a visa to enter the country, so he is to be denied from entrance.

Expulsion: Which is applied when the immigrant is living in the country illegally, he would be transferred to the security services of the concerned Wilaya to listen to him in an official PV, and after a deep study, he would be expelled to his original country, by transferring him to the points of transits.

Displacing: It is the extraction of foreigners by force through expulsion, when they enter the country by using illegal means, or when they stay in the country without legal permission, or because of the expiration of their visa.

The difference between Expulsion and Displacing is that expulsion aims to end the threat caused by the presence of a foreigner who is living in the country illegally. Whereas the displacing occurs when the foreigner violates the rules related to entrance, living and working of foreigners. Expulsion is also harder and more severe on the foreigner than displacing, because

(16) الحرقة والحراقة وأساليب مكافحتها أمنيا واستعلاميا، مذكرة تخرج عمداء الشرطة، المدرسة العليا للشرطة، دفعة 2009، ص 42.

the expelled one will not be authorised to enter the country again, except with a permission from the interior minister, whereas there is nothing in the law which prohibits a displaced person from entering legally into the country once again.

Practically, official statistics point out these numbers of illegal immigrants expelled and deported: 121 illegal immigrants have been expelled in 2007, 59 in 2008, 72 in 2009, and 35 in 2010. 10782 were deported in 2007, 6816 in 2008, 10349 in 2009, and 4855 in 2010.¹⁷

It is important to mention at the end that the role of the security services specialised in fighting illegal immigration, is not limited to deter and to repress this phenomenon, by applying security measures which are Expulsion, Displacing and Deportation, but their role goes further than that, by undertaking pre-emptive measures, to reduce the rise of illegal immigration and all activities related to it, by controlling the frontiers which are the first and the last place of all these threats and challenges. This control is done by the services mentioned just before.¹⁸

(17) Site Officiel de la Police Algérienne : www.DGSN.DZ

(18) بن شريف مهدي، تفاقم ظاهرة الهجرة السرية، مجلة الشرطة، عدد 88، سبتمبر 2008، ص 49

Conclusion:

In spite of the consolidation of legislative and security measures and policies to fight illegal immigration to Algeria, they remain insufficient,¹⁹ because the phenomenon has developed in recent years in a terrible way. There are thousands of immigrants living illegally in the country, some of them are even indulging in security issues and in crimes, but the Algerian authorities cannot arrest all of them to be sanctioned.

For this reason, it is necessary to strengthen and to add more operational security measures, for example to identify the roads used by the immigrants to infiltrate Algeria and to find their gathering points. It is necessary to collect data and information about their movements, in order to dominate the situation and to control it from all its sides. It is also necessary to know the organisations specialised in smuggling and transporting people, by searching and finding the local and foreign partners who are acting in different smuggling operations. The security services of the frontiers must be provided by new sophisticated technological means, to facilitate their operations of detecting and pursuing the traces of illegal immigrants.²⁰

In addition to these measures on the internal level, Algeria should strive to strengthen cooperation and coordination at the regional and international levels. Algeria must cooperate and coordinate with different African countries, particularly with those which are the sources and origins of illegal immigration, and also to cooperate with the different international organisations. It means that it is very necessary to find regional and international

(19) عيد محمد فتحي، التجارب الدولية في مكافحة الهجرة غير الشرعية، جامعة نايف للعلوم الأمنية، الرياض 2010، ص 50

(20) الدهيمي الأخضر، مرجع سبق ذكره، ص 20

solutions to fight illegal immigration, through the cooperation and coordination between all the concerned sides be it states, international organisations or others.

The efforts deployed by Algeria cannot be effective without exchanging information about all what is related to illegal immigration. Furthermore, the international community must open and develop channels of communication, cooperation and coordination in a manner which permits exchanges of experiences between different countries and organisations.

All these procedures and others at the internal, regional and international levels, no doubt, would help to master illegal immigration and to limit it, or even to put an end to it, that is to defeat it totally.