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POLICY BRIEF

Legal Aspects of Mixed Migration in the Arab Region

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Introduction:

This paper aims to reach a definition of what mixed migration is and its legal aspects, more specifically, as this term has imposed itself on migration scholars who have dealt extensively with the phenomenon recently, it seems to be a seamlessly exhaustive term to anyone crossing international borders; yet, when presented as a subject for research it is rendered rather complex, especially as it embraces various different groups linked by one element: the movement of a human group from one place to another driven by various motives, regardless of the extend of their need, and it even refers sometimes to the coercion within this movement.


The paper will also attempt to establish the terminologies included in the question of mixed migration, as well as to identify the approaches to address this (old/novel) phenomenon by the countries of the Arab region, in addition to ways of cooperation between countries adjacent to each other, and successful experiences in this field. Finally, it aims to identify the way forward, along with the recommendations to be considered, taking into account the balance between security and humanitarian aspects.

Comprehensive definition of the term:

The most comprehensive definition of the term “mixed migration”, in all its aspects, is probably how the ILO has described this mode of migration as:

“The multiplicity of factors driving such movements and the differentiated needs and motivations of the persons involved. Many migration streams include people who are on the move for different reasons, share the same routes or modes of travel and have varying needs and profiles. They may include refugees, asylum seekers, other forcibly displaced persons, smuggled persons, economic migrants, victims of human trafficking and stranded migrants.” It shall be mentioned that the UN has adopted several charters that protect the rights of migrants, from the Universal Declaration of Human Rights to several conventions on refugees, stateless persons, victims of human trafficking, and the protection of migrant workers and their families.¹”

¹ https://www.ilo.org/beirut/projects/fairway/WCMS_552791/lang--en/index.htm



The importance of this term is derived from the extreme significance this phenomenon represents, with its ramifications on many countries around the world over the past two decades as a result of those collective and individual movements in numbers that exceed the capacities of the receiving countries, especially for those who arrived irregularly in way that confused those countries, which consequently faced difficult choices to either promote human values and the principles of international law (whether represented by agreements and treaties related to the reception of refugees, or international customary law), or by stirring security concerns and considerations of the demographic structure changes in the host country ².

Looking at the above definition, it is found to deal with the subject of migration, which applies to migrants with different driving factors (including economic, educational, discriminatory issues and fear of persecution or violence). At the same time, it adds other dimensions that link these factors to different legal frameworks on the same routes (and even using the same means of transport), with the aim of reaching the same destination country. The definition also indicates that the situation of the migrant may change throughout the migration process itself, as the migrant may become a refugee, and the irregular migrant may become a victim of human trafficking ³.

From the above, mixed migration can be defined as “the movement of a group of people for varying reasons, where their legal status may become dynamic and subject to change during the journey from their country of origin to the country of destination.”

Efforts to govern the issue of mixed migration in the MENA region:

The MENA region is governed by many agreements and treaties aimed at regulating the issue of mixed migration, in addition to local laws, government decisions, and policies that regulate this cross-cutting issue. However, these legal and political tools are not activated properly. Taking a quick look at the countries of the region, certain obstacles can be noticed, perhaps the most important of which are the political accommodations, and the complexity and dynamics of the situation at the national and local levels. However, the scope of this research will be limited to the cases of migration across the Mediterranean from the south to the north, with an emphasis on the existence of migration cases within the African continent.

Governance of Mixed Migration in North Africa:

- If we address the role of Egypt, as one of the most important North African countries dealing with all mixed migration issues, Egypt is party to what we can call “a package” of international and regional agreements, and has national laws that regulate

² The UN has adopted several charters that protect the rights of migrants, from the Universal Declaration of Human Rights to several conventions on refugees, stateless persons, victims of human trafficking, and the protection of migrant workers and their families, etc.

³ UNODC <https://www.unodc.org/e4j/en/tip-and-som/module-5/key-issues/Mixed-migration-flows.html>

mechanisms of dealing with mixed migration cases. Moreover, Egypt is not only a signatory and ratifier of the 1951 Convention and its 1967 Protocol, but both Egypt and Iraq are the only two Arab countries that participated in drafting the Convention with the representatives of 26 countries before it was presented for signature ⁴. At the regional level, Egypt has acceded to the Organization of African Unity (OAU) 1969 Convention, which expanded the refugee definition beyond its 1951 international predecessor ⁵, along with two protocols to Combat the Smuggling of Migrants by Land, Sea and Air, and to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children ⁶. At the national legislation level, Egypt has national legislations governing mixed migration, such as law 89 of 1960 on Foreigners, law 64 of 2010 on Combating Human Trafficking, and Law 82 of 2016 on Combating Illegal Migration, and is currently drafting a refugees law derived from the 1951 and 1969 Conventions ⁷. At the policy level, Egypt has adopted a clear policy to control its maritime borders, especially after a wave of irregular migrations from 2013 to 2016 that led to several humanitarian disasters, the most recent of which was the sinking of the Rashid boat in September 2016, which killed more than 200 people ⁸.

- As for Libya, Egypt's neighbor, it is worth mentioning that it is also a party to the two protocols to Combat the Smuggling of Migrants By Land, Sea and Air, and to Prevent, Suppress And Punish Trafficking In Persons, Especially Women and Children ⁹, along with the OAF 1969 Refugee Convention ¹⁰. Nationally, Libya has issued Law 19 of 2010 on illegal immigration, and amended the laws on human trafficking ¹¹. With Libya's ongoing political instability, the State's control over irregular migration remains rudimentary, to the extent that most irregular migration journeys south-north the Mediterranean are launched out of the Libyan coast ¹². Moreover, a report by the European Commission on the training of Libyan border guards to prevent the flow of irregular migration ¹³ pointed to Libya's efforts that have not reached the point of controlling the shores yet, meaning it needs more international support to prevent drowning and death incidents on its shores.

⁴ UNHCR website <https://www.unhcr.org/media/28185>

⁵ University of Minnesota, <http://hrlibrary.umn.edu/research/ratification-egypt.html>

⁶ UN Conventions web page, https://treaties.un.org/Pages/ViewDetails.aspx?src=ind&mtdsg_no=XVIII-12-a&chapter=18&clang=_en

⁷ Egyptian Legal Encyclopedia, <https://egyption-law.com/>

⁸ <https://sis.gov.eg/Story/128605?lang=en>

⁹ UN Conventions web page, https://treaties.un.org/Pages/ViewDetails.aspx?src=ind&mtdsg_no=XVIII-12-a&chapter=18&clang=_en

¹⁰ University of Minnesota website, <http://hrlibrary.umn.edu/research/ratification-libya.html>

¹¹ <https://security-legislation.ly/en/law/32174>

¹² The last incident was the sinking of a boat loaded with irregular migrants on June 16, 2023 off the Greek coast.

¹³ https://neighbourhood-enlargement.ec.europa.eu/news/eu-delivers-support-border-management-libya-2020-07-16_en

- Tunisia, on the other hand, had acceded to the 1951 Convention and its Protocol without ratification, although it ratified the 1969 Convention¹⁴. At the national level, Tunisia has issued Law No. 61 of 2016 on combating illegal immigration¹⁵. Tunisian efforts, in cooperation with its European counterparts, are still trying to prevent the tragic incidents resulting from irregular migration journeys from recurring on its shores¹⁶.
- As for Algeria, which also acceded to the 1951 Convention and its Protocol, its domestic efforts were crystallized in the amendment of the Criminal Code by issuing Law 09/01 of 2009 on increasing the penalty for illegal immigration¹⁷. Nevertheless, it is working to curb this phenomenon, along with its North African counterparts, and in coordination with the European side¹⁸.

The following articles provide further details on Mixed Migration

- For Morocco, it only acceded to the 1951 Convention and its Protocol, and has not yet signed the 1969 Convention¹⁹. However, Morocco had issued Law 14/17 on combating human trafficking in 2016, the same year Egypt issued its law on combating illegal migration. Morocco has achieved a success praised by the European Union in dismantling irregular migration networks and stopping 32,000 irregular migrants last year alone. It should be noted that Morocco signed the International Convention on the Protection of the Rights of Migrant Workers, and is a member state in the UN Committee on the Protection of the Rights of Migrant Workers and Members of Their Families, in addition to its efforts in regularizing migrants status in its national policy on migration and Asylum.
- For Sudan, which acceded to the 1951 Convention and its Protocol,²⁰ it shall be noted that Sudan is a leading Arab country in addressing refugee issues legislatively, governed by the Asylum Law of 1974 and the Prevention of Human Trafficking Law of 2014²¹. Sudan is a sending country and a transit country for irregular migrants²².

¹⁴ University of Minnesota website, <http://hrlibrary.umn.edu/research/ratification-libya.html>

¹⁵ <https://legislation-securite.tn/ar/law/54459>

¹⁶ <https://arabic.euronews.com/2023/06/19/france-grants-tunisia-26-million-euros-to-combat-illegal-immigration>

¹⁷ <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.asjp.cerist.dz/en/downArticle/72/2/1/56934>

¹⁸ <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/http://dspace.univ-jijel.dz:8080/xmlui/bitstream/handle/123456789/1134/1.pdf?sequence=1&isAllowed=y>

¹⁹ This position by Morocco is in response to African Union position in favor of the Sahrawi Arab Republic.

²⁰ University of Minnesota website, <http://hrlibrary.umn.edu/research/ratification-libya.html>

²¹ <https://migrationpolicy.unescwa.org/en/node/3511>

²² <https://www.cmi.no/publications/7174-irregular-migration-or-human-trafficking>

Sudan's efforts in coordination with the IOM in controlling the borders would have been successful if it weren't for the ongoing war, which is expected to make the Sudanese borders in a similar situation to the Libyan.

- Mauritania concludes our list of North African countries, it is also party to the 1951 Convention and its Protocol, and has issued special legislation 25 of 2003 on combating human trafficking, which was later amended in 2020²³. Mauritania lacks of resources to control the issue of irregular migration and help refugees on its territory, which is the reason it called on the UN to intensify its support to the country in this context ²⁴.

Governance of mixed migration in the Arab Middle East:

- Countries of the Asian wing of the Middle East may have been less involved with the issue of irregular migration, as most of them are located far from the south-north Mediterranean irregular migration journey routes; still, they are generally concerned with the refugee issue.
- Starting with Yemen, which has been suffering ongoing political and sectarian unrest since 2014, we find it is party to the 1967 Protocol ²⁵. Like the majority of Arab countries, it does not have any legislation on refugees, although it has the Committee on Refugees ²⁶, which regulates their affairs. The committee issued in 2018 Law No. 1 of 2018 on combating human trafficking²⁷. Yemen is making efforts to control irregular migration from the Horn of Africa, especially the flows to Saudi Arabia since 2013, but the war situation has prevented control of this phenomenon ²⁸.
- For Jordan, which receives -aside from Palestinians- numbers of Iraqi and Syrian refugees, it is not party to any of the international or regional conventions on refugees, although it has national legislation on combating human trafficking, known as Law No. 9 of 2009²⁹. Many people attempt to migrate irregularly across the Mediterranean away from the Jordanian borders, and migrants are even moving to neighboring countries seeking to reach the European shores ³⁰.

²⁵ <http://hrlibrary.umn.edu/research/ratification-yemen.html>

²⁶ https://mofa.gov.ye/?page_id=1631

²⁷ chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/107855/133000/F-123612460/1-2018%20ye.pdf

²⁸ <https://www.newsyeemen.net/new/6376>

²⁹ chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/http://www.moj.gov.jo/EchoBusV3.0/SystemAssets/6f1fee90-7b5f-424d-9a1c-d73afc235201.pdf

³⁰ <https://jfranews.com.jo/article/131365>

- As for the Syrian case, we find that its modest record of international agreements does not include any refugee protection mechanisms. We also notice that Many Syrians, especially from the Kurds, were displaced and led to migrate irregularly across the Mediterranean, due to the civil war and the security and economic collapse, among other factors. This has led to humanitarian disasters, perhaps the most iconic case is “Ilan”, the boy who died on the Turkish shores while his family was trying to cross the Mediterranean in 2015 ³¹. At the national level, Syria issued Law No. 3 of 2010 on the crimes of trafficking in persons ³². Syria works together with international humanitarian organizations to control the flows of irregular migration and trafficking in persons, but most of those trying to travel across the Mediterranean to Europe are Syrians who have fled to other countries such as Egypt since 2013, and the Syrian efforts in this regard remain completely ineffective.
- Moving to Lebanon, it is not a party to any refugee convention or protocol, although it has issued Law No. 164 of 2011 to punish trafficking in persons ³³. The challenge Lebanon is facing to control the cases of irregular migration to Europe remains persistent, which led to tragic incidents, along with the modest capabilities of the state and chronic political and sectarian problems, which in turn hinder the efforts to reach an effective and applicable plan the enables full control of its ports and border posts ³⁴. The Syrian case is a brief list of the agreements without commentary
- In examination of how migration issues are approached in Iraq, we must first notice the paradox that although Iraq is one of the two Arab countries that participated in drafting the 1959 Convention on Refugees ³⁵, it is not a party to this Convention in any recognized way, neither by signature, accession, nor ratification ³⁶. In terms of combating human trafficking, Iraq, like most countries in the region, signed the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2009 ³⁷. In the same context, Iraq enacted Law No. 28 of 2012, known as the “Anti-Human Trafficking Law,” which included imposing financial fines of up to 15,000,000 (fifteen million) Iraqi dinars, equivalent to over eleven thousand US dollars, on the perpetrators of these crimes, and it extends further to the death

³¹ https://www.bbc.com/arabic/worldnews/2015/09/150903_migrants_elian_father

³² <http://www.parliament.gov.sy/arabic/index.php?node=201&nid=4512&ref=tree&>

³³ <https://kafa.org.lb/en/node/130>

³⁴ <https://www.bbc.com/arabic/interactivity-61209711>

³⁵ UNHCR website, <https://www.unhcr.org/media/28185>

³⁶ <https://www.unhcr.org/media/38230>

³⁷ https://treaties.un.org/Pages/ViewDetails.aspx?src=ind&mtdsg_no=XVIII-12-a&chapter=18&clang=_en

penalty in the event of the victims' death ³⁸. Despite these efforts, the phenomenon of human trafficking remains uncontrollably rampant in Iraq ³⁹.

- As for Palestine, it started acceding to international instruments and treaties since 2014 ⁴⁰; nevertheless, due to its unique historical circumstances, it did not accede to the 1951 Refugee Convention or the 1967 Protocol ⁴¹, although it has been a party to the Palermo Protocol since 2017 ⁴². It is noticed that there is no explicit law to combat this phenomenon except for casual references in the Child Law No. 7 of 2004 and the Palestinian Labor Law of 2000, in addition to the Jordanian law as applied in the Palestinian National Authority territories. International sources confirm the existence of this crime within the Palestinian territories with no data or statistics available on the extent of practices that meet the definition of human trafficking. Because the Palestinian Authority has no full power to deal with this phenomenon, all Palestinian human rights reports accuse the Israeli occupation of being the most involved in this crime.
- If we examine the six GCC countries, we find that their very modest record of signing and ratifying international treaties and instruments does not include any interaction at all with both the 1951 Refugee Convention and its 1967 Protocol ⁴³.
- As for combating human trafficking, the six countries are in the process of acceding to the Protocol to Combat Trafficking in Persons, except Saudi Arabia, which signed the Protocol in December 2002 before acceding to it in July 2007 ⁴⁴. We also find that the Kingdom of Bahrain has issued its own law to combat trafficking in persons, known as Law No. 1 of 2008. Moreover, it is a leading country in the fight against human trafficking praised by the US State Department, which classified Bahrain as a top-tier country in this field ⁴⁵. The Sultanate of Oman also issued the Royal Decree No. 126 of 2008 on combating human trafficking ⁴⁶, and its efforts are reflected in establishing the National Committee on Combating Human Trafficking, which raises awareness in

³⁸ <https://www.sjc.iq/view.69103/>

³⁹ <https://www.washingtoninstitute.org/policy-analysis/zahrt-alamatjar-balbshr-fy-alraq>

⁴⁰ https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=217&Lang=en

⁴¹ Ibid.

⁴² https://treaties.un.org/Pages/ViewDetails.aspx?src=ind&mtdsg_no=XVIII-12-a&chapter=18&clang=_en

⁴³ <http://hrlibrary.umn.edu/research/ratification-index.html>

⁴⁴ https://treaties.un.org/Pages/ViewDetails.aspx?src=ind&mtdsg_no=XVIII-12-a&chapter=18&clang=_en#EndDec

⁴⁵ <https://www.bna.bh/news?cms=q8FmFJgiscL2fwIzON1%2BDq669DxiXq1UUCjGjEMlgkc%3D>

⁴⁶ chrome-extension[https://efaidnbmnnnibpcajpcglclefindmkaj/https://www4.aucegypt.edu/CMRS/Files/126 %20% 20Anti-Trafficking%20Law_EN.pdf](https://efaidnbmnnnibpcajpcglclefindmkaj/https://www4.aucegypt.edu/CMRS/Files/126%20%20Anti-Trafficking%20Law_EN.pdf)

this regard in coordination with other competent national authorities⁴⁷. As for Qatar, which borders Bahrain, it joined the ranks of the countries that have enacted laws to combat human trafficking, and issued Law No. 15 of 2011 on combating human trafficking, which carries with it a package of measures to protect victims⁴⁸. The State efforts are crystallized in establishing the Qatar Foundation for Combating Human Trafficking, which draws up policies, submits reports, and provides protection in human trafficking cases⁴⁹.

- As for the Kingdom of Saudi Arabia, the largest GCC country, it has issued the Anti-Trafficking in Persons Law of 2009, which punishes the perpetrator with up to fifteen years of imprisonment and a fine of up to one million Saudi Riyals (about 240 thousand US dollars)⁵⁰. As for its efforts to curb this phenomenon, Saudi Arabia has established the National Committee to Combat Human Trafficking⁵¹, which works in coordination with the IOM to track traffickers and protect victims. The Commission works concurrently with a leading UNODC programme focusing on partnership, criminal prosecution, and data management⁵².
- In Kuwait, the Law No. 91 of 2013 on Combating Human Trafficking and Smuggling of Migrants has been enacted⁵³. The penalty for this crime was increased to fifteen years in prison⁵⁴. On the combating front, the efforts remain in collaboration with the IOM in the areas of training and information exchange⁵⁵, while recently, some cases related to human trafficking in Kuwait have been announced⁵⁶.

Best Practices relevant to Mixed Migration Legislation in the MENA Region:

- The circumstances surrounding mixed migration may be diverse, along with the capacities of countries facing this significant issue; however, the best practices in addressing this phenomenon are not necessarily exclusive to the countries with the

⁴⁷ <https://nccht.om/en-nccht/>

⁴⁸ <https://www.almeezan.qa/LawView.aspx?opt&LawID=2512&language=ar>

⁴⁹ <http://www.almeezan.qa/ClarificationsNoteDetails.aspx?id=5637&language=ar>

⁵⁰ <https://laws.boe.gov.sa/BoeLaws/Laws/LawDetails/4e09c59d-f173-4971-8a38-a9a700f27025/1>

⁵¹ <https://www.ncct.gov.sa/en>

⁵² <https://news.un.org/en/interview/2020/10/1064812>

⁵³ <https://migrationpolicy.unescwa.org/en/node/3592>

⁵⁴ <https://cyrilla.org/entity/8qehqxk2j8?file=1609100304573v86iser8p4.pdf&page=2/>

⁵⁵ <https://mena.iom.int/en/news/almnzmt-aldwlyt-llhjrt-fy-alkwyt-tkhttm-tdryb-dbat-alshrft-mn-alkhtwt-alamamyt-hwl-mkafht-alamatjar-balbshr>

⁵⁶ <https://arabic.cnn.com/middle-east/article/2020/04/10/kuwait-human-trafficking-company-mod>

strongest economy or richest resources. In fact, we can argue without prejudice to the other countries that Egypt has one of the richest legislative experiences in this regard, not only in terms of policies and practices, but also at the legislative level in first place, which is our main area of concern here. The Egyptian state has signed, ratified, or acceded to more than forty international and regional conventions or treaties related in one way or another to human rights⁵⁷. There is even one agreement that Egypt had joined in 1928, which is the Anti-Slavery Convention of 1926⁵⁸.

- In addition to the bundle of international and regional agreements, we find plenty of laws regulating all types and stages of migration, human mobility, and presence of foreigners. Hence, with regard to all aspects of migration, Egypt is governed by the following laws:
- The Nationality Law No. 391 of 1956, which regulates the acquisition of Egyptian nationality by foreign migrants and grants Egyptian nationality to foreign nationals residing in Egypt prior to 1900⁵⁹.
- The Foreigners Law No. 89 of 1960, which regulates matters related to the residence, entry, and exit of foreigners to the country. It was amended at several stages by the laws 99 of 1996, 88 of 2005, 77 of 2016, and 173 of 2018. It is noteworthy that the 2005 amendment was enacted to increase the penalty for crossing the eastern borders of the country irregularly into Israel⁶⁰.
- The Nationality Law No. 26 of 1975⁶¹, which regulates the lives of migrants residing in Egypt since 1914. It was amended twice by Law 154 of 2004⁶², and most recently in May 2023 (law 28 of 2023), whereby a mother who was naturalized after being born in Egypt or who originally comes from an Arab speaking country or one with a Muslim majority may now give the Egyptian nationality to her minor kids, on an equal basis to the children of foreign fathers, and to give effect to the principle of gender equality⁶³.

⁵⁷ <http://hrlibrary.umn.edu/research/ratification-egypt.html>

⁵⁸ Ibid.

⁵⁹ <http://site.eastlaws.com/GeneralSearch/Home/ArticleTDDetails?MasterID=2488>

⁶⁰ <https://manshurat.org/node/7356>

⁶¹ https://www.cc.gov.eg/legislation_single?id=405107&fbclid=IwAR0KopffSN7-BO8Bs-qDLPv9geXQKTY7GkopYzmS5MbnBCplYmjGOyizWBY

⁶² <https://qadaya.net/?p=9774>

⁶³ <https://sschr.gov.eg/media-page/news/tashre3/>

- Law No. 64 of 2010 regarding combating human trafficking, which is in line with the Palermo Protocol of 2003. The law was drafted in a progressive approach where it even avoids victim blaming, as article 21 of the law stipulates that: “The victim shall not be criminally or civilly liable for any of the crimes of human trafficking as long as the crime occurred or was directly related to being a victim ⁶⁴”.
- Law No. 82 of 2016 ⁶⁵, known as the Law on Combating Illegal Migration and Smuggling of Migrants, was issued in the wake of tragic incidents of irregular migration attempts from Egyptian shores to their European counterparts. The law was recently amended by Law No. 22 of 2022 ⁶⁶ to increase the penalty and double the fines imposed on smugglers.
- In the wake of the Sudanese refugee crisis that erupted with the clashes of April 15, 2023, the Egyptian state is drafting a refugee law, which aims to conduct the first official census of refugees in Egypt in order to reconcile their situation within a year of the adopting the executive regulations of the law ⁶⁷.

In this brief list, it is noticed how dynamic the outlined laws are, being subject to amendments in line with the developments of migrants and refugees situation, and even to increase the penalties on smugglers and human traffickers. Also, we find that Egypt hosts the largest number of migrants and refugees, which according to the IOM census amounted to nearly nine million foreigners on its territory from 133 countries ⁶⁸. This huge number, which is dealt with and regulated in a way that has not caused a crisis so far, is a clear evidence of the Egyptian success in working with refugees and migrants, not to mention controlling irregular migration cases from the Egyptian shores since 2016 ⁶⁹.

Regional Cooperation Efforts on Mixed Migration in the Region:

It is necessary to recognize that cooperation between countries of the region is primarily focused on how to deal with irregular migration cases and human trafficking, as governments prioritize this over giving their attention to refugees. One of the most significant avenues of

⁶⁴ https://www.cc.gov.eg/legislation_single?id=404857

⁶⁵ https://www.cc.gov.eg/legislation_single?id=373498

⁶⁶ <https://migrationpolicy.unescwa.org/en/policy/qanwn-rqm-22-lsnt-2022-btdyl-bd-ahkam-alqanwn-rqm-82-lsnt-2016-bshan-mkafht-alhjrt-ghyr>

⁶⁷ <https://arabic.cnn.com/middle-east/article/2023/06/08/egypt-gov-new-law-refugees>

⁶⁸ <https://egypt.iom.int/news/almnzmt-aldwlyt-llhjrt-fy-msr-tuqdr-aldd-alhaly-llmhajryn-aldhyn-yyshwn-fy-msr-b-9-mlayyn-shkhs-mn-133-dwlt>

⁶⁹ chrome-extension://efaidnbmninnibpcjpcglcfindmkaj/https://euaa.europa.eu/sites/default/files/publications/2022-08/2022_07_MDR_Egypt_Origin_EN.pdf

Arab cooperation in this regard was perhaps the consultative meeting Lebanon hosted in September 2017, where a map of international migration in the region was drawn, outlining migration drivers, trends, and patterns, in preparation for identifying action pathways in addressing this phenomenon ⁷⁰. Another way of cooperation was the first regional review conference of the Global Compact for Safe, Orderly and Regular Migration in the Arab Region ⁷¹. The League of Arab States, in partnership with the EU, also hosted the first summit to discuss the issue of migration and Arab security ⁷². Actions at the non-governmental level cannot be overlooked, which resulted in several regional networks to address different migration patterns in coordination with UN organizations such as the Arab Labour Migration Research Network ⁷³.

Proposals and Recommendations to Governments and Actors on Mixed Migration Governance and Legal Aspects:

Governments in the region might have adopted numerous positions and alignments between security and humanitarian considerations. The ways to tackle this issue may have varied as well, in line with the positions, capabilities, and alliances of each country. Furthermore, there is another significant factor that should not be overlooked, which is the efforts by each country to not be criticized by the international community regarding its policies and practices. The following is an attempt to make some recommendations:

- Countries of the region shall seek to issue specific legislations on refugees (similar to both Sudan and Egypt, which issued the Asylum Law of 1974, and is preparing a refugees law to be issued this year 2023, respectively), as it must be taken into consideration that it is not adequate to only have anti-human trafficking legislation; however, the refugees' status must be regulated by direct legislation, as most countries in the region have not signed or ratified the two refugee conventions, neither the international nor the regional one.
- Governments of the region should understand that one of the underlying reasons of the irregular migration waves, sweeping through many Mediterranean countries in particular, is the lack of basic services for refugees on their territories. The issue of improving the refugees' living conditions must be dealt with as the prevention that is better than the cure, for improving living conditions reduces the likelihood of seeking to leave the country by irregular means.

⁷⁰ [chrome-extensionhttps://efaidnbmnnnibpcjpcglclefindmkaj/https://www.unescwa.org/sites/default/files/event/materials/reg-consultation-int-migration-2017-rib1-drivers-trends-patterns-en.pdf](https://efaidnbmnnnibpcjpcglclefindmkaj/https://www.unescwa.org/sites/default/files/event/materials/reg-consultation-int-migration-2017-rib1-drivers-trends-patterns-en.pdf)

⁷¹ <https://migrationnetwork.un.org/ru/node/183>

⁷² <https://www.reuters.com/article/eu-arabs-ar7-idARAKCN1QB2FM>

⁷³ https://www.ilo.org/beirut/events/WCMS_227182/lang--en/index.htm

- The Egyptian government should reconsider its reservations to the 1951 Convention relating to the Status of Refugees, as the derogation from the primary obligations towards refugees such as education, the right to work and social security, may lead the issue of irregular migration in the future to reemerge after years of being under control.
- To intensify cooperation with international and regional bodies, such as the United Nations and the League of Arab States in all aspects of mixed migration, and not limiting said cooperation to data, as it should also include training, exchange of information, and statistics more effectively.
- To draw inspiration from the plans of the UN organizations on mixed migration (regional cooperation, reception arrangements, solutions for refugees, etc.) and apply this at the regional level, especially between neighboring countries.
- To exert diligent and intensive efforts with the refugee communities, besides mapping the places from which large numbers of irregular migrants set out, and to reach out to its residents through direct communication mechanisms or media awareness campaigns.
- To Cooperate in facilitating regular migration between Mediterranean countries, especially for skilled workers and professionals.

The roles of key actors working on mixed migration are to:

- Deepen their understanding of the main drivers of irregular migrants to risk their lives and their children's, and approach them from a social and psychological perspective in the first place.
- Facilitate voluntary return of migrants rejected as refugees, and this role shall not be exclusive to the IOM, but also by other international or local NGOs, with the concerned countries funding part of the return programs budget.
- Expand the work of platforms run by actors that receive migrants returning to the south Mediterranean region, while providing guarantees to the countries hosting these platforms that the situation is temporary and will not turn to refugee camps, as many countries in the region reject this solution.
- Institutional actors should involve migrants and refugees in developing action plans to deal with their problems.