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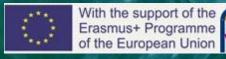
Migration Policies of North African Countries Towards Third Country Citizens

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The EuroMedMig Policy Papers Series aims to promote knowledge exchange and dialogue among actors working on a particular topic on Mediterranean Migration, comprising of international and Mediterranean organizations, stakeholders, civil society organizations, policymakers and politicians at all levels of government.

This Policy Paper is a summary of the National Workshop entitled "Migration Policies of North African Countries Towards other third Country Citizens" organized by University of Sousse, on 11 November 2020 and held online. The recording is available here. The agenda and list of participants of this Workshop are in section X.

The main objective of this Policy Paper is to summarize the premises put forward during this National Workshop with the purpose of sharing what was considered as substantial policy-relevant arguments and recommendations for the development of *MedMig* policies.

The views and opinions reproduced do not necessarily reflect the official opinion of the Experts.

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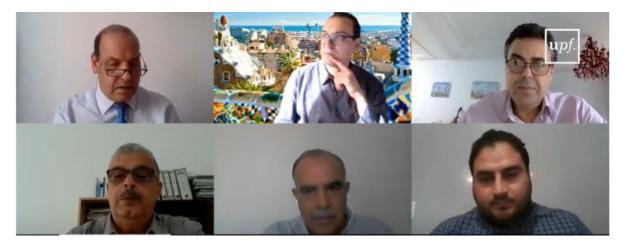
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I. Introduction

This Policy Paper summarizes the Tunisia National workshop held online on 11 November 2020. The purpose of this workshop was to analyze the migration policies applied by North African third countries to nationals of other third countries in the region, and in their southern neighbourhood, (i.e., nationals of Africa South of the Sahara). The objective is to understand the underlying logic of these policies and to understand how they coincide, or not, with those of European migration policies towards third country nationals in general and those of North African countries in particular. Why did we choose to make this segment of migration policies, as a general frame of reference, a subject of analysis and debate during this workshop?

Generally, analysts deal with dominant migration policies and consider that "dominated" third countries are subject to these policies. This seminar allowed us to decentralize our view of these policies; since in the South too third-country nationals are subject to the logic of migration policies implemented by other third countries. We wanted to shift the focus from the vertical North-South scale (relations between the North (the Center) and the South (the periphery)) to a horizontal, South-South scale, i.e. within the group of so-called "Third Countries" in the EU's southern neighbourhood. The aim is to demonstrate that North African third countries have their own Southern neighbourhood, which is essentially Sub-Saharan Africa.

The objective of the "webinar" was to focus on how North African states manage the dilemma they are regularly facing. They are caught between, on the one hand, their commitment to the European Union in its policy of outsourcing the control of its external borders by third states in its southern neighbourhood. This is done through the tightening of the conditions of entry and residence of nationals of other third countries on their territory and, on the other hand, the way they manage their relations with the other third countries and people of North and Sub-Saharan Africa.



EuroMedMig National Workshop, Tunisia, 11 November 2020: Hassen Boubakri, Ricard Zapata-Barrero, Mohamed Limam, Ali Belhaj, Lassaad Labidi, Helmi Toumi.

In fact, North African states have been linked to each other and to Sub-Saharan African states through commercial trade throughout history, as well as through new economic cooperation agreements with, for example, the Common Market for Eastern and Southern Africa (COMESA) or the Economic Community of West African States (ECOWAS). The

free movement of people is generally considered to be one of the conditions for the success of any regional cooperation project. The Schengen area is another relevant example.

The workshop aimed to answer the following questions:

- What are the intersections and overlaps of the migration policies of the EU and its member states on the one hand, with those operated by third countries of the Southern Mediterranean on the other hand?
- How do southern Mediterranean countries, such as Morocco, Algeria, Tunisia and Libya, manage their migration policies in relation to their relations with northern Mediterranean countries on the one hand, and with those on the southern shore of the Sahara on the other?
- What has been the impact of migration policies of North African third countries on nationals of other third countries over the last decade? Do these policies influence the way the EU manages its own migration policies towards the southern Mediterranean countries?
- How can the interests of third countries on the southern shore of the Mediterranean be reconciled with the need to respect their commitments and responsibilities towards their European partners in terms of border control and the management of migration flows?

These elements are major issues causing dilemmas that North African third countries and destination countries (the EU and its member states) are facing. These dilemmas, whether said or unsaid, are one of the sources of misunderstanding and differences, whether declared or not, between the two parties, without forgetting a third group of countries involved, namely the third countries of origin of migrants located in the South of the Sahara.

Tunisia will be taken as a recurring example and case study in this Policy paper, while extending the analysis to other countries in the region whenever relevant or necessary.

II. The general framework of Tunisian migration policy

Tunisia is basically a country of departure: 1.5 million Tunisians work and live abroad, about 12.5% of the Tunisian population. Emigration abroad has always been considered a prior objective of public policies, as a safety valve to solve or alleviate unemployment and social tensions. Some consider that, basically, the policies of control and closure of borders, at the expense of Tunisian candidates for emigration, at the request or under the pressure of European partners, go against the interests of Tunisia and Tunisian candidates for emigration. Yet, it crosses the interests, especially political, of destination states in the EU.

The irregular migration of Tunisians is the result of this double closure: on the Tunisian side where the authorities are legitimately (from the legal point of view) entitled to exercise their powers on the border checkpoints and on the national territory. At the same time, these controls also respond to the request of European partners in their desire to dry up irregular migration at the source, in the countries of origin or transit, Tunisia in this case. On the

Tunisian side, the rise of irregular migration¹ expresses a refusal of these policies, a kind of resistance and "voting with their feet", as some analysts write (Lassoued, 2020; Meddeb, 2020; Institut Tunisien de la Compétitivité et des Études Quantitatives (ITCEQ), 2019; Institut Tunisien des Études Stratégiques (ITES), 2017; Boughzou, 2016; Forum Tunisien des Droits Economiques et Sociaux (FTDES), 2016).

Ali Behaj focused on the governance of migration in Tunisia and the dimensions that the Tunisian authorities take into consideration to reconcile a better contribution of migration to the development of the country. This can be achieved through the labour migration of Tunisians and the placement of the largest number on the international labour market. Work migration is the main reason (75%) for Tunisians to leave the country (Institut National de la Statistique (INS), 2014). Europe, and especially France and Germany, give priority to the reception of higher education graduates and professional skills.

But Tunisia must also manage the presence of foreigners on its territory, which can be divided into three categories: Nationals of rich countries, especially European, settled in Tunisia (binationals, spouses of mixed couples, businessmen...), nationals of Maghreb countries who enjoy free movement and even free establishment under the terms of the Treaty of Marrakech between the five member countries of the AMU (Arab Maghreb Union), and, a third category that includes nationals of other countries of Sub-Saharan Africa.

In 2020, a review of the National Migration Strategy (NMS) was undertaken to accompany the preparation of the new 2021-2026 development plan. This new reflection considered the regional dimensions of migration flows, direct or indirect, to organize the migration relations of Tunisia with its Sub-Saharan neighbourhood in the South and European neighbourhood in the North. It should also consider the challenges imposed by the intensification of irregular migration of Tunisians and foreigners from Tunisia. Except 2011, the year of the uprising, 2020 recorded the highest number of departures: 13,880 Tunisians had reached the Southern Italian islands, Lampedusa in particular (IOM, 2021). This highlights a major challenge for Tunisia insofar as this phenomenon reflects its deep-seated ills and of its young people: dropping out of school of an average of 100,000 pupils/year (Boughzou, 2016, Ibid), unemployment, underemployment or precarious employment, regional yawning gaps in the Regional Development Index between Interior and Southern areas on the one hand and coastal areas on the other, between cities and the countryside and even within large cities with gaps in income and facilities between rich and neighbourhoods. The other challenge to which the NMS referred is related to the migration of graduates abroad, whose number exceeded 100, 000 in 10 years (2011-2020) (OCDE, 2018), which is undoubtedly a haemorrhage that is urgent to treat radically so that Tunisia retains its human

¹ A combination of economic and socio-political factors largely explains the exacerbation of a multiform crisis that Tunisia has been facing since 2011 and especially since 2016.

The social crisis which is manifested by the explosion of the unemployment rate, its volume is predicted to reach little less than one million of unemployed people in 2021, compared with an average of 600,000 to 650,000 before 2020. Inflation and the depreciation of the value of the Tunisian Dinar against the main currencies (such as US\$ and Euro) have heavily burdened the purchasing power of the middle class and even more so of the working classes. There are hundreds of social movements every month. The inter-regional development gaps have not been corrected. The Regional Development Indicators (RDIs) of the coastal regions are double those of the inland and southern areas. 2020 saw an explosion in irregular migration flows to Italy, the closest EU Member State. Nearly 13,000 Tunisians crossed the Mediterranean towards the Italian islands (Lampedusa and Sicily). This was, except the wave of 2011 when more than 30,000 Tunisians crossed the Mediterranean to Italy, the highest number ever reached since the emergence of irregular migration in the 1990s.

capital and even becomes an attractive pole of knowledge and artificial intelligence at the regional and even continental level.

Lassad Labidi emphasized that one of the strong axes of the National Migration Strategy (NMS), currently being developed, is the establishment of a policy of reception and integration of foreigners of different status and nationalities on its own territory (ONM & ICMPD, 2020). This involves the reform of internal laws governing the status of foreigners and migrants (nationals of developing third countries, nationals of rich countries, migrant workers, family reunification), the protection and promotion of the economic and social rights of migrants, refugees and asylum seekers, as well as respect for and protection of the human rights of irregular Tunisian or foreign migrants arrested or intercepted in the context of the fight against irregular migration,

However, in recent years, Tunisia has adopted a series of significant laws to better protect the rights of women, migrants and minorities. Progress has been made, such as the adoption of the law against trafficking in human beings, the law against violence against women, the law against discrimination and racism, etc.), but there is a stalemate in other areas, such as the delay in adopting a domestic law on asylum.

III. Transit and immigration of foreigners in Tunisia

Tunisia has become, since the end of the last century and especially during the last two decades, a country of transit towards Italy. It has also become a country of destination for nationals of other countries, mainly from North Africa and from Sub-Saharan Africa. The factors of this change in migration function have been analyzed by researchers (Bartels, 2018; Boubakri, 2013, 2015, 2021 a & b; Natter, 2015; Haas, 2007; Düvell, 2012; Boubakri & Mazzella, 2006; Bel Haj Zekri, 2009; Baldwin-Edwards, 2006; Nyberg, 2006): the situation in Sub-Saharan Africa, Libya before and after 2011, the attraction and relative prosperity of Tunisia, before and after 2011.

The vicinity of Italy and Tunisia has always made the latter a platform of departures to Italy of Tunisian citizens first, but also of other third countries nationals. This transit is very often part of irregular migration networks. The fight against irregular migration therefore targets both groups. At this level, Tunisia faces many challenges in terms of migration administration, which must be translated into the establishment of its own migration policy to manage flows, control its borders, integrate foreigners (migrants, refugees, families, students ... etc.), and protect their political, economic and social rights.

IV. How Tunisia, and North African Third Countries, have to manage the movement of people coming from Africa of South of the Sahara?

The number of sub-Saharan nationals remains low in Tunisia (7,524 people in 2014), such as the number of foreigners (53,490 people at the same date) (INS, 2014). Their weight in the Tunisian population (which was 11 million in 2014, and 20 million in 2020) is therefore insignificant: 0.07% for sub-Saharans and 0.48% for all foreigners. Yet, in their will to fight against irregular migration, authorities often tend to convey the message that they are faced with a strong threat to national security or public order.

Indeed, many of these Sub-Saharan nationals, who are not subject to visas, travel to Tunisia legally and then either seek to cross the Mediterranean irregularly, or remain in

Tunisia if they are unable to cross. Thus, they end up, like the others, irregular migrants that the Tunisian authorities seek to control.

Helmi Tlili, a Tunisian lawyer, considers that Tunisia is a favourable destination for many Sub-Saharan migrants, not only to reach European territory through Italy, but also to work and settle in the country. Several texts organize the situation of Foreigners in the country. One of them is that of March 8, 1968, concerning the status of foreigners in Tunisia, which leaves a great deal of leeway to the authorities and to the Minister of the Interior to make decisions, often arbitrary, which can be detrimental to migrants. Article 18, considered by lawyers and human rights defenders to be their "great enemy," stipulates that the Ministry of Interior can issue an expulsion order against any foreigner whose presence in the country constitutes "a threat to public order". Public order is a vague concept that is difficult to limit and to define for all legal experts. The Ministry of the Interior and border control authorities use this article to expel Sub-Saharan nationals from Tunisia. Article 23 of this law stipulates that a foreigner arrested in an irregular situation or as a risk to public order is liable to imprisonment for a period ranging from one month to one year. Any foreigner who does not apply for a residence visa within the legal time limit or enters illegally is submitted to a fine. But the law is silent on the role of the judges in deportation decisions. Generally, there is a suspended prison sentence. Most detained irregular migrants are destined to be deported. But before the expulsion is carried out, they are held in a detention centre, such as the *Ouardiya* one (in the southern neighbourhoods of the city of Tunis).

The right to health is accessible to everyone, including irregular migrants. But it is not free. For schooling, children can be enrolled, despite some difficulties, based on an administrative note issued by the Ministry of Education. CSO's support has enabled the enrolment of a significant number of children of irregular migrants. Newly born children of irregular migrants are systematically registered at the municipality's service, even if the migrants concerned are not informed about this right or fear being denounced. Even if the municipalities authorities refuse the registration, volunteer lawyers get the administrative judges to order the registration of the newborns.

The Labour Code is one of the major obstacles to the integration of third-country migrants in Tunisia and the protection of their economic and social rights. It is almost impossible for the irregular migrant to obtain a formal authorization to work, issued by the Ministry of Employment. These obstacles also extend to regular migrants who cannot work in sectors neglected by the natives. But the irregular migration of Sub-Saharans in Tunisia, and in third countries of the region in general, should not make us forget another equally important dimension of the movement of people between the two shores of the Sahara.

Thus, what are the prospects for migratory exchanges between, on the one hand, the Maghreb region in general and Tunisia in particular, and on the other hand, Sub-Saharan Africa? This question is related to a migratory context marked by the extend of the externalization of migratory controls from Europe to, not only the Maghreb countries, but also, and above all, to the Sahel countries. This context is also marked by the active diplomacy of countries such as Tunisia, Morocco, and Algeria, to strengthen their economic exchanges in Africa, establishing themselves there and taking market share.

The question that arises is how Tunisia, like other countries in the region, considers the way in which human exchanges (and therefore migration and mobility) can, or should, accompany these economic exchanges in both directions. What are the potentials and challenges posed by migratory flows between Tunisia and Sub-Saharan Africa, on the one

hand, and between Africa and Europe, on the other, when North African countries serve as transit zones to Europe?

V. North African countries and European Union member's states: between pressures and reverse pressures

The question that arises is how each of the third countries in North Africa conceives its own interests in managing the mobility of people from other third countries in the region, or from south of the Sahara, interests that do not necessarily correspond to the interests of the northern neighbourhood, that is, the EU and its member states? Are we witnessing a form of cloning of European migration policies, from the Tunisian side, as well as on the side of other third countries in the region?

Tunisia, like third countries of transit, is in fact trapped by this policy which, in essence, responds to the European will to externalize controls and to keep third country nationals as far away as possible from the EU's external borders (Del Sarto & Tholens, 2020; HBS, 2020; Limam, 2019, 2020 a, b & c; Del Sarto & Limam, 2015; Oxfam, 2020a & b). However, Tunisia, as well as other third countries in the region, apply restrictions to nationals of third countries with which they have historical traditions of regional cooperation (i.e., Arab Maghreb Union) or interregional cooperation (ECOWAS member countries for example).

Another question is whether both sides (North African third countries and the EU and its member states) are aware of the impact of these restrictive policies on regional construction processes in North Africa and even in Sub-Saharan Africa on the mobility and movement of people, and on cooperation and trade on the African continent. The context of interaction between partners on both sides of the Mediterranean is a key element in understanding the nature and trends or patterns of cooperation between the EU and its southern partners. This means that, at times, the southern partners are cooperative in controlling the EU's external borders. The logic that guides these policies and the political positions that result from them are to be found in the interests, convergent or not, between the partners.

The recent diplomatic and migration crisis of May 2021 between Morocco and Spain is a perfect illustration of the interference between international relations and migration policies and how migration can be manipulated as a tool of pressure-intimidation between partners when interests diverge, or of persuasion-seduction when they converge. Morocco is also using its rivalry with its Algerian neighbour to hone its delaying tactics in negotiations with the EU over the categories of irregular migrants concerned by readmission. This is to invite the EU to negotiate with Algeria and to commit it indirectly to the terms of the forthcoming EU-Morocco readmission agreement; because the latter assumes that many migrants will transit, as they have in the past, through Algeria before reaching Moroccan territory. Morocco is asking the EU to conclude a readmission agreement with Algeria in which the latter agrees to readmit migrants from third countries who have transited through its territory before reaching Morocco. In this case, Morocco would accept the readmission of non-nationals and they would be sent directly to Algeria and not to Morocco.

Morocco's claim to sovereignty over Western Sahara allows Morocco to thwart the EU's demands for cooperation on the migration file by demanding that the European countries take better account of Moroccan positions on this territory. Already in 2016, Morocco suspended its diplomatic relations with the EU, according to the Moroccan position.

Morocco also seeks to manage its African diplomacy with the demands of the EU. One can detect a certain objective convergence of the two parties around the issue of Morocco's regularization operations of irregular migrants, mostly Sub-Saharan. This regularization reinforces Morocco's charm campaign and enhances its image vis-à-vis its neighbours in the South of the Sahara, as it could also satisfy the EU and its member states, which may see Morocco as a partner able to integrate its migrants and therefore retaining them instead of crossing to Europe. Finally, it is clear that cooperation between the EU and its southern partners is not always harmonious or constant. The migration context, the international policy orientations of the partners and their respective domestic situations have a great impact on their treatment of the migration issue.

VI. Mobility Partnership agreement: between outsourcing and distance. Which leeway for North African Third Countries?

If we consider, for example, the mobility partnership signed with Morocco in 2013 and with Tunisia in 2014, we can easily see the link between the fragile political context in both countries after 2011 and the way in which the EU conducts its migration policy. The EU exploited this new political context and the fragility of the partners to get them to sign the mobility partnership. The mobility partnership is a political commitment. It is not a binding agreement in terms of international law, but in this mobility partnership we have a kind of agreement to negotiate a readmission and visa facilitation agreement. This was achieved thanks to the pressure of the EU and the new political context after 2011. This can also be verified with Germany or Italy in their relationship with Tunisia when the context puts Tunisia in a fragile situation; its northern partners take the opportunity to put pressure to push Tunisian to accept readmission agreements.

In the central Maghreb, readmission agreements signed or renewed since the late 1990s (and until 2020 for Tunisia), have allowed the expulsion, over nine years (2011-2019), of 118,845 nationals of the three central Maghreb countries: 58,168 Moroccans (49%); 33,945 Tunisians (28.6%); and 26,741 Algerians (22.5%) (Frontex, 2010 to 2020). North Africans give the impression that they do not prefer voluntary returns. In five years (2015-2019), 86,028 returns of nationals from the 3 countries were recorded. 74,018 were forced returns (which represents 86%), compared to only 12,000 voluntary returns, or 14% (Frontex, 2016 to 2020).

Third countries in the region also have converging positions on the refusal of readmission of non-nationals, i.e., nationals of other third countries, mainly Sub-Saharan countries. There is also convergence between the two third countries of departure (Morocco and Tunisia) on visa issues and their rejection of the weak offer provided by the EU to its partners regarding visa facilitation. Both countries are more interested in long-term visas, (i.e., economic visas), and not only tourist or short-term visas for the elite (professionals, media professionals, academics, lawyers, business community, etc.).

In his speech, Mohamed Limem emphasized that three third countries in the region (Morocco, Tunisia, Libya) are cooperating in a very advanced way in the control (and therefore protection) of the EU's external borders and the fight against irregular migration. Administrations, security services, such as coastguards, and judges benefit from training sessions to better control borders and flows. The EU or its most influential member states (Italy, Germany, France) regularly provide equipment, logistics and advanced technology for the surveillance of coastlines and territorial waters.

Detention centres are the very expression and consequence of the logic underlying the migration policies of both third countries and EU member states. CSOs (like EuroMed Rights, FTDES and Oxfam) have expressed their concern about the violation of migrants' rights in North Africa, whether in the EU, Morocco, Tunisia or Libya. According to the same organizations, the EU turns a blind eye to abuses in detention centers at the expense of migrants arrested illegally in Libya, Tunisia and Morocco (FTDES, 2020; Oxfam Ibid, EuroMed Rights, 2021).

The lawyer Helmi Tlili emphasizes that, legally, there is no text that governs this type of detention facilities for foreigners in Tunisia, for example. The authorities rely on a text that dates from 1941, that is to say at the time of the Second World War when Tunisia was under the French colonization. With the health crisis linked to Covid-19, and the overcrowding observed in the *Ouardiya* center, Tunisian CSOs filed a complaint against the Tunisian state for non-assistance to persons in danger. The administrative court ordered the release of the migrants who were held in the center. The authorities are looking for other ways to control this category of migrants.

However, third countries in North Africa may find themselves in less vulnerable situations, which allows them to stand up to the demands of their European partners. Delaying tactics are thus used to postpone the negotiation of the readmission agreement because of the refusal of the European side to specify which categories of migrants would benefit from the visa facilitation proposed by the EU. Tunisia, for example, is more vigilant and is in no hurry to conclude the negotiations for the signing of the Mobility Partnership protocols. It refuses the readmission of others other than its own citizens, mainly nationals of Sub-Saharan countries. It refuses to limit visa facilitation to tourist and short-stay visas. It is negotiating with the EU and its member states to extend visa facilitation to new professional categories and to increase the number of long-term study or economic visas (for job search and fixed-term employment).

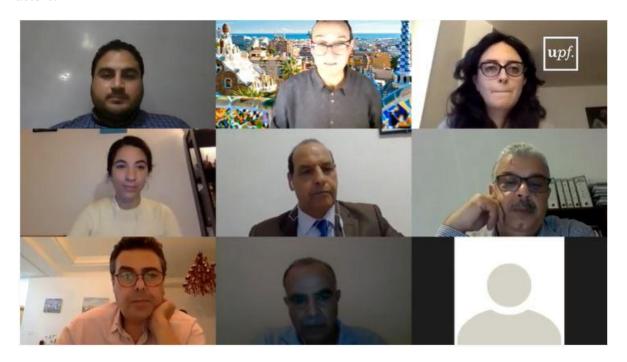
All North African countries also reject the proposal of the EU and its member states to allow the establishment of hotspots for migrants and refugees on their respective territories. Tunisia, more than Morocco, relies, for example, on the hostility of Civil Society Organizations (CSOs) to the outsourcing of border controls and their refusal that Tunisia be classified as a safe country by EU member states like Germany and Italy. The goal of these European countries is to increase the number of irregular migrants to be deported to Tunisia. Tunisia also relies on Civil Society pressure as an argument to postpone negotiations on the readmission agreement and visa facilitation.

VII. The dilemma of Civil Society Organizations (CSOs): between rejection, reservations and support

The outsourcing of the EU's external border control raises criticism and questions in Tunisia itself, and in third countries in general, on the circles of Tunisian and International CSOs (EuroMed Rights, 2021; FTDES, Ibid; MigrEurop, 2020; HBS, 2020; Oxfam, Ibid), academics (Limam, M., Ibid; Del Sarto & Limam, 2015) and even within certain circles of the Tunisian administration, especially in relation to the risks of violation of the fundamental human rights of irregular migrants, both Tunisian and foreign, on Tunisian soil.

But Caterina Giusa (Dini & Giusa, 2020) will demonstrate during the same workshop that, even if this argument can be heard by European partners, they know very well that these voices of Tunisian CSOs cannot pierce the glass ceiling that the UE has itself defined to limit

their scope and not to disturb its long-term objectives in terms of sanctuarisation of the European Fortress. Indeed, the European Union is negotiating directly with the Tunisian authorities while trying to mobilize other actors in connection with the migration issue to legitimize its approach and to make believe in a broad adhesion from the various Tunisian actors.



EuroMedMig National Workshop, Tunisia, 11 November 2020: Helmi Toumi, Ricard Zapata-Barrero, Caterina Giusa, Carmen Itzel Ruiz, Hassen Boubakri, Ali Belhaj, Lassaad Labidi, Mohamed Limam.

In the same sense, Caterina Giusa lifts the veil, through the example of Tunisia, on the underbelly of the externalization of migration policies of the EU and its member states applied to third countries of the southern neighbourhood. This process of externalization is not new, however, since the EU has already begun to implement it with Tunisia under the reign of former President Ben Ali, that is, under an authoritarian regime. Giusa shows that the basic logic for the implementation of this policy has not changed despite the change of political regime. She shows how, despite the speeches and declarations of "solidarity" and "support" for the Tunisian spring, the EU has not changed the fundamental logic of its policy, and has even managed to instrumentalize the association and involvement of Tunisian Civil Society Organizations (CSOs) in the new framework of migration governance, which is supposed to replace the old authoritarian framework delegitimized by the revolt.

These CSOs were under the illusion that they had become a key and essential actor, alongside the Tunisian state, in the new legitimized framework of migration governance, believing that they were associated in the conception of these policies. The reality is quite different: the Mobility Partnership (MP) Agreement is an illustration of the continuity of the fundamental logic that drives the EU in its migration policy towards third countries. Accentuated outsourcing is the most effective tool here. Rather than talking about Mobility, do we dare to talk about assignments?

The emerging Civil Society is dragged into the European attempts to govern migration remotely by incorporating its organizations in the fight against "irregular" migration across the Mediterranean. One of the paradoxes of this participation lies in the invisibility of the

migration control measures adopted and implemented by the EU and its member states as well as by Tunisia, on the one hand, and, on the other hand, the increasing visibility of civil society participation in this process. The objective of the EU is to give more legitimacy to the negotiations between the EU and Tunisia.

Indeed, while the debates around migration are highly mediatized and politicized in the aftermath of 2011, migration control measures in Tunisia have remained largely invisible and not announced to the media and public opinion. Migration agreements concluded with the Tunisian authorities before the revolution and contested bilateral agreements signed after the revolution, such as the agreement with Italy of April 5, 2011, have become less and less visible in the public space, so that the practical consequences of readmission agreements, such as deportation of Tunisians in an irregular situation in the EU are carefully kept out of the media. Enfidha-Hammamet airport has thus become the platform for weekly arrivals of so-called "charter" flights of Tunisian nationals deported from the main European countries of Tunisians' destination (Italy, France and Germany: see above, data on forced returns). These deportations have been denounced by many Civil Society Organizations. On the other hand, the role of Civil Society is underlined and mediatised by the EU to free itself from the accusation of complicity when Europe was working hand in hand with the former regime. This time, after 2011, the EU wanted to demonstrate that it was not only working with the political authorities but also involving CSOs in its relations with Tunisia and, in this case, in the process of negotiating and implementing migration policies. CSOs have been involved in a European capacity building program covering many areas of political and social life such as justice reform, basic human rights, economic and social rights, and migration and asylum. A working group was dedicated to each of these areas, including the Migration and Asylum Working Group.

The EU-Tunisia Mobility Partnership agreement (MP) is an illustration of this European approach. As written above, the EU signed a political declaration with Tunisia (April 2014) to launch negotiations about the implementation of the agreement. It asked CSOs to consult rounds about this agreement without having consulted them before the signing, which these organizations denounced. This example illustrates the limits of the impact of these organizations on the negotiation process between Tunisia and the EU. Some of their demands are considered "radical" (such as freedom of movement between Tunisia and the EU) or inaudible, such as the need for judicial and CSO oversight and Monitoring of the deportation operations of Tunisians expelled by European countries, or to have free access to data and information about these deportations. Neither the European nor the Tunisian authorities provide such information. Consequently, the actors involved are sceptical that they can really have an impact on the outcome of the negotiations.

The question that arises is whether there are no risks, or even signs, of the domestication of these organizations through their association with this process. The example of the organization "Tunisie Terre d'Asile" (TTA), which is a local branch of the organization "France Terre d'Asile" (FTA), shows the degree to which the proximity between the goals of European migration policy and the activities of CSOs that contribute to the visibility of the issue of immigration and asylum and the perception of Tunisia as a country of destination can lead to. By defending the rights of migrants and their integration in North African countries, this organization gives the impression of consecrating noble causes (defence of migrants' human rights and their social and economic integration), but in fact consecrates and reinforces, indirectly at least, externalization, insofar as, from the moment that a third country becomes a sustainable destination country, it is made to play the role of capturing the flow of migrants before they cross to Europe. These same organizations never come forward when it comes to

defending the rights of North African third country nationals in Europe, nor when it comes to taking a stand, alongside other Tunisian CSOs, on the abuses and violations suffered by migrants expelled and repatriated by the EU to their countries of origin. In post-revolution Tunisia, the inclusion of civil society in the negotiation and implementation of migration policies may become a less direct and potentially more effective tool for legitimizing agreements and deepening the externalization process.

VIII. Conclusion

The format of this Policy Paper does not allow me to address all the dimensions of the Externalization of the UE's borders control. Among these dimensions, we can mention the impact of these policies, in the medium and long term, on human rights and on the risks of conflict and instability. Indeed, migrants are exposed to detention and violence exercised against them by three types of actors:

- Third Countries in charge of the of implementing the rules of outsourcing
- Non-state actors hired by these third countries or by EU member States
- Criminal networks involved in migrant smuggling and human trafficking

There is no institutional or legal framework of control and monitoring to prevent these threats to migrants' personal rights and personal safety. The geographical extent of the areas crossed by migrants along the migration routes from Third Countries in the Eastern and Southern neighborhoods of the EU, makes any effort to protect migrants difficult and complicated. Also, in the countries of destination, on EU's soil, irregular migrants and asylum seekers are exposed to ever greater restrictions on their rights and the protection they are usually afforded. The security approach has become predominant, sometimes even exclusive. Border control and the "fight against irregular migration" take up 2/3 of the funds from the Emergency Trust Fund for Africa (Boubakri, 2021, Ibid) and are earmarked for "migration management" in countries on the external borders of the RU (Italy and Spain) and in third countries such as Libya, Tunisia or Niger. Despite political speeches and declarations, development, and even less protection, are far from being a priority of European policies, relayed by third countries in North Africa and the Sahel. Naval missions, the most sophisticated defence and security technologies, sea, land and air patrols, detentions and forced returns are all means and procedures that now summarise this security approach.

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X. Annex: National Workshop Program

14h-14h20

Welcome

Hassen Boubakri [LG: ENG] (EuroMedMig, & University of Sousse, Tunisia)

Ricard Zapata-Barrero [LG: ENG] (*EuroMedMig*, Universitat Pompeu Fabra, Catalonia, Spain).

14h20-14h40

Opening; The migration policy management dilemma of North African States due to their commitments towards the EU as well as the South-South regional cooperation (North and Sub-Saharan Africa).

Hassen Boubakri [LG: ENG] (*EuroMedMig*, University of Sousse, Tunisia).

14h40-16h00

Session 1: How North African countries are dealing with constraints and opportunities of National and regional migratory context? The cases of Morocco and Tunisia.

Lassaad Labidi [**LG: FR**]. Professor at the National Institute of Labour and Social Studies (INTES)/University of Carthage/Tunisia): For a new National Migration Strategy for Tunisia. Challenges and main major goals.

Mohamed Limem [LG: ENG] (Assistant Professor in Political Science/University of Jendouba/Tunisia): Are migration policies on the both shores of the Mediterranean complementary or opposite? The cases of Morocco, Tunisia and the European Union.

Ali Belhaj [LG: FR] (Assistant Professor in INTES: National Institute of Labour and Social Studies/University of Carthage): "la migration du travail en Tunisie: réalités, enjeux et perspectives" (Labour Migration in Tunisia: evidences, challenges and perspectives).

16h00-16h10

Break

16h10-16h40

Session 2: 3rd country migrants' rights and the actions taken by CSOs.

Caterina Giusa [LG: ENG] (Researcher in Sociology at the University of Sorbonne Paris Nord, France) Externalising migration governance through civil society: Tunisia as a case study.

Helmi Toumi [**LG: FR**] (Lawyer at the Tunis courts for judicial cases of irregular migration) Readmission agreements and the protection of migrants' rights.

16h40-17h00

General discussion and summary of arguments. Concluding remarks.

Ricard Zapata-Barrero [LG: ENG] (*EuroMedMig*, Universitat Pompeu Fabra, Catalonia, Spain).

List of experts (presented in alphabetical order)

- Ali Belhaj, Professor of Sociology, National Institute for Labour and Social Studies (INTES) University of El Manar/Tunisia.
- Hassen Boubakri, Professor at the University of Sousse.
- Caterina Giusa, Ph.D. candidate in Sociology, University of Sorbonne Paris Nord.
- Lassad Labidi. Professor at the National Institute of Labour and Social Studies (INTES) /University of el Manar/Tunisia)
- **Mohamed Limam**: Assistant Professor of Political Sciences, University of Jendouba/Tunisia.
- **Helmi Toumi**, Lawyer, defender of irregular migrants, Tunisians or Foreigners.
- **Ricard Zapata-Barrero**, Professor at the University Pompeu Fabra, Barcelona.

Bios of Speakers (in alphabetical order)



Ali Belhaj has a doctorate in social sciences from the Université Libre de Bruxelles. Since 1991, he has taught at the National Institute of Labor and Social Studies (University of Carthage), various modules relating to managerial disciplines. He was also a consultant in management and human resources management with many public and private, national and multinational institutions. In 2004, he began an administrative career first as head of the continuing education department (INTES), then as Director of Studies and Internships (2009-2011), then social attaché at the

Consulate General of Tunisia (2011-2016), before occupying the function of Director General of the National Migration Observatory (2017-2018). He contributed to the implementation and design of public policies for the management of Tunisian migrants abroad or foreigners in Tunisia. He has thus piloted several capacity building projects for the institutions he led, particularly through the prism of their governance. Since September 2018, he has returned to academia to support the establishment of a research master's degree in international migration, and acts as an international expert in migration governance with international organizations. His latest studies focus on "unaccompanied migrant children" (December, 2018), "nonvoluntary return migrants" (January 2019), and "migration of highly skilled Tunisians" (May 2020). He has also written several reports and policy briefs on various topics related to the governance of migration, the effects of Covid 19 on migration in Tunisia, and labor migration.



Hassen Boukakri is involved in the Jean Monnet Network as representative of the University of Sousse, Tunisia. He has more than 25 years of experience in teaching, research, participating and/or leading research projects and programs in different migration fields. He was the expert in charge of the coordination and facilitation of the workshop "Migration and Mobility" in the Framework of the "2017 Forum of EU-Civil Society Organizations Neighbourhood South" in Tunis and Brussels; member of the panel of experts engaged by the European

Commission for the evaluation of research programs (FP7 and FP6) in the field of migration; Research Coordinator for Tunisia of MICIC program; coordinator for Tunisia (National Observatory of Youth) of the 2014-2017 research program: "POWER2YOUTH". He was a Visiting Professor at TAPRI, at University Ca' Foscari of Venice/Italy, University of Nice Antipolis/France, the Agha Khan University in London/UK and University of Poitiers/France. He is currently the Chairman of the Tunis Centre for Migration and Asylum (CeTuMA).



Caterina Giusa is a Ph.D. candidate in Sociology at the University of Sorbonne Paris Nord. In her thesis, she analyses the transnational dimension of the Tunisian Revolution through the case of the harragas – those who 'burn the borders' - who arrived by boat on the Italian island of Lampedusa after the fall of the Ben Ali regime in January 2011. She has been working on the evolution of EU migratory policies in Tunisia since 2012. In 2020 she has published, together with Sabine Dini, the book Externalising Migration Governance through Civil Society: Tunisia

as a Case Study in the Palgrave Pivot series 'Mobility and Politics'. She holds a BA in Political Science from the University of Siena, a MA in International Affairs - Human Rights and Humanitarian Action from Sciences Po Paris and a MSc in Migration Studies from the University of Oxford.



Lassaad Labidi, is Ph.D. in social labour from Laval University in Quebec Canada. He is Professor of social labour and migration at the at the National Institute of Labour and Social Studies (INTES)/University of Carthage (Tunisia), President of the master's research commission for international migration, at the same institute. He is also former General Director of the "Office des Tunisiens à l'Etranger" (Tunisians' Abroad Office (2014- 2015), former Director of the INTES (2011-2014) and former Director of the Social Studies Department. He has been a member of the permanent scientific council of the International Association for

Training, Research and Social Intervention (AIFRIS) since 2017. He is also a member, since 2015, of the Scientific Council of the Summer School on Migration, conducted jointly by the IOM and the INTES. He published several articles and carried out several researches related to the issues of social development, public policies of social protection and migration. He worked for several years as an expert on migration for public, associative and international organisations.



Mohamed Limam is an Assistant Professor in Political Science. He obtained a postdoctoral diploma, "Habilitation of Supervising Research (HDR) from the University Al Manar, Tunis. His main areas of interests and expertise are Tunisian politics and EU/MENA region cooperation, namely the EU migration policy toward the Maghreb countries. He was a research associate at the Robert Schuman Centre for Advanced Studies in the European University Institute – Florence (2012- 2014 and 2016-

2017). His recent publications include (with R. A. Del Sarto) « Contesting Europe's Policies of Migration Control: The Case of Morocco and Tunisia » (University of Michigan Press, 2020). He is the editor of two books: « Les Politiques migratoires de l'UE et de la Tunisie : Regards croisés au prisme des droits des migrants » (2019) and « La gestion de la question migratoire en Tunisie: Enjeux et défis » (2020). The last publications consist of a policy brief entitled "The EU Mobility Partnerships with the South", KAS, September 2020 and a note on the new EU pact for migration and asylum, HBS, October 2020.



Helmi Toumi is a Lawyer and Consultant in public policies. With a CAPA Lawyer Professional Aptitude Certificate with presidential award. During his career, he assisted a large number of migrants and victims of trafficking before Tunisian administrations and judicial bodies and worked on several cases with national and international organizations (Lawyers Without Borders, IOM, UNODC, Tunisia terre asylum, National body for combating trafficking in persons, etc.) As trainers of trainers, he has trained a large number of Tunisian and Libyan lawyers

(lawyers, judges, prosecutors) on the fight against trafficking in human beings and has supported NGOs in raising awareness and popularizing laws related to human trafficking. rights of migrants. He has contributed to several publications, training materials and guides relating to the popularization of the law on the fight against trafficking in persons in Tunisia and assistance to victims of trafficking.



Ricard Zapata-Barrero (<u>ricard.zapata@upf.edu</u>) is Coordinator of *EuroMedMig* and of EUMedMi Jean Monnet Network. He is Full Professor at the Department of Political and Social Sciences, Universitat Pompeu Fabra (Barcelona, Catalonia, Spain). Director of <u>GRITIM-UPF</u> (Interdisciplinary Research Group on Immigration) and the Master Program in Migration Studies. He is also member of the Board of Directors the European Network IMISCOE (International Migration and Social Cohesion in Europe) and Chair its External Affairs Committee.

Additionally, he is a member of editorial boards of several academic journals and an occasional contributor to media and policy debates. His lines of research deal with contemporary issues of liberal democracy in contexts of diversity, especially the relationship between democracy, citizenship and immigration. He is currently working on Mediterranean Migration, Cities of Migration and developing the Intercultural Citizenship Paradigm. For more information about his research activities and publications see here.