

International Migration Statistics in the Mediterranean Countries: Report on the Legal Situation Revised Version

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EUROPEAN
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THEME 3
Population
and social
conditions

3

REPORT ON THE LEGAL SITUATION

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1. INTRODUCTORY REMARKS

1. By end September 1998, the following countries have returned questionnaire 1 and have filled in tables 1a and 1b: Cyprus; Egypt; Israel; Jordan; Malta; Morocco; Tunisia
2. Legislation texts were sent in annex to the questionnaire, however, at a rather late stage, by following countries: Cyprus; Israel; Jordan; Morocco; Tunisia; Egypt and Malta provided a list of laws, but not the texts. Palestine declared that legislation on the subject is not available
3. Finally, mission reports were sent from the following countries: Algeria; Cyprus; Egypt; Jordan; Malta; Morocco; Palestine; Tunisia.
4. For some countries we could obtain legislation and related material by using following sources: embassies in Rome, Internet, UNIDROIT (Association for the Unification of Civil Law), correspondent lawyers, various publications
5. Even by attempting to receive material from these sources, we were so far not able to obtain any legal documents regarding Lebanon and Syria. Therefore, a preliminary report could not be provided for those countries.
6. An oversight on the material at hand leads to the following remarks:
 - In at least one of the countries (Egypt) legislation focuses on the issue of emigration of nationals, whereas other countries focus on immigration, or more in general on the entry and residence of aliens (Algeria, Cyprus, Israel, Jordan, Malta, Tunisia and, to a certain extent, Palestine). In Morocco legislation can be found on both aspects
 - According to the material available up to now, the legislation of most of the countries contains a definition of various categories of aliens: Algeria, Cyprus, Jordan, Malta, Morocco, Tunisia, Israel, Turkey. However, the categories of aliens contemplated in the laws differ very much from one country to another. The same is true with regard to definitions provided in the legislative material of these categories of aliens
 - In a few countries the legislation provides for specific rules on the registration of aliens and indicates the competent authority for migration. The registration system in other countries are ruled by administrative provisions.
 - It appears that only a few of the countries examined require an authorisation to leave the territory, whether with regard to aliens or to nationals or to both.
 - Legislative provisions regarding illegal entry/stay of aliens could be found only in Algeria, Malta and Tunisia.

2. ALGERIA

2.1 Country's interest in migration studies and statistics.

No material provided (as far as questionnaire 1 is concerned).

According to the mission report, few international migration statistics exist and there is not much interest on the subject in the country. General border movements (including nationals and non-nationals) are recorded, but no distinction is made between residents and non-residents.

2.1 Existing legislation

Regarding the status of foreigners in Algeria: order n. 66-211 and decree 66-212 of July 21, 1966, order 67-190 of Sept. 27, 1967, decree 71-204 of Aug. 5 1971; regarding circulation of French citizens: order 76-56 of March 25, 1976, decree 86-237 of Sept. 16, 1986, and decree 88-28 of Feb. 8, 1988; regarding the lodging of foreigners: decree 86-237 of Sept. 16, 1986; regarding the employment of foreigners: decree 63-153 of Apr. 25, 1963, decree 67-291 of Sept. 27, 1967; decree 69-145 of Oct. 2, 1969, order 71-60 of Aug. 5, 1971, decree 72-33 of Jan. 21, 1972, decree 75-111 of Sept. 26, 1975, circular of May 17, 1977, law n. 81 of July 11, 1981, decree 82-510 of Dec. 25, 1982, circular of Sept. 20, 1986, decree 86-276 of Nov. 11, 1986; regarding refugees and stateless persons: decree 63-256 of July 16, 1963, 63-274 of July 25, 1963, 64-173 of June 8, 1964; regarding the settlement of Moroccan citizens; decree 63-116 of Apr. 17, 1963, decree 92-163 of April 25, 1992.

2.2 Classification and definition

The regulations establish a number of classifications and definitions:

- alien: a person who is not an Algerian citizen;
- alien on transit;
- non resident alien (a person who does not intend to stay longer than three months⁹);
- resident alien (a person who intends to establish his/her habitual residence in Algeria and is granted a certificate of residence);
- French citizens;
- Moroccan citizens;
- refugees and stateless persons.

2.4 Administration bodies

The following bodies are mentioned within the law and regulations:

- Ministry of the Interior;
- Ministry of Labour;
- Ministry of Trade;
- Consulate;
- National Labour Office and Labour offices;
- Police station;
- Municipality;
- "Prefecture";
- Chamber of Commerce;
- Courts.

2.5 Conditions for entry and stay of aliens

The legislation makes a difference between:

- consular visa, allowing the alien to enter and stay no longer than three months; it can be extended occasionally for no longer than three more months;
- three months regularisation visa, granted on exceptional circumstances;
- one-year renewable work permit issued by the Ministry of Labour;
- work permit issued to foreigners spouses or close relatives of Algerian citizens;
- temporary work authorisation (up to three months, renewable only once);
- certificate of residence granted to French citizens (it can last from 5 years to 1 year, according to the circumstances);
- two-year certificate of permanent residence;
- two-year certificate authorising commercial, industrial, professional activities and activities pertaining to handicraft);
- exit visa.

2.6 Prohibited immigrants

Chapters VII and VIII of decree 66-2111 provide for expulsion and offer a list of illegal aliens (either person who entered the country illegally or failed to

comply with residence rules or were expelled and not granted a re-entry authorisation).

2.7 Registration of aliens

No general provision refers to registration of aliens, apart from:

- registration at the police station by persons giving any lodging to aliens (decree 86-237);
- registration of workers at the various labour offices or municipalities;
- registration at "wilayas", kept by the Court President, of persons leading either commercial, industrial, professional activities or any activity pertaining to handicraft.

2.8 Rules on departure

- Resident aliens can leave at the same conditions set for entering the country;
- non-resident aliens must be granted an exit visa.

2.9 Other aspect/particular feature

It appears that there is only a legislation on aliens, not on nationals leaving or re-entering the country, but this question might be further research.

The legislation defines accurately the different categories of aliens making clear distinctions.

2.10 Further research

- Comparison of classic/definition provided with UN recommendations;
- comparison between registration system and collection of statistical data.

3. CYPRUS

3.1 Interest in migration studies and statistics

According to the questionnaire's replies (questionnaire 1, question 8), there is an interest in migration studies, not only for policy and organisational reasons, but also for a concern about the emigration of qualified people ("brain drain"). According to the mission report, population policy is very important indeed, and is aimed at achieving the following results: a) increasing immigration of persons of Cypriot origin; b) reducing the country's dependence on foreign workers; c) meeting the necessary requirements to join the EU.

3.2 Existing legislation

The legislation dates back to 1952 (Law of June 19th 1952: Aliens and Immigration Law) but has been amended a number of times (Laws: n. 2/1972; 54/1976; 50/1988; 197/1989 and 100 (1)1996).

For the moment the following laws are available to us in English: "The Aliens and Immigration law 1952" and the "Regulations" issued by the Council of the Ministers and published in the Official Gazette 22/12/1972; Law 54/1976; Law 50/1988; Law 197/1989; Law 100 (1)1996.

Under article 20 of the Aliens and Immigration Law, the Council of Ministers is empowered to issue Regulations on a broad variety of issues regarding immigration control.

3.3 Classifications and definitions

The regulations establish a number of detailed classifications and definitions:

1. Alien: a person who is not a British subject, a citizen of the Republic of Ireland or a citizen of the Republic of Cyprus;
2. Permanent resident: a person who is a Cyprus national or any alien who has been permanently resident in the Republic for a period of 15 consecutive years before August 16th, 1960, or any alien who has been admitted into the Republic on an immigration permit – they are entitled to a certificate of permanent residence;
3. Immigrant: any alien belonging to the following categories, provided that he/she complies with certain requirements as set out case by case by the law (licence or professional qualification, sufficient capital, no competition with the local market):
 - A person intending to engage on his/her own account in the business of agriculture or animal husbandry or fish farming or agriculture;
 - A person intending to engage on his/her own account in mining in the Republic;

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- A person intending to carry on a trade or business on his/her own account in the Republic;
 - A person who intends to be self-employed in a profession or science in the Republic;
 - A person who has been offered and intends to accept employment, other than temporary employment;
 - A person who is in possession of a certificate issued by the Board of Immigration that he/she has his/her full and free disposition of an assured annual income of the appropriate amount as set out by the law;
 - Any person who does not belong the above-mentioned categories (C.3.1 to C.3.6), provided that the Minister considers expedient to grant him/her an immigration permit and is satisfied that the immigration of such person will not be to the prejudice of the inhabitants generally of the Republic.
4. Temporary resident: any alien who is not permanently established and is granted an entry permit belonging to one of the following categories entitling him/her to enter and remain temporarily within the Republic:
- A transit permit issued by an immigration officer to any alien who satisfies him/her that he/she desires to enter the Republic for the purpose of proceeding to a destination outside the Republic (provide that he/she is in possession of valid documents permitting to enter the country of destination and is qualified under the law in force in that country to enter the same);
 - An employment permit issued by an immigration officer to any alien who produces to him/her the written approval of the Migration Officer for the issue of such permit;
 - A business permit (not exceeding three months) issued by an immigration officer or the Migration Officer to any person who satisfies him/her that he/she wishes to enter the Republic for the purpose of temporarily carrying on, on his/her own account or as an agent of any person outside the Republic, any business, trade or profession;
 - A pupil's permit issued by an immigration officer to any person accepted by any training or educational establishment in the Republic, provided that such establishment is suitable for the purpose of receiving pupils from abroad;
 - A visitor's permit issued by an immigration officer to any visitor who intends to spend a holiday, to travel, or to investigate the possibilities of settlement in the Republic;
 - A special permit issued by:

an immigration officer to any alien suffering from any contagious or infectious disease, in order to enable such person to remain in the Republic for the purpose of treatment;

the Minister to any alien arriving in the Republic, if he/she considers the issue of such permit desirable.

5. Family member: the wife or a child under the age of 21 of the immigrant;
6. Dependent: a person whose immigration into the Republic as being dependent on an immigrant or on a permanent resident has been approved by the Minister;
7. Refugee: any person who has been permitted to enter or reside in the country after Sept. 3rd, 1939, as an emergency arrangement on humanitarian grounds, without observing the laws relating to immigration.¹

Cyprus has ratified the 1951 Geneva Convention on the status of Refugees and the New York Protocol of 1967. To our knowledge there is however no Law implementing these international instruments.

3.4 Administration bodies dealing with migration

Following bodies are mentioned in the Law and Regulations

1. Minister of the Interior in his/her capacity as Chief Immigration Officer; he/she has the power to issue stay permits and is entitled to receive applications from applicants who have not yet entered the territory;
2. Ministry of the Interior – Migration Office, under the directions of the Migration Officer, keeping a Central Register of Aliens;
3. Immigration Control Board, examining applications for immigration permits and appointed by the Council of Ministers;
4. Consular Authority, entitled to receive applications from an applicant who has not yet entered the territory;
5. Immigration Officers, who are given the same power as a member of the police;
6. The Administrative Secretary is the Senior Immigration Officer of the Republic, but may delegate the performance of all or some of his/her duties.

3.5 Conditions for entry and stay of aliens

The law makes a distinction between:

1. Certificate of permanent residence issued by the Ministry of Interior;

¹ See art. 2 of the Aliens and Immigration Law (No 105 of July 19th, 1952). No other definition of the term “refugees” has been found.

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2. Immigration permit grant by Immigration Control Board or, if the applicant has not yet entered the Republic, by the Consulate Authority or by the Minister;
 3. Temporary Residence permit issued by the Migration Officer.

The duration of the permit depends on the classification:

- Transit Permit;
- Employment Permit;
- Business Permit;
- Pupil's Permit;
- Visitor's Permit;
- Special Permit.

Regardless of any other provision, the Minister Council may refuse entry into the Republic to any person who is neither a Cyprus national nor a British subject has been normally resident in the Republic for a period not less than seven years during the ten years preceding his entry.

3.6 Prohibited immigrants

Art. 6 of Alien and Immigration Law provides for a list of persons not permitted to enter the country. Competent authority is the Immigration Officer. Banned immigrants are the following:

- any person without means of support,
- any imbecile or insane or mentally disturbed person or any other person who, for whatever other reason, is incapable of caring adequately for himself;
- any person certified by a doctor to be suffering from a transmissible or infectious disease or who, in the doctor's opinion, constitutes a threat to public health or refuses to comply with the requirements of any Regulations issued pursuant to any legislation concerning the interests of public health;
- any person who, without receiving a pardon, has been convicted of murder or a felony penalised by imprisonment for any period of time, and who, owing to the circumstances, is considered by the immigration officer to be an undesirable immigrant;
- any prostitute or any person living on the proceeds of prostitution;
- any person considered by the Ministerial Council to be undesirable on the basis of Official Government Records, or official information received from the Ministerial Council or the Minister for the Colonies, or from the Governor of any British Colony or Protectorate, or by order of the state, or from the Government of any foreign State or from any reliable source;
- any person shown by evidence considered sufficient by the Ministerial Council, to be likely to behave in such a way as to threaten peace, public order, the rule of law or public morals, or to provoke hostility between the citizens of the Republic and those of Her Majesty, or to intrigue against the authority of Her Majesty and the authorities in the Republic;
- any member of an illegal association;

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- any person deported from the Republic;
 - any person whose entry into the Republic is banned under legislation in force for the time being;
 - any person entering or residing in the Republic in violation of any ban, condition, restriction or reservation,
 - any alien who, wishing to enter the Republic as an immigrant, does not hold in addition to a passport bearing a British Consular visa for the Republic, an immigration permit granted by the Senior Immigration Officer.

3.7 Registration of aliens

The Regulations provide for the establishment of a Central Register of Aliens at the Migration Office within the Ministry of Interior: Additional decentralised registration is foreseen in the various districts. Art. 33 of the Regulations establishes a list of data which are to be included into the registration. Aliens have to provide these data within 7 days upon arrival. Some categories of aliens are exempted from the obligation to register (Art. 29 of the Regulations), especially:

- Diplomatic and Consulate Personnel and members of the household;
- Members of ships and aircrafts group not landing for discharge;
- Dependant of the aliens not having passport;
- Temporary residents under certain provisions;
- Aliens born in Cyprus;
- British residents;
- Any other alien who by order of the Migration Officer is exempted from immigration control.

Other forms of registration not mentioned by the legislation directly dealing with migration, according to the Mission report, take place at:

-Research and Development department of the Police headquarters, receiving:

- up to mid 1991: arrival and departure cards filled in by all travellers at the point of passport control at the ports and airports of Cyprus;
- after 1991, arrival and departure cards filled only by certain non-EU nationals;

-As of mid 1991, airline and shipping companies, preparing statements with information on the total number of passengers on each flight/route;

-As of June 1997, airports and ports of entry to Cyprus, where "passengers survey forms" are filled in by all aliens entering the country.

-Social Insurance Register (computerised);

-Migrant Workers Register;

-Population register, to be operational in 4-5 years' time;

-Electoral Register.

Moreover, a centralised population register has been proposed.

3.8 Rules on departure

Legislation does not set specific rules on the departure of nationals or aliens, nor does the Passenger Survey provide any information on arrivals.

3.9 Other aspect/particular features

It appears that there's only a legislation on aliens, not on nationals leaving or re-entering the country. It seems that there is a control only on entry of aliens not on their departure.

The legislation defines very accurately the different categories of aliens making clear distinction between permanent residents, temporary residents, aliens. The legislation provides for a Registration system of aliens and describes in detail the procedures, the exemptions and the competent authorities.

3.10 Further research

- Comparison of classifications/definition provided with UN recommendation;
- Comparison between registration system and collection of statistical data.

4. EGYPT

4.1 Interest in migration studies and statistics

According to the questionnaire's replies (questionnaire 1, question 8), there is a clear need for international migration studies and statistics. This need results from a series of indicators concerning emigration of qualified people ("brain drain"), planning policies, etc.

4.2 Existing legislation

1. The Laws promulgated by the following decrees n. 296 of 1956, N. 2 of 1959, N. 1983 of 1961, N. 42 of 1963, N. 3 of 1965 requires those graduates of the faculties of medicine and engineering etc. as well as those of technical institutes who have to travel abroad for work, to obtain a letter of recommendation from the security authorities and an exit visa from the travel and emigration office. Since the beginning of 1971 the government has taken new measures and established a new policy to support emigration.
2. Law N. 35 of 1960 concerning statistics and census-taking
3. Law N. 137 of 1963 concerning regulation of general professional competence and qualifications and of inventions
4. Decree of the President of the Republic N. 114 of 1968 concerning specific regulations regarding the employment of foreigners
5. Ministerial decree N. 271 of 1969 concerning emigration of young men of conscription age
6. Permanent Constitution of 1971 (article 52) concerning the procedures and the conditions regarding emigration and exit from the country
7. Law of 1973 (article 51) concerning emigration and care of Egyptians abroad and which deals especially with the right of all Egyptians to emigrate
8. New Law concerning citizenship N. 26 of 1975
9. Decree from the Minister of Administrative Development N. 2 of 1979 concerning the employment of foreign experts
10. Decree N.137 of 1981 especially concerning the enrolment of Egyptian workers to work abroad
11. Establishment of a Ministry for Emigration and Egyptians abroad which includes:
12. A ministerial body that originated at the end of 1981 by decree of the Minister of State for Emigration and Egyptians abroad.

13. A promulgation of a decree of the President of the Republic N. 574 of 31/10/1981 which defines the duties of the Minister of State for Emigration and Egyptians abroad

14. Decree N. 119 of 1982 especially concerning the institutions that carry out the activities for the enrolment of Egyptian workers to work abroad

15. Law N. 111 of 1983 concerning emigration and care of Egyptians abroad which includes:

16. The second article stipulating state care for Egyptians abroad

17. The third article stipulating that the Minister for Migration has responsibility for the co-operation with ministries and departments in order to realise the following points:

- Care of Egyptian affair
- Planning, organisation, application and pursuit of Egyptian emigration policy
- Compilation of government bills and decrees concerning emigration abroad
- Suggestion of the means for best utilising the experience and knowledge of the experts
- Study and suggestion of methods by which Egyptians abroad can share their experiences
- Participation in a complete and on going procedure aimed at compiling a typology of Egyptians who reside abroad.

18. The fourth article stipulates the formation of a superior committee under the leadership of the minister concerned with assistance from members of the same committee who are themselves top ranking ministerial officials (from the Ministries of Labour, of Education and Scientific research, of Foreign Affairs, of Internal Affairs, of Economics, of Planning, of Defence, of Information, of Tourism, of Security and Treasury) the formation committee and its activities is established by a decree of the President of the Council of Ministers.

4.3 Classifications and definitions

No information available in legal terms.

According to the mission report in Egypt, for statistical purposes, an international migrant is defined more by purpose for leaving rather than period of time abroad.

A long term migrant is a person who goes outside Egypt, and outside of the Arab region, for more than a year and does not intend to return.

A short-term emigrant is a person who goes outside Egypt for less than a year and is expected to return. If the worker continues working abroad for more than a year, he/she is still classified as a short-term migrant.

All other categories are non-migrant.

4.4 Administration bodies dealing with migration

The administrative bodies dealing with emigration are the following:

- Ministry for Emigration and Egyptians abroad
- Emigration and Work Abroad Committee (see above)
- Secretary to the above mentioned Committee (who is in charge of keeping records and supply statistics on emigration)
- Superior Committee under the guide of the Ministry of emigration and Egyptians abroad: it is given the responsibility to establish training centres for those who wish to emigrate, suggest facilities to support emigration abroad etc.
- Other Institutions mentioned in decree 119 of 1982 (which is not available at the moment)
- Migration statistics are gathered by various ministries: Foreign Ministry regarding the asylum seekers, refugees, and diplomatic personnel; Ministry of Interior regarding visitors/ tourists, work permit holders, permanent settlements, pilgrims, border workers; Ministry of Education regarding students; Ministry of Health regarding family re-unification; Central Agency for Public Mobilisation and Statistics.

Although the majority of laws/decrees deals with emigration, rules are also set for the employment of foreigners. No summary of such discipline can be given at the moment, due to the lack of the necessary materials.

4.5 Conditions for entry and stay of aliens

According to the Mission Report, for non-Egyptian wishing to work in Egypt, in most instances because they are needed as experts, a work permit is required to enter the country.

4.6 Prohibited immigrants

Not available to us so far

4.7 Registration of aliens

According to the Mission Report, a Register of Foreigners exists in Egypt. This is a paper record compiled from the work-permits of foreign experts. Moreover, a computerised Population register exists for all Egyptian nationals. The register is updated if an Egyptian leaves the country and/or comes back.

4.8 Rules on departure

The following additional information can be gathered from the Mission Report:

- 1) For those Egyptian nationals intending to emigrate permanently an arrangement has to be made with the embassy of the country of destination.
- 2) Egyptian nationals intending to emigrate on a short-term basis have to apply for a work-permit, to be issued by the Ministry of Emigration. A work-permit extension can be asked at the Egyptian embassy in the host country. Those workers will need to re-register with the Ministry of Interior on return in order to rejoin the Egyptian labour force.
- 3) Egyptians wishing to study abroad also need to obtain a permit from the Ministry of Emigration.

4.9 Other aspect/particular features

It appears that out of the countries examined, Egypt is the only one to have a comprehensive legislation on emigration of nationals and the various categories of emigrants.

4.10 Further research

- Obtaining and translating the legislation texts mentioned above
- Further development of residence issue according to the analysis of the legislative texts

5. ISRAEL

5.1 Country's interest in migration studies and statistics

According to the questionnaire's replies (questionnaire 1, question 8) in the country there is an interest in migration studies, due to a concern about the emigration of qualified people ("brain drain") and for policy and organisational reasons.

5.2 Existing legislation

The law of Return (1950, amended in 1996), the Law of Entry into Israel (1952), the Foreign Workers Law (1991, amended in 1995)². The Mission Report also mention the Population Registration Law (1965).

5.3 Classification and definition

- Oleh: every Jew³ who has expressed his/her desire to settle in Israel
- Foreign worker: a worker who is not an Israeli citizen, or a person who resides in the country.
- According to the Mission Report:

Immigrant is a person entering the country to take up permanent residence under the Law of Return or under the Law of Entry;

Potential immigrant is a person entitled to an immigrant visa or an immigrant certificate according to the Law of return 1950, and desires to settle in Israel for up to 3 years, to explore the possibilities and conditions of settling in Israel as an immigrant, is entitled to submit a request for a visa and a licence for temporary residence (potential immigrant);

Potential immigrant is also the person who entered Israel as a tourist or a student and wants to change the status for potential immigrant;

The immigrating citizen is a person who was born to Israel citizen while residing abroad and come to Israel to reside permanently.

- Exempt persons:

² All the texts of laws are now available in English.

³ For the purposes of the Law of Return, "Jew" means a person who was born of a Jewish mother or has become converted to Judaism and who is not a member of another religion.

(a) persons with a diplomatic visa or a service visa; persons who bear a valid foreign diplomatic passport or a valid passport for foreign service;

(b) the Minister of the Interior, by decree, is entitled to exempt additional categories of foreign state representatives with a diplomatic or a consular status, or a special envoys in accordance with international procedures recognised by Israel, provided only that said country applies a similar procedure towards Israel;

(c) The Minister of Interior, after consultation with the Commission for the Interior of Knesset (the Parliament), is entitled to exempt other kinds of persons from the regulation of this law, partially or totally;

(d) The Minister of the Interior is entitled to permit a visitor in transit who arrived in Israel without a visa or a residence permit, until the ship or the aircraft leave Israel.

5.4 Administration bodies dealing with migration

- Minister of the Interior
- Minister of Immigration
- Minister of Labour and Social Welfare
- Labour Court Law
- The master of a ship or any person who is in charge of an aircraft, train, car or any other means of transport

The Mission Report also mentions the Central Bureau of Statistics and the Border Control Police.

5.5 Conditions for entry and stay of aliens migrants

Every person, other than an Israel national or an Oleh, must enter Israel by visa and his/her residence in Israel must be by permit of residence. The Minister of the Interior may grant:

1. a visa and permit for transit residence - up to five days;
2. a visa and permit for visiting residence - up to three months;
3. a visa and permit for temporary residence – up to three years;
4. a visa and permit for a permanent residence.

He/she may extend or replace such visas and permits up to a certain length of time set by the law.

According to the Mission Report, the Ministry of Labour issued the permit to foreign workers.

5.6 Prohibited immigrants

Any person who does one of the following:

1. enters or resides in Israel illegally;

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2. gives false information in order to obtain for himself or for another person an entry visa or permit to reside in Israel;
 3. violates one of the conditions that have been set in his visa or residence permit;
 4. violates any other instruction of law or any regulation, is liable to imprisonment and can be deported.

5.7 Registration of aliens

Apart from the provision concerning masters of ships or other persons in charge of any other means of transportation (they have to keep a list of the persons on board), no other provision on registration of aliens exists in the law.

According to the Mission Report, the Ministry of Immigration keeps immigrant register and the Border Control Police collects data at border from tourists/foreigners. The Mission Report also indicates that a population register (including both nationals and foreigners living in Israel) is kept by the Ministry of Interior.

5.8 Rules on departure

No provisions in the above-mentioned laws.

5.9 Other aspects / particular features

According to the Mission Report, all entries and exits are registered at the Ministry of Interior (both for nationals and foreigners).

Refugees and asylum seekers are not specifically mentioned in the Law. Israel has ratified the 1951 Geneva Convention on the status of refugees and the 1968 New York Protocol.

5.10 Further research

- Further research should concentrate on the registration procedures.
- A further point should be related to statistical data of the various sub-categories of Exempt person and Prohibited Immigrants, if available.
- The question of asylum seekers and refugees should also be investigated upon, in terms of statistical data.

6. JORDAN

6.1 Interest in migration studies and statistics

Not available..

6.2 Existing legislation

Law on the Residents and Foreigner Affairs n. 24/1973 modified by Temporary Law n. 10 of 1989.

Jordanian Labour Law (8/1996).

6.3 Classifications and definitions

Following categories are mentioned in law:

1. Diplomatic personnel including UN Officials
2. Crews of ships and airplanes
3. Stateless persons
4. Recognised refugees
5. Citizens of Jordan's bordering countries
6. Possessors of Transit Visa, Pilgrimage Visa and Tourist Visa

Also, the Mission Report mentions the following additional category:

7. Non-Jordan employees.

6.4 Administration bodies dealing with migration

1. The Minister of Foreigners and Borders;
2. The Director (it is not clear in the law what is exactly meant);

According to the Mission Report, the following additional bodies deal with migration:

3. Ministry of Interior, department of residence and Borders, issuing residence permits to foreigners who intend to stay in the country for more than two weeks;
4. Ministry of labour, issuing work permits to foreigners needing to work in the country.

6.5 Conditions for entry and stay of aliens

The law provides for rules on the types of travel documents accepted for entry including the explicit mention of travel documents for refugees and stateless persons, according to international agreements.

Every alien needs Residence Permit except Diplomatic and Consulate Staff; crew of ships and airplanes; passengers of ships and airplanes allowed to stay for a period not exceeding one week at the port of arrival; citizens of Jordan's bordering countries who can obtain a special permit, "border permit", for entering the regions bordering those countries with which Jordan has stipulated accords; aliens employed in the Armed Forces; aliens exempted by Order of Minister.

It appears that the residence permit is issued by the Director for a period of 1 year (and can be renewed by order of the Minister).

It is possible to issue a temporary residence permit for 3 months renewable for the same period. Competent authority is the Director. According to the Mission Report, non-Jordan employees must obtain a work-permit from the Ministry of Labour. The length of permit is one year, renewable.

6.6 Prohibited immigrants

It appears that there are no specific rules on prohibited immigration. However, the Minister, after consultation with the Director, can refuse the aliens' application for Resident Permit, can withdraw such a permit and expel the person without specifying the causes (art. 19 of the Law).

6.7 Registration of aliens

All Aliens are obliged to register within 3 days from entry and to fill a form providing a number of personal data (article 11 of the Law).

Apart from the aliens exempted from the need to request a residence permit (see above) also the holders of transit, pilgrimage or tourist visa are exempted.

The registration is done at the Police Station or at the Central Administration or one of its departments

6.8 Rules on departure

Aliens are obliged to return the residence permit before definitely leaving the country (Article 8 of the Law). Records are kept on departure.

6.9 Other aspect/particular features

It appears that there is only legislation on aliens not on nationals leaving or re-entering the country.

Departure records are kept only regarding aliens.

Jordan has ratified the 1951 Geneva Convention on the refugee status and the related 1967 New York Protocol. Refugees are specifically mentioned in the law without however providing a definition different from that of the Geneva Convention.

6.10 Further research

- Research on the functioning of the registration system and the recording of statistical data including the roles of the different competent authorities
- Classification and statistical record-keeping on the presence of aliens originated from neighbouring countries staying in the border regions of Jordan.

7. LEBANON

7.1 Country's interest in migration studies

All available information can be gathered from the Mission Report.

Throughout Lebanon's history, international migration has played a large role. The civil war has lasted from 1975 to 1991, and the country has been rebuilding its institution since then.

The present number of Lebanese abroad is unknown, but there may be as many Lebanese living outside Lebanon as living inside it. The levels of immigration and emigration are believed to be significant and considered unsatisfactory.

7.2. Existing legislation

Law of July 10, 1962, governing the residence of foreigners.

Others laws: questionnaire missing.

7.3 Classifications and definitions

- Foreigners in general;
- Foreigners from Gulf Co-operation Council countries;
- Foreigners from specific countries (such as Australia, New Zealand, EU nationals, etc);
- Foreigners intending to work;
- Foreigners married to a Lebanese;
- Foreigners with a Lebanese mother;
- Foreigners with a long residence history;
- Foreigners of Lebanese origin;
- refugees;
- Palestinian refugees

7.4 Administration bodies dealing with migration

- Ministry of Interior,

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- Ministry of Labour;
 - Ministry of Foreign Affairs;
 - Ministry for Lebanese Abroad;
 - Central Bureau of Statistics

7.5 Conditions for Entry and Stay of Aliens

- *Entry*: all foreigners, except those from Gulf Co-operation Council (GCC) countries, need a visa to visit Lebanon. GCC nationals receive a three month visa at the border; nationals from some other countries, including Australia, new Zealand, USA, Canada, and most EU nationals can also get a visa at the borders. Visas usually are valid for a stay of three months; they can be extended, up to a total of one year.
- *Residence permits*; Law of 10 July 1962, governing the residence of foreigners. Responsible Ministry: Sûreté Générale. Residence permits are required for all foreigners staying in Lebanon for one year or longer.
- *Work permits*: foreigners need to have a work permit to be admitted to the country for work. There should be a prior arrangement with an employer. Work permits may be given for a maximum of two years, according to the law. In practice, they are always given for one year, and are annually renewable, in theory infinitely (depending on work availability). Work permits are by priority given to foreigners who are married to a Lebanese, to those with a Lebanese mother, to those with a long residence history, and to those of Lebanese origin. Therefore, in practice, Palestinian refugees tend to receive work permits relatively easily.
- *Palestinian refugees* (about 364, 500 as of the end of June 1998) are under the responsibility of UNRWA. Palestinians are treated as foreigners. Palestinian refugee's are-as foreigners-subject to the work permit requirement but, according to the Ministry of Labour, in practice they receive such permits easily, because of the priority criteria (see above).

7.6 Prohibited immigrants

N.A.

7.7 Registration of Aliens

Registration of residence and work permits exists, and of entry visas.

7.8 Rules on departure

See paragraph 7.9 below.

7.9 Other aspects/particular features

- Everyone is required to fill out a card at arrival and again at departure.
- Recently, a new law has been approved, providing for an attache' at the National Employment Offices, to assist Lebanese who want to work abroad, but this law is not in force yet.

7.10 Further research

Questionnaire missing.

8. MALTA

8.1 Interest in migration studies and statistics

According to the questionnaire's replies (questionnaire 1, question 8) in the country there is an interest in migration studies, for policy and organisational reasons. The Mission Report stresses out that emigration is not a priority issue in Malta.

On the other hand, the other hand, the migration issue which is progressively becoming of concern to the Maltese authorities is the use of the island as an illegal transit point for illegal immigrants and refugees to Europe.

8.2 Existing legislation

-Immigration Act of 29/9/1970, amended in 1981, 1982, 1983, 1988, 1989, 1990, 1992 and 1995. This last one seems to be the latest amendment to the Act.

The law has the objective: "to restrict, to control and regulate immigration into Malta, and to make provisions to matters ancillary thereto"

-The Constitution of the Republic of Malta-Chapter III, as amended in 1989 (Citizenship);

-Maltese citizenship Act.

8.3 Classifications and definitions

For statistical purposes, an "emigrant" is someone who changes their residence to settle in another country permanently; an immigrant is someone who comes to stay in Malta permanently. There is no distinction between a long-term and a short-term immigrant.

1. Members of a crew intending to continue their journey in the vessel by which they arrive, for the period of the vessel's stay;
2. Persons who establish in Malta for retirement, settlement or indefinite stay;
3. Any other person arriving in Malta, under such conditions and for such period as the Immigration Officer may deem proper to establish.

The following additional definitions can be gathered from the Mission Report:

3bis) Commonwealth citizens;

3ter) British protected persons;

3quarter) Irish citizens;

3quinquies) foreign spouse of a citizens of Malta;

3 sexes) persons born abroad but of Maltese descent;

4. Exempt persons (the Immigration Act does not apply to them):

- A spouse who is not separated and is not living apart from the other party;
- Dependants: child or step-child or adopted child under twenty of an immigrant; parent or grandparent who is maintained;

5. Prohibited immigrants

8.4 Administration bodies dealing with migration

According to the law, the bodies dealing with immigration are the following:

- Minister of Interior
- Prime Minister
- Minister of Justice
- Any public officer not below the rank of a Head of Department, authorised either by the Prime Minister or by the Ministry of the Interior
- Principal Immigration Officer (appointed by the Prime Minister)
- Court of Magistrates
- Master of vessel
- Hotel keepers

According to the Mission Report, the following additional bodies deals with migration:

- Emigrant Commission;
- Department of Emigration;
- Department of Expatriates;
- Department for Citizenship and Expatriates Affairs.

8.5 Conditions for entry and stay of aliens

Every person landing in Malta needs a passport and has to provide the Principal Immigration Officer (P.I.O.) with the described information (Article 28 of the law).

It appears that the issuance of a residence permit, by order of the Prime Minister, is limited to aliens who make an application for retirement, settlement or indefinite stay in the country (Article 7 of the Law). In other cases the alien needs: a leave to land (valid 24 hours) or a leave to remain (valid for three months).

However the P.I.O. may determine longer or shorter periods. The leave is issued by the P.I.O. by writing or by endorsement on the passport.

In general, aliens are not allowed to exercise any profession or occupation not to be employed or to be engaged in business without a licence from the Prime Minister. Also the conditions and duration of such a licence are entirely

at the discretion of the Prime Minister. According to the Mission Report, the foreign spouse of a citizen of Malta enjoys the right to remain and work in Malta.

8.6 Prohibited immigrants

The immigration Act is dedicating a major portion of the text to Prohibited Immigrants.

This category is defined as follows:

- An alien who has either a residence permit or a leave
- In the case of having a leave or a residence permit

There is a list established in the Law (Article 5 par. 2) on circumstances under which the alien is regarded as a prohibited immigrant, inter alia, if he/she has not sufficient means of subsistence, has committed crimes of a certain seriousness, or does not comply with the conditions under which the residence permit or the leave have been issued.

8.7 Registration of aliens

Apart from the registration kept at the P.I.O., keepers hotels and other premises have to keep a register and to collect data from the alien.

The Minister of Interior may describe the form in which the Register is to be kept or statements furnished.

8.8 Rules on departure

Every person embarking in Malta needs a passport and shall furnish to the P.I.O. the prescribed information. Also masters of vessels have to fill a form on leaving passengers.

8.9 Other aspects/particular features

To our knowledge there is no specific legislation on citizens leaving or re-entering the country except the provision for Article 35 of the Immigration Act dealing with particular categories of citizens, who have emigrated from Malta. This aspect requires further research.

Refugees and asylum seekers are not specifically mentioned in the Immigration Act. Malta has ratified the 1951 Geneva Convention on the status of refugees and the 1967 New York Protocol, however with a geographical limitation, limiting the application of these instruments to refugees originating from European countries.

8.10 Further research

- The Immigration Act foresees the issue of instructions/regulations implementing the Law. Further research should concentrate on collecting

this material, in particular regarding the registration procedures including those at the holders of premises and the related centralised collection of data.

- Further research is also needed regarding the registration and record keeping of citizens leaving or re-entering the country.
- A further point should be related to statistical data of the various sub-categories of Prohibited Immigrants, if available.
- The question of asylum seekers and refugees with a temporary stay permit is permitted in Malta, should be investigated upon, in terms of statistical data.

9. MOROCCO

9.1 Interest in migration studies and statistics

According to the questionnaire's replies (questionnaire 1, question 8) in the country there is an interest in migration studies, not only for policy and organisational reasons, but also for a concern about the emigration of qualified people ("brain drain")

9.2 Existing legislation

1. **Dahir of 15/11/1934** on Immigration in the French zone of the Sheriffien Empire.
This law seems to be still the principal legislation on Immigrants and their family members;
2. **Dahir of 19/11/1949** on Emigration of Moroccan workers
3. **Decree of 29/8/1957** on the application of the 1951 Convention on the status of refugees
4. **Dahir of 6/10/1959** on the Ratification of the Convention of the Cultural exchange and relating protocols between Morocco and France

9.3 Classifications and definitions

1. Immigrants:
 - Immigrants entering the territory to work as employees or as "au pairs";
 - Immigrants entering the territory to work as professionals on their own account;
 - Family members: spouse, children under 18, dependant ascendants;
2. Refugees: the law refers to art. 1 of the Geneva Convention of June 28th, 1951 for a definition of the term "refugee";
3. French citizens who work in the country as professors or teachers: special rules are set on the basis of 1957 Convention between Morocco and France for Cultural Exchange;
4. Emigrants:
 - House Keepers
 - Citizens belonging to tribes or to certain areas as defined by regulations; intending to work in small business or for harvesting in the bordering territories;
 - All other workers.

9.4 Administration bodies dealing with migration

According to the Law, the administrative bodies dealing with migration are the following:

1. Immigrants
 - Border Police
 - Labour Bureau
 - Moroccan Office of Labour
2. Refugees and Stateless Persons
 - Refugees and Stateless Bureau
 - Appeal Commission
3. Emigrants
 - Labour and Social Affairs Administrative Office- Emigration Department

According to Mission Report, the following additional bodies deal with migration:

- Ministry of Interior;
- Ministry of Labour;
- Ministry of Social Development, Solidarity, Employment and Professional Training;
- Ministry of Foreign Affairs.

9.5 Conditions for entry and stay of aliens

According to the material at our disposal the conditions of entry and stay of aliens are dealt upon in the Dahir of 1934. The Law makes a distinction between wage-earning employment including that on au-pair basis, on the one hand, and self-employment on the other hand. The first category of persons needs a work contract authorised by the labour office, the second category of persons needs authorisation from the labour office which is issued within the limits of the economic situation regarding the envisaged activity.

According to the Mission report, after the expiration of the work contract, foreign employees can apply for a temporary authorisation that cannot exceed 9 month.

Moreover, all aliens may be granted a visa whose length cannot exceed three months. At the end of that period, they have to apply either for a temporary authorisation to stay or for a stay-permit (whose length is up to one year). French citizens can obtain a 10-year stay permit.

These documents are required prior to entering the zone (the country?) and have to be exhibited at the moment of entry.

Family members of the immigrant need an own work contract if older than 18 years or otherwise have to produce a certificate issued by the employer including a number of personal data.

Law does not distinguish between long and short term immigration.

9.6 Prohibited immigrants

The Dahir of 1934 Article 6 mentions aliens who have entered the country without prior authorisation and stipulates that they may at a later stage obtain such authorisation on the basis of a work contract.

Article 12 of the same Law allows for the deportation of immigrants who had entered the territory clandestinely.

The Law provides also for sanctions against immigrants who do not follow a deportation order as well as against other persons who assist immigrants in entering the territory or in remaining there unlawfully.

9.7 Registration of aliens

From the legislative material at our disposal it appears that there are no specific rules on registration except for refugees who are registered at the Bureau for refugees and stateless persons.

9.8 Rules on departures

It appears from the Dahir of 1949 that Moroccan workers or at least those to which this Law refers, need an authorisation prior to leaving the territory.

Article 10 of the Law foresees sanctions in case that nationals leave the territory without the documentation required.

According to the Mission Report, nationals leaving the country have to fill-in a form indicating the length of they stay abroad.

9.9 Other aspects/particular features

Morocco is the only country of those examined which has a national refugee legislation, implementing the 1951 Geneva Convention on the status of refugee.

It is to note that the principal legislation on immigrants dates back to 1934, under conditions of the existence of a French territory, long before the independence of the Kingdom..

We have no knowledge about amendments to this Law or more recent legislation on the subject.

Similar is true for the legislation on Moroccan nationals working abroad (Dahir of 1949). It appears doubtful up to which extent these Laws are applicable under present conditions.

9. 10 Further research

- Research on additional legislation on migrations, if any
- Research on instructions/regulations, if any
- Research on the registration system and eventual legal basis for it.

10. PALESTINE

10.1 Interest in migration studies and statistics

The questionnaires regarding Palestine were returned with the following remarks: "Regarding to questionnaire 1 and 3 there aren't available data to be filled in these questionnaires". So far there are no available information regarding the legal situation.

Some information can be gathered from the Mission Report.

10.2 Existing legislation

Law on Population Registration, n. 40/1940 and Law of Migration n. 5/1941.

Both laws are old and the migration has been stopped for political reasons. If the migration handled, the most important is Interim Agreement of the West Bank and the Gaza Strip (Washington 28.9.95). This agreement gives the scheme to registration of people, to issue certificate and documents, safe passage between Gaza Strip and the West Bank, electoral register, etc.

10.3 Classifications and definitions

Migration: the movement of a person from one locality to another or from one country to another for the purpose of establishing a new residence for one year or more, even if it was interrupted by short visits to another place.

Refugees status (see Demographic Survey 1995).

10.4 Administration bodies dealing with migration

- Palestinian Ministry of Interior;
- Palestinian Ministry of Civil Affairs;
- Palestinian Border and Passage General Department (in co-ordination with Israeli Authority): it only controls the border between Egypt and the Gaza strip and the border between Jordan and the West Bank;
- Palestinian Central Bureau of Statistics.

10.5 Conditions for entry and stay of aliens

Every foreign or Palestinian (without identity card) wishing to enter the Gaza strip or the West Bank needs a visa or permit by Israeli authority.

10.6 Prohibited immigrants

N.A.

10.7 Registration of aliens

The Borders and Passage General Department lists the people (visitors, including Palestinian nationals and aliens) who enter the Gaza strip, it is the rule also in Beit Hanoun checkpoint (between Israel and Gaza strip). The list may not be complete.

10.8 Other aspects/particular

N.A.

10.9 Further research

Collection/translation of Laws and Agreement, as mentioned in par. 10. 2.
Collection of Demographic Survey.

11. SYRIA

11.1 Country's interest in migration studies

No information available from the questionnaire (all available information come from the Mission report).

Syria was reported to consider the level of immigration satisfactory, but the level of emigration as too high.

There was a considerable concern about brain drain especially up to 15 years ago; today less so.

The role of immigration statistics has been reported as limited, probably in view of the small number of (non-Arab) foreigners living in Syria.

11.2 Existing legislation

No information available. A better Knowledge of rules and procedures in general remains useful.

11.3 Classificatio and definitions

- Foreigners from non-Arab countries;
- foreigners from Arab countries;
- Palestinian refugees,
- other refugees,
- asylum-seekers.

11.4 Administration bodies dealing with migration

- Ministry of Interior;
- Ministry of Foreign Affairs;
- Central Bureau of Statistics, under the Office of the Prime Minister;
- Ministry of Tourism;
- border officials.

11.5 Conditions for entry and stay of aliens

Foreigners from non-Arab Countries need a visa to visit Syria; they need to register with the Ministry of Interior if their stay exceeds 15 days; they also need residence permits if they intend to stay "longer". Conditions for acquiring a residence permit are probably related to work and study, but this needs to be further explored.

Rules governing the admission and residence of foreign students need to be explored.

Foreigners from non-Arab countries intending to work must obtain a one-year work permit, renewable, and there should be a prior arrangement with an employer. The rules need to be further explored.

Refugees are allowed to work informally.

11.6 Prohibited immigrants

No information available.

11.7 Registration of aliens

All foreigners are required to fill out an entry/exit card (identical) at arrival.

Syrian nationals do not fill entry and exit cards.

11.8 Rules on departures

Syrian nationals need to have an exit visa to go abroad. For diplomatic personnel and civil servants such are provided by the Ministry of Foreign Affairs, for other Syrians by the Ministry of Interior.

11.9 Other aspects/particular features

Syria is not a party to the 1951 convention or the 1967 Protocol on Refugees. Rules need to be explored further.

11.10 Further research

The link between certain administrative data sources (those not under the responsibility of the Central bureau of Statistics) and the legislative rules governing border collection of data need to be explored further.

12. TUNISIA

12.1 Interest in migration studies and statistics

According to the questionnaires' replies (questionnaire 1, question 8) there are need and demand for international migration statistics, especially regarding national statistics requirements and the purpose of planification in the fields of employment, social services , etc.

12.2 Existing legislation

1. Law 68-7 of 8/3/1968 on Entry and Sojourn of aliens
2. Decree 198/68 of 23/6/68 implementing the above mentioned Law
3. Law 75-40 of 14/5/76 on Passports and Travel Documents.

It seems that there is no specific legislation on emigration.

12.3 Classifications and definitions

According to the Law, the alien definition is the following: a person who is not a citizen, having either a foreign nationality or being stateless.

Aliens' classifications are the following:

1. Aliens who are entitled to a temporary visa and a temporary stay permit (for not more than one year):
 - aliens who do not intend to settle in the country and, among them, foreigners who intend to work as professionals (they have to apply for a specific authorisation)
2. Aliens entitled to an ordinary visa and an ordinary stay permit (two years renewable)
 - aliens who enter the country to work as subordinates
 - aliens who have been residing in the country for five years with no interruption
 - aliens married to Tunisian citizens
 - aliens having Tunisian children
 - aliens who have rendered Tunisia an important service
3. Other aliens entitled to an ordinary stay permit
 - aliens who were born and have been residing in the country with no interruption
4. Aliens exempted from visa requirements:
 - passengers on ships or airplanes in transit to another country

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5. Exempt aliens (the rules concerning aliens do not apply to them):
 - diplomats
 - consuls
 6. Refugees (see 1951 Geneva Convention on the status of refugees)
 7. Stateless persons (aliens with no nationality)

12.4 Administrative bodies dealing with migration

The administrative bodies dealing with aliens are the following:

- Ministry of Interior
- Ministry of treasury
- State Secretary to the Interior and to Foreign Affairs
- State Secretary to the National Economy and Development
- National Security – General Direction

According to the Mission Report, the following additional bodies deal with migration:

- Ministry of Labour and Professional Training;
- Ministry of Co-operation;
- Ministry of Social Affairs;
- Ministry of Foreign Affairs;
- Office for Tunisians abroad.

12.5 Conditions for entry and stay of aliens

The Law on Passports and Travel Documents of 1976 stipulates the obligation to enter and to leave the country at specific border points; this obligation refers to nationals and aliens, with exemption for refugees.

The same law provides a list of accepted travel documents, apart from national passports, for the following categories of persons:

- refugees and stateless persons, in conformity with international Conventions;
- diplomatic and consular personnel
- pilgrims to the holy places, including nationals

The Decree of June 1968 provides specific and detailed regulations on the issuance of visas and residence permits.

A distinction is made between:

- **Transit visa** – valid up to 7 days, may be issued by a consulate or by border police

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- **Entry visa** – valid up to 3 months, may be issued by the Consulates after consultation with the Secretary of State of Interior and, exceptionally, by the Directorate General of National Security
 - **Temporary Sojourn visa** – valid up to 1 year, exceptionally 2 years, renewable. In the latter case competent authority is Secretary of State
 - **Ordinary Sojourn visa** – without limit of validity. This type of visa may be issued to aliens resident in Tunisia for 5 years on temporary sojourn without interruption; to foreign women married to Tunisians; to parents of a Tunisian child and to aliens who have rendered specific services to the country
 - **Return visa** – issued for aliens holding an ordinary sojourn visa
 - **Exit visa** – issued to aliens holding temporary or ordinary sojourn visa

After entry into the country aliens need to obtain a temporary or ordinary residence permit having the same validity as that of the respective visas. The ordinary residence permit is also issued to aliens born in the country and residing there without interruption.

Competent for the issuance of the residence permit is the Director General of National Security.

12.6 Prohibited immigrants

Aliens who enter or leave the country without observing the rules of the Law can be sanctioned.

The Law stipulates that aliens who have not obtained a temporary sojourn have to leave the country and are otherwise reported by decision of the Director General of National Security and may incur in sanctions foreseen by the Law of March 1968.

The Secretary of State of Interior is competent for issuing an expulsion order if the presence of the alien constitutes a threat for the public order.

12.7 Registration of aliens

Article 21 of the Law of March 1968 stipulates the obligation for everybody who provides accommodation to an alien to inform the Police or the National Guard within 48 hours.

This obligation does not apply to close family members hosted by a Tunisian citizen.

No other specific rules on registration are established in the Laws at hand.

12.8 Rules on departure

It appears that apart from the obligation to leave the country at determined border points there are no rules on departures of aliens or nationals.

12.9 Other aspects/particular features

Tunisia has ratified the 1951 Geneva Convention on the status of refugee and the related 1967 New York Protocol, but to our knowledge has not issued an implementing legislation.

Refugees are however mentioned with regard to the acceptance of their travel documents.

It appears that there are no legislative rules on emigration of nationals.

Aliens may take up employment in the country under condition of presenting a work contract.

In any case the alien needs prior an authorisation by the “competent Secretary of State”; the same applies for commercial activities.

12.10 Further research

Given that the legislation and translation of text at our disposal is quite complete, further research should focus on the following aspects:

- Administrative regulations implementing the legislation, if any
- Administrative rules on emigration and eventual bilateral agreements on the subject
- Rules and regulations on the registration system of aliens and on the collection of data
- Comparison between classifications/definitions provided by the Law and the UN definitions

13. TURKEY

13.1 Country's interest in migration studies and statistics

According to the questionnaire's replies (questionnaire 1, question 8) in the country there is an interest in migration studies, due to a concern about emigration of qualified people ("brain drain") and for policy and organisational reasons.

The Mission Report stresses out that Turkey has been an emigration country until recently, and immigration -apart from return migration of Turkish workers- was limited. In recent years, immigration and transit migration have become more import. Moreover, concern is expressed about inflows of refugees and illegal immigrants, as well as emigration about of Turks ("brain drain").

13.2 Classification and definitions

The following ones can gathered from the Mission report.

- foreigners;
- workers;
- asylum-seekers;
- refugees;
- immigrants by law (foreigners who have received collective permission to immigrate from the council of Ministers: they are former Turkish citizens who do not necessarily speak Turkish);
- free immigrants (people of Turkish origin who speak Turkish and have reference persons in Turkey who will act as their sponsor);
- Turkish resident abroad.

The following additional categories can gathered by the available texts of laws:

- stateless persons, who have to follow especial procedures set by law.

13.3 Existing legislation

Temporary Law on Aliens' Rights and Duties (1915 – still in force in 1963)

Law n. 2007 of 1927 on Jobs reserved to Citizens

Law n. 6224 of January 18, 1954 on Foreign Investments

Law n. 5682 of July 15, 1950, on Passports

1961 Constitution (art. 12)

Citizenship Act (Law n. 403 of Feb. 11, 1964. Official Gazette: Feb 22, 1964, n. 11638)

In 1993 the State Department Responsible for Migration was engaged in preparing a Draft Law on Immigration.

According to the Mission report, the following additional laws are in force:

- Immigration Law (June 14, 1934. Official Gazette: June 21, 1934);
- Law on Residence Permits (July 15, 1950. Official Gazette: July 24, 1950).

Moreover, the Mission report refers to a number of laws (not specifically mentioned) dealing with occupations and professions.

The following laws are available in English:

1. Turkish Nationality Law (n. 403/1964 and later amendments);
2. Law on Settlement (n. 20/1934 and later amendments);
3. Passport Law (n. 5682/1950 and later amendments);
4. Law concerning the Residence and Travelling of Foreigners in Turkey (n. 5683/1950 and later amendments).

13.4 Administrative bodies dealing with migration

- Ministry of Interior
- Ministry of Labour and Social Security
- State Department responsible for Migration
- National Employment and Placement Office

According to the Mission report, the following additional bodies deal with migration:

- Turkish State Institute of Statistics (under the Office of The Prime Minister);
- Ministry of Foreign Affairs;
- Ministry of Tourism;
- Council of Ministers;
- Consulting Committee on Immigration;
- High Council for Turkish Workers Abroad;
- Turkish embassies and consulates;
- border officials;
- Ministry of Health and Social Welfare.

13.5 Conditions for entry and stay

The following information can be gathered from the Mission report.

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- 1) Foreigners from most countries need a visa to visit Turkey, whose maximum duration is one year (registration procedures and types of visa should be further explored at the Ministry of Foreign Affairs).
 - 2) All foreigners who intend to stay longer than the duration of their visa need to have a residence permit. Excluded: tourists, who are not permitted to change their status.
 - 3) Foreigners intending to work in Turkey need to have a work-permit. There should probably be a prior arrangement with an employer, but this needs further investigation.

According to the available texts of laws, all foreigners, with a few exceptions, must obtain an entry-visa from the competent Turkish authorities. Exit from Turkey is not subject to visa.

The law (n. 5682/1950) also provide for a list of people who are not allowed to enter Turkey.

Entry-exit gates are to be designated by the Council of Ministers.

Moreover, according to the available texts of laws, all foreigners staying in the country longer than one month have to apply for a residence permit and, if they intend to work, the duration of stay-permits may vary from case to case.

Refugees may reside only in locations designed by the Ministry of Interior.

Stateless persons are subject to specific procedures as to residence, travel and passports.

13.6 Arrivals and departures registration

The Mission report points out that data are collected at the border (from about 94 points of entry/exit). Also, a system of arrival and departures cards for both foreign and Turkish citizens has been in existence for a long time, but this system has not worked effectively since 1992, and is no longer used to produce statistics.

Finally, according to the Mission report, registration of “free immigrants” and “immigrants by law” (see above, par. 13.2) takes place on the basis of procedures that need further investigation.

13.7 Other Aspects/particular features

Turkey has ratified the 1951 Geneva Convention on the Status of Refugees and the 1968 New York Protocol, however with a geographical limitation, limiting the application of these instruments to refugees originating from European countries.

The Mission report points out that non-European refugees and asylum-seekers are assisted by UNHCR (see above, par. 13.2) in co-operation with the Turkish authorities. Among them, asylum-seekers may obtain a

residence-permit, but if they are recognised refugees they have to resettle in another countries. While waiting for a decision on their status, they are not allowed to work, nor are they allowed to work once they are recognised refugees and are waiting to be resettled. Those rejected are deported by Security. The Mission report also indicates that in Nov. 1994 there was a major change in the law, involving a restriction of the period allowed to non-European asylum-seekers to register with the police (up to 5 days since their arrival⁹).

As to emigration of Turkish citizens, the Mission report refers that the Ministry of Labour collects data from about 15 foreign countries, on Turkish citizens residing in those countries.

13.8 Further research

As the Mission reports points out, further investigation is needed as to: a) registration procedures and visa types at the Ministry of Foreign Affairs; b) procedures to obtain a work-permit (i.e. whether a prior arrangement with an employer is needed), c) registration procedures of “free immigrants” and “immigrants by law” as defined in para. 13.2.

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