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**Explaining Change in Established Migration
Systems: The Movement of Algerians to France and
the UK**

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Abstract

The geography of migration to Europe has changed considerably over the last decade. The Algerian migration system offers an example of the diversification that has also occurred for other migrant groups. Until recently Algerian emigration followed very firmly established patterns directed almost exclusively to France. Algerians now travel to a wide range of destinations. This paper explores the reasons for this diversification by considering the movement of Algerians to the UK and France. The most important reasons for the changes in emigration from Algeria can be found in Algeria itself where the prolonged conflict and its social and economic effects have considerably altered the context of emigration, affecting the profile of emigrants and their reasons for leaving. The changing situation in France has also contributed to these developments. France has always been the most natural destination for Algerians but since the beginning of the conflict migration to France has become much more difficult for Algerians. The changing profile of Algerian emigrants also means that they have less in common with the large settled Algerian community in France than was previously the case. The movement to Britain has arisen partly due to changes in Algeria and progressive exclusion from France but also for other reasons particular to Britain. This research found no support for the commonly held beliefs that Britain is attractive due to a favourable asylum system, the existence of settled communities or to particular political interest groups. Rather, Algerians come to the UK since it has few connections with Algeria at a governmental level and they perceive it to be more tolerant towards Algerian nationals. On a theoretical level this suggests that in certain circumstances social networks do not play as dominant a role as is sometimes thought in directing migration. These findings also have significant implications for attempts to harmonise policy at a European level. They suggest that the movement of asylum seekers from one European state to another is largely unrelated to differences in asylum systems.

1. Introduction

During the 1950s and 1960s large scale migration to Europe arose from historical, cultural or linguistic ties which had their roots in the colonial period. The resulting migration patterns have altered societies of Western Europe such that most countries now have significant ethnic minorities originating from their major areas of colonial influence. From the mid to late 1980s migration patterns to Europe have begun to diversify significantly. Migrants began to travel to and settle in countries with very little previous settlement and no historical, cultural or economic links. For example, Sri Lankans now travel to Switzerland (McDowell 1996), Colombians to Sweden (UNHCR 2002), Iranians to the Netherlands (Koser 1997), Angolans to Belgium and Ivorians to the UK (UNHCR 2002) in more significant numbers than ever before. These new communities are still small compared to communities of their co-nationals elsewhere in Europe but they are beginning to have an impact on the social and cultural landscape, at least at a local level. The thesis on which this paper is based sets out to explain this new geography of migration to Europe using the recent migration of Algerians to the UK as an example (Collyer 2002). This paper summarises the main findings of the thesis.

Many of these new national communities in Europe have grown up through refugee migration. The first priority for refugees is obviously to escape the situation of risk or persecution in which they find themselves. It may be that the location of these new communities can be explained by the practicalities of seeking protection, such as direct flights (Bocker and Havinga 1998a, 1998b), but there may also be some further element of choice involved. There is some controversy over the degree to which refugees exercise choice in selecting a destination beyond the imperative of effective protection (Richmond 1988; Black 1992, 1994; RGS 1993; Koser 1997a). Many European governments view the expression of a preference of asylum country as evidence of an unfounded asylum claim, as enshrined in the Dublin

Convention and its replacement (Vested Hansen 1999). In academic work refugee migration has traditionally been seen as distinct from all other migration; it is 'forced' in contrast to the 'voluntary' migration of groups such as labour migrants (Kunz 1981). More recently this dichotomy has been challenged in work on migration; some refugees clearly have no choice but neither do many labour migrants (Richmond 1988, 1994). Other refugees, with equally valid asylum claims, have the resources and the time to plan their departure much more carefully. As refugee support groups repeat incessantly, asylum claims should be judged on their substantive elements, not on whether the applicant is fortunate enough to have exercised a choice of destination (Refugee Council 2002; ECRE 2002). Refugees can and do exercise a choice in deciding where to claim asylum (Barsky 1995; Zavodny 1999). The fact that many Algerians have clearly done so in no way diminishes their claim for asylum.

The work presented here is based on fieldwork in 2000 and 2001, during which I conducted more than 100 in-depth interviews¹. These were mostly carried out during extended stays in London and Marseilles which also involved periods of participant observation in various Algerian protest movements. I also conducted interviews on shorter visits to Paris, Brussels, Sangatte and three detention centres in the UK. This paper summarises the results of this research. The first three sections outline the background to the conflict in Algeria, current patterns of Algerian migration and the situation in France. The following two sections turn to the UK, examining differences between the Algerian community in France and the UK and investigating why Algerians do and do not come to the UK. Finally, the conclusion examines the implications of this research for migration policy and theory.

¹ 62 of these interviews were carried out with recent Algerian migrants. These were mostly multiple interviews of several hours each. The rest were with key informants; Refugee advice workers, NGO workers, lawyers, members of pressure groups, local and national government officials, European Commission officials and prominent members of the Algerian community in London, Paris and Marseilles.

2. The Background to Current Algerian Emigration

Until very recently the history of Algerian emigration was the history of Algerian migration to France. In 1990 the Algerian community in France was estimated at more than one million people (Khandriche et al 1999). This represents 97 percent of all Algerians living outside of Algeria (OECD 1992 quoted in Fassmann and Munz 1994). From 1990 onwards migration began to diversify as a result of the current conflict. Significant migration from Algeria to France began shortly before the First World War (Hifi 1985). Initially this migration was circular and the huge majority of emigrants returned to Algeria after a few years away (Gillette and Sayad 1984). In 1946 Algerians were allowed to circulate freely between Algeria and France (Stora 1992). Free circulation lasted until 1968, six years after Algerian independence. In the early 1950s and 1960s Algerian emigration began to grow rapidly. This growth was caused partly by the upheaval caused by the 1954-62 war with France but also by the tremendous demand for workers in the rapidly expanding French economy (Talha 1983; Sayad et al. 1991; Samers 1997). Emigrants tended to remain in France for longer and longer periods of time (Sayad 1977). France stopped all labour emigration in 1974, about the same time labour migration ended across Europe.

Algerian emigration continued after 1974, but it began to change. Labour migration had been almost exclusively male. During the 1970s women came to join their husbands through family reunion migration, signifying the increasing permanence of a migration that was initially thought of as temporary, by both the French and the Algerians involved. Between 1972 and 1982 the proportion of women grew from under 10 to more than 30 percent of the total Algerian community in France (Khader 1993). After 1974 Algerians could still visit France for short periods of time with relatively few restrictions, but they could not stay longer than the period allowed by their tourist visas, currently between one and three months. After labour migration ended the only significant ways for Algerians to

remain in France legally for a longer period were family reunion migration, student migration and seeking asylum. At this time it was relatively easy to remain without documents in France but the Algerian economy was booming and there was less economic incentive to leave the country than during the previous decade (Stora 1992). Following the introduction of visa restrictions by France in 1986, it became much more difficult for Algerians to reach France without prior authorisation.

In the late 1980s the crisis in the Algerian economy became increasingly obvious. Major riots in 1988 in Algiers provoked a re-examination of the one party system that had ruled Algeria since independence. The first free elections in Algeria, the local elections of June 1990, were won comfortably by the *Front Islamique du Salut* (Islamic Salvation Front: FIS), a newly created Islamic party (Willis 1996). The second round of general elections in January 1992 was cancelled by the army when it became clear that the FIS would also win them by a very large margin. Activists in the Islamist movement were arrested and imprisoned or fled the country (Leveau 1992; RSF 1994). A range of armed groups also formed and began to wage a guerrilla war against the army and, as time went on, the civilian population (Martinez 1998; Stora 2001). During the decade that the conflict has lasted more than 100,000 people have been killed and both sides have been condemned by international institutions and NGOs for atrocities committed during the fighting (eg. US Department of State 2001; Amnesty International 2002). Ten years later it seems that with the help of massive financial and military assistance the Algerian regime has withstood the challenge posed by the Islamist movement. Fighting continues and the situation remains extremely serious but it is now very difficult to envisage the overthrow of the current government and the economy appears strong and stable. Unfortunately very few of these benefits have reached the Algerian people (Joffe 2002). The relationship between the regime and the mass of increasingly poor and desperate citizens does not appear to have changed significantly since the

situation which provoked the riots of 1988 (Roberts 2003). Even though the violence has eased considerably the ensuing economic crisis and endemic official corruption have ensured that demand for emigration has continued largely unabated.

3. Patterns of Current Algerian Emigration

There can be no doubt that the main impetus for Algerian migration over the past decade has been the current conflict and its aftermath. Although emigration from Algeria has continued relatively uninterrupted for over a century the social

role of emigration and emigrants has continually developed (Sayad 1977). Current emigration differs from previous patterns in three significant ways; the predominance of asylum, the diversity of destinations and the profile of emigrants. Figure 1 shows the tremendous rise in Algerian asylum seekers in Europe from 1992 onwards, when the severity of the crisis became apparent. Further fluctuations in numbers of asylum seekers can also be attributed to events in Algeria. Over this period more Algerians requested asylum in Europe than received any other residential status. In contrast to previous labour migration, over the past decade, Algerian emigration has become predominantly an emigration of asylum.

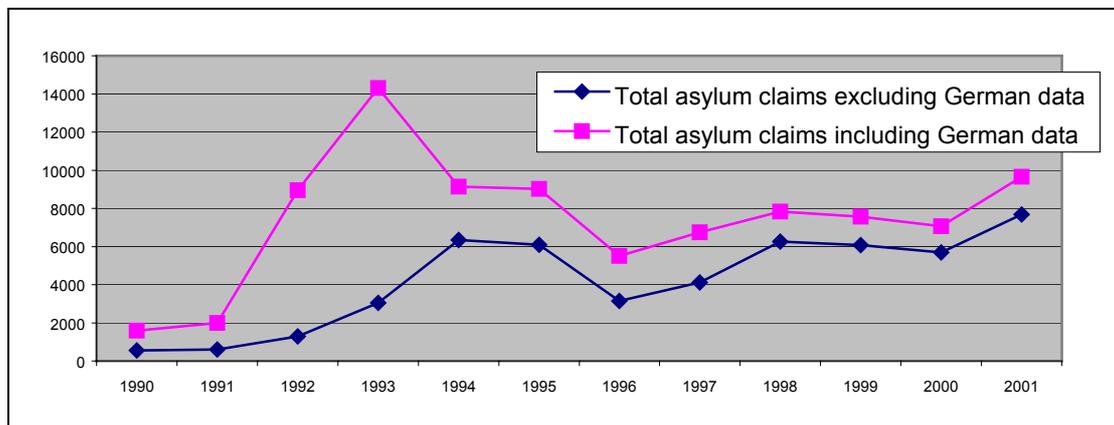


Figure 1: *Total asylum claims made by Algerians in Europe 1990 - 2001*
Source UNHCR (2002)

The increasing diversity of destinations was highlighted in the introduction and is a factor common to other migration to Europe. Previous emigrants from Algeria travelled almost exclusively to France and France undoubtedly remains the destination of choice for most Algerians. Most Algerians come to France with a short-term tourist visa². There is not sufficient data available to allow a comparison between France and other European countries as a destination for all Algerian emigration but comparable data exists on asylum requests. This emigration is far more diverse than previous labour

emigration, which focused almost exclusively on France (Figure 2).

² In the early 1990s approximately 100,000 tourist visas were issued a year (Assemblée Nationale 1996) compared to 10,000 residency visas (SOPEMI 1999).

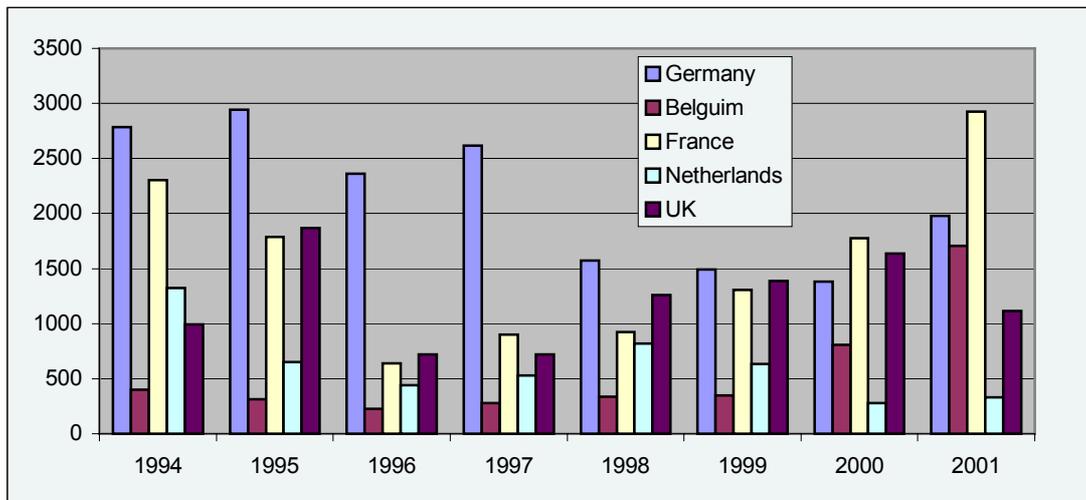


Figure 2: *Asylum requests registered by Algerians in the five European countries to have received most requests 1994 – 2001 (source UNHCR 2002)*

Although a comparable number of Algerians have requested asylum in Britain as in France over the past eight years the majority of Algerians I interviewed in Britain had come through France. Of the thirty people I spoke to in Britain, only four had come directly from Algeria, 24 had come from France and two had come from the Netherlands (Fig. 3). However, only a minority of these people left Algeria with the specific intention of reaching Britain (seven out of 30). Britain did not represent the powerful international attraction for these people that is sometimes claimed. Rather, they came to Britain almost by default, once possibilities for protection and livelihood elsewhere in Europe had evaporated. Figure 3 shows that some of these individuals travelled quite extensively around Europe before coming to Britain. Those people who travelled through France, Italy and Spain stopped for periods of time varying from a few months to two years before moving on.

It is perhaps not surprising that many Algerians visited other countries first, since they all reported that entering Britain was

far harder than entering any other country. The UK border is one of the external borders of the EU, so it is to be expected that it is more difficult to cross than the internal borders of the Schengen zone. It is more surprising that all Algerians in Britain, even those who had obtained visas, claimed that barriers to entry were more stringent at borders to Britain than at the *external* borders of the Schengen zone. Of the thirty people interviewed in Britain only two had been able to obtain visas, a further two did not need visas but the remaining 26 entered the country illegally. All 26 eventually claimed asylum, though some did so immediately on arrival and others did not claim until they were arrested for illegal residence. In one case, this was more than two years later. Two of the Algerians I spoke to in France had actually attempted to get to Britain, but had given up, as it proved too difficult. Again, this challenges the claim that British immigration is a 'soft touch' and suggests that it was certainly not ease of entry that attracted these Algerians to Britain.

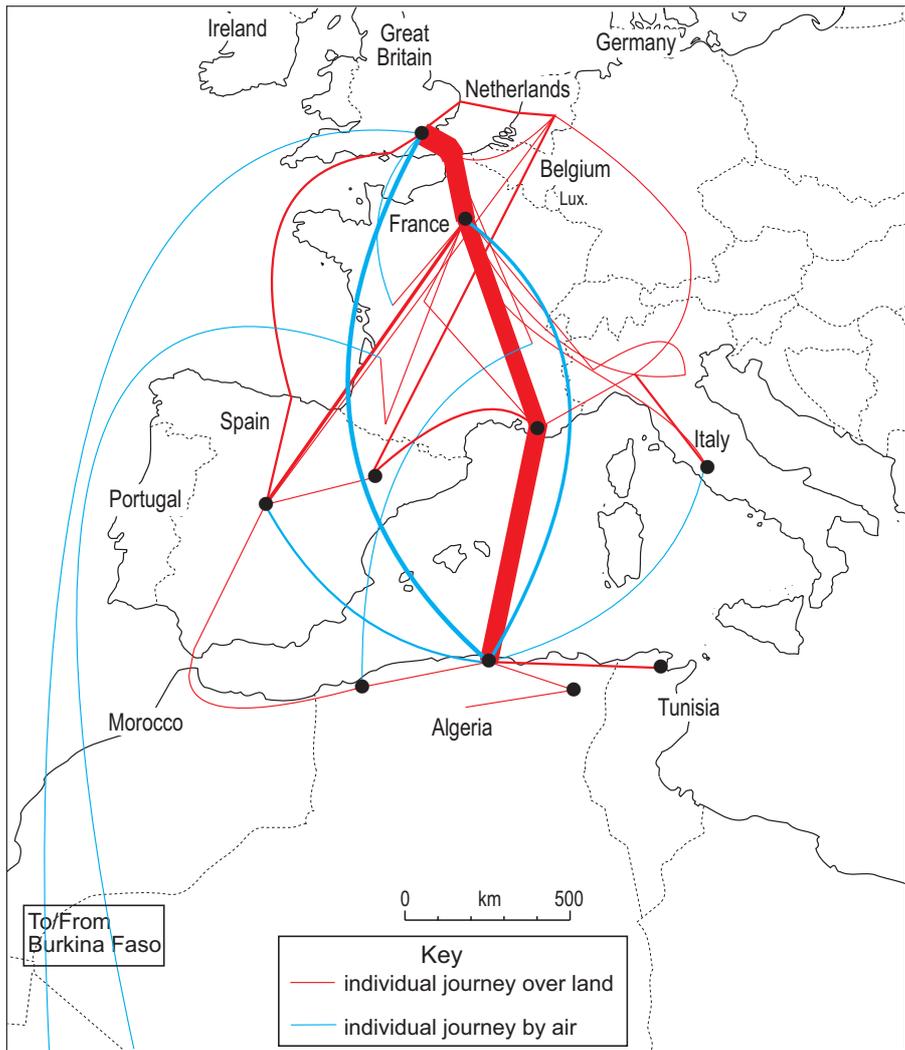


Figure 3: *Migration routes of Algerians interviewed in Britain*

Current Algerian emigration not only differs from previous patterns in the diversity of destinations, but also in the profile of current migrants. Indeed, the new type of migrant is one explanation for the diversification of destinations. Algerians initially emigrated for the purposes of finding work. Some emigration was of course for university education or research, but in the main, emigrants before 1974 were unemployed and working class. Subsequent family emigration was very similar. From the late 1980s onwards emigrants were more likely to be highly qualified, often university educated, multi-lingual and employed. These people had both the motivation and the means to leave. The motivation came from their political position amongst either the Islamist leaders or those who criticised them. Even in this relatively short time period the profile of emigrants varied considerably. When the elections were

cancelled in 1992 the first group of people to leave were Islamist leaders, frequently well educated technocrats. In 1993, as terrorism began to take root secular left wing intellectuals were the first victims and many were forced to leave by direct terrorist threats or attacks. As terrorist attacks spread, deserters from the army or the gendarmerie and inhabitants of more rural areas also fled.

As well as having the motivation to leave, well qualified, wealthier individuals were also amongst the few who had the means to leave. The possibility of travelling to France was restricted dramatically between 1988, when over 500,000 short term visas were issued to Algerians, and 1995, when an estimated 40,000 visas were issued. Even 40,000 is far more than issued by any other country but these visas went most frequently to those with existing contacts to France. Algerian

intellectuals had often studied abroad for some period of time and many therefore had a network of foreign based friends or colleagues, often in France. The solidarity expressed through these networks also favoured the better educated, at least initially, by providing the support they needed to receive a visa and settle once they had arrived. The restrictions on the number of visas issued by France led to a rise in the demand for forged or fraudulent visas. These were often expensive; I was quoted figures of between US\$350 and US\$900 for a French visa, at a time when the average annual salary had fallen to US\$1,600 (US Department of State 2001). For those unable to obtain a visa legitimately, the cost of a forged visa alone would have been beyond the means of even the averagely wealthy, let alone the poor and unemployed.

The difference in the profile of new and previous emigrants is important since previous emigrants now form the settled Algerian community in France. Many new migrants I interviewed had closer contacts with French society than with the established Algerian community in France. In part this is due to the lack of resources of the Algerian community who are over represented in the poorest sector of French society. It was most common for new migrants to be assisted by migrants who had arrived a short period of time before them. Many recently arrived Algerians reported a feeling of hostility from the settled Algerian community in France due, partly, to the very different social positions they occupied in Algerian society. This suggests that the large established Algerian community in France was not necessarily an attraction for new migrants since they tended not to have much contact with them anyway.

4. The Situation in France

If the Algerian community in France does not represent as much of an attraction for new migrants as might be expected there are certainly many other advantages to France as a refuge for Algerians. Although many Algerians now go elsewhere, France remains the overwhelming destination for

Algerian emigrants. The French government has made every effort to reduce Algerian immigration, through targeted restrictions in immigration and asylum policy. This was mainly caused by the fear of the consequences of the Algerian conflict spilling over into the Algerian community in France. This fear has not been realised; there have been very few incidents linked to the Algerian conflict in France and they occurred mostly in 1994 and 1995 (Stora 2001). However these restrictions have had severe consequences for Algerian emigrants as the possibility of refuge in the most natural destination for them has been dramatically reduced. This is reflected in the surprisingly small number of Algerians who have emigrated during the conflict.

Since 1992 approximately 50,000 Algerians have left the country to seek asylum (US Committee for Refugees 2001). Total emigration has undoubtedly been significantly higher since many people have been able to obtain other forms of residency and undocumented migration has also played a role. However, even allowing for that, the number of people to have left Algeria is far smaller than, for example, the half million or more who left Bosnia during the contemporary crisis there. Special provisions introduced in Germany, the most obvious destination for Bosnians due to its historical ties and geographical proximity, facilitated Bosnian emigration (July 2002). This was not the case for Algerians. Although the French government introduced comparatively generous exceptions to stringent immigration and asylum legislation for Bosnians, Kurds and Kosovans in the 1990s there was no such relaxing of the rules for Algerians. In fact for most of the last decade Algerians have been at a disadvantage compared to other national groups.

Algerians migrating to France have been faced with barriers in both asylum and immigration law. Recognition rates for Algerian asylum seekers in France, at between one and four percent, depending on the year, are considerably lower than the average for all nationalities. Algerians fearing persecution by Islamist groups are

frequently not granted refugee status as, until very recently, the French body responsible for determining asylum claims, OFPRA, has not recognised non-state agents of persecution. Those Algerians who *are* fleeing state persecution are generally members of Islamic political parties or armed groups and they are not recognised either. This is a somewhat simplified characterisation of the French asylum system but it offers a partial explanation for the low recognition rate for Algerian asylum seekers. An informal status of temporary protection was introduced in 1994 specifically for Algerians. This was officially implemented in new legislation in 1998 (the *loi Chevènement*) as territorial asylum, which is open to all nationalities. Territorial asylum is similar to Exceptional Leave to Remain (ELR) in Britain, but has an applications procedure entirely separate from asylum under the Geneva Convention. Applicants have no right to state support, or work, during the application procedure, which may be longer than a year in some areas. More than 90 per cent of applicants are Algerian and their chance of success is no greater than for convention asylum. Statistics are not public but only a few hundred people are thought to have benefited from territorial asylum since 1998 (Delouvin 2000).

Algerians also face significant barriers in French immigration legislation. They have always had a special status with respect to French immigration since they are not considered under general immigration law but in the series of separately negotiated 'Franco-Algerian agreements'. The first agreement in 1968 gave Algerians considerable advantages compared to all other nationalities. Through successive modifications these advantages have been gradually eroded. The 1994 agreement actually put Algerians at a considerable disadvantage in a number of situations, for example an Algerian who arrived on a short term visa and then married a French citizen or permanent resident was obliged to return to Algeria to request a different visa before they were considered to be legally resident in France. This was only the case for Algerians. In 2001 this was renegotiated again to establish greater

equality but this was only ratified in December 2002. This means that, from 1994 to 2002 Algerians faced greater barriers to immigration than other nationalities. Combined with the difficulties they face in claiming asylum in France, this represents a nationality-specific immigration barrier.

The French government has also clamped down on activities of Algerian Islamist groups in France, again in an effort to avoid the Algerian conflict spreading. Soon after the beginning of the conflict, all activity by FIS representatives was banned in France. A number of key figures in this movement were expelled to Burkina Faso in 1994 and one eventually claimed asylum in London in 1995. Others have been granted asylum in Germany or Belgium, but it is extremely rare for members or supporters of the FIS to have been granted asylum in France. There has been some controversy among refugee support groups in France as to whether assistance should be offered to Islamists. Groups such as the *Comite Internationale du Soutien des Intellectuels Algériens* (International Committee of Support for Algerian Intellectuals: CISIA) have been criticised for their decision to refuse assistance to Islamists, but also criticised for refusing to denounce Islamist activities (Skandrani 1995; Delafin 1995). The UNHCR has stipulated that an individual's suitability for asylum should relate to activities they have taken part in or supported, not their political affiliation.³ For example, individuals who have taken part in terrorist acts are excluded from the possibility of receiving asylum, but the UNHCR has stated that members of the FIS should normally be considered (UNHCR 1995, 1997).

Despite the strictly enforced barriers to entry to France and the specific attempts by the French government to exclude one side of the conflict entirely, Algerians

³ Article 1F of the 1951 Convention provides details of activities which exclude an individual from consideration for refugee status. Article 32(2) details the circumstances by which someone who has already been granted refugee status may be expelled. Both of these articles emphasise the serious nature of the activities.

continue to come to France in larger numbers than anywhere else. Algeria is much closer to France than any other European country, in terms of geography, language and history. In terms of education and culture France is still, without doubt, the most influential country in Algeria. French media is widely available, such that TF1, the main French TV channel is the most watched station in Algeria⁴. It is also easier for Algerians to maintain contact with Algeria from France than from anywhere else. France therefore attracts those Algerians who are particularly keen to stay in contact and hope to return.

France has also seen a flourishing Algerian-focused civil society. More than 100 organisations have been set up in France in direct response to the crisis in Algeria (Lloyd 1999a; Cuenat 1999) whereas Britain has only four comparable associations. Algerian groups in France vary from small-scale solidarity organisations often working in partnership with an individual region or even village in Algeria to national political democratic movements who openly criticise the Algerian government (Blumental 1999). All political currents except Islamism are represented. French political debates have a direct impact in Algeria and because of the shared media, France is arguably the most effective place to lobby the Algerian government. Given these attractions it may be expected that the only people who would seek refuge in Britain are those who were unable to reach France, either due to the barriers to entry, or to their political activities. However, the previous section noted that Algerians in Britain have generally come through France (Figure 2), suggesting that barriers to entry to France are not a significant factor. The following section provides further evidence that supports this observation.

4. Differences in the profile of Algerian refugees in France and the UK

⁴ This information comes from a personal communication with the former director of Algeria's radio network.

In addition to differences between recently arrived and well established Algerian migrants in France, this research found differences in the profile of recent Algerian migrants who had come to France and to the UK. Two notable differences concern family status and political activity. First, all available information suggests that single men are hugely over represented amongst recent Algerian arrivals in the UK⁵. Family groups with children are not uncommon but much more rare among this group in Britain than in France. Most striking is the virtual absence of single women who have no relationship to a family that is also present in Britain. For example, no lawyer I spoke to in London reported ever having represented an Algerian woman as the main applicant in an asylum claim. Refugee support services in London also reported a presence of unmarried Algerian women among all Algerians in their user groups of between none and four per cent⁶.

One of the main reasons for this appears to be the extreme difficulty of legal entry into Britain, as compared to France. The high level of undocumented entry by Algerians has already been mentioned. This in itself has tended to favour young, single men. The presence of children is an obvious barrier to undocumented migration and unsurprisingly all the Algerian families I spoke to in Britain had entered the country legally, often after the father had received secure status. Families are more likely to have sought refuge in France, due to the comparative ease of

⁵ No statistics or information are published on this question but all the information I was able to gather from lawyers representing Algerian asylum seekers in the UK and support services for refugees suggests that this is the case.

⁶ The Algerian Refugee Council reported never having advised a single Algerian woman in the five years of its existence. The World University Service reported that only 10 out of 245 Algerians in contact with the Service over a five year period were single women. A mental health project for refugees in Waltham Forest had also never advised a single Algerian woman, although Algerians were its largest user group. This impression was also confirmed by key figures in the Algerian community.

documented entry for Algerians. Undocumented migration poses fewer barriers to single women, though given the cultural constraints on the migration of single women, it remains more difficult for them than for men. However, although there is some evidence that undocumented migration by single women is increasing across the Mediterranean (Khachani 2000) this does not seem to be occurring across the channel.

The second significant difference between recently arrived Algerians in France and the UK concerns their involvement in Algerian politics. Despite significant political activity of some migrants who arrived in the first half of the 1990s overall the level of political involvement is actually considerably lower than in France. This is perhaps surprising since the UK has come under considerable international pressure to restrict activities of Algerian emigrants⁷. Commentators in France and Algeria are typically in no doubt that those Algerians who come to Britain are involved to some degree in Islamist politics. Reports on Algerian television have gone as far as accusing any Algerian claiming asylum in Britain of belonging to a terrorist group. A number of Algerians I spoke to in London reported that they had not told their families in Algeria that they had claimed asylum in Britain because of their concerns about what their families would then think.

A number of important figures in the FIS have been granted asylum in Britain, in some cases having already been expelled from France, as was the case for the two people I was able to interview. The FIS is legal in Britain and these people have been able to carry out their political activities with no reported interference from the British government. They reported that role has been to coordinate with international Arabic media in Britain and that they have played no part in organising the emigrant community or in lobbying British institutions. More extreme Algerian organisations also have a presence in Britain. Though this is frequently exaggerated, at least one member of the GIA has sought refuge

⁷ For instance the French Minister of the Interior, Charles Pasqua, quoted in *Le Monde* (4.8.94)

here⁸. His asylum claim was rejected and it is now an offence in Britain to belong to the GIA⁹. The more active individuals arrived in Britain in the early to mid 1990s when migration to Britain was extremely uncommon for Algerians. Apart from the members of the FIS, whom I sought out specifically, all Algerians I spoke to were extremely disillusioned with both sides of the conflict. Many Algerians in Britain wished to forget Algeria entirely and said they certainly had no interest in organising to influence the situation there. This is obviously difficult to establish with certainty but everyone else I spoke to in the UK suggested that this was an accurate picture. Unfortunately Algerian asylum seekers in Britain are still affected by the image encouraged by Algerian government sources that they are involved with or sympathetic to terrorism (Benyamina 1988). This situation contrasts sharply with France where a range of groups has mobilised to influence the Algerian government.

5. Why are Algerians coming to the UK?

There are a number of myths about why asylum seekers are attracted to Britain. Perhaps the most common of these myths argues that Britain has a more generous asylum policy than its European neighbours and this explains the attraction. This certainly does not apply to Algerians and probably not to any other nationality either. A further reason that is frequently advanced to explain the attraction of Britain is the presence of established communities from a number of countries. This may be the case for other nationalities but, as was made clear in the introduction, one of the most interesting things about the movement of Algerians to Britain is that it cannot be explained in this way. This section will present the case against both of these explanations and then turn to other reasons that provide more plausible accounts of the movement of Algerians to Britain.

⁸ This reached the House of Lords in 1996 as a test case of the exclusion clause 1F of the Geneva Convention (case of T[1996] 2 All ER 865, [1996] 2 WLR 766)

⁹ Since the Terrorism Act 2000

Algerians are not attracted to the UK by their positive impressions of UK asylum policy. The most powerful argument for this is the low level of information among Algerians, in both Britain and France, about British asylum policy. Since people know so little about it, it cannot be a significant attraction for them. No Algerian I interviewed was able to answer questions on fundamental aspects of asylum policy in Britain and France, such as the difference in the provision of welfare benefits or the comparative recognition rates for Algerian asylum seekers. This is hardly surprising given the difficulty of obtaining this type of comparative information, even for those working in the field. Information supplied by interviewees was inaccurate but there was certainly no pattern of systematic exaggeration of the benefits of the British system, which may have explained an attraction. Two Algerians interviewed in Britain even stated that in their view the provision of welfare benefits in France was more generous, but they had decided to come to Britain anyway¹⁰.

The second argument for the lack of importance of asylum policy as an attraction can be found in data from asylum claims in Britain and France. Although in some years Algerians clearly stood a better chance of obtaining asylum in Britain than in France this had no obvious effect on the movement of asylum seekers to Britain. A comparison of recognition rates for Algerians in France and Britain (Figures 4 and 5) shows that until 1998 Algerians had a very similar chance of being granted asylum in both countries. In 1999 the difference was very dramatic indeed, with over 70 per cent of Algerians in Britain granted asylum, compared to only four per cent in France.

¹⁰ The comparative situation in the two countries changes regularly. At the time of writing (March 2003) France is actually the more generous provider of benefits to those who claim asylum under the Geneva Convention. This may change once the trial of the UK government's decision to withdraw all benefits for in country applicants is resolved. However France provides no benefits for those who apply for the secondary protection measure of territorial asylum, which includes a majority of Algerian applicants, so on this level is considerably less generous. All this though is irrelevant since no one had access to this type of information anyway.

If Algerians were coming to Britain as a result of generous recognition rates asylum applications would have been expected to rise considerably in 2000. Figure 6 shows that this was not the case and applications from Algerians in Britain actually fell below applications in France for the first time in several years and then fell further in 2001. The conclusion from both these points must be that the mechanics of the asylum system are simply not attractions for asylum seekers.

The recent migration of asylum seekers to Britain is often explained through their desire to live with family, friends or co-nationals who are already resident. For many national groups this is obviously a real attraction. It is also recognised as a legitimate reason for movement of asylum seekers from one EU country to another in recent EU legislation (Dublin Convention 1990 Articles 4 and 9, though the EU employs an extremely restrictive understanding of 'family'). For the majority of Algerians I interviewed in Britain this had not been the case; only five of the 30 people interviewed had any family in Britain before they arrived and in all five cases the family member had arrived no more than two years before. More surprising is that 29 of the 30 reported some family in France and, as already mentioned, most of those interviewed in Britain had travelled through France. For these Algerians then, it seems that family was not a significant reason for their presence in Britain. There is good reason for assuming that this is the case for Algerians in Britain more generally. In 1990, the Algerian community in France was estimated at over one million people. In contrast, the 1991 British census shows that there were only 3,453 Algerian nationals resident in Britain at that time. One young woman interviewed in France commented that "Of course, every self-respecting family in Algeria has relatives in France." The Algerian community in Britain is growing and is now thought to include at least 25,000 people. There is evidence that family is now beginning to play a role in further migration decisions, such as the five Algerians who came to the UK in order to be with family in this sample. However, over the decade of interest to this study,

family networks were not a significant reason for the migration of Algerians to Britain.

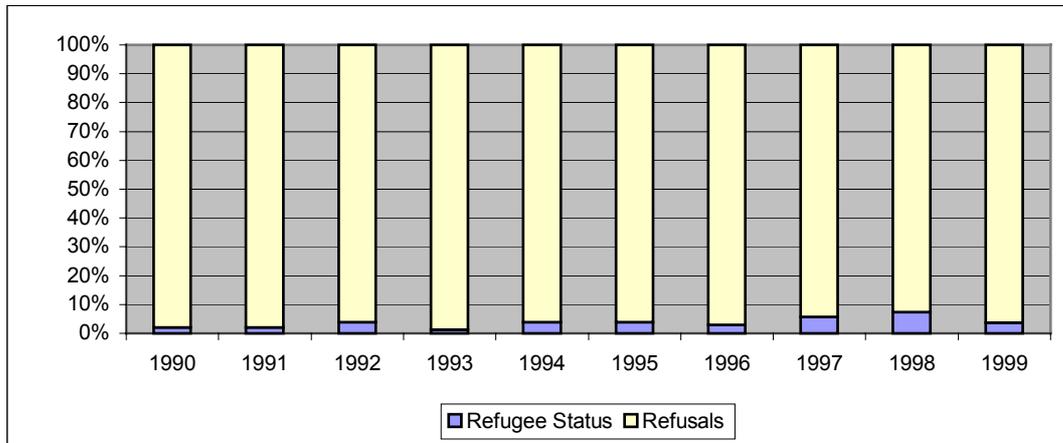


Figure 4: Results of asylum applications by Algerians in France 1990 – 1999 (source OFPRA, personal communication 2000)

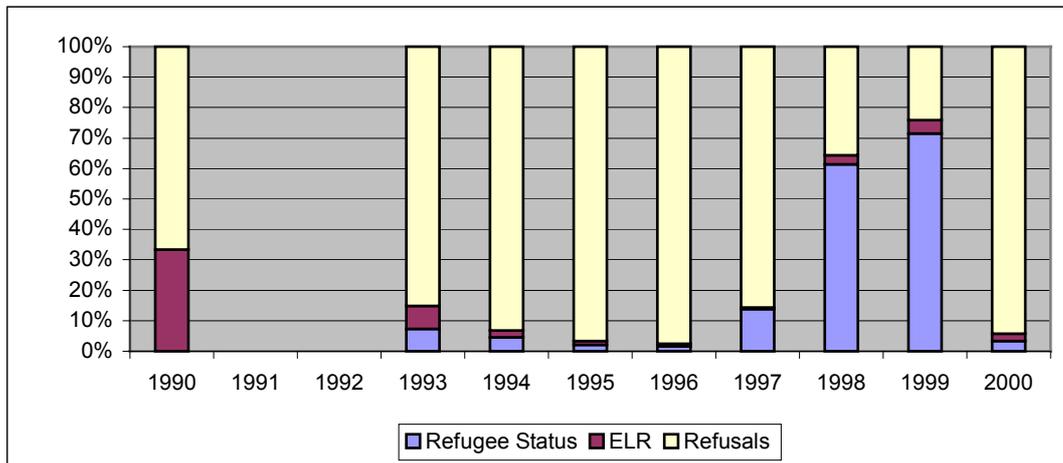


Figure 5: Results of asylum applications by Algerians in the UK 1990 – 2000 (source Home Office 1992, 1994, 1996, 1998, 2000)

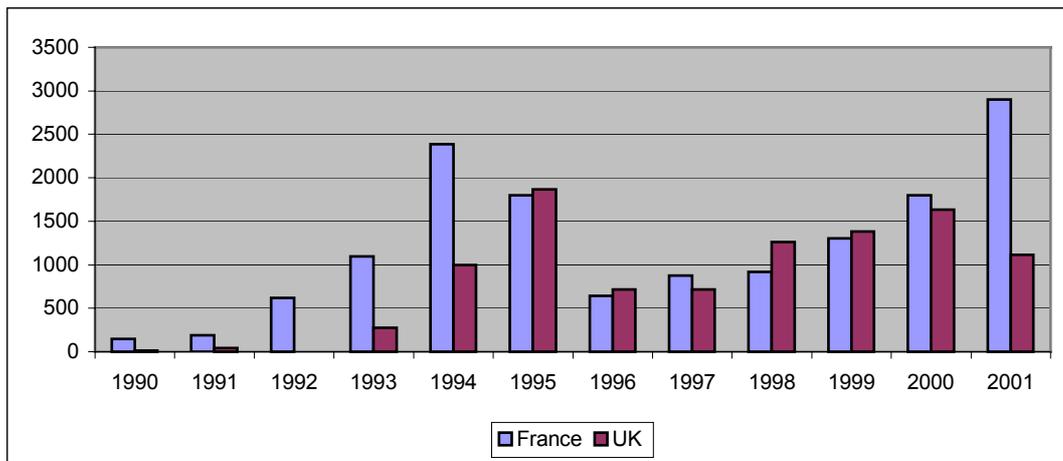


Figure 6: Total asylum applications by Algerians France and UK 1990 – 2001 (source: UNHCR 2002)

The question then remains, if Algerians were not attracted by favourable asylum

policy or by the presence of family groups in Britain, what explains this significant movement of people? A number of factors found by this research are common to other groups of asylum seekers and are very well known. The rest of this section will first focus on attractions which are perhaps more specific to the Algerian community before reviewing general attractions more briefly.

First, the choice of Britain is a result of the evolving profile of Algerian emigrants in the 1990s. As discussed in the second section, more Algerians are now better educated and it is most often the educated and employed who have the possibility to travel. These people also tend to have broader geographical horizons and they are more aware than previous emigrants of the possibilities of countries other than France. They are also more likely to speak English in addition to Arabic and French. This does not, of course, mean that they will travel to Britain, many Algerians I spoke to in France were very well informed about the situation in Britain and elsewhere, but still had no desire to live there. It does however make the possibility of living there more likely. As well as the highly educated the reverse side is that the comparatively less educated also have a reason to come to Britain. It is now 30 years since Algerian independence, the Algerian population is exceptionally young (75 per cent are under 30) and the memory of French rule is becoming increasingly distant. Increasingly, education is in Arabic rather than French and many young people speak no foreign languages at all. Rather than the extended options of additional languages, they have reduced options of none and no particular reason to go to any one destination more than any other. The languages of my interviews in Britain support this divergence. Interviews were conducted in English or French if interviewees were comfortable in those languages, Arabic if not; in Britain 5 interviews were in English, all very highly educated individuals, with some experience of living in the UK, 3 in Arabic with young people who had had no education in either English or French and 22 in French. In France all 32 interviews were conducted in French.

A second reason for the preference for Britain more specific to Algerians was the perception that British society was more tolerant towards Arabs and Muslims. As Algerians, many people felt that they were rarely the focus of racist views in Britain. One 32 year old man commented that

"In Germany there's lots of Turks, so everyone's looking out for Turks, in Britain its Pakistanis and Indians. In France its Algerians, so if you're an Algerian people are always watching you, ready to point the finger, but if you're Algerian in Britain, you pass through the net, nobody notices."

A number of French academic commentators have highlighted how 'immigrant' is synonymous with 'Algerian' in France (Talha 1983; Sayad 1985; Weil 1995). Several people I spoke to mentioned the negative effect of this on their lives. Adil is an engineer who completed his PhD in France, returned to Algeria and later came to Britain, where he was recognised as a refugee. He said "I've never been asked for ID here in 7 years. In France I was stopped all the time, sometimes 7 or 8 times a day." Adil's wife, a medical doctor was continually treated as backward by French institutions because she wears a *hijab*. They have found the situation much better in Britain. Overall 23 people in Britain and 8 in France referred to this as a reason for moving to or considering Britain.

The third and final significant reason for a preference of Britain was the concern over the close political links between the French and Algerian governments. Many of the Algerians I interviewed in Britain expressed a desire to come to a place with no political ties to Algeria. This concern was not only expressed by the four people I interviewed who reported Islamist affiliations or sympathies, as may be expected, but also by a further 17 who did not. A former doctor in the Algerian army related how, in Algeria, he had seen a plane from France met by the Algerian army who took all those deported from France into custody for questioning. Such anecdotes were frequently told. They are,

of course, impossible to verify and are more interesting as a reflection of the perceptions of the individuals involved than as an indication of the reality of the situation. Even so, they do fit with a well-documented history of close involvement between the French and Algerian governments. The 1994 Franco-Algerian agreement included a highly developed readmission agreement, which included provisions for the Algerian state to readmit individuals who were merely suspected of being Algerian, with no documentary proof. Thousands of Algerians are deported each year through these provisions, even in 1997 and 1998 during the worst period of the war. Of even more concern is the observation that, in 1999, the Algiers police estimated that an average of 300 non-Algerians were deported to Algeria every year under this scheme (Cimade 1999). Nothing is known of the fate of these individuals but it is not surprising that this is the result of this type of readmission agreement.

In addition to the attractions of Britain that were more specific to Algerians, a further more general attraction was mentioned that applies equally to many nationalities; the ease of finding work in Britain. This is well known and was cited by people from many nationalities whom I spoke to in the Red Cross centre at Sangatte. The buoyant British economy ensures a flourishing market for informal labour. Most interviewees in both France and Britain mentioned work as a significant attraction; 24 people out of 30 in Britain reported working, legally or illegally, at some stage. Interviewees in Marseilles reported salaries as low as 10 euros (6 pounds) a day for work on stalls in street markets. Many could find no work at all and recounted stories of acquaintances in Britain who worked multiple jobs and earned a good wage. Evidence from London appeared to validate these stories. No one I spoke to reported any difficulty finding a job and the lowest salary reported was 3 pounds an hour, for an 8 hour day – 4 times the lowest Marseilles salary – and several people earned more than twice this, though the cost of living is also significantly higher in London. However this work was far from ideal; it may have

been well paid but only two people claimed that they were satisfied. The work was extremely uncertain, short term, dull, repetitive and given that many migrants were very highly skilled, well below what they hoped for. Even so many people preferred working to claiming benefit, which was frequently associated with being "lazy". Four people had requested asylum and claimed to have worked instead of collecting vouchers, another 3 reported the ease of finding work (combined with the poor image of asylum seekers in Algeria) as a reason for not claiming asylum. Given this degree of wage differentials across Europe it is hardly surprising that many people prefer to seek asylum in a country where they are confident that they will be able to earn a decent wage.

6. Policy Implications

These findings support the growing body of evidence that asylum and immigration policy provides neither a significant attraction nor a deterrent for asylum seekers. Legislation may undoubtedly hinder their migration in the short term, as the dramatic results of French restrictions on the emigration of Algerians show, but migration policy is not among the reasons why people do or do not migrate. Regular changes to the law in both Britain and France have been based on the view that measures such as reducing welfare provisions, increasing entry controls or processing claims more rapidly will provide a disincentive to migrants. This view confuses the reason why people migrate with the means of their arrival. Reasons for migration are more fundamental than differences in migration policy. By restricting the means of arrival migration policy makes migration more difficult, and dangerous, but does not address the underlying reasons for migration.

Any explanation of these underlying causes must first address emigration from Algeria, then the subsequent migration across Europe. These two migrations are easily conflated but actually require different explanations. First, there can be no doubt that recent Algerian emigration is caused by the current conflict. This

research has demonstrated that fluctuations in emigration from Algeria since 1990 follow events in Algeria more closely than any European developments in immigration legislation. People leave because a threshold of tolerance has been reached and they hope that life may be better elsewhere. Attention to these 'root causes' of migration fluctuates with political fashions. However, it is clear that any long term solution to the situation requires that European states question their role in regional conflicts and human rights abuses, such as the Algerian crisis, which are the direct cause of most significant migration streams to Europe. An end to refugee producing situations currently appears to be a distant ideal. Most European states would claim to be working towards this goal but legislation tends to focus more on stopping the resulting movement of people than addressing root causes in any consistent and meaningful way.

Once people have left their homes, their migration to one or other European destination requires a different set of explanations. This research has also examined why many Algerians now travel to the UK instead of France. EU policy has made more vigorous attempts to address migration at this level; one of the aims of Dublin II legislation, for example, is to reduce the movement of asylum seekers from one European country to another. The second section has shown that many Algerians who claim asylum in Britain have travelled through France first; this is an example of the type of movement that the EU hopes to stop. Separate EU legislation aims to harmonise asylum policy across Europe also with the aim of reducing this type of movement. However, if asylum policy is not a significant cause of this movement, harmonising this legislation will have little effect. It may do something to correct the injustices of dramatic differences in recognition rates between member states, such as for Algerians in 1999 who were 10 times more likely to be granted asylum in Britain than in France (Figure 5), but current indications are that it is more likely to make the fortunate unfortunate than the reverse.

Two areas highlighted here pose particularly intractable problems for the ongoing harmonisation of asylum policy at the EU level; the effect of Member States' privileged bilateral relations with countries of origin and differential wage rates across the EU. First, bilateral relations between France and Algeria produced two significant reasons reported by Algerians for their motivation to move from France to the UK; the perception that they would face less racism in the UK due to the small Algerian population and their desire to escape the close contact between the French and Algerian governments. The continuing process of harmonisation of legislation has not addressed the influence of Member States' bilateral relations with countries of origin. At the start of the conflict in Algeria, the French government was very concerned about the possibility of the conflict spreading to Algerians in France (Morisse-Schilbach 1999) and this strongly influenced the way they responded to subsequent Algerian immigration. The British government did not share this concern since the Algerian presence in Britain was insignificant. France and the UK were able to respond to Algerian refugees in very different ways. Developing legislation will encourage a uniform European response to this type of refugee situation, where close bilateral relations of Member States are actually more important. Greater flexibility may be advantageous for both Member States and certain refugee groups.

The existence of differential wage rates within the EU is the second obstacle faced by ongoing harmonisation of asylum policy. This is a sensitive issue since governments increasingly point to any evidence that economic considerations motivated migration as evidence of an unfounded asylum claim, though there is no basis for this characterisation. Employment has always been a fundamental aspect of migration and there is no reason why refugees should behave any differently from other migrants when choosing a destination. This research has shown the considerable differences in wages and rates of employment between Marseilles and London. These differences pose one of the most powerful motivations

for secondary movement and they are not likely to disappear in the near future. Ironically, the EU has acted to prevent third country nationals displaying a level of mobility that it is simultaneously trying to encourage among EU citizens who have consistently resisted the temptation to leave their home states (Jilvena 2002).

7. Conclusion – The Future of Harmonisation

The view that asylum policy provides a motivation for migration informs continuing policy making at national and EU levels. This research does not support this view. The research has considered a number of factors responsible for the diversification of Algerian emigration, particularly in the comparison of France and the UK. The results have some relevance to current asylum policy, most significantly arguing that attempts to reduce migration through asylum policy tackle the means, not the reasons for migration. Meaningful attempts to address the root causes of regional conflict and human rights abuses have yet to be consistently implemented. The current legislative programme of the European Commission, set in motion with the entry into force of the Treaty of Amsterdam in 1999 (Levy 1999), focuses on more superficial aspects of this migration. Since asylum policy is not a significant reason for asylum migration, attempts to harmonise existing legislation are not likely to have a major effect on the movement of asylum seekers, either to or within the EU. Harmonisation will eventually have to confront the major obstacles of the ingrained bilateral relationships between Member States and third countries and the continued existence of intra-European wage differentials both of which provide legitimate reasons for asylum seekers to move between Member States.

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