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The African Refugees in Algeria

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DIDICATION

I dedicate this humble work to:

To my beloved mother, Chareek Fatima. The woman who gave me life, loved me unconditionally, sacrificed much for me. I love you mama

To the great father in the world, Gaamoussi Moukhtar. The man who instilled in me a sense of pride, self-preservation and the desire for education.

To my grandfather, Charrek Ben Tourkia. For his kindness and support.

To the precious person in my life, my little brother, Achraf Karim.

To my beautiful sisters Soumia, Rania, Souhila, Kholoud. For their respect of me and their friendship with me

To my colleagues, and all my friend in the campus Houari Boumediene.

To all who knew me.

To my beloved Algeria, whose condition should be improved by his loyal men,

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Abstract

The phenomenon of African refugees is the biggest challenge facing Africans. Africa is the main source of refugees, owing to the economic and political deterioration experienced by most African countries. As a result of natural disasters, civil wars and conflicts, that have led to the displacement of millions of Africans to neighboring areas. This study proved the failure of the international community to contain the phenomenon of refugees around the world, especially the African refugees, who are constantly increasing the cost of wars, conflicts, natural disasters and the weakness of international laws to protect them and the countries in control of this phenomenon. This study is highlighting also the dire conditions of African refugees in Algerian society. In light of Algeria's failure to implement laws to protect these refugees. And their reluctance to deter abuses committed by some Algerian citizens against these African refugees. Such as racism and sometimes rejection of their presence and sometimes assault them, in the absence and silence of the Algerian government.

Key words: African refugees, economicaland political deterioration , civil wars, conflicts, displacement, failure of the international community, dire condition, racism, Algerian citizen, absence and silence, Algerian government.

TABLE OF CONTENTS

DIDICATION.....	I
ACKNEWLEDGMENTS.....	II
ABSTRACT.....	III
TABLE OF CONTENTS.....	IV
ABRIVATION LIST.....	VI
GENERAL INTRODUCTION.....	VII
CHAPTER ONE: Historical Background of Refugee	
Introduction.....	10
I. An Overview about the Refugee.....	10
I.1 Definition of Refugee.....	11
I.2. The Types of Displaced Persons.....	12
II. United Nation High Commissioner for Refugees.....	12
II.1 The 1951 Convention	13
II.2 The 1967 Protocol.....	14
III. The Organization of African Unity.....	15
IV The Rights of Refugees.....	16
IV.1 Non-Refoulment.....	16
IV.2 The Right of Freedom	18
IV.3 The Right to FamilyLife, including Family Unity.....	18
IV.4 The right to Work	18
IV.5 The Right to Education.....	19
IV.6 Combating Racism, Discrimination and Xenophobia.....	19
Conclusion.....	20
CHAPTER TWO: The African Refugees	
Introduction.....	22
I. An Overview about the AfricanRefugees	23
II.Causes of refuge	25
II.1 The Political Causes.....	25
II.1.1 Political Factors.....	25
II.1.2 Wars and Ethnic, Sectarian and Religious Conflicts.....	25
II.1.3 Political Dependence and Indebtedness.....	26
II.1.4 Human Right Violation.....	26

II.2 The Economical Causes3	27
II.3The Natural Causes.....	27
III. The African Refugees Routes.....	29
Conclusion	30
Chapter Three: Algeria and the African Refugees	
Introduction.....	32
I.The Presence of the African Refugees in Algeria	33
II Internationaland Local Instruments or The Protection Of Refugees In Algeria.....	35
II. 1 UNHCRand OAU.....	35
II.2 National Legal Instruments Relating to the Presence of Foreigners in Algeria.	35
II.3 Algerian Red Crescent	36
II.4 Algerian Islamic Scouts	36
II.5 Nada Association	36
III.The Situation of Refugees in Algeria.....	37
IV.The challenges of African Refugees to Earn a live.....	39
V. Children African Refugees and the Right of Education.....	40
VI. The Position of the Algerians on the Presence of African Refugees in Algeria Territory.....	41
VII. The Position of the International Community on the Crisis of African Refugees.....	43
Conclusion.....	44
General Conclusion.....	45
Bibliography.....	

Abbreviation list

UNHCR United Nation High Commissioner for Refugees

OAU Organization of African Unity

IDPs International Displaced Person

UNGA General Assembly of the United Nations

IRO International Refugee Organization

UN united Nations

SAA Sub-Saharan Africa

UNEP United Nation of Environment Programmer

BAPRA Bureau Algérien pour les Réfugiés et Apatrides.

AP Associated press

IOM International Organization for Migration

SAPSS South African Police Service

SOPs Standard operating procedures

General introduction

The phenomenon of refugees make the international community stands incapable in front of this phenomenon. It led to the incising in the number of refugees every day. The African continent is the biggest source of refugees. that due to, the political problems, economical, natural problems experienced by it .the thing that forced many people to flee their countries, because of, persecution, war or violence. They have a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group. Most likely, they cannot return home or are afraid to do.

Many people fled their homes and went to other countries. Algeria is one of many countries that opened and opened the way for these refugees from Arab countries and even Africans. When we say Africans, we mention Mali, Niger, Mauritania and Western Sahara. And because of, the strategic location of Algeria and its proximity to the European continent and its security stability has become the main destination for these African refugees. In this context, there is a growing flow of migrants from the coast and West Africa in search of better jobs, which has become an economic workshop that has attracted and mobilized African labor and transformed it from a transit area to a stable region.

I chose this subject because of the large influx of African refugees in Algeria so that there is no empty place for them. They are everywhere in the street, the markets, at the gates of the mosques practicing begging. I have chosen to address this issue concerning the migration of African refugees to Algeria in order to find out the reasons behind the fact that Africans have resorted to Algeria, and to highlight the living conditions of these refugees within Algerian society.

To study this topic, we are going to ask two main questions that will help us to understand this phenomenon. We want to know the reasons behind the refugee of the African people to Algeria? And what is the reaction of the Algerian people towards the presence of the African refugees within their country?

In addition to that, this research paper intends also investigate some specific research questions on that subject: how the African refugees live inside the Algerian society? Have African refugees been able to integrate into Algerian society?

To answer these questions, the work will be divided into three chapters .the first one will be defined and discuss the historical background of the refugee. From their beginning to this day, then we are going to defining the different international laws relating to refugees and their rights.

The second chapter deals with the history of the African refugees. The chapter is divided into two parts the first one deals with causes behind the refugee of the African people refugees. And the second deals with the routes of refugee.

In the last chapter , we will deal with the presence of the African refugees in Algeria and gives an overview about their situations and their lives .this chapter will also shows the different reactions of the Algerian people towards those refugees .and it deals with the role of the international community towards the African refugees.

References that are used in this research include many books, articles, laws and dictionaries in addition to websites

CHAPTER ONE

INTRODUCTION

Every day in the world, people are making the most difficult decision of their lives, leaving home in the hope of finding a better and safe life. Millions of people are today forced to flee their homes as a result of conflict, systematic discrimination, or from persecution. No one likes or chooses to be a refugee. Being a refugee means more than being an alien. It means living in exile and depending on others for such basic needs as food, clothing and shelter. The problem of the world's refugee and internally displaced is among the most complicated issues before the world community today. This chapter gives a conceptualization of meaning refugee.

The first part of this chapter will introduce the concept of refugee and give the historical background of the word refugee. It also gives the definition of refugee in the Oxford dictionary, in addition to the definition given by the United Nations High Commissioner for Refugees and the Organization of Africa Unity. Then, it will give the definitions of the different kinds of the displaced person over the world.

In the second part of this chapter, I will refer to the definition of some international organizations concerned with refugee affairs in the world, such as the United Nations High Commissioner for Refugees and Organization of Africa Unity and the main role to protect the refugees over the world. This part of chapter one will deal also with the definition of The Convention 1951 and 1967 Protocol and give a general explanation about this convention and explain how the 1967 protocol gave the 1951 Convention universal coverage.

The last part of this chapter will provide an overview of refugee rights set by international law including the 1951 Convention and its protocol, Universal declaration of human rights and other Global instruments. It will also highlight the main rights that garnered by the United Nations High Commissioner for refugees to refugees.

I. An Overview about the Refugee:

The word Refugee comes from a French word *Réfugié*, the noun use of the past participle of *réfugier* from Old French *refuge* "hiding place." The word refugee has its roots in the 17th century when a huge number of French migrants known as Huguenots left their country to escape religious persecution. Huguenots were Reformed Protestants who felt unable to follow their faith under France's Catholic monarchy. Tens of thousands of French Protestants settled in non-catholic countries across the world. Within a decade, refugee was being used more

Chapter one: The Historical Background of Refugee

generally in English to refer to anyone who was forced to flee to a place of safety, often because of danger or persecution because of religious or political beliefs.¹

I.1 Definition of Refugee:

The definition of a “refugee” has changed over the years from the 17th century to the 21st. The refugees can be defined in the Oxford Dictionary as people who have been forced to leave their homes or their country, either because there is a war there or because of their political or religious belief. A refugee is someone who has been recognised under the 1951 convention relating to the status of refugees to be a refugee. The convention defines a refugee as any person who:

...owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country, or who, not having a nationality and being outside the country of his former habitual residence as result of such events, is unable or, owing to such fear, is unwilling to return to its ...²

A refugee is someone who has been forced to flee his or her country because of persecution, war, or violence. A refugee has a well-founded fear of persecution for reasons of Race, race, religion, nationality, political opinion or membership in particular social group. Most Likely, they cannot return home or are afraid to do so. War, ethnic, tribal and religious. The Organization of African Unity Convention recently expanded this definition

The term refugee shall also apply to every person who, owing to external aggression, occupation, foreign domination, or events seriously disrupting public order, in either part or the whole of this country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.³

According to OAU Convention, persons fleeing indiscriminate threats resulting from the situation in their country of origin may also be recognized as refugees under certain circumstances.

¹Merriam-webster. www.merriam-webster.com

²1951 Geneva Convention (UN1951, I.1.A)

I.2 The Types of Displaced Persons:

There are a several types of forcibly displaced person alike refugee: asylum seeker, stateless person and displaced person which were defined by the United Nation high Commissioner for Refugees as follows: The asylum seeker when people flee their own country and seek sanctuary in another country, they apply for asylum-the right to be recognized as a refugee and receive legal protection and material assistance. An asylum seeker must demonstrate that his or her fear of persecution in his or her home country is well-founded. The stateless person is someone who is not a citizen of any country, due to a variety of reasons, including sovereign, legal, technical or administrative decisions or oversights. The internally displaced person or IDP : is someone who has been forced to flee their home but never cross an international border. These individuals seek safety anywhere they can find it-in nearby towns, schools, settlements, internal camps, even forests and fields. IDPs, which include people displaced by internal strife and natural disasters, are the largest group that UNHCR assists. Unlike refugees, IDPs are not under international law or eligible to receive many types of aid because they are legally under the protection of their own government.

II. United Nation High Commissioner For Refugees:

One of the outstanding achievements of the 20th century in the humanitarian field has been the establishment of the principle that the refugee problem is a matter of concern to the international community and must be addressed in the context of international cooperation and burden-sharing. This notion first came into existence after the First World War, under the League of Nations which was called upon to deal with successive waves of refugees. It was further developed and strengthened after the Second World War through continuing action undertaken by the United Nations to address numerous refugee situations in all regions of the world. Such refugee situations remain a tragic feature of our troubled times. International cooperation in dealing with refugee problems presupposes collective action by governments in working out appropriate durable solutions for refugees.

In 1946, the UN general assembly established the International Refugee organization (IRO) as a specialized Agency of the United Nations of limited duration. Having regarded to the prospective termination of the mandate of the (IRO) and the continuing concerns over refugees, the UNGA, by resolution 319 (IV) of 3 December 1949, decided to establish a High Commissioner's Office for Refugees. By resolution 428 (V) of 14 December 1950, the UNGA adopted the Office of the United Nations High Commissioner for Refugees. UNHCR was thus established as a subsidiary organ of the UNGA pursuant to Article 22 of

Chapter one: The Historical Background of Refugee

the UN charter. Paragraph 1 of the UNHCR Statute describes the functions of the UNHCR as follows:

The United Nations High Commissioner for Refugees, acting under the authority of the General Assembly, shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present Statute and of seeking permanent solutions for the problem of refugees by assisting Governments and, subject to the approval of the Governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities.⁴

UNHCR mandate is to provide international protection to persons who are outside their country of origin in consequence of well-founded fear of persecution, and permanent solutions for refugees. It also has the responsibility to supervise the implementation of the 1951 Convention by States Parties. States Parties are required to cooperate with UNHCR, and provide relevant information and statistical data. UNHCR's function complements that of states, contributing to the protection of refugees by :Promoting accession to ,and implementation of refugee convention and law ,ensuring that refugees are treated in accordance with internationally recognized legal standards ,ensuring that refugees are granted asylum and are not forcibly returned to the countries from which they have fled .and promoting appropriate to determine whether or not a person is a refugee according to the 1951 Convention definition and or other definitions found in regional conventions, seeking durable solutions for refugees .

II .1The convention 1951:

In 1951, with millions displaced from the great wars of the 20th Century, international policy makers came together in Geneva to craft guidelines for the protection of refugees. The committee members recognized the need for international cooperation and the necessity of states to understand the consequences of ignoring refugees. They saw that it could become a “tension between states” and hoped to pre-empt this inevitability with guidelines for everyone to follow. The result of this meeting was the “Convention Relating to the Status of Refugees”. This, along with the 1967 Protocol that expanded the Convention's territorial

⁴Statute of the Office of the United Nations High Commissioner for Refugees, UNGA Res. 428(V), 14 December 1950, Annex, paragraph 8.

Chapter one: The Historical Background of Refugee

scope, is the basis for modern day refugee law. The object of the 1951 Convention is to endeavour to assure refugees the widest possible exercise of the fundamental rights and freedoms enshrined in the charter of the United Nations and the Universal Declaration of Human Rights. The Convention lays out guidelines for the rights that should be offered to refugees and the guidelines for determining who is eligible for those rights. The UNHCR argues that these guidelines are as relevant now as they have ever been. Today, however, there are controversies surrounding the application of the definition and the rights and services that must be given to refugees. There are a few important rights that are guaranteed to refugees by the Convention.

The first, and one of the most important, is the right to non-refoulement. Non-refoulement is a principle that refugees are not returned to their country of origin until they have a chance to properly apply for protection. This gives refugees the right to a hearing and safety until the status of their situation can be determined. There are also other important rights given to refugees that make this status important for the people seeking it. These rights include, but are not limited to, the right to housing, public courts, freedom of movement within the territory that recognizes them as a refugee, and freedom from punishment for the manner that they sought entry into the country. A refugee also, in some countries, has the opportunity to seek family reunification and a path to a new citizenship. For these reasons a clear route to refugee status is important for those who need it.

II.2 The 1967 Protocol:

While earlier international instruments only applied to specific groups of refugees. The definition of the term refugee contained in article 1 of the Convention is couched in general terms. But the scope of the Convention is limited to persons who became refugees as a result of events occurring before 1951. After the adaptation of the 1951 Convention, refugee situations began to arise in different regions of the world, which were not in any way related to the pre-1951 events. This led to efforts to make the Convention fully applicable in all new refugee situations, based on the recognition that the 1951 Convention should become the universal international instrument for the protection of refugees. It resulted in the United Nations Refugee Protocol which removed the 1951 deadline in the Convention and which was opened for accession on 31st January 1967.

The 1967 protocol is independent of, though integrally related to, the 1951 Convention. The protocol removes the temporal and geographic limits found in the Convention. By acceding to

Chapter one: The Historical Background of Refugee

protocol. States agree to apply the core content of the 1951 Convention, to all persons covered by the Protocol's refugee definition, without limitations of time or place.

The 1951 Convention Relating to states of refugees and its 1967 Protocol instrument operate in combination with other international human rights laws and treaties .including the 1948 Universal declaration of Human Rights.1966 International Covenant on Civil and Political Rights ,Cartagena Declaration on Refugees.1969 Organization of African Unity (OAU)Convention governing the Specific Aspect of Refugee Problems

in Arab Convention on Regulating Status of Refugees in the Arab Countries 2008.Adopted by the League of Arab States, 1994 The Governments of the Member States of the League of Arab States, Invoking their religious beliefs and principles deeply rooted in the Arab and Islamic history, which make man such a great value and a noble target that various systems and legislation cooperate to ensure his happiness, freedom and rights, Recognizing that they represent a civilized nation that have kept pace with all stages of human history and have always played a significant role in directing, influencing and responding to events, Confirming the provisions of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant of Economic, Social and Cultural Rights, the 1951 Convention relating to the Status of Refugees, the 1967 Protocol relating to the Status of Refugees and the 1992 Cairo Declaration on the Protection of Refugees and Displaced People.

The Organization of African Unity:

The growing number of refugee fleeing war and internal conflicts in Africa starting in the late 1950s, due to the European colonial powers .In this early phase of the post-colonial era,most African refugees were the product of anti-colonial struggles.AT that time to show solidarity with peoples still under colonial domination, the Organization Of African Unity decided to establish its own wide-reaching refugee policy.The Organization of African Unity on 10 September 1969 adopted the OAU convention governing the specific aspects of refugee problems in Africa. It grows out of the principles of the 1951 Convention but customized specific laws related to the exigencies of conflicts emerging from the liberation movements in Africa.The primary importance of this convention is its expended definition of the term refugee African States felt that “well-founded fear of persecution “was not sufficiently wide a criterion to cover all the refugee situations in Africa . The intention of the OAU definition was to extend refugee status to persons fleeing colonial domination and anti-colonial warfare.The

Chapter one: The Historical Background of Refugee

OAU definition was worded in such a way as to make it easier for a nation to extend immediate protection of refugee status to a larger group of people at once, who were fleeing colonial oppression. Unlike the UN definition, which places the emphasis on individual persecution, the OAU definition concentrates on groups of people who are at risk during a conflict.

IN 1992, the OAU Convention had been ratified by 42 States. The OAU Convention also establishes the importance of settling refugees at reasonable distance from the frontier of their country of origin for security reasons. This regional treaty also states that no refugee shall be repatriated against his or her will. Most African States are parties to the OAU Convention.

IV. The Rihts of Refugee:

States are responsible for protecting the fundamental human rights of their citizens. When they are unable or unwilling to do so—often for political reasons or based on discrimination—individuals may suffer such serious violations of their human rights that they have to leave their homes, families and their communities to find sanctuary in other countries. Since refugees are not protected by their own governments, the international community steps in to ensure they are safe and protected.

Throughout the 20th century, the international community steadily assembled a set of guidelines, laws and conventions to ensure the adequate treatment of refugees and protect their human rights. The 1951 Convention and its 1967 Protocol documents clearly spell out who is a refugee and the kind of legal protection, other assistance and social rights a refugee is entitled to receive. There is also a substantial body of International Human Rights law that complements the right of refugees in the 1951 Convention:

IV.1 Non-Refoulement:

It is the cornerstone of the refugee's law; it means that no one shall expel or return a refugee to a country where he or she faces serious threats to his or her life or freedom, in any manner. Countries may not forcibly return refugees to a territory where they face danger. The concept of non-refoulement, its best known expression for present purposes in Article 33 of the 1951 Convention Relating to the Status of Refugees:

“ No Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion,

Chapter one: The Historical Background of Refugee

nationality, membership of a particular social group or political opinion”⁵

This protection may not be claimed by refugees who are reasonably regarded as a danger to the security of the country of the country, or having been convicted of a particularly serious crime, are considered a danger to the community.

The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.⁶

The 1969 Organization of African Unity (OAU) Convention Governing the Specific aspect of refugee’s problems in Africa; Article 2(3) of which provided:

No person shall be subjected by a Member State to measures such as rejection at the frontier, return or expulsion, which would compel him to return to or remain in a territory where his life, physical integrity or liberty would be threatened for the reasons set out in Article I, paragraphs 1 and 2 concerning persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, or who is compelled to leave his country of origin or place of habitual residence in order to seek refuge from external aggression, occupation, foreign domination or events seriously disturbing public order.⁷

Refugees are not only entitled to protection from *refoulement*. They have a ranged of other rights under the 1951 Convention and international human rights law more generally. Subsequent sections provide more detail on the following rights of refugees: freedom of movement, familylife, the right to work, the right to education, access to courts, the right to social welfare and health care.

⁵1951 Convention .Article.33(1).

⁶1951 Convention. supra note 5, Article 33(2).

⁷The 1969 Organization of African Unity (OAU) Convention Governing the Specific aspect of refugees problems in Africa;Article2.(3).

IV.2The right to freedom of movement:

this means States parties may not to impose restrictions that apply only to refugees Article 26 of the 1951 Convention requires States parties to give refugees lawfully in their territory the right to choose their place of residence and to move freely within that territory on the same basis as foreigners generally. The international human rights law also guarantees the rights of choice of residence and freedom of persons lawfully in the territory .In the Article 12 of the International Covenant on Civil and Political Rights.

III.3The right to family life, including family unity:

many refugees are separated from their family members as a result of persecution or in the chaos of conflict and flight .Separation increases the risks all family members face, especially women and children .who may as a result be exposed to violence and exploitation, be unable to secure the protection and assistance they need, and yet have to take responsibility for their households and younger siblings. Separation can have devastating consequences for the wellbeing of all refugee family members and their ability to rebuild their lives. International human rights law recognized the family as the fundamental group unit of society, entitled to protection by society and the state .The 1951 Convention of reaffirmed the right of family unity for refugees.

IV.4The right to work:

access to work is central to refugee's ability to live normal lives and to contribute to their host community. International human rights law recognized the “ right of everyone to the opportunity to gain his or her living by work which he or her freely chooses or accepts “⁸ allowing refugees to contribute to their communities through employment and enterprise enables them to acquire enhance and gain retain skills that they may also use in the event of return or resettlement . Also the 1951 Convention explicitly acknowledges the importance of socioeconomic rights for refugees .It contains four provisions on access to work and rights at work :the right to wage-earning employment , the right to self-employment ,the right to practise a liberal profession and the right to benefit from labour regulations in(Articles.17,18,19,24).

⁸ International covenant on Economic, Social, and cultural Rights, Article 6.

IV.5 The right to Education:

Education is a fundamental human right and is essential for the realization of other rights. Education helps protect refugees especially for children from illiteracy, abuse, exploitation, child labour, early marriage, and recruitment by armed groups. UNHCR's Executive Committee has encouraged States to ensure primary education of a satisfactory quality for all refugee children and to enable refugees also to have access to secondary, vocational and tertiary education". The Executive Committee recommends that states UNHCR and other relevant agencies. Encourage the inclusion of all children in education ⁹

IV.6 Combating racism, discrimination and xenophobia:

Racism and xenophobia are distinct phenomena, although they often overlap. While racism generally implies distinction based on skin colour, descent, race, religion, etc. Xenophobia denotes behaviour specifically based on the perception that the other is foreign to or originates from outside the community or nation. Xenophobia can be defined as attitudes, prejudices and behaviour that reject, exclude and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society or national identity. Racial discrimination is defined in International Convention on the Elimination of All forms of Racial Discrimination (1965) as being:

"any distinction, exclude, restriction, or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life."¹⁰

Refugees can experience discrimination on several of the proscribed grounds, most significantly race or ethnic origin, religion and status. Non-discrimination is a core principle of international law and the foundation of all human rights treaties.

In addition to the rights already mentioned, there are other rights enjoyed by the refugees, which are guaranteed by the 1951 Convention.

⁹ UNHCR Executive Committee, Conclusion No.107(LVIII) Children at risk (h) (viii).2007

¹⁰United Nations. The international Convention on the Elimination of All Forms of Racial discrimination, Article 1.

Chapter one: The Historical Background of Refugee

Conclusion:

When persecution, war or violence forced a person to flee his or her own country, that person becomes characterised as a refugee. A refugee has a well-grounded fear of persecution due to his or her race, religion, political opinion, nationality or allegiance towards a particular social group. This problem is among the most complicated issues before the world community to day.

The United Nation High Commissioner for refugees was established in 1951 as an international organization providing protection to refugees together with other countries 'government. With millions displaced from great wars of the 20 century, international policy makes came together in Geneva to craft guidelines for the protection of refugees. This result of this meeting was the "convention relating to the status of Refugee ". This, along with the 1967 Protocol that expanded the Convention's territorial scope, is the basis for modern day refugee law.

The important rights that are guaranteed to refugees by the Convention .The first, and one of the most important ,is the right to non-refoulement .It demands refugees are not returned to their country of origin. There are also other important rights given to the refugees .it include, the freedom of movement, and right to seek family.

The Chapter Two

Introduction:

Forced displacement has been part of the human condition throughout history, The African continent is the largest continent in the world in terms of the number of refugees. It has about one third of the world's refugees. Eight African countries have more than 100,000 refugees in each country. The problem of refugees in Africa is linked to conflicts and wars, most of which are of an extended nature. Whether, these conflicts and ethnic wars are between the States and racial, religious or non-ethnic groups. This is the result of class, regional and ideological differences or the power struggle between the government and the opposition. This leads to millions of refugees fleeing their states, or at least forcing them to move to other places where the conflict within the country itself is mitigated. From the perspective of some analysts linked to the crisis of national integration experienced by many countries of the continent since independence. This chapter will focus on the historical background of African refugees and give a detailed explanation of the idea of displacement in the history of the African continent. Since the seventeenth century, the African continent has known the phenomenon of displacement from one region to another or moving from one country to another for commercial or religious reasons. This phenomenon also took on other dimensions with the emergence of foreign colonization of Africa at this stage, with the number of refugees rising throughout the continent. This chapter examines the historical roots of internal war in Africa. A new look is being taken at colonialism as a determinant of modern African politics. A resort to war as a substitute for politics has pushed massive numbers of Africans beyond state border.

Chapter Two, will also shed light on the various reasons that have led many Africans to flee their homes and leave their homelands, such as economic, political and environmental reasons. Those reasons are also divided in to several elements .The second section of chapter II also explains the most important reasons why Africans crossed the border in search of a safe place. The third part of the chapter explains the journey of African refugees between South and North Africa. Most African refugees come from areas Conflicts and wars or areas experiencing natural problems. These conditions force the population to leave international borders and move to safe areas, most of which are concentrated in the north of the continent.

I. An Overview About the Refugee in Africa

The history of sub-Saharan Africa (SSA)¹¹ is characterized by forced displacement of people within and beyond its borders. In the past, millions of people across the continent have had to leave their homes and seek safety elsewhere to escape persecution and fear. This phenomenon dates back millions of years that forced Africans to leave their lands, homes and countries. The slave trade is one of the most prominent cases of the African continent, where millions of Africans were deported to America or the New World to find them in a different place far from practiced their home countries.

The foreign colonialism that African countries have known in the past is one of the most important factors contributing to the spread of forced migration of many Africans because of wars and conflicts. Many people had to flee their homes in search of a safe haven. In addition to the colonization policy by the colonial powers which aims to seize the property of indigenous citizens such as land and houses and give them to foreign settlers from Europe and America, with the aim of eliminating, dispersing and weakening them. The African continent is one of the major areas with refugee problems.

The flow of refugees in Africa became acute in the 1960s coinciding with the struggle for the attainment of independence by most African States. The process of decolonisation brought new and powerful political forces into play and released new conflicts that created mass displacements. Throughout this era, white settlers, or, more accurately, colonized colonial states that were working for the interests of the settlers, forced entire groups to leave their property, especially fertile land. At the same time that the largest proportion of land was re-allocated to white commercial farmers. As Milner (2004, 10) points out,

While migration, both force and voluntary, has been a defining feature of African history since pre-modern times, the emergence of the modern refugee phenomenon in Africa may be linked to the struggle for and attainment of independence by most African states in the late 1950s and early 1960s.¹²

The post-colonial period is one of the most difficult stages that contributed to the exacerbation of the phenomenon of refugees or forced migration. In the late 19th century, Africa had experienced the division of the entire continent-with the exception of Ethiopia and Liberia among European rulers. In this early period, conflicts between the colonial armies and the Africans caused refugees flow in many parts of the continent. African countries found

¹¹ It is the abbreviation of Sub-Saharan Africa is, geographically, the area of the continent of Africa that lies south of the Sahara. According to the United Nations, it consists of all African countries that are fully or partially located south of the Sahara.

¹² Milner, James. Paper presented to the centre for Refugee Studies, York University, 28 January 2004.

Chapter Two: The history of the African Refugees

themselves in a cycle of economic and social problems due to the colonialism that destroyed the infrastructure of African countries. This led to the spread of civil wars a growing trend conflicts in several parts of the continent. It led also to the spread of poverty and ignorance, which negatively affected the already fragile economic and development system by destroying few infrastructures inherited from colonial regimes, by killing thousands of civilians and forced many people to flee to other countries in search of security and stability and a better life. The post independence armed conflicts are a result of colonial legacy, due to the system of the differential and preferential colonial regimes of Africans that based on was regional, tribal, central and ethnic differences to dismantle the African societies. This led to the creation of a kind of conflict and civil wars. Such as Angola, Mozambique.

The desire to overthrow colonial government and achieve independence led to lengthy guerrilla wars. This resulted in instances of protracted refugees who spend ages in refugee settlements. For this the armed conflict are the mains causes of forced migration in Sub-Saharan Africa. Moreover, armed conflicts that cause population displacement are, usually, a result of failure or unwillingness of sure governments to clear up lengthy-standing ethnic tension or the tendency of governments to oppress particular population businesses. For many socio-economic and developmental analysts armed conflicts and the ensuing mass flight of refugees represent the finest venture for financial improvement and the greatest obstacle to economic delay.

Since 1990, Sub-Saharan Africa has been hosting more refugees than sending them. They are often relatively well educated and from moderate socio-economic backgrounds. They move because of a general lack of opportunities, fear of persecution and violence, or a combination of both. With 4.4 million individuals, Sub-Saharan Africa (SSA) was the region with the largest number of refugees. They originated mainly from five countries: Somalia, South Sudan, and the Democratic Republic of the Con-go, Sudan, and the Central African Republic. Altogether, they accounted for 3.5 million (80%) of the total refugee population residing in this region by the end of 2015.¹³

¹³ UNHCR: Global Trends – Forced Displacement in 2015:
<http://www.unhcr.org/statistics/unhcrstats/576408cd7/unhcr-global-trends-2015.html>.

II The causes of refuge of the Africans:

The movement of people from one region to another is an old human phenomenon where life conditions and climatic conditions such as earthquakes of famine, poverty, floods, disease and war, especially civil war, have forced people to move from their homes to others in search of safe haven and better conditions. Despite its enormous potential, the African continent continues to be a focal point of crises in the world, in particular the refugee crisis, whose causes are political, economic, social and natural causes:

II.1 Political causes:

II.1.1 Political factors:

The political situation in the African continent is deteriorating in most countries. This is due to the large number of political tensions and the dictatorial transition of power, due to local power struggles, sectarian and ethnic conflicts, military coups and internal revolutions. The root cause of forced migration is armed conflicts whose causes include poverty, civil strife, arms trade, violations of human rights and lack of accountability and democracy on the part of leaders. The Addis Ababa Declaration points out that armed conflicts, and civil strife are the principal causes of refugees' flights in Africa. The monopolization of political and economic power; refusal to respect democracy or the results of free and fair elections; resistance to popular participation in governance; and poor management of public affairs. This is due to the escalation of political unrest and bitter conflicts. This led citizens to flee their homeland and risk their lives in search of a safe haven.

II.1.2 Wars and ethnic, sectarian and religious conflicts:

They are the most important factors that make African forced migration. And considering that European colonization is the main cause of these conflicts, looting the African continent's resources of natural and human resources and the too early establishment of borders between African countries without taking into account the African situation and reality, which led to the outbreak of conflicts among the peoples of the continent. The instability caused by civil and international wars or oppressive movements against individual or ethnic groups, whether due to their ethnic, religious or political affiliations, is one of the main factors of the refugee movements that force individuals to move from insecure areas to secure areas. Examples include rebel groups that battle for control of populations and resources in the eastern Democratic Republic of Congo, in rural the Central African Republic or northern Mali. When governments do not

have the means or the capacity to provide stability, and the criminal justice system is weak, armed opposition parties, insurgents, terrorists and criminals exploit the security vacuum for their benefits. Religious intolerance and religious persecution is too a factor responsible for the African refugee problem. In addition, it is quite common to see two clans fighting, not for the good of the country or even the interests of the men in power, but simply for objectives, which interest the clans. The struggle for power takes place in the same socio-cultural group. In addition, the most regrettable aspect of this situation is that populations run in every direction as refugees to find peace in neighbouring states

II.1.3 Political Dependence and Indebtedness:

It is true that since the beginning of the first half of the twentieth century, African States have gained independence and built their fragile national entities inherited from the colonial era. However, the colonialism continued in new colours, such as subordination and indebtedness, which allowed Western companies to exploit their resources indiscriminately and in addition to political subordination. This is what we see through Western intervention in the affairs of some African countries, either by taking their political decision or by controlling their resources. External causes are also worth mentioning, such as arming and sponsoring rebel movements by external forces. In order to have easy access to minerals and to find markets for their products, especially weapons. The unfair trade deals, and unfair international economic system which leave many African states too poor to adequately attend to the needs of the citizens, because all the manifestations of misery and the deterioration of their lives contribute greatly to the recovery of the Western economy.

II.1.4 Human rights violation:

Thousands were forced to leave their homes in search of survival in other countries and to flee their countries, which have become devastated by the greed and corruption of politicians. This corruption is the seizure of wealth and property, such as land, even if it leads them to marginalize and kill innocents. In other words, a person's job is worthy of imagination because of the seizure and extortion of their relatives. In addition, all state resources are in the hands of the minority that abused them, while many suffer from lack of sufficient resources, as in African countries such as Uganda, Nigeria, Zimbabwe, South Sudan, Sudan, Eritrea and many other countries.

II.2 Economic causes:

The economic factor is one of the most important factors that led many refugees to flee their countries and risk their lives in crossing the international borders, hoping to improve their living conditions and seek work. This is due to the dire economic conditions in their countries of origin, especially under the corrupt ruling policies. In addition, to the weak Economic level because of lack of productive investment. With only a focus on importing the thing that has led to the deterioration of the economy and the lack of economic development:

The African continent remains the first country in the world in terms of poverty, despite the slight improvement experienced by some countries. Africa has the lowest per capita income in the world, due to the outbreak of wars and permanent conflicts, which has contributed to the deterioration of social and economic conditions and food insecurity. Poverty is therefore a key factor in expelling people from their homes to look for other outlets to earn a living.

II.3 Natural causes:

Even as violence, persecution, and poverty have driven people to leave their countries .natural disasters and climate change have played a significant role in population displacement. History demonstrates that the environmental degradation is associated with massive movements of population and the natural environment is the oldest determinant of migration and population displacement. People increasingly leave their homes because of the interaction between environmental degradation, natural hazards and global climate change and the consequences of fast urbanisation, water insufficiency, and food and energy insecurity. The vast majority of people of people displaced because of natural disasters stay within their home countries.

The “climate refugee” is a person who has been pressured to leave his home because of the effects of climate change on his environment. It is a term used in relation to forced migration in the context of climate change and environmental change. Climate refugees are actually known within the 2018 global compact on secure, orderly and normal migration under its objective 2. This compact aims to protect the rights of those displaced and assist cope with the basic economic, environmental and social drivers which are compelling human beings to go away their groups and countries. In recent years, the idea of "environmental refugees" has gained new importance as the exchange of weather and desertification around the world has threatened the livelihoods of tens of millions of people, forcing many to leave their homes in

Chapter Two: The history of the African Refugees

search of new opportunities. In 1985, the UN Environment Programme (UNEP) expert Essam El-Hinnawidefined “environmental refugees” as: Those people who have been forced to leave their traditional habitat, temporarily or permanently, because of marked environmental disruption (natural and/or triggered by people) that jeopardized their existence and/or seriously affected the quality of their life.

Natural disasters have displaced many people. Due to climate change and high temperatures, resulting in widespread famine, poverty, disease and epidemics due to malnutrition and lack of natural resources such as water, agricultural products and livestock, which began to shrink due to drought and desertification. Malnutrition reached emergency levels in many societies throughout the continent. Where Niger faces continued displacement of individuals due to desertification and drought pressures. In addition, extraordinary floods in 2010 caused damage to many homes and farmland, increasing the refugee scenario, prompting other Nigerians to seek shelter and employment in Nigeria, Libya and Ivory Coast.

Diminishing water resources, shrinking pastures and agricultural land have led to violent clashes and conflicts over remaining natural resources in many African regions. UN Secretary-General Ban Kid-moon has warned, “Violence in Somalia grows from a similarly volatile mix of food and water insecurity. So do the troubles in Ivory Coast and Burkina Faso.”¹⁴ The shrinking of Lake Chad is one of the most putting examples of environmental degradation within the Sahel vicinity. Formerly straddling the borders of Cameroon, Chad, Niger and Nigeria, over the last fifty years the lake has reduced in size to a small proportion of its unique size. The dramatic discount of its surface, similarly attributed to transferring climatic patterns with less rainfall and to excessive demands for agricultural water, has contributed to crop screw-ups, livestock deaths, collapsed fisheries, soil salinity, and increasing poverty in the course of the location. Groups that had been formerly residing at the seashores of the lake have seen their livelihoods destroyed. Many head to neighbouring countries or in addition afield searching for possibilities that the Lake Chad region can now not provide.

Climate change is affect population movements within and across African borders. This is the result of factors such as increasing intensity of extreme weather events – especially droughts and acceleration of environmental degradation. In addition, climate change will have adverse consequences for livelihoods, public health, food security, and water availability. This

¹⁴ B.K. Moon, “A Climate Culprit in Darfur”, Washington Post, 16 June 2007.

in turn will influence human mobility, likely leading to a substantial rise in the scale of migration and displacement in different parts of Africa.

III. The African refugees' routs:

Throughout history, there has been extensive population mobility in Africa, especially in the Sahara, through trade, Fatah, Hajj religious and education, where the different dimensions of Africa were connected Economically, Politically, Religiously and Socially. However, movement and trade across the Sahara did not collapse except with the emergence of colonialism, which drew the borders and modern states. This picture definitely changed within the 1990s. A dynamic alter in Libya's remote approach contributed to a major surge in trans-Saharan movement to Libya. In specific, the 1992-2000 UN ban provoked Libya to heighten its relations with sub-Saharan nations. Libya started to welcome Sub-Saharan Africans to work in Libya. In addition, it became a significant destination for migrants from Libya's neighbours. In addition to, growing instability, civil wars, and the associated economic decline in many African countries also contributed to increasing trans-Saharan migration from the mid-19. Most West Africans made the trans-Saharan crossing in order to work in Libya. The presence of sub-Saharan migrants in Morocco and Tunisia remained largely limited to relatively smaller numbers of students, traders, professional workers, and some refugees from the Democratic Republic of Congo, Liberia, and Sierra Leone. Trans-Saharan, overland migration to these countries was relatively rare.

In the late Nineties, Algeria, Morocco, Tunisia started out witnessing an upward jab in migration from and gradually a range of array of sub-Saharan countries. These changes in migration patterns were bolstered by way of the upward thrust of xenophobia in Libya following the violent clashes between Libyans and African workers in 2000. sub-Saharan Africans are increasingly migrating to North African countries, often using the region as a point of transit to Europe and others remaining in the Maghreb region. In addition, sub-Saharan migrant has increasingly tried to cross to Europe directly from the Libyan, Algerian, Tunisian and Moroccan coasts, transforming this country from a destination country into a transit country.

Conclusion:

The Refugees are one of the major problems facing the international community today. Africa today has a great refugee population. The refugees are divided into different categories depending on the causes of refugee. We can distinguish between refugee caused by natural disasters on the one hand and refugee caused by violence and/or armed conflict. The natural disasters that have caused mass displacement in Africa include droughts, floods and famine in countries such as Ethiopia, Mozambique and currently Niger. The long-term consequences of these natural disasters on national economies have also continued to force people to migrate even after the natural crisis. Refugees are forced to leave their homes because of change in their environment, making it impossible to continue their lives, as they have known it. They are forced to leave their homes and go elsewhere. As well as other factors that play an important role in the forced displacement of the population in Africa, such as ethnic and religious intolerance, widespread human rights abuses and the monopoly of political and economic power; mismanagement of public affairs. Wars, conflicts and foreign Refugees in Africa today are also victims of human rights violations. Oppressive regimes have tortured, massacred, expropriated property, and deprived individuals of civil liberties in order to silence real and imagined opponents. Human rights violations have occurred in response to conflict between states as well as in response to internal upheaval and suppression.

The vast majority of Africans fleeing wars, ethnic and religious conflicts, harsh natural conditions and poor living conditions choose to move to the northern regions of the continent such as Libya, Algeria, Morocco and Tunisia in the hope of improving their situation. This is because it enjoys security stability and is close to the European continent, which is the main destination for these refugees.

Chapter Three

Introduction

Human beings have migrated from the dawn of history in search of suitable conditions for living. Escape from the hell of wars and deadly epidemics or natural disasters to another safe environment, and whether these migrations are voluntary or short, has a negative or positive effect on migratory groups or the country Future of Migration. Where emigration of displaced Africans from sub-Saharan Africa to Algeria has raised controversy among Algerians, since Algeria has not experienced such migrations and this crowd of refugees before .Where there is no city or village in the south, the north and the far east to the far west empty from the African refugees. And this, creating different reactions in the opinion of the national public between rejecting their existence and accepting their presence.

The third chapter highlights the history of the arrival of African refugees to the countries of North Africa, especially to Algeria. It also focuses on the role of the Algerian state towards refugees, especially after its ratification of international instruments for the protection of refugees such as UNHCR and OAU, in addition to, local associations such as the Algerian Red Crescent and other non-governmental organizations working to help refugees in Algerian territory.

The second part of the third chapter will focus on the presence of African refugees in Algeria and on how they live within Algerian society and about how they earn a living. The presence of African refugees in Algeria asks a lot of ink and a lot of talk about it among all groups of society. This section of the chapter illustrates the reaction of Algerians to this phenomenon. This section also sheds light on the challenges and problems faced by African refugees in Algeria, the tragic situation they face and the loss of their rights. The last part of chapter three explains the role played by international organizations in the protection of refugees and the importance of their commitment to their duties towards these refugees. The problem of refugees is due to political and economic conflicts between countries and major powers.

I. The presence of the African refugees in Algeria:

The migration of Sahrawi citizens is not the result of current or time-related circumstances. It is a movement that stretches over a long history. For centuries, navigation between the two banks of the Sahara has been active with the political movements and sectarian conflicts that have characterized the Great Maghreb since the Rattans, from the eighteenth century until the colonial period. During the period, huge numbers of people were transported from the Sahara coast in the form of slaves with the trade of caravans. They built oases and palaces and transferred most of them to the north and to the east to work on farms, houses and others. Thanks to the major development projects after the independence of Libya and Algeria and has again attracted waves of immigrants to work in the construction workshops, roads and strategic projects. They are a new generation of free citizens in their country. They have acquired work experience and have remained connected to their countries to support their families by transferring their salaries to their countries of origin.

Since the beginning of the 1990s, migration has been intensively renewed, linked this time to waves of poverty, drought, ethnic and ethnic conflicts and wars, also because of the development of communications and communications. The flow of increasing numbers of Saharan countries, across the Maghreb, traveled thousands of kilometers across the Sahara for the sake of reaching the Mediterranean Sea to Europe continent. These human flows from Maghreb countries have taken transit stations to reach their main destination, Europe. Where, the majority of these Africans could not reach the ultimate goal, "the European Dream", to accumulate thousands of them through the migration routes in the cities of "transit. Although this type of migration, i.e. migration to European space, represents only a fraction of the increasing number of migrants from the Sahel countries to the Maghreb desert cities, namely the Algerian Sahara, this space has become a destination for migration from the sub-Saharan countries, like Mali and Niger Citizens of Western and Central African countries. Where this region has become a space for migration and for the stability of migrants, after it was a transit space for Africans to work, live and achieve opportunities for social promotion.¹⁵

Algeria is gradually becoming a receiving country for migrants, a long-term transit country for this type of migration, given the increasing number of Saharans from the Sahel who has been living longer because of the increasingly difficult immigration conditions due to the closure of the European sphere. The UN High Commissioner for Refugees (UNHCR)

¹⁵ Mohamed Saeb Mousa. Contribute to knowledge of migration. From and to Algeria: For a Humanitarian Vision of Migration, Vienna: ICMPD, 2013, p154.

Chapter Three: The presence of African Refugees in Algeria

consider Algeria their final destination, 40% others are just transiting their destination to Europe, and the remaining 20% The majority of whom do not have the means to return to their countries.¹⁶ Among the most important cities that today attract large numbers of migrants from Mali, Niger and many other African nationalities, which have long been on the map of the migration route of the Sahel-Saharan citizens, is the city of Ouargla (800 km south of the Algerian capital) To hundreds of Africans, with some estimates of 2,500 to 3,000 of them in Ouaragla and Ghardaia in 2005.¹⁷

The Tenerife Desert, the so-called Black Hole, is the area between Tamanrasset and Niger. Tenerife is called the "Lesché" by Touareg, according to desert specialists, including human rights activist KadourRubah, head of the regional office of the Algerian League for the Defense of Human Rights in the south. The Tenerife Desert is an important route for African illegal migrants and human traffickers, especially during the summer, which killed hundreds of people within a few years. Each year due to the death of people due to thirst after the lost road in the rugged desert, the lack of features that make the distinction between tracks possible, finding the way only for experienced experts and often giving up illegal immigrants as a result of security surveillance or other reasons.

The reasons for African migration to Algeria are Western colonialism, especially French. France continues to control its ancient colonies in West Africa, exploiting its wealth with great greed by placing corrupt and corrupt rulers, lobbies and agents, leaving peoples in extreme poverty and forced to mass emigration to the north. The most prominent case of French domination of Africa because of interests is in the Niger, where" Areva" the French control of the country because of its control over the uranium mines, which takes it much below the real price depending on the rulers put them themselves, and the corruption and protection or intimidation threatened isolation as President HamaniDiori signed in 1974, which he tried to resist, and was removed between two rounds of negotiations between French and Nigerian officials over uranium. Niger ranks fourth in the production of uranium, one of the best in terms of exploitation and profitability in the world. Nigerian uranium represents one-third of France's needs.

¹⁶ Lahlou, M. *Le Maghreb et les Migrations des africains du sud de Sahara*, Casablanca,(2003).

¹⁷CISP, SARP, *Rapport intermédiaire de recherche profils des migrants subsahariens en situation irrégulière en Algérie*, avril 2007, p. 21.

II International and local instruments for the protection of refugees in Algeria:

II.1 UNHCR and OAU:

Since its independence, Algeria has ratified the Geneva Convention 1951, which has entered into force in 22 April 1954 and the additional protocol 1967 that withdraws the geographical and temporal pressures contained in the OAU Regional Convention governing the characteristics of refugees in Africa. This is the only national legislative instrument for the protection of refugees is Decree No. 63-274 of 25 July 1963 (the 1963 Decree), which relates to the modalities for the application of the 1951 Refugee Convention. This decree established the “Bureau Algerian pour les Refugier et Apathies” (BAPRA) within the Ministry of Foreign Affairs, to exercise, inter alia, legal and administrative protection of refugees and stateless persons, recognize the status of refugees to all persons within the mandate of UNHCR, or those who meet the definition of the 1951 Convention and to deliver the necessary documents that allow refugees and stateless persons to apply the provisions of international agreements relating to their protection. Until today, the BAPRA is not in a position to fully implement these responsibilities. The 1963 Decree also created an Appeals Commission, which has not yet been established. Algeria has also acceded to the 1954 Convention relating to the Status of Stateless Persons (the 1954 Convention) in 1964, but is not a party to the 1961 Convention on the Reduction of Statelessness (the 1961 Convention). Additionally, the State ratified the 1969 OAU Convention governing the specific aspects of Refugee Problems in Africa (the 1969 OUA Convention) in 1974.

II.2 National legal instruments relating to the presence of foreigners in Algeria

Foreigners residing in Algeria or passing through the region are legally protected by a system Legal and regulatory provisions that are broad enough to cover all aspects of the lives of foreigners present in Algeria. The Algerian constitution guarantees the protection of foreigners residing legally in Algeria. Article 67 “Any alien whose presence on the national territory is legal shall enjoy the protection of his person and its property according to law”

Chapter Three: The presence of African Refugees in Algeria

In addition to, law of foreigners Aliens Act No. 0811 of 25 June 2008 relating to the conditions for the entry and residence of foreigners and the movement of foreigners. Order No. 66 .1966 on the status of foreigners if they want to enter the territory and the law does not discriminate between categories of immigrants all foreigners in an illegal situation are treated equally. And the decree No. 1963 of 25 July 1963 establishing the application of the Geneva Convention provides for the establishment of the Algerian Refugee Office The Geneva Convention The events of the Algerian Office for Refugees and Stateless Persons, which it is entrusted with Determining refugee status, protecting asylum seekers, refugees and vulnerable persons.

II.3 Algerian Red Crescent:

Established in 1956, the Algerian Red Crescent is a of voluntary aid organization that assists the public authorities. It is based on a network of thousands of philanthropists and a group of workers. And it provides assistance to refugees residing in Algeria, like the Syrians, Western Sahara and Africans. The Algerian Red Crescent also concluded agreements with the UNHCR and the Food Program for relief operations for refugees. It carries out daily activities to prevent suffering and alleviate those that affect the most vulnerable groups, without distinction of nationality, religion, social conditions and political affiliations. The Algerian Red Crescent contains state delegates throughout the national territory. Each delegation includes a number of offices and centers across the municipalities, which carry out the role assigned to them in the management of humanitarian operations related to the lives and safety of migrants. These programs are carried out by young volunteers who are trained in first aid, emergency and critical care. And the support of charities and donors and the Algerian state in the framework of the support allocated to associations, and have a special fund for the management of crises and natural disasters.

II.4 Algerian Islamic Scouts:

Founded in 1935, the Algerian Islamic Scout is an educational and social association.

It also maintains cooperative relations with the public authorities. It participates in the project of the Office of the High Commissioner for Refugees together with the Algerian Network for the Defense of the Rights of the Child in the area of school support, and to conduct awareness campaigns against racism.

II.5 Nada Association:

Nada Association was founded on 05 January 2004 and is an organization defending the rights of the child Defending the rights of migrants Since 2010, the Nada Network has been implementing programs UNHCR in the field of studying the children of migrants in Algiers

By carrying out procedures with the Ministry of National Education in order to obtain their registration decisions Public school institutions The results obtained have allowed the integration of 10 refugee children They are between 5 and 10 years of different nationalities Angolan, Ivorian, and Cameroon, at various levels of education, And in this context refugees also expand their integration into Algerian society. Nada Association organizes conferences and cultural and awareness days on the rights of the refugee child, as well as educational activities for refugee children.

III The situation of the refugees in Algeria:

In recent years, African migrants have spread everywhere in Algeria, and their stay has long since failed to cross into Europe, the paradise of their dreams. There is hardly any empty street in the public squares and on the street begging or selling simple goods on the street. Sometimes it is possible for many migrants to settle in Algeria to face difficult conditions that begin with their suffering from pursuing security and gendarmes as illegal refugees. Refugees from Niger, Mali, Nigeria and Cameroon travel long distances through the Sahara in difficult circumstances to seek refuge in Algeria or to cross into the European continent, the dream of the majority of them. And those refugees or displaced from the depth of security crises and wars and tribal fighting in their countries.¹⁸

The spread of informal camps for African migrants in the center and outskirts of Algerian cities is a cause of concern for the local population and the Algerian authorities, especially after recent events and confrontations with the local population in the cities of the capital and Basher and Tamanrasset due to the spread of diseases and trafficking in contraband. The attitude of Algerians and the government has changed from the indiscriminate presence of African migrants, prompting the authorities to take the decision to deport twenty thousand African migrants, the majority of them from Niger. However, African migrants are not responding to voluntary repatriation. Algeria has faced several criticisms from the international community and international organizations for the protection of refugees due to the repatriation of African refugees and returns them to their countries.

¹⁸ Former Algerian Interior Minister Dahou Ould Kablia, announced to Algerian radio in 2012. while referring Other statistics indicate that there are more than this number in 2014, where the number of refugees reached about 1,000 refugees, an increase of 80%, carrying African, Tunisian, Libyan and Syrian nationalities. Source: Khaled Friendly, a quarter of a million refugees in Algeria, Al-Shorouq newspaper, September 15, 2014.

Chapter Three: The presence of African Refugees in Algeria

Algeria has "abandoned some 13,000 migrants in the heart of the Sahara on the border with Niger in the past fourteen months without providing them with food and shelter",¹⁹ the Associated Press news agency reported²⁰. Since the beginning of 2018, Algeria has also deported many migrants from Niger to their country of origin on buses and trucks, using the agreement signed with Niamey in 2015, in the fight against illegal immigration. Algeria's mass expulsions have picked up since October 2017, as the European Union renewed pressure on North African countries to head off migrants going north to Europe via the Mediterranean Sea or the barrier fences with Spain. These migrants from across sub-Saharan Africa, Mali, the Gambia, Guinea, Ivory Coast, Niger and more are part of the mass migration toward Europe, some fleeing violence, others just hoping to make a living.

Algerian authorities refused to comment on the allegations raised by the AP. Algeria has denied criticism from the IOM and other organizations that it is committing human rights abuses by abandoning migrants in the desert, calling the allegations a malicious campaign intended to inflame neighboring countries.²¹ While UNHCR recognizes Algeria's sovereign right to adopt measures to address irregular migration, collective expulsions are prohibited under international law, as countries are required to examine each case of expulsion individually, the statement says. "We are calling on Algeria to establish; prior to deportation whether a person could be exposed to serious human rights violations. If such a risk exists, Algeria is precluded from forcibly removing the person concerned and is required to provide access to fair and efficient refugee determination procedures."²²

In this regard, the National Office of the Algerian League for the Defense of Human Rights considers that this report was not objectively and not innocent, and was based on inaccuracies that have nothing to do with the facts on the ground, as well as targeting Algeria through pressure and extortion for the sake of The establishment of its military base in Algeria

¹⁹ Lori Hinnant. walk or die: Algeria strands 13.000 migrants in the Sahara. June 25,2018. <https://apnews.com/9ca5592217aa4acd836b9ee091ebfc20>

²⁰ International news agency that provides reports through the World Wide Web, television, radio, and print publications. It founded in 1846 and is based out of New York. Businessdictionary. <http://www.businessdictionary.com/definition/The-Associated-Press-A-P.html>

²¹ Algeria's migration of African migrants between foreign criticisms and the justifications of the authorities. 26 Mai, 2018. <https://www.tsa-algerie.com/ar>

²² Camila Domonoske. June 25,2018 AP Report: Algeria Expelling Thousands of Migrants Into Sahara, With Deadly Effect <https://www.npr.org/2018/06/25/623172244/ap-report-algeria-expelling-thousands-of-migrants-into-sahara-with-deadly-effect>

and pressure on Algeria to conclude the agreement with the European Union on the illegal refugees that Algeria is committed to receive from the European Union, such as the agreement signed two years ago with Turkey. Accordingly, Mr. Houari Kadour, head of the National Office of the Algerian League for the Defense of Human Rights, stresses that this report is not based on accurate information, nor even on scientific criteria in its evaluation, since it is "the Associated Press of America" does not bother to undertake field research, and often only personal views, and was aware of the report association, which is the only one on the ground reality.²³

Racist practices against African refugees are one of the biggest problems they encounter in Algerian society because of their skin color. This is the main cause of their constant suffering from racist practices, harassment and ridicule of their color and their belonging by some people. In addition to the problem faced by African refugees is insecurity, where African refugees are often targeted by perpetrators of various crimes such as thefts, sexual assaults, trafficking in human organs and others because they are satisfied that there are no deterrent laws to protect refugees. And refugees often hesitate to go to the police stations to claim their rights if they are attacked, because they fear they will be deported, especially if they were staying in Algeria without official residence permits. As we have already noted, the existence of arbitrary laws hampers the ability of refugees in general to obtain work permits and exercise professions on Algerian territory. The situation is worse for African refugees, because their poor educational experience, due to the deteriorating situation in their country, their access to well-income jobs is very difficult, usually limited to service functions such as cleaning houses, construction and agriculture.

IV. The Challenges of African Refugees to earn a Living:

Today, the main activities in which the majority of these immigrants are concentrated are in the construction sector. , in most workshops, they work as builders and assistants. Most of them work in harsh conditions without any health or social coverage. It is not easy for these immigrants to get work. They move together or line up the main streets and offer their services to small or private contractors from homeowners, who go every morning to demand workers, in light of the reluctance of local youth in the city to work in the field of construction or agriculture. It is often agreed in a simple French language, sometimes with reference, and sometimes with simple words that immigrants keep to deal with the city's population. It

²³ Algeria denies charges of abandoning thousands of migrants in the Sahara.26 June.2018.<https://www.france24.com>

Chapter Three: The presence of African Refugees in Algeria

should be noted that many African migrants have demonstrated their competence in carrying out work, especially those requiring physical strength in accordance with the required discipline and time commitment, including compliance with instructions. The Algerian League for Human Rights expressed its deep concern at the circumstances in which illegal African migrants live in Algeria. In a press release highlighting the situation of illegal African migrants in Algeria, the Association explained that these migrants are exploited by employers and contractors and farmers and large agricultural projects, without respect for the requirements of the Labor Law, and without any social coverage, warning of the exploitation of these migrants to work in difficult conditions approaching slavery.

In addition, African families live on begging after they have run out of money and failed to find work to protect them from the open and hungry. Especially after learning some of the words begging in Arabic, such as, “Sadakafi sabilAllah”. Babies sit with their mothers littering the land in a deplorable state in sensitive locations from the big streets in different cities only to begging. Where there are many mafias in Algeria are exploiting the situation of African refugees and their need for money to raise the price of migration to Europe, attracting them into prostitution, begging and organ trafficking, and hard labor in Algerian homes.

V. Children African refugees and the right of Education:

Education is a fundamental right of every human being to ensure a decent life and dignity. In addition, this right provides refugees with a greater opportunity to integrate into the host society, enabling them to join the labor market in the host country in the future and enable them to participate effectively in economic life to become active members of society and not seen as an external burden. UNHCR also emphasizes the effective role of bringing refugee children into the educational institutions of the host country to returning to a sense of normalcy once again, after having experienced turmoil, insecurity and stability, the children will regain their normal lives like all other children. where Children are a large number of African refugees and migrants who have come to Algeria from Mali, Niger, Chad, Burkina Faso, Benin, and even Cameroon and Guinea, which according to unofficial statistics are between 30,000 and 100,000 African refugees. Because of, the wars that ravage the Sahel region and also because of famine and poverty, they fled from their countries, infiltrating across the vast Algerian border, marching in difficult desert ways, risking their lives on a strenuous journey from the south to the north in search of security, money and stability.

Although the Algerian Constitution states in Article 53 that "the right to education is free and guaranteed in accordance with the conditions established by law,"²⁴ African refugees have not been able to attend Algerian schools unlike other refugees, such as Palestinians and Syrians who enter educational institutions with ease. The educational institutions in Algeria face some difficulties in trying to integrate refugees, such as the lack of data on enrollment and integration rates, and the enrollment of students in classes according to their age without regard to their academic level or the delay they may have suffered due to war and crises, lack of funding, The lack of experience of teachers in dealing with these children, and the difficulty of teaching Arabic language, which is taught curricula using them, because of the lack of proficiency of African refugees to the Arabic language.

VI. The position of the Algerians on the presence of African refugees in Algeria territory:

The issue of Africans in Algeria has become a matter of public opinion in which the elites and citizens disagreed. The position of the Algerian authority remained ambiguous. There is still considerable disagreement among Algerian society about how to deal with African migrants Where Attitudes of the Algerian are divided between rejecting their presence and welcome and sympathetic to their situation.

African refugees in Algeria are suffering as they are subjected to racist rhetoric and humiliating behavior against them, living in tragic conditions. This wave has been exacerbated by the emergence of explicit calls on social networking sites demanding that the authorities "expel the refugees" on the grounds that they constitute a "threat to public peace" and "a threat to public health."The campaign began after news and stories, mostly false, about African refugees "stealing, raping and assaulting drivers on the roads." In this regard, the story of a girl claiming to have been subjected to mass rape of African refugees after her abduction from the university has spread. Although this incident was not confirmed by the official authorities, it was spread like wildfire on communication sites and led to the emergence of a very anti-African speech.The media and newspapers helped spread this campaign, posting some news. The presence of African refugees in Algeria is not innocent, as it falls within the framework of a colonial plan that aims, by 2030, to flood Algeria with 6 million African refugees and to settle them for the creation of African-Algerian ethnic minorities.

²⁴ Algeria's Constitution of 1989, Reinstated in 1996, with Amendments through 2016. (reinst. 1996, rev. 2016)

Chapter Three: The presence of African Refugees in Algeria

In the face of this continuing reality, official authorities have moved to stop incitement. Where "the security services began investigations to expose the promoters of racist speech against Africans in contact sites in order to bring them to justice and punish them as provided by the Algerian Penal. Also, Interior Minister Nouredine Badawi was forced to intervene, insisting that African refugees are welcome in Algeria, and the interests of the state will provide a special card to persons who qualify as refugees. To operate them legally in accordance with the needs of the market in various sectors, in parallel with continue to deport migrants who do not qualify as refugees.

Apart from the denials and denunciations, there are other cases of citizens who have shown great sympathy towards their African brethren, who sometimes give them food, clothing and shelter, especially when it comes to families and children. Some young people have taken initiatives to help these African refugees by promoting them through social networks in different parts of the country. Near TiziOuzou, the population is mobilizing to hand over clothes to a group of Nigerian immigrants. In Oran, a number of medical and pharmacy students set up a group to support immigrants through special classes, for example. The singer and musician Al-Ahrani, Sadiq Bozino, also wrote an anti-racism song entitled "Give me your hand" and organized a big feast for Ramadan in 2017 with young Algerians, foreign students and African immigrants. Many Algerians also opposed campaigns launched last year by hundreds of activists in social networking sites to deport Africans to their countries as a "security threat." Some organizations also called for the need to protect these refugees and find radical solutions for African migrants stranded in most cities, through their integration into the Algerian economy, especially as many young Algerians refuse to work as hard as construction.²⁵

Apart from the politics, borders and deportations of African refugees from Algeria to their countries of origin, several young people from the town of TiziOuzou, east of the Algerian capital, launched a charity initiative called the Refugee School, which is dedicated to providing lessons for uneducated African refugees children those from Mali and Niger who were driven by the circumstances of their countries to flee with their families from the inferno of violence and poverty. The "refugee school" initiative, according to the young people called by this name, aims to "take these innocent children out of the streets and immunize them with education and push them to dream." It is an individual initiative and is not sponsored by any official body and is interested in educating these children who are victims of wars and armed conflicts in their countries. Younis Ali Sulaiman, Habib Jafar and Nasim Balour were

²⁵ Personnel translation from "Refugee school" Algeria youth help migrants and fight stereotypes. 18 Mai, 2016 <https://observers.france24.com/ar/20160518->

launched through social networking sites, especially Face book and Twitter, to attract dozens of students interested in the initiative.

VII.The position of the international community on the crisis of African refugees:

With increasing crises in the world in general, and in the Arab region, and Africa in particular, Due to, the intervention of major powers and wars, especially France and America. The economic, political and moral rupture of the values prevailing in the Arab and African region, through military, economic and diplomatic pressure, has led to the spread of the massive movements of displacement that the world has not seen since the Second World War. Today's refugees are mostly victims of internal conflict. Human rights abuses, poverty and social inequities, political and economic restructuring, population pressures and environmental degradation are often mutually reinforcing factors leading to political tension and conflict. In the post-cold war era, group identity along ethnic, religious or communal lines has become more clearly than in the past the rallying point pitching one community against the other. And violence seems to become an end in itself, as it profits warlords and their factions.

Both States and UNHCR have a part to play in protecting refugees. For States, refugee Protection is both an individual and a collective responsibility. UNHCR's Executive Committee has stressed that respect for human rights and humanitarian principles are a responsibility for all members of the international community. International cooperation is particularly important when countries, especially developing countries, are called upon to host large numbers of refugees for long periods of time, without necessarily having sufficient resources. Mass influxes and protracted refugee situations place a tremendous strain on host countries. Other countries can make an important contribution by providing financial and technical assistance, and by participating in refugee resettlement programmes.

Conclusion:

Algeria is experiencing the influx of tens of thousands of African migrants, an estimated 25,000 African migrants and more than 50 African nationalities, which continue to grow because of the armed conflict in northern Mali and the security concerns of armed groups in the Sahel. The factors that have led to the influx of many African refugees into the southern sector of Algeria, so that Algerian society finds itself confronted with new challenges posed by geographical, political and security factors, while refugees face great difficulties in Algerian society, especially in the absence of adequate shelter, Employment and education for children and lack of health services.

The increasing influx of illegal immigrants in recent years in Algeria's southern Border States such as Tamanrasset, Ouargla, Adrar, Ghardaïa and Illizi has led to a debate among politicians, academics and media about how to deal with the phenomenon. The presence of African refugees in Algeria is one of the most important issues that have burdened the Algerian state. And make it flounder between its commitment to the international treaties and the bitter reality imposed by the presence of African refugees. This did not affect Algeria alone, but also African refugees. And it led to Loss of their rights, and the deterioration of their living conditions.

General conclusion

This study attempted to address the phenomenon of asylum in the world and the, international regional and local laws, which has been concerned with refugees since the First World War to this day. The theories presented in this regard show the great failure of the international community in protecting this fragile group of people, and its inability to contain this phenomenon despite all the efforts made by the UNHCR. Perhaps the most striking example of this is the steady rise in the number of refugees around the world, especially the African refugees.

According to international reports, the African continent is the first source of refugees in the world. Because of, the suffering of the majority of the countries of this continent As a result of economic decline, insecurity and environmental degradation, and the failure of African Governments to address this phenomenon. And foreign intervention in the affairs of this continent, which created a lot of disturbances and conflicts in most African countries, as is the case in Mali, which suffers from the French intervention.

The problem dealt with by this study is the presence of African refugees in Algeria and the monitoring of their living conditions. This study also shows the negligence exercised by the Algerian state against African refugees on its territory. Because of, lack of laws that protect their rights and ensure them good living conditions. In addition, to the racism practiced by Algerians people against these refugees. As well as, the rejection of their presence of that refugee by the Algerians, that increased their suffering inside the Algerians society.

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