

4.11 Niger

4.11.1 Migration trends

4.11.1.1 Immigration

While Niger cannot be considered a major country of destination for international migrants, it is an important country of transit for sub-Saharan migrants, mostly from ECOWAS Member States, travelling towards Algeria, Libya, and eventually to European countries.⁹⁶⁵

The distinction between the notions of “country of transit” and “country of destination” is certainly useful and corresponds to reality, but it does have its limitations. In the case of Niger, transit within the country may take months and even years. Given the financial cost of travelling through the Sahara and eventually, by boat, to Europe, it is common for migrants to interrupt their trip in order to earn further sources of income. Nigerien cities such as Agadez, Arlit and Dirkou have become such stopover zones, where migrants prepare for the continuation of their trip.⁹⁶⁶ These cities are also places of initial return for expelled or stranded migrants. In many of these instances, it is not sufficient to consider Niger as simply a country of transit as it has *de facto* become a country of destination for temporary migration flows.

Moreover, such immigration for the purpose of temporary stay or longer residence exists in Niger and represents a phenomenon that deserves to be given an overview.

Data	Year	Absolute numbers	% of the Total Population
National Population and Housing Census (RGPH) ⁹⁶⁷	2001	88,067 foreigners ⁹⁶⁸	0.8%
National Survey of Migration in Niger (ENAMI) ⁹⁶⁹	2011	57,679 foreigners ⁹⁷⁰ 174,102 immigrants, i.e. individuals born abroad, regardless of their nationality ⁹⁷¹	0.4% 1.1%

Given that annual estimates of transit migration flows are between 40,000 and 80,000,⁹⁷² it can be argued that both the figures presented in the RGPH and the ENAMI are underestimations.

⁹⁶⁵ Maga, H., I., *Migration au Niger, Profil national 2009*, IOM, 2009, p. 85; Maiga, D., *La cadre juridique de la migration irrégulière au Niger*, CARIM AS No. 28, 2010; Tabapssi, T., *La migration irrégulière, de, vers et à travers le Niger*, CARIM AS No. 47, 2010a; CIMADE, *Etat des lieux de la situation des migrants au Niger*, 2011.

⁹⁶⁶ CIMADE, 2011, op. cit., p. 77.

⁹⁶⁷ *Recensement général de la population et de l'habitat*.

⁹⁶⁸ INS, *Recensement général de la population et de l'habitat 2001. Rapport d'analyse migration*, chapter 6, p. 1.

⁹⁶⁹ *Enquête nationale sur la migration au Niger*.

⁹⁷⁰ INS, *Enquête nationale sur la migration au Niger (ENAMI) 2011. Analyse des résultats*, 2011, p. 29.

⁹⁷¹ *Ibid.*, p. 28.

⁹⁷² Tabapssi, T., 2010a, op. cit., p. 5.

4.11.1.1.1 Characteristics of immigrants/foreigners

Countries of origin:	<ul style="list-style-type: none"> • According to RGPH 2001 results, most foreigners were nationals of Mali (30,402), Burkina Faso (13,017), Nigeria (13,093), Benin (12,093), and Togo (6,535). Very few recorded foreigners were nationals from Côte d'Ivoire (810) or Ghana (1,132).⁹⁷³ • The ENAMI 2011 showed a similar distribution of foreigners with regard to their country of nationality.
Settlements:	<ul style="list-style-type: none"> • According to the RGPH 2001, there was an equal amount of ECOWAS Member States' nationals living in rural and urban areas. • ECOWAS Member States' nationals tended to be overrepresented in the departments of Niamey (35.5% of foreign born migrants), Tillabéri (18%), and Niasso (13%), while other Africans were mostly residing in Diffa (34%), Niamey (29%), and Tahoua (15%). • Very few migrants from ECOWAS Member States were reported in Agadez (1.3%).⁹⁷⁴ This may be surprising given that Agadez is considered one of the places of stay for migrants looking to continue their journey to the Maghreb and Europe.⁹⁷⁵ • According to the ENAMI 2011, the regions of residence (not disaggregated per country of origin) included mainly Niamey (36%), Tahoua (15.8%), Dosso (15.6%), and Tillabéri (12.5%). Here again, migration to Agadez was the most limited (2%).⁹⁷⁶ On the whole, the results from the ENAMI showed a continuation of the trends revealed in the RGPH.
Socio-demographic profile:	<ul style="list-style-type: none"> • The results from RGPH 2001 show a predominance of foreign men (64%) over women.⁹⁷⁷
Socio-economic profile and sectors of employment:	<ul style="list-style-type: none"> • High-skilled foreign workers tend to be employed in the energy sector.⁹⁷⁸ At a lower skill level, the construction sector is an important employment sector where workers occupy jobs for which there is a lack of competencies within the national workforce. • Foreign women workers tend to occupy jobs in sectors where, due to cultural traditions, Nigerien women are not employed. These include domestic work and work in the hospitality sector.⁹⁷⁹ • African entrepreneurs operating either within the formal or the informal sector appear to be particularly active, notably within the social, trade, and tourism sectors.⁹⁸⁰
Vulnerable groups:	<ul style="list-style-type: none"> • Existing information on trafficking of foreigners in Niger is limited. According to the U.S. Department of State's latest Trafficking in Persons Report, the risks concerning trafficking of foreigners in Niger are mostly concentrated around those individuals transiting through the country, who may be subjected to forced labour in Niger. • OHCHR notes, however, that "over the past few years, Niger [has] shifted from being a platform for the transit of trafficked persons in West Africa to a country of origin and destination".⁹⁸¹

⁹⁷³ INS, 2001, op. cit., *Recensements général de la population et de l'habitat 2001. Rapport d'analyse migration*, chapter 6, p. 3.

⁹⁷⁴ Ibid., chapter 4, p. 28.

⁹⁷⁵ Such statistics may be explained by the fact that in the RGPH immigrants were only considered as such when residing in the considered household for a minimum of six months, "with the intention to stay for a total duration of at least six months". It is likely that following this methodology, which notably includes a subjective element, migrants in transit were not included in the census. See INS, *Recensements général de la population et de l'habitat 2001. Rapport d'analyse migration*, chapter 2.

⁹⁷⁶ INS, 2001, op. cit., chapter 2.

⁹⁷⁷ Ibid., chapter 6, p. 1.

⁹⁷⁸ Tabapssi, T., *La migration hautement qualifiée au Niger*, CARIM AS No. 16, 2010b, p. 3.

⁹⁷⁹ Tabapssi, T., *Genre et migration au Niger*, CARIM AS No. 4, 2011, p. 4.

⁹⁸⁰ Maga, H., I., *Les migrations hautement qualifiées depuis et vers le Niger: état des lieux et tentatives explicatives*, CARIM AS No. 32, 2010, p. 7. Due to political instability in the region, tourism in Niger has significantly declined over the past years.

⁹⁸¹ OHCHR, *Seeking ways to eliminate human trafficking in Niger*, 2012.

4.11.1.2 Emigration

The modern history of Nigerien emigration includes several phases characterised by specific patterns. In the 1960s, migration flows were primarily those of low-skilled workers towards West African coastal states, such as Côte d'Ivoire. In the 1970s, increased demand for labour in oil-producing countries such as Nigeria, Libya, and Algeria led to a diversification of emigration flows. Emigration to these countries decreased in the 1980s as a consequence of depressed oil revenues, and in the early-1990s, emigration was dominated by nationals fleeing from the civil war.⁹⁸² Since the end of the 1990s, emigration has mostly been led by economic factors, namely the structural difficulties of the agricultural sector and the insufficiency of job opportunities in Niger.⁹⁸³

Data	Year	Estimates
National Survey of Migration in Niger (ENAMI) ⁹⁸⁴	2010	Migrant stock estimated at 583,066 ⁹⁸⁵
University of Sussex, Development Research Centre (DRC), Global Migrant Origin Database	2005	Migrant stock estimated at 496,773 ⁹⁸⁶

⁹⁸² IOM, ICMPD, *MTM: a Dialogue in Action. Linking Emigrant Communities for More Development. Inventory of Institutional Capacities and Practices. The Nigerien Experience*, 2010, p. 3.

⁹⁸³ Tabapssi, T., *Le cadre général de la migration de, vers et à travers le Niger*, CARIM AS No. 81, 2010c, p. 2; USAID, *La migration au Niger. Les transferts de fonds à Loga, Tahoua, Tanout et Gouré face aux crises en Libye et Côte d'Ivoire*, 2011, p. 11.

⁹⁸⁴ Enquête nationale sur la migration au Niger.

⁹⁸⁵ INS, 2011, op. cit., p. 40. According to the ENAMI methodology, emigrants are considered as individuals for whom a household reported that they were residing abroad for more than six months (continuously) during the previous five years.

⁹⁸⁶ Maga, H., I., 2009, op. cit., p. 71.

4.11.1.2.1 Characteristics of emigrants/nationals abroad

<p>Countries of destination/residence:</p>	<ul style="list-style-type: none"> • According to the ENAMI study, the majority of emigrants were residing in Nigeria (37.8%), followed by Libya (12.6%), Côte d'Ivoire (12.4%), Benin (8.3%), Ghana (7.7%), Togo (5.2%), and Cameroon (3.5%).⁹⁸⁷ It must be underlined that while the study was published in 2011, the surveys were conducted in 2010, before the crises in Côte d'Ivoire and Libya, which led to massive returns of Nigerien migrants. • According to the DRC database, most Nigerien migrants were residing in the following countries: Burkina Faso (27.8%), Côte d'Ivoire (26.2%), Nigeria (11.9%), Guinea (10.8%), Ghana (5.2%), Togo (3.4%), and Benin (3%).⁹⁸⁸ • It is likely that the ENAMI study provides the most reliable overview of Nigerien emigration, as shown by the example of Libya. While the ENAMI estimated the Nigerien population residing in the country at 73,693, the DRC database only identified 468 Nigerien residents.⁹⁸⁹ Given that in 2012 IOM reported 75,600 Nigerien returnees fleeing from the Libyan civil war,⁹⁹⁰ the DRC data can clearly be considered an underestimation. • Nigerien migration towards OECD Member States is limited. It is estimated that only 3% of migrants reside in European countries.⁹⁹¹ According to the OECD international migration database, the only countries where evidence of the Nigerien presence is not anecdotal are France (3,055 Nigeriens in 2009), Belgium (1,161 in 2010), Italy (1,131 in 2010), and Germany (821 in 2011).⁹⁹² It should be taken into account, however, that OECD data only takes into consideration regular migrants and that the dataset does not include information for a number of countries, including the U.S. and Canada.
<p>Socio-demographic profile:</p>	<ul style="list-style-type: none"> • Nigerien emigration is largely a male phenomenon. The ENAMI study reports a male proportion of migration as high as 93%.⁹⁹³ This may well be an overestimation, which can be explained by the fact that the methodology applied tends to over-represent temporary migration and thus underestimates family migration. Although the RGHP 2001 does not provide direct information on emigration, it estimates the male proportion of returning migrants at 61%.⁹⁹⁴ The share is similar concerning migration towards OECD countries.⁹⁹⁵ • Outside family migration, migration of women is low. This can be explained by the presence of traditional cultural values that limit the possibilities for women to migrate on their own.⁹⁹⁶ • Regarding the main regions of origin of Nigerien migrants, both the RGHP 2001 and the ENAMI study identify these as being Tahoua, Tillabéri and Dosso.⁹⁹⁷

⁹⁸⁷ Ibid.

⁹⁸⁸ Ibid., p. 73.

⁹⁸⁹ University of Sussex, Development Research Centre, 'Global Migrant Origin Database', 2007.

⁹⁹⁰ Aghazarm, C., Quesada, P. and Tishler, S., *Migrants Caught in Crisis: the IOM Experience in Libya*, IOM, 2012, p. 15.

⁹⁹¹ IOM, ICMPD, 2010, op. cit., p. 6.

⁹⁹² OECD, 'International Migration Database'. The OECD migration database collects information on stay/resident permits and population registers.

⁹⁹³ INS, 2011, op. cit., p. 31.

⁹⁹⁴ INS, 2001, op. cit., chapter 4, p. 26.

⁹⁹⁵ Maga, H., I., *Migration hors et vers le Niger: une analyse selon le genre*, CARIM AS No. 18, 2011, p. 10.

⁹⁹⁶ Tabapssi, T., *Genre et migration au Niger*, CARIM AS No. 4, 2011, pp. 7-8.

⁹⁹⁷ INS, 2001, op. cit., chapter 4, p. 26; INS, 2011, op. cit., p. 32.

Education level/ sectors of em- ployment:	<ul style="list-style-type: none"> Nigerien migrants are generally low-skilled, which mirrors the general level of education in Niger.⁹⁹⁸ It has been argued that the risk of brain drain has remained limited in Niger.⁹⁹⁹ According to OECD data regarding migration in the health sector, the emigration rate of nurses was estimated at 0.8% and that of medical doctors at 6.5%.¹⁰⁰⁰ However, it was also estimated that skilled migrants represented 49% of all Nigerien migrants, which constitutes an extremely high percentage when compared to the average skill level of the national population.¹⁰⁰¹ The type of employment differs from one region to another. In neighbouring countries, Nigerien workers tend to be employed largely in the agricultural sector.¹⁰⁰² In OECD Member States, migrants are mainly employed within the industrial, trade, hospitality and health sectors.¹⁰⁰³
Duration of stay abroad:	<ul style="list-style-type: none"> Uniquely, the household survey conducted in 2011 by USAID in four regions of Niger provides data on the average duration of stay of Nigerien migrants. It indicates that most migration is temporary and circular.¹⁰⁰⁴ The duration of stay abroad depends on the countries of destination involved. In ECOWAS Member States such as Côte d'Ivoire, Nigeria and Benin, the stay is generally for six or seven months and corresponds to seasonal agricultural activities. In countries beyond the ECOWAS region, Libya, Gabon and Cameroon, for instance, migration tends to be longer, for periods of one to two years.¹⁰⁰⁵
Remittances:	<ul style="list-style-type: none"> According to World Bank estimates, remittances in Niger amounted to USD 70 million in 2010.¹⁰⁰⁶ The largest proportion (82.7%) was sent from African countries.¹⁰⁰⁷ The use of informal channels appears to be prominent, although differences can be made between source countries. Within the CFA franc zone, formal channels are used more than in other countries of destination.¹⁰⁰⁸ The crises that occurred in 2011 in important countries of destination such as Libya, Nigeria and Côte d'Ivoire led to a significant decrease in remittance inflows. In the main regions of origin for Nigerien migration, it is estimated that remittances constitute between 25% and 50% of household income. The most part of remittances is used for alimentary purposes.¹⁰⁰⁹
Vulnerable groups:	<ul style="list-style-type: none"> According to the U.S. Department of State Trafficking in Persons Report 2013, international trafficking of Nigerien nationals concerns mainly children. Boys may be subject to forced begging or forced labour by corrupt marabouts (koranic teachers) in Mali and Nigeria. Girls may be subjected to forced prostitution along the border with Nigeria. They may also be exploited as domestic and sex workers after arranged marriages have been made with foreigners from Nigeria, Saudi Arabia and the United Arab Emirates.¹⁰¹⁰

⁹⁹⁸ Data from 2008 shows that although it had significantly increased, the level of primary education only reached 46%, while post-primary education was limited to 17% and university enrolment concerned only 73 students per 100,000 inhabitants. Maga, H., I., 2009, op. cit., p. 56.

⁹⁹⁹ Maga, H., I., 2010, op. cit., p. 11.

¹⁰⁰⁰ OECD, 'Immigrant Health Workers in OECD Countries in the Broader Context of Highly Skilled Migration' in *International Migration Outlook – SOPEMI 2007*, 2007, p. 214.

¹⁰⁰¹ Maga, H., I., 2010, op. cit., p. 10-11.

¹⁰⁰² USAID, 2011, op. cit., pp. 14-15.

¹⁰⁰³ Maga, H., I., 2009, op. cit., p. 74.

¹⁰⁰⁴ USAID, 2011, op. cit., pp. 14-15.

¹⁰⁰⁵ Ibid., p. 15. Such different patterns may be explained by the higher cost of travelling to countries farther away and the difficulties connected to migrating outside the ECOWAS region, within which freedom of movement is facilitated.

¹⁰⁰⁶ World Bank, *Migration and Remittances Factbook 2011*, 2011.

¹⁰⁰⁷ IOM, ICMPD, 2010, op. cit., p. 8.

¹⁰⁰⁸ USAID, 2011, op. cit., p. 17.

¹⁰⁰⁹ Ibid., pp. 21-22.

¹⁰¹⁰ U.S. Department of State, *Trafficking in Persons Report 2013*, 2013, p. 283.

4.11.2 Migration policy

Immigration matters are largely treated with a *laissez-faire* approach. Issues relating to emigration are of growing interest, although they are largely focused on the contribution of Nigerien migrants to the economic and social development of the country. Despite the establishment of a special inter-ministerial committee on migration policy development in 2007 and the elaboration of a first draft policy document in 2014, a national migration policy has yet to be adopted.

Regarding the integration of migration within national development plans, mention can be made of the Action Plan of the Rural Development Strategy, which explicitly refers to the relationship between migration and development.

4.11.2.1 Institutional framework on migration

Governmental stakeholders involved

Ministry	Agency, Directorate, Unit	Responsibilities
Ministry of Interior ¹⁰¹¹	Directorate of Territorial Surveillance ¹⁰¹²	<ul style="list-style-type: none"> Entry, stay and removal of foreigners
Ministry of Employment ¹⁰¹³	National Agency for Promotion of Employment ¹⁰¹⁴	<ul style="list-style-type: none"> Intermediary between employers and Nigerien jobseekers for employment on the international labour market Delivers work authorisations to foreign workers Implements measures to facilitate the transfer of remittances
Ministry of Foreign Affairs ¹⁰¹⁵	<ul style="list-style-type: none"> Directorate for Nigeriens Abroad¹⁰¹⁶ High Council of Nigeriens Abroad¹⁰¹⁷ 	<ul style="list-style-type: none"> Relations with nationals abroad
Ministry of Finance		<ul style="list-style-type: none"> Implementation of policies regarding remittances

Other ministries and public institutions are also concerned with migration, such as the Ministry of Planning,¹⁰¹⁸ the National Institute of Statistics,¹⁰¹⁹ the ministries of Defence,¹⁰²⁰ Health,¹⁰²¹ Justice,¹⁰²² etc.

¹⁰¹¹ *Ministère de l'Intérieur, de la Sécurité publique, de la Décentralisation et des Affaires religieuses.*

¹⁰¹² *Direction de la Surveillance du territoire.*

¹⁰¹³ *Ministère de la Formation Professionnelle et de l'Emploi.*

¹⁰¹⁴ *Agence nationale de promotion de l'emploi.*

¹⁰¹⁵ *Ministère des Affaires étrangères, de la Coopération, de l'Intégration africaine et des Nigériens à l'extérieur.*

¹⁰¹⁶ *Direction des Nigériens de l'extérieur.*

¹⁰¹⁷ *Haut Conseil des Nigériens de l'extérieur.*

¹⁰¹⁸ *Ministère du Plan, de l'Aménagement du territoire et du Développement communautaire.*

¹⁰¹⁹ *Institut national de la statistique.*

¹⁰²⁰ *Ministère de la Défense nationale.*

¹⁰²¹ *Ministère de la Santé publique.*

¹⁰²² *Ministère de la Justice, garde des Sceaux.*

Inter-institutional coordination

The main inter-institutional structure entrusted with migration management responsibilities is the Inter-Ministerial Committee in charge of the Elaboration of a National Migration Policy.¹⁰²³ The Committee was established in 2007 and placed under the authority of the Ministry of Interior. It is composed of officials from the main ministries involved in migration management. International organisations (IOM and the EU) and representatives from civil society are also invited to participate. In 2014, a first draft National Migration Policy was developed. It is yet to be formally adopted.

Another inter-ministerial institution is the Committee instituted in 2013 to organise the follow-up of the 2012 Diaspora Forum.¹⁰²⁴ The Committee includes the main ministries as well as IOM, UNDP, representatives from the private sector and the civil society. In addition, ad hoc committees have been set up over the years to deal with specific challenges, such as, for example, the Libyan crisis in 2011.

4.11.2.2 Immigration: national policy framework and institutional practices

4.11.2.2.1 General immigration provisions

Legislation/Policy Framework	Description
Ordinance No. 81-40 on Entry and Stay of Foreigners in Niger, 1981 ¹⁰²⁵	Decree, Art. 2: By principle, immigration to Niger is subject to the delivery of a visa and a stay permit.
Decree No. 87-076 on Entry and Stay Conditions of Foreigners in Niger, 1987 ¹⁰²⁶	Decree, Art. 6: Visas are normally granted by diplomatic and consular posts abroad; they may exceptionally be delivered upon arrival.
	Decree, Art. 2: Entry on the territory is subject to a guarantee of return, which may take the form of a return ticket to the country of origin, a deposit or a guarantee from a bank. ¹⁰²⁷
	Decree, Art. 8: The duration of the entry visa cannot exceed three months.
	Ordinance, Art. 5; Decree, Art. 11: During the period of validity of the visa, a foreigner intending to stay in Niger has to request the delivery of a stay permit from the Ministry of Interior.
	Decree, Art. 12 to Art. 16: The delivery of the stay permit is subject to proof of regular entry, production of a medical certificate, a work authorisation when applicable, and for students, a guarantee of sufficient financial means.
	Decree, Art. 17; Art. 21: The permit is valid for a period of two years and is renewable under the same conditions of its first delivery.
	Decree, Art. 18: In case of stay abroad for a duration exceeding six months, the permit may be revoked.

On the whole, the provisions of the Nigerien legislation appear to be well-balanced. Nevertheless, a number of gaps can be identified. Provisions regarding visas are particularly brief. The legislation only foresees one type of stay permit, the duration of which – two years – may be too short to facilitate integration of long-term residents in the country. There are no provisions regarding family migration and the specific status of ECOWAS Member States' nationals is not considered.

¹⁰²³ *Comité interministériel chargé de l'élaboration du document de politique nationale de migration.*

¹⁰²⁴ *Comité de pilotage du suivi des recommandations du Forum de la Diaspora d'août 2012.*

¹⁰²⁵ *Ordonnance relative à l'entrée et au séjour des étrangers au Niger.*

¹⁰²⁶ *Décret réglementant les conditions d'entrée et de séjour des étrangers au Niger.*

¹⁰²⁷ In practice, the provisions on the guarantee of return are not implemented. Maga, H., I., 2009, op. cit., p. 97.

Niger has concluded bilateral agreements which include provisions on entry and stay/residence with the following countries: Algeria, Burkina Faso, France, Ghana, Libya, Mali, Morocco and Tunisia. These agreements generally apply equally to Nigeriens in these countries and foreigners from these countries in Niger. A review of these agreements is presented in section 4.11.3.

4.11.2.2 Labour migration

Access to national labour market

Legislation/Policy Framework	Description
Ordinance No. 81-40 on Entry and Stay of Foreigners in Niger, 1981	<p>Decree, Art. 13: Access of foreigners to the national labour market is based on the principle of a work authorisation, which takes the form of a visa from public employment services on the work contract.</p> <p>Decree, Art. 13; Labour Code, Art. 48: The work authorisation is to be delivered before entry of the migrant worker on the national territory (exception is made in the case of nationals from ECOWAS countries and countries with which Niger has concluded agreements and/or which grant preferential treatment to Nigerien nationals so that the principle of reciprocity applies).</p> <p>Labour Code, Art. 48 states that the admission of foreign workers is subject to the absence of "national competences".</p> <p>Labour Code, Art. 51 specifies that the decision regarding the work authorisation is to be taken within 30 days.</p> <p>Labour Code, Art. 50 includes an obligation on the employer to organise the training of national staff in order to replace foreign workers.</p>
Decree No. 87-076 on Entry and Stay Conditions of Foreigners in Niger, 1987	
Labour Code, 2012 ¹⁰²⁸	

Nigerien legislation does not specify whether access of foreigners to the national labour market is governed by a quota system or a labour market test system. According to representatives of the Ministry of Employment, the option adopted by Niger is the labour market test. Employers intending to engage a foreign worker have to submit a request to the National Agency for Promotion of Employment, which will first look for a competent worker available on the national labour market before delivering the work authorisation. In practice, the labour market test is not enforced. The work authorisation is delivered once the worker is already on the national territory and the role of the National Agency for Promotion of Employment is more to register foreign workers than to protect the national labour market.

Although the legislation does not include specific provisions on the status of ECOWAS Member States' nationals, administrative practices apply the delivery of an ECOWAS residence permit for a period of one year, renewable off-right.

Rights within employment

Legislation/Policy Framework	Description
Labour Code, 2012	<p>Art. 2 provides for equal treatment with nationals.</p> <p>Art. 190 includes an exception to the principle of equal treatment concerning trade unions. While all foreigners can join a trade union, administrative and executive functions are limited to nationals that enjoy civic and political rights and foreigners that have resided in Niger for a minimum of three years (and whom enjoy the aforementioned civic and political rights).</p>

¹⁰²⁸ Loi No. 2012-45 portant Code du travail de la République du Niger.

Foreigners, regardless of their legal status, benefit from all the obligations and rights of the labour legislation as a principle.

4.11.2.2.3 Irregular migration

Legislation/Policy Framework	Description
Ordinance No. 81-40 on Entry and Stay of Foreigners in Niger, 1981 Decree No. 87-076 on Entry and Stay Conditions of Foreigners in Niger, 1987	Decree, Art. 31: Deportation is foreseen for those foreigners who are not in possession of the documents required to enter the country. Ordinance, Art. 16 foresees expulsion of foreigners who constitute a threat to public order. While no explicit provision concerns the removal of foreigners in an irregular situation within the national territory, irregular stay is considered a criminal offence. Decree, Art. 27: Irregular migration is sanctioned by fines of 4,000 to 50,000 CFA francs (USD 7.50 to USD 95) and a maximum of 15 days of imprisonment. Ordinance, Art. 13: Foresees penalties of 25,000 to 500,000 CFA francs (USD 47 to USD 950) and up to two years of imprisonment for smugglers of migrants.

In practice, national authorities are flexible in their approach to irregular migration as it is not considered a threat to Niger. For instance, removal of foreigners is rarely based on their illegal migration status but rather on the criminal offences they have committed. However, due to the instable political situation and the existence of terrorist threats in the region, removal of foreigners has become more frequent recently.

The capacities of the Directorate of Territorial Surveillance, which is in charge of border control, are low, due to limited staff and equipment. A number of initiatives have been implemented during the past number of years to develop border management capacities in cooperation with the EU, Italy, France, Germany, Spain, and Nigeria. In 2007, Niger and Mali agreed to jointly guard their common border.

4.11.2.2.4 Migrants at risk

Legislation/Policy Framework	Description
Ordinance No. 2010-86 on Combating Trafficking in Persons ¹⁰²⁹	Art. 10 foresees penalties of five to ten years' imprisonment. Art. 29 foresees 10 to 30 years' imprisonment in the case of aggravating circumstances, and life imprisonment in the case of death of the victim. Art. 4 to Art. 8 establish a National Coordinating Commission on the Fight against Trafficking in Persons ¹⁰³⁰ and a National Agency. ¹⁰³¹ These institutions are charged with the responsibility of conducting prevention activities, collecting and sharing information among competent authorities, and training public services staff members. Art. 50 states that protection and assistance activities apply equally to nationals and foreigners. Art. 53: Protection and assistance activities notably include medical, psychological, and legal support, as well as shelter. Art. 62: Foreign victims in an irregular situation are granted temporary stay during penal proceedings and may obtain a permanent status. Art. 63: In case of repatriation to the country of origin, the security of the victim has to be taken into consideration.

¹⁰²⁹ Ordonnance No. 2010-86 du 16 décembre 2010 relative à la lutte contre la traite des personnes.

¹⁰³⁰ Commission nationale de coordination de la lutte contre la traite des personnes.

¹⁰³¹ Agence nationale de lutte contre la traite des personnes.

In practical terms, the national authorities have made significant steps to fully implement the Ordinance's provisions. The National Coordination Commission is effective and has been involved in training and awareness campaigns.¹⁰³² Prosecution and convictions of offenders have increased over the past years.¹⁰³³ Regarding protection activities, national authorities provide limited medical assistance and shelter, mainly relying on local NGOs and international organisations.¹⁰³⁴

4.11.2.3 Emigration

4.11.2.3.1 Labour migration

Niger lacks a labour emigration policy. No activities have been undertaken for the development of legal labour migration opportunities. According to Maga, national development policies attempt to improve living conditions, especially within rural areas, with a view to limiting internal and international migration.¹⁰³⁵

Niger has concluded bilateral agreements dealing with migration issues. While most of these agreements cannot be considered bilateral labour agreements per se, they often include provisions applicable to the entry and stay of workers. A review of these instruments is given in section 4.11.3.

Although the National Agency for Promotion of Employment is responsible for the placement of Nigerien workers abroad, to date, its capacities in this regard have been quite limited. In addition, there is no legislation regulating the activities of Nigerien private employment agencies on the international labour market.

4.11.2.3.2 Migration and development

During the past few years, Nigerien authorities have developed initiatives in order to harness the benefits of migration for the economic and social development of the country. In practice, however, effectively implemented activities are rare.

Mobilising and channelling remittances for development

With regard to remittances, efforts have been made by the Ministry of Finance to facilitate the use of formal channels. For instance, a project is currently being developed to set-up "proximity counters"¹⁰³⁶ in major countries of destination in order to improve transfer services through cooperation with international banks.

National authorities have shown a growing interest in mobilising and channelling remittances in the context of development. The Action Plan of the Rural Development Strategy (2006) envisions the following actions:

¹⁰³² U.S. Department of State, 2013, op. cit., p. 284.

¹⁰³³ Ibid., p. 285.

¹⁰³⁴ Ibid., pp. 284-285.

¹⁰³⁵ Maga, H., I., 2009, op. cit., p. 109.

¹⁰³⁶ *Guichets de proximité.*

- inform Nigerien emigrants regarding investment opportunities in rural areas of Niger;
- enhance remittances through conventions with financial stakeholders (International Monetary Fund, banks, etc.); and
- encourage interactions between migrants and local development actors.¹⁰³⁷

The core responsibilities of the Ministry of Foreign Affairs, Cooperation, African Integration and Nigeriens Abroad, as well as those of the High Council for Nigeriens Abroad, include the identification and promotion of investment in Niger for nationals residing abroad.¹⁰³⁸ Exploratory missions have been organised in the main African destination countries, as well as in France, in order to meet members of the diaspora and provide information on investment opportunities in Niger.¹⁰³⁹ The Nigerien Investment Code includes a number of fiscal and customs incentives to encourage investments.¹⁰⁴⁰ However, these provisions do not specifically target Nigeriens residing abroad.

Diaspora outreach and confidence-building measures

Relations between Nigerien emigrants and diaspora members and national authorities are generally weak.¹⁰⁴¹ The Law on Nationality¹⁰⁴² denies dual/multiple nationality: the acquisition of a foreign nationality leads to the loss of the Nigerien nationality.¹⁰⁴³ Nigeriens residing abroad cannot participate in elections held in the country. Recent developments show that the Nigerien government is seeking to reach out to the diaspora through confidence-building measures.

In 2012, a Nigerien Diaspora Forum was held in Niamey. The participants recognised the existence of difficulties between Nigeriens abroad and public authorities as well as the need for the state to adopt a number of measures in this regard. The recommendations adopted during the Forum include:

- the need to adopt measures in order to improve the relations between nationals and diplomatic and consular posts;
- the delivery of consular cards with a view to organising the participation of Nigeriens abroad in future elections;
- the delivery of passports by diplomatic and consular posts; and
- the promotion of Nigerien culture by diplomatic and consular posts.¹⁰⁴⁴

The Forum led to the establishment of an inter-ministerial Committee entrusted with the duty of following up on the recommendations of the Forum.¹⁰⁴⁵

During a conference organised in 2013 as a follow-up event to the Forum, the Minister of Foreign Affairs

¹⁰³⁷ IOM, ICMPD, 2010, op. cit., p. 9.

¹⁰³⁸ Ibid., pp. 11-13.

¹⁰³⁹ Ibid., pp. 16-17.

¹⁰⁴⁰ Ibid., p. 10.

¹⁰⁴¹ Di Bartolomeo, A., Jaulin, T. and Perrin, D., *CARIM Migration Profile, Niger*, 2011, p. 8.

¹⁰⁴² *Loi No. 1961-26 du 12 juillet 1961, déterminant la nationalité nigérienne*, amended in 1973.

¹⁰⁴³ Law No. 1961-26 on Nationality, art. 38.

¹⁰⁴⁴ Republic of Niger, *Recommandations du Forum de la Diaspora*, 2012.

¹⁰⁴⁵ *Comité de pilotage du suivi des recommandations du Forum de la Diaspora d'août 2012*.

recognised the importance of allowing Nigerien nationals to hold dual/multiple citizenship. A law proposal in this regard has been submitted to the Nigerien Parliament.¹⁰⁴⁶

With regard to the direct relationship between members of the diaspora and national authorities, the High Council for Nigeriens has opened offices in 38 countries of destination. In addition, an Advice Centre¹⁰⁴⁷ has been instituted within the Directorate for Nigeriens Abroad with a view to liaising with the diaspora and mobilising resources for the social and economic development of Niger. Efforts are also currently being made to organise a mapping of the Nigerien diaspora, notably through the use of an on-line registration system.

Addressing the challenges of highly-skilled migration

With regards to policies concerning high-skilled migration, mention can be made of the UNDP-led TOK-TEN (Transfer of Knowledge Through Expatriate Nationals) programme, which sees the temporary return of skilled nationals in order to contribute to development projects in their country of origin. While the programme was due to begin in Niger in 2009, initially as a pilot project, there appears to have been few developments during these past years. Policies targeting brain drain are scarce. However, recruitments of young graduates have been organised by the Nigerien administration (20,000 in 2012) with a view to halting the emigration of skilled nationals.

4.11.2.3.3 Migrants' protection

Information dissemination

Niger has yet to adopt and implement a policy concerning the protection of migrants. Within the country, there are no information programmes to provide migrants and potential migrants with information on the different aspects of migration processes and living/working conditions in countries of destination. There is also no legislation regulating the activities of private employment agencies on the international labour market.

Protection in countries of destination

Protection activities of diplomatic and consular posts appear to be limited. While efforts have been recently undertaken to build confidence between migrants and the authorities, activities are currently concentrated on cultural aspects and the promotion of investments in Niger. These may nevertheless pave the way for increased protection activities.

Social security agreements

Niger has ratified the inter-African social security convention (CIPRES Convention).¹⁰⁴⁸ At bilateral level, a

¹⁰⁴⁶ Nigerdiaspora.net, 'Conférence sur la diaspora nigérienne : la diaspora, un acteur indispensable au développement national', 23 September 2013.

¹⁰⁴⁷ Bureau d'accueil et d'orientation.

¹⁰⁴⁸ Convention multilatérale de sécurité sociale de la Conférence interafricaine de la prévoyance sociale.

social security convention was concluded with France in 1973 and was followed by several protocols and administrative arrangements. The convention does not include coordination provisions regarding medical care. However, under Protocol No. 1, workers can benefit from the maintenance of cash payments with regard to medical insurance for a period of six months.

Protection of victims of trafficking

Regarding victims of trafficking, protection also remains limited. According to the U.S. Department of State Trafficking in Persons Report 2013, a small number of child victims were provided with medical assistance and temporary shelter, primarily through the services of NGOs. Adult victims do not benefit from specific protection measures.¹⁰⁴⁹

4.11.3 International, regional, and bilateral cooperation

International conventions

Among the most relevant international conventions protecting human rights, Niger has ratified:

- the International Covenant on Civil and Political Rights (1966);
- the International Covenant on Economic, Social and Cultural Rights (1966);
- the Convention on the Elimination of All Forms of Discrimination against Women (1979);
- the Convention on the Rights of the Child (1989);
- 36 ILO Conventions (Niger has not ratified the two specific ILO conventions on migrant workers: C 97(1949) and C 143 (1975));
- the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990); and
- the United Nations Convention against Transnational Organized Crime (2000) and its Protocols on trafficking in persons and smuggling of migrants.

In addition to these global conventions, Niger is bound by ECOWAS texts, including its Treaty (1975) and its subsequent protocols regarding free movement of persons, residence and establishment.

Bilateral agreements

Niger has concluded a relatively large number of bilateral agreements on migration-related matters. While most of these conventions are rather old, their provisions generally remain applicable.

¹⁰⁴⁹ U.S. Department of State, 2013, op. cit., pp. 283-285.

Convention	Description
Convention with Burkina Faso (Upper Volta), 1964 ¹⁰⁵⁰ Convention with Mali, 1964 ¹⁰⁵¹	<ul style="list-style-type: none"> Nationals from the considered countries can enter and reside on the territory of the other state party without the need for a visa or a stay/resident permit. The only requirement is the possession of an identity document from the country of nationality. Not only are these provisions more favourable than those foreseen by the ECOW-AS texts but they are also easier to implement as they do not impose on the states obligations to be carried out but rather a duty to abstain.
Convention with Tunisia, 1966 ¹⁰⁵²	<ul style="list-style-type: none"> Its content is similar to the agreements with Burkina Faso and Mali and foresees the entry, stay and residence without the requirement of a visa or a permit. It also specifically mentions the principle of access to the labour market on an equal footing with nationals.
Convention with Morocco, 1967 ¹⁰⁵³	<ul style="list-style-type: none"> This foresees the removal of visa requirements for nationals of the state parties.
Convention with Algeria, 1981 ¹⁰⁵⁴	<ul style="list-style-type: none"> Foresees the removal of visa requirement for nationals of the state parties. While the agreement with Morocco has been in force since the 1990s, visas are still required for nationals of Algeria to enter Niger and vice-versa.¹⁰⁵⁵ The agreement includes a provision on readmission of migrants in an irregular situation (art. 5) which remains applicable today.
Conventions with Libya, 1971, ¹⁰⁵⁶ 1988 ¹⁰⁵⁷	<ul style="list-style-type: none"> The convention of 1988 does not include specific rights regarding entry and stay, but rather guarantees the general civil and economic rights of the considered individuals. The 1971 convention foresees a specific legal regime for Nigerien seasonal workers in Libya. It sets up cooperation mechanisms between the competent authorities of the two states for the recruitment of workers, foresees the delivery of a three month visa, and a stay permit valid for one year, which is renewable up to a limit of two years.
Conventions with France: Social security, 1973 ¹⁰⁵⁸ Agreement on circulation and stay of persons, 1994 ¹⁰⁵⁹	<ul style="list-style-type: none"> The 1994 convention includes the following derogation to the common French immigration legislation: Nigerien nationals have the possibility to obtain a 10-year residence permit after three years of stay in the country (instead of five years under French administrative law).
Agreement with Italy, 2010	<ul style="list-style-type: none"> This agreement focuses on security and most notably foresees cooperation activities in the area of trafficking in persons and irregular migration.

¹⁰⁵⁰ Protocole d'accord (délimitation des frontières, mouvements des populations, coopération entre les autorités frontalières) entre le Niger et la Haute-Volta signée le 23 juin 1964.

¹⁰⁵¹ Convention d'établissement et de circulation des personnes entre le Niger et la Mali, 22 April 1964.

¹⁰⁵² Convention d'établissement entre le Niger et la Tunisie, 18 October 1966.

¹⁰⁵³ Accord pour la suppression du visa entre le Niger et le Maroc, 7 November 1967.

¹⁰⁵⁴ Accord portant suppression du visa entre le Niger et l'Algérie, 21 November 1981.

¹⁰⁵⁵ Maiga, D., *Analyse des conventions bilatérales entre le Niger et certains pays voisins ou amis en matière de circulation des personnes*, CARIM AS No. 30, 2011, p. 2.

¹⁰⁵⁶ Organisation de la délivrance des visas, du déplacement et de l'emploi de la main d'oeuvre saisonnière dans la zone frontalière nigérienne, 19 October 1971.

¹⁰⁵⁷ Convention d'établissement et de circulation des personnes entre la Libye et le Niger, 30 June 1988.

¹⁰⁵⁸ See section 4.11.2.3.3.

¹⁰⁵⁹ Convention entre le gouvernement de la République française et le gouvernement de la République du Niger relative à la circulation et au séjour des personnes, 18 September 1997.

4.11.4 References

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4.11.5 List of interlocutors

Name of respondent	Position	Institution
Daouda, A.	Chairman, National Commission for coordinating the fight against trafficking in persons	Ministry of Justice ¹⁰⁶⁰
Issaka, A. D.	Head of Department, Vocational Orientation and Prospecting, National Agency for Promotion of Employment	Ministry of Employment ¹⁰⁶¹
Mamane, M.	Deputy Director General, National Agency for Promotion of Employment	
Housseini, S.	Head of Operations Division, Police, Directorate of Territorial Surveillance	Ministry of Interior ¹⁰⁶²
Kafougou, F.	Police Commissioner, Directorate of Territorial Surveillance	
Garba, R.	Officer, Data and Statistics Division, Directorate of Territorial Surveillance	
Soli, A	Head of Migration Division, Directorate of Civil Status and Refugees - HCNE	
Boubacar, O. S.	Technical Adviser to the Minister on Migration	Ministry of Foreign Affairs ¹⁰⁶³
Salifou, A.	Person in charge, Migration and Development Division	
Adamou, A.	Director, Legal Affairs	
Yayé, B.	Secretary General, High Council of Nigeriens Abroad	
Dan Nana	Director, High Council of Nigeriens Abroad	
Baare, M.	Director, Currency, Credit, Savings	Ministry of Finance ¹⁰⁶⁴
Naany, I.	Statistician and economist, National Institute of Statistics	
Souley, M.	Director, External Relations and Military Cooperation	Ministry of National Defence

¹⁰⁶⁰ *Ministère de la Justice, Garde des Sceaux.*

¹⁰⁶¹ *Ministère de la Formation Professionnelle et de l'Emploi.*

¹⁰⁶² *Ministère de l'Intérieur, de la Sécurité Publique, de la Décentralisation et des Affaires Religieuses.*

¹⁰⁶³ *Ministère des Affaires étrangères, de la Coopération, de l'Intégration africaine et des Nigériens à l'extérieur.*

¹⁰⁶⁴ *Ministère des Finances.*