

Egypt, the EU, and Migration: an Uncomfortable Yet Unavoidable Partnership

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DGAP REPORT

Egypt, the EU, and Migration: An Uncomfortable Yet Unavoidable Partnership



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Preface

This paper is published as part of the project “From Here to EU: How to Talk about Migration in Africa? An Awareness Campaign for European Policymakers.” The one-year project is led by the Migration Program of the German Council on Foreign Relations (DGAP) and funded by Stiftung Mercator.

GOALS

This project aims to inform German and European policymakers about migration debates and policies in select African countries to inform their present and future communication with representatives from that continent. The results aim to inform the 6th European Union – African Union summit.

Its research provides insights on migration policies and their framing in five significant countries of origin, transit, and destination of migrants in Africa: Egypt, Ethiopia, Ghana, Tunisia, and South Africa. Drawing lessons from these national contexts, the project develops policy recommendations for German and European politicians, policy experts, and practitioners to foster a more constructive debate about future African-European cooperation on migration.

OUTPUTS

1. Two closed-door expert conferences under the Chatham House Rule that brought together policymakers and experts from Brussels and Berlin with African country experts in the fall of 2020
2. Four country case studies, authored by African country experts on migration policies and practices in Egypt, Ghana, Tunisia, and South Africa
3. One summary analysis, authored by DGAP experts, that distills the main lessons from the country case studies and the Chatham House discussions
4. One online event to present the main findings of the project and link it to other initiatives in the growing field of migration cooperation between Europe and Africa

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Key Recommendations

The relationship between the European Union and Egypt on migration is as uncomfortable for Europe as it is unavoidable. The EU's goal of reducing irregular migration by working with actual and potential transit countries around Europe has provided Egypt with greater leverage over its European neighbors – a development that worries not only human rights advocates, but many actors who follow the actions of the country's authoritarian regime.

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- To make migration discussions between the EU and Egypt more fruitful, European and German policymakers should focus on joint interests, even if they are slim. A useful area of migration cooperation would be to invest in data collection capacity. This would not only allow for more accurate assessments of actual needs of migrants and refugees in Egypt, but could also serve to recalibrate negotiations on financial support with the country's authorities.

 - Taking the European Commission's recently launched Talent Partnerships as a launching pad, European policymakers should expand labor migration opportunities for skilled Egyptian nationals. This would broaden the migration-related cooperation with Egypt away from its current rather singular focus on enforcement and add another chip into negotiations that might advance the EU's leverage.

 - European and German policymakers should consider expanding refugee protection via migrant and other community-based organizations to ensure the provision of basic services to refugees that are currently lacking.
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1 INTRODUCTION

Egypt has gained strategic significance for the European Union (EU) since the Arab Spring swept through the MENA region ten years ago. Migration is one of the reasons for this trend. The year 2011 did not alter the determinants of migration in Egypt, but rather those in its neighborhood. The state collapse in Libya diverted more and more migrants, especially from the Horn of Africa, to Egypt, either as a final or transit destination toward Europe. Many Syrians also fled to Egypt. According to the UN High Commissioner for Refugees (UNHCR), the number of refugees and asylum seekers registered in Egypt has more than tripled since 2011, counting more than 320,000 today.¹

These developments have triggered a fundamental shift in Egyptian migration policies. While Egypt has traditionally been a country of origin, with migration policies mainly focused on the emigration of workers and diaspora engagement, it has increasingly become a country of destination and transit. Consequently, new migration challenges have entered the EU-Egypt dialogue. Refugee protection is one of them. The situation of refugees in Egypt is difficult: Long-lasting conflicts in their countries make it unlikely for many to return home, but the Egyptian government treats them as temporary migrants, offering little protection or long-term integration prospects. Border control is another increasingly salient issue in Egypt. More investments in enforcement are increasingly turning Egypt from a regional migration hub into a regional migration buffer.

Egypt has a long tradition of strategically using its migration policies to support policy goals at home and abroad. Since 2015, the chances for doing so have grown, as European partners have been keen on investing in actual (and potential) transit states in the neighborhood. The Egyptian government has been making use of this opportunity to reaffirm its regional power and status after a period of political upheavals following the 2011 revolution. For instance, following the EU-Turkey deal in 2016, the Egyptian government claimed to host five million refugees (the UN refugee agency UNHCR puts the number closer to a quarter of a million) to argue for increased funding from the international community.²

But geopolitical reasons also lead Europeans to approach Egypt with cautious interest. The United States' gradual disengagement from the Middle East leaves a leadership vacuum that other actors exploit, some of them tightening their relationship with Egypt. Saudi Arabia, the United Arab Emirates (UAE), and Kuwait have mobilized financial resources toward the Egyptian regime since President el-Sisi's installation at its helm. Their common objective: stabilizing the country and fighting terrorism and the spread of the Muslim Brotherhood.³ Russia is interested in securing another important geopolitical ally in the region, as is China, which also sees an important export market in Egypt's population of 100 million.⁴ For all of these powers and Europeans alike, the recent discovery of gas fields in Egyptian waters further adds to the pressing relevance of the partnership with Egypt.⁵

Europe is facing a dilemma: While it does not approve of the authoritarian nature of the Egyptian government, it increasingly depends on the country as a refugee host, the enforcer of European migration management priorities, and as a strategic foothold in the Eastern Mediterranean. This paper examines this dilemma for European policymakers and answers three questions. First, how has Egypt's migration policy developed over time, and what are its main strategic goals? Second, what issues are shaping Egypt's partnership with the EU today? Third, what should European policymakers know to prepare for future migration discussions with Egyptian counterparts?

Following this introduction, the second part of the paper explains how successive Egyptian governments have modeled the country's migration policies to pursue foreign and domestic policy goals. It traces how governments have engaged with the diaspora, with a focus on communities in Gulf and Arab countries, sometimes at the expense of those in Europe and other countries of the Global North. It also points out how the Egyptian government is keeping its migration policy focused on security objectives, leaving grey zones in refugee protection, and offering opportunities for cooperation on border control and irregular migration with the EU.

The third part gives recommendations for European policymakers to help them engage with their Egyptian counterparts more effectively. It provides concrete advice on lessons Europe can take from the Egyptian case and puts forward ideas for how to facilitate future discussions.

1 UNHCR, "Refugee Statistics," 2020: <https://www.unhcr.org/refugee-statistics/download/?url=Une7R3> (accessed June 17, 2021).

2 Nikolaj Nielsen, "Egypt blames EU-Turkey deal for refugee spike," *EU Observer* (August 31, 2016): <https://euobserver.com/migration/134829> (accessed December 1, 2020).

3 David Butter, "Egypt and the Gulf: Allies and Rivals," Research Paper, Chatham House (April 2020): https://www.chathamhouse.org/sites/default/files/CHHJ8102-Egypt-and-Gulf-RP-WEB_0.pdf (accessed June 18, 2021).

4 Ibid.

5 Simone Tagliapietra, "Energy: a shaping factor for regional stability in the Eastern Mediterranean?" European Parliament (June 2017): [https://www.europarl.europa.eu/RegData/etudes/STUD/2017/578044/EXPO_STU\(2017\)578044_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2017/578044/EXPO_STU(2017)578044_EN.pdf) (accessed June 18, 2021).

2 A DIFFICULT PARTNER: EGYPT'S MIGRATION POLICY UP CLOSE

2.1 Shifting Priorities Drive Institutional Changes on Migration

Successive Egyptian regimes have strategically adjusted the country's migration policies to pursue other economic or political goals and engage with new partners. Egyptian migration policies since the 1950s roughly fall into the following five main phases, all of which show the different policy goals Egypt tried to reach via its migration policy.

Nasserist Restricted Secondments, 1952–1970:

In the first phase, President Nasser starkly restricted labor migration. The exception were short-term secondments for highly skilled professionals, including many teachers, to the developing world. The goal was to signal self-sufficiency to the Western bloc, bolster Nasser's Pan-Arabist agenda, and support anticolonialism and newly independent countries in the Arab region and beyond.⁶

Sadat's Permissive Emigration Policy, 1970–1981:

President Sadat abandoned Nasser's restrictions and instead adopted a permissive emigration policy, partly to dissociate himself from the Nasser regime and partly to boost the flailing economy. He expressly encouraged Egyptian migration to neighboring countries and to the Western bloc. The 1971 Constitution stated that all Egyptians were granted the right to emigrate and to return home any time they wanted.⁷ As an additional incentive to emigrate, Law No. 73 of the same year granted public sector employees the right to return to their jobs one year after their resignation, subsequently extended to two years.⁸ Migrant remittances thus became a crucial component of Egypt's foreign exchange earnings, while foreign imports also rose due to an economic open-door policy.

Persisting Emigration Policies under Mubarak, 1981–2011:

Permissive emigration policies persisted during President Mubarak's thirty-year regime, as they delivered high remittances and reduced pressures on the national labor market. The government enshrined emigration as a lever for development, at macro and micro levels, and placed it un-

der the responsibility of the Ministry of State for Emigration and Egyptian Expatriates Affairs, created in 1981 (parts of its portfolio were later transferred to the Ministry of Manpower and Employment, renamed Ministry of Manpower and Emigration in 1996). The first and only emigration law in Egypt, called the Emigration and Sponsoring Egyptians Abroad Law no. 111 of 1983, sought to further promote Egyptian migration.

Extreme Ambiguity after the Revolution, 2011–2013:

The period from 2011–2013 marks a time of economic and political instability, not only in Egypt but across the region, coinciding with major turbulences in Syria and Libya. Caught in overlapping crises, the government at the time sought to maintain connections with Egyptians abroad. It was then that citizens abroad were granted political rights for the first time in Egypt's history and allowed to participate, through their consulates, in the 2012 constitutional referendum and the parliamentary and presidential elections.⁹ The emigration portfolio was split between the Ministry of Manpower and the Ministry of State for Migration and Egyptian Expatriates Affairs. At the same time, authorities faced large incoming numbers of irregular migrants and refugees. This contributed to immigration being seen more and more as a security issue resting with the powerful Ministry of Interior.

Redefinition of Migration Priorities under el-Sisi since 2013:

The year 2013 marked the redefinition of migration priorities in the post-revolution era. To consolidate his legitimacy at home after taking power, el-Sisi looked for the support of Egyptians abroad and continued to nurture the relationship with the diaspora. The 2014 Constitution emphasized rights for Egyptians abroad, including the right to vote and to be represented in the House of Representatives. The Constitution also set the ground for stricter border controls, as the new government turned migrant arrivals into an opportunity to reinforce the partnership with European neighbors, which were keen on providing financial, technical, and diplomatic support to transit states. As a result, Egypt consolidated its legal framework on migration, reinforced border controls, and enacted the criminalization of smuggling.

6 Gerasimos Tsourapas, "Egypt: Migration and Diaspora Politics in an Emerging Transit Country," Migration Policy Institute (August 8, 2018): <https://www.migrationpolicy.org/article/egypt-migration-and-diaspora-politics-emerging-transit-country> (accessed November 30, 2020).

7 Constitution of the Arab Republic of Egypt (1971): <https://www.ilo.org/dyn/hatlex/docs/electronic/34111/67289/f> (accessed November 30, 2020).

8 Howaida Roman, "Emigration Policy in Egypt," Robert Schuman Centre for Advanced Studies, European University Institute (2006), p. 5: <https://migrationpolicycentre.eu/docs/Emigration-Policy-in-Egypt.pdf> (accessed November 30, 2020).

9 Nahla Samaha, "Egypt's Referendum Abroad: A Mixed Affair," MENASource, Atlantic Council, (December 18, 2012): <https://www.atlanticcouncil.org/blogs/menasource/egypts-referendum-abroad-a-mixed-affair/> (accessed November 30, 2020).

The unchanged constant throughout these five phases of Egyptian migration policies is that policy formulation always remained highly centralized. Decision-making concentrates at the top of ministries and requires presidential approval – when it does not stem directly from the highest level of the state. Many government actors claim their share in migration policy, such as the above-mentioned Ministry of Manpower and the Ministry of Interior Affairs, but also the Ministries of Foreign Affairs, Education, Health, Finance, and the Central Bank of Egypt. The official statistics agency, the Central Agency for Public Mobilization and Statistics, CAPMAS, provides data and information about Egyptian demographics, but limits itself to Egyptians abroad, and available data remains patchy. While they all are supposed to play a role in migration policy on paper, in practice, only few are effectively involved.

Inclusion and coordination attempts exist but seem to pay lip service rather than share responsibilities. For instance, the Higher Committee for Migration, created in 1997 with the objective of gathering ministries and entities concerned with migration, was Egypt's failed first attempt at inter-ministerial coordination. The Committee was set up to suggest ways to better support Egyptian migrants prior to their departure, during their stay abroad, as well as upon their return to Egypt. But the committee neither meets regularly, nor have its proposals been implemented.

International organizations also represent important actors in the governance of migration in Egypt, especially UNHCR, which – since a 1954 Memorandum of Understanding – is in charge of refugee status determination while the government follows a hands-off approach¹⁰ to refugee issues. The International Organization for Migration (IOM) and the International Labor Organization (ILO) support implementation and service provision on migration, funded for the most part by international cooperation organizations, such as the EU delegation, the German development agency GIZ, and the US Agency for International Development (USAID).

Non-governmental actors include research centers, like the Center of Migration and Refugees Studies (CMRS) at the American University in Cairo, which conducts empirical research and works closely with government and international

actors. Civil society organizations and migrant organizations also play a role, albeit under difficult circumstances, given the tight control by the government (see Chapter 2.3).

The government wants to retain power over migration policy and opposes efforts to dilute or scatter decision-making

In short, the government wants to retain power over migration policy, and therefore opposes efforts to dilute or scatter decision-making. The recent proposal of a long-awaited national migration strategy by the IOM and the Egyptian government for the period 2022–2025 is meant to improve the coordination and governance of Egypt's migration policy, but it remains to be seen whether the strategy will impact the government's centralist approach.

2.2 Go East: The Organization of the Egyptian Diaspora

The Egyptian diaspora, which has been expanding for 50 years now, has propelled remittances to a major income source, representing up to 10 percent of the country's GDP (see Figure 1). What is more, the IOM estimates that another 20 percent comes in through informal remittance channels.¹¹ This makes remittances one of Egypt's largest sources of foreign currency rivaling earnings from Suez Canal transit fees and tourism.¹² In 2019, remittances to Egypt hit \$26 billion – a record high.¹³ Egypt particularly treasures Egyptians working in Arab and Gulf countries (see Box, p.11): those in Saudi Arabia, Kuwait, and the UAE represent close to 70 percent of the Egyptian diaspora and contribute half of all remittances sent to Egypt (see Figure 2).

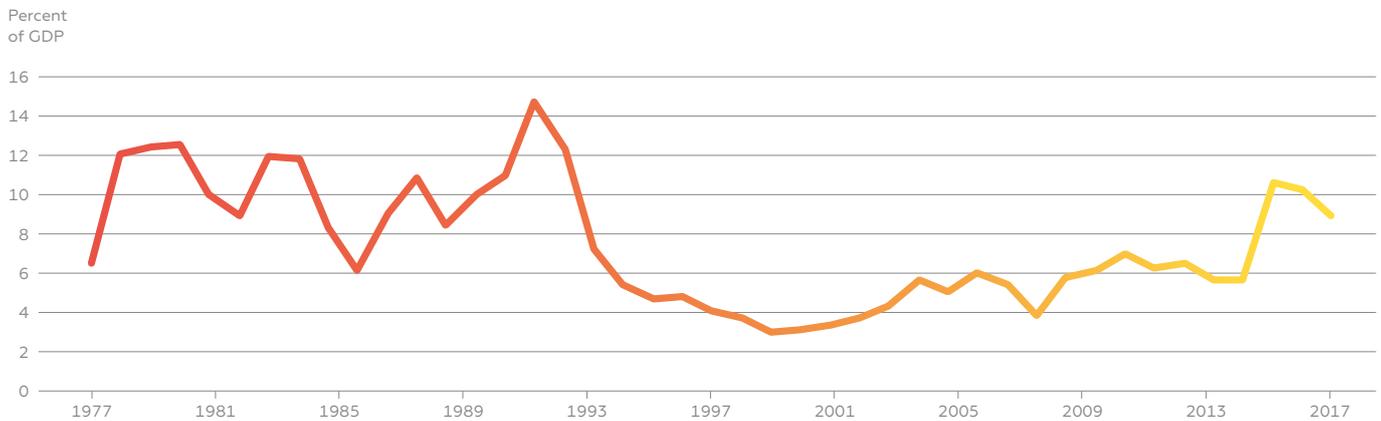
¹⁰ Only high-profile asylum cases, including foreign intellectuals and politicians, are traditionally handled by the government. (Author's interview with migration scholar Ayman Zohry conducted in August 2020.)

¹¹ International Organization for Migration, "A study on Remittances and Investment Opportunities for Egyptian Migrants" (2010), p. 7: <https://egypt.iom.int/sites/default/files/Remittances%20and%20Investment%20Opportunities%20for%20Egyptian%20Migrants.pdf> (accessed November 30, 2020).

¹² Ahram Online, "Egyptian expat remittances reach \$27.1 bln in 11 months: Central bank" (February 2, 2021): <https://english.ahram.org.eg/NewsContent/1/64/400146/Egypt/Politics-/Egyptian-expat-remittances-reach--bln-in--months-C.aspx> (accessed June 18, 2021).

¹³ World Bank Data, "Personal remittances, received (current US\$) - Egypt, Arab Republic" (2019): <https://data.worldbank.org/indicator/BX.TR.F.PWKR.CD.DT?locations=EG> (accessed November 30, 2020).

FIG. 1: REMITTANCE INFLOWS AS A PERCENT OF GDP, 1977–2019



Source: World Bank Data, 2020

But the strategic and almost exclusive focus on the Gulf bears its risks. Remittance inflows have been fickle, as the large shifts between 3–15 percent of its share of GDP in Figure 1 show. Geopolitical changes regularly subject the cash flow to uncertainties. For instance, increased revenues in the oil industry in the 1980s led to higher demand for temporary foreign workers in the Gulf countries. Egyptian workers were particularly sought after given the quality of education in Egypt at the time.¹⁴ Remittances peaked shortly before the Gulf War in 1991, as an estimated half a million Egyptian workers from Iraq and Kuwait remitted their savings and returned to Egypt.¹⁵ On top of that, the gradual nationalization of the workforce in the Gulf in the 1990s decreased the demand for Egyptian labor and explains in part the sharp drop in remittances in that decade (see Figure 2).

The result is that Egypt has grown dependent on Gulf states for financial support, be it through remittances, funding, or

tourism – a situation that Europeans aimed to rebalance by backing the \$12 billion deal with the International Monetary Fund in 2016.¹⁶

This data shows that migration continues to be a necessary safety valve for the Egyptian labor market. Since the 1970s, Egypt has been contending with high youth unemployment, high levels of informality, and low-quality jobs. Egypt has invested in achieving universal enrollment and educational attainment at all levels, but new challenges await: While the number of first-year students in public universities doubled between 1993 and 2013,¹⁷ curricula are outdated, and teachers lack adequate training to prepare graduates for the current and future needs of the labor market. According to ILO estimates, close to 30 percent of the youth (ages 15–24) are unemployed,¹⁸ of which a third has completed tertiary education.¹⁹ Insufficient job creation and a saturated public sector – the main employer of the educated in Egypt

14 Gerasimos Tsourapas, *The Politics of Migration in Modern Egypt: Strategies for Regime Survival in Autocracies*, p.65 (Cambridge, 2018).

15 Overseas Development Institute (ODI), “The impact of the Gulf crisis on Developing Countries,” Briefing Paper (March 1991): <https://odi.org/documents/3469/6770.pdf> (accessed November 30, 2020).

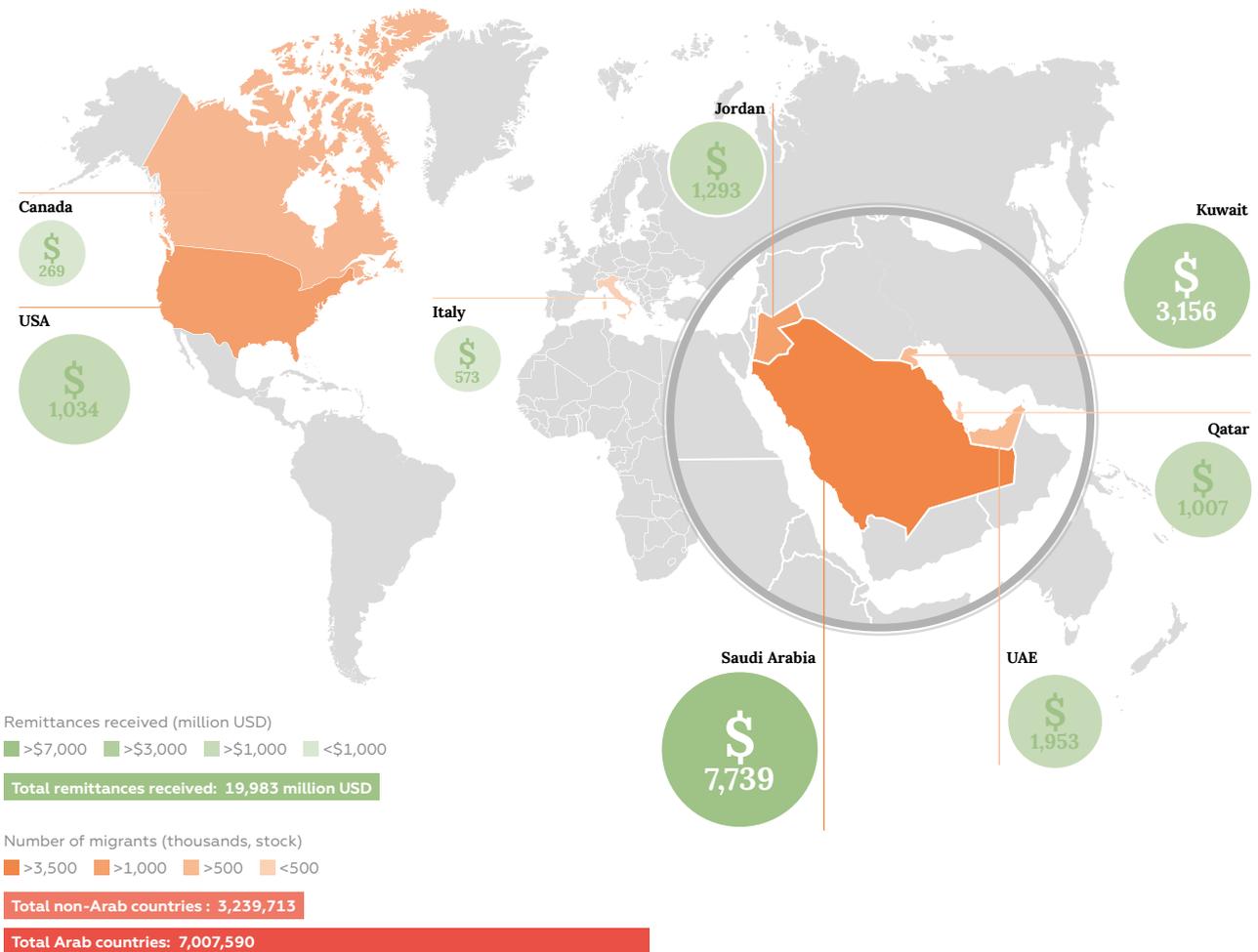
16 Anthony Dworkin and Yasser El-Shimy, “Egypt on the edge: how Europe can avoid another crisis in Egypt,” Policy Brief, European Council on Foreign Relations (June 14, 2017): https://ecfr.eu/publication/egypt_on_the_edge_how_europe_can_avoid_another_crisis_in_egypt_7298/ (accessed June 18, 2021).

17 Katrin Kinzelbach, Janika Spannagel, Ilyas Saliba, et. al., *Researching Academic Freedom. Guidelines and Sample Case Studies* (December 16, 2020): <https://www.gppi.net/2020/12/16/researching-academic-freedom> (accessed February 22, 2021).

18 World Bank Data, “Unemployment, youth total (% of total labor force ages 15–24) (modelled ILO estimate) – Egypt, Arab Republic” (2019): <https://data.worldbank.org/indicator/SL.UEM.1524.ZS?locations=EG> (accessed November 30, 2020).

19 Ghada Barsoum, Mohamed Ramadan, and Mona Mostafa, *Labour market transitions of young women and men in Egypt* (June 2014), p. 30: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_247596.pdf (accessed November 30, 2020).

FIG. 2: WHERE DO EGYPTIANS MIGRATE AND WHERE DO REMITTANCES COME FROM?



Source: CAPMAS, 2017 (based on estimates of the Egyptian Ministry of Foreign Affairs) and World Bank, 2017.

since Nasser’s time – worsen employment prospects for the youth. As a result, half of them are employed in occupations that do not match their education, leading to increasing skills gaps, with employers reporting difficulties in finding adequately skilled labor.²⁰

Despite its interest in labor migration to cushion these trends, the Egyptian government only produces patchy data on its emigrant population. For instance, data on work permits delivered, produced by the Ministry of Manpower,

clashes with the estimates of Egyptians abroad produced by the Foreign Affairs Ministry.²¹

2.3 Security Concerns Prevail over Refugee Protection

The Egyptian government has hardened its stance on refugees over the past decade. While Syrian refugees benefited from lax visa regulations and extended access to public services under Morsi’s short-lived era, the current regime imposed bureaucratic procedures on them in the name of

²⁰ European Training Foundation (ETF), “Education, Training and Employment Development 2018” (2018), p. 10: <https://www.etf.europa.eu/sites/default/files/2019-03/Egypt%202018.pdf> (accessed November 30, 2020).

²¹ In recent years, the Ministry of State for Emigration and Egyptian Expatriates’ Affairs has made efforts toward closing the data gap on Egyptians abroad, with the notable creation of an Egyptian Observatory on Migration. These efforts have yet to produce significant outcomes.

How to Talk about Egyptians Abroad: Terms and Nuances Matter

Egyptian terms to discuss its citizens abroad differ from those of Europeans in two ways:

1. Place beats time: Ever since the 1971 Constitution, Egypt distinguishes between “permanent” and “temporary” Egyptian migrants, but this distinction has less to do with the actual duration of their stay abroad and more so with their region of destination and the naturalization policies in place.

In this logic, “permanent migrants” are those who stay for a period of at least ten years and can be granted citizenship rights or permanent residence in their country of destination. As such, Egyptian labor migration to countries of the Organization of Economic Cooperation

and Development (OECD) is seen as permanent, independently of how long people actually stay there, simply because long-term residents can ultimately receive citizenship in most of these countries.

In contrast, “temporary migrants” are migrant workers abroad for 12 consecutive months. While this definition is the commonly used UN-standard to define all forms of migration, it is used differently in the Egyptian context. As Egyptian migrants to the Gulf and other Arab countries are seen as fillers for specific short-term labor needs and because naturalization laws in the region do not grant citizenship rights even to long-term residents, Egyptians in the Gulf and neighboring countries are seen and referred to as temporary migrants.

2. A diaspora that is not one: The term “diaspora” in Egyptian dialect bears a connotation that displeased some Egyptians. For them, the term refers to communities that emigrated long ago with limited chances of return, whereas the majority of Egyptian migrants reside in nearby Gulf and Arab countries and are seen as likely to return. Official language thus favors the use of the expression “Egyptian communities” instead.

their fight against the Muslim Brotherhood.²² Egypt has historically associated refugee communities with potential security threats. For instance, Palestinian and Sudanese refugees, who had enjoyed eased procedures, faced more bureaucratic difficulties after the assassination of Sadat, amid mounting tensions with the Palestine Liberation Organization (PLO), and in the wake of the assassination attempt on Mubarak by a Sudan-supported group.²³

Today, refugees remain under scrutiny, and enforcement is increasingly rigid. Refugees and asylum seekers can, for instance, be prosecuted in military courts and detained under conditions that have raised concerns among rights organizations.²⁴ According to Egyptian civil society organizations, between 2013–2014 more than 6,800 Syrians, including 290

*Egypt has
historically associated
refugee communities
with potential
security threats*

²² Jasmin Fritzsche, “Egypt’s Others,” Carnegie Endowment for International Peace (November 5, 2013): <https://carnegieendowment.org/sada/53501> (accessed November 30, 2020).

²³ Ayman Zohry, “The Place of Egypt in the regional migration system as a receiving country,” *Revue Européenne des Migrations Internationales* (2003): <https://journals.openedition.org/remi/2664?lang=en#tocto2n8> (accessed November 30, 2020).

²⁴ Global Detention Project, *Immigration Detention in Egypt: Military Tribunals, Human Rights Abuses, Abysmal Conditions, and EU Partner* (September 28, 2018): <https://www.globaldetentionproject.org/immigration-detention-egypt> (accessed November 30, 2020).

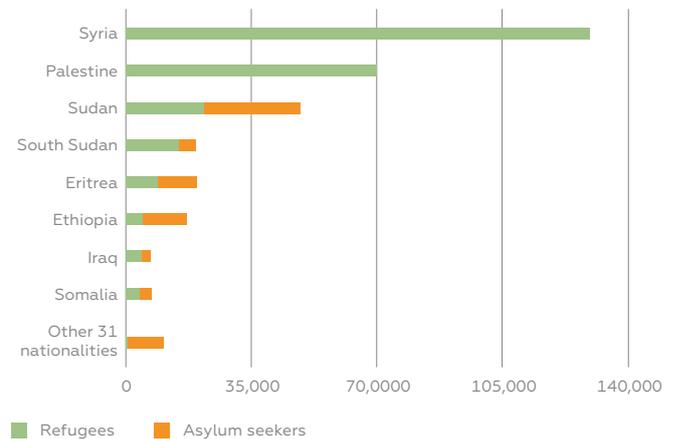
children, were arrested and detained. An additional 1,200 refugees were forced to leave Egypt under the threat of detention.²⁵ UNHCR representatives have been denied access to detention facilities and populations of concern, which include growing populations of unaccompanied minors.²⁶

Refugees also have a hard time making a living, as they face high hurdles in accessing the labor market.²⁷ For instance, to be allowed to work legally, refugees are required to obtain a work permit that prevents them from accessing certain professions, such as tourism, exports, and customs. Work permit applications are a cumbersome process, for both refugees and potential employers: Employers have to submit applications that are subject to a quota rule based on the number of Egyptian nationals already working in the company. Upon approval, employees must pay a fee and submit documents including HIV test results, travel documents, and a copy of their passport or UNHCR refugee card. Other hurdles to formal employment are the public perceptions of refugees as illiterate, low-skilled, and poor,²⁸ as well as language barriers. Many refugees thus engage in informal work, depend on financial transfers (from international organizations or kin abroad), or resort to indebting themselves.²⁹

In theory, Egypt provides refugees with access to basic public services, including education, health, and social protection. But the legal framework is ambiguous and contradictory, and practical impediments abound.³⁰ For instance, some groups such as Syrian, Sudanese, Libyan, Yemeni, and some Palestinian refugees and asylum-seekers are granted access to public education due to bilateral agreements or specific regulations,³¹ while others are excluded. For all refugees, a lack of education certificates and language challenges further complicate access to education.

Egypt's growing refugee population thus effectively lives in limbo. The UNHCR reports that its population of concern, which includes refugees and asylum seekers, almost tripled

FIG. 3: REGISTERED REFUGEES AND ASYLUM SEEKERS IN EGYPT BY NATIONALITY



Source: UNHCR Refugee Statistics, 2019:
<https://www.unhcr.org/refugee-statistics/download/?url=T5Vc>

over the past ten years, with almost 270,000 refugees and nearly 60,000 asylum seekers³² and an estimated 70,000 long-standing Palestinian refugees.³³ Most registered refugees and asylum seekers are Syrians, followed by Sudanese, South-Sudanese, Ethiopians, and Eritreans (see Figure 4).

Refugee communities have also organized themselves. Community-based organizations are particularly well-established among long-standing communities such as the Sudanese.³⁴ Some initiatives have gone beyond community boundaries to target refugees across the board, including Sudanese, Somalians, Eritreans, and Ethiopians. But limited access to funding means that these attempts are often short-lived and limited in scope.

25 Muhammad al-Kashef, "Egypt: the Escape Portal," *Border Criminologies* (December 8, 2017): <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2017/12/egypt-escape> (accessed November 30, 2020).

26 Global Detention Project, *Immigration Detention in Egypt: Military Tribunals, Human Rights Abuses, Abysmal Conditions, and EU Partner* (see note 24).

27 Kelsey Norman, "Ambivalence as Policy: Consequences for Refugees in Egypt," in *Migrations seen from Egypt - Mobilizations and Politics*, ed. Pauline Brücker (2017), p. 27–45: <https://journals.openedition.org/ema/3663> (accessed November 30, 2020).

28 Katarzyna Grabska, *Who Asked Them Anyway? Rights, Policies and Wellbeing of Refugees in Egypt*, Development Research Center on Migration, Globalisation and Poverty (2006), p. 35: https://documents.aucegypt.edu/Docs/GAPP/kasiasreport_000.pdf (accessed November 30, 2020).

29 Information retrieved during fieldwork with Save the Children Egypt on refugees' livelihoods in Cairo.

30 Amira Hetaba, Claire McNally, and Elena Habersky, *Refugee Entitlements in Egypt*, The Center for Migration and Refugee Studies, Cairo Studies on Migration and Refugees (2020), p. 173: <https://documents.aucegypt.edu/Docs/GAPP/Refugee-Entitlements-Report%202020.pdf> (accessed November 30, 2020).

31 Ibid.

32 UNHCR, "Global Focus. UNHCR Global Operations Worldwide: Egypt" (2020): <https://reporting.unhcr.org/egypt> (accessed November 30, 2020).

33 UNHCR, "Global Report 2013: Egypt" (2013): <https://www.unhcr.org/539809f60.pdf> (accessed November 30, 2020).

34 Examples include the Sudanese Women Working Group, providing training opportunities for women and established in 1996; the Egyptian-Sudanese Development and Building for the South-Sudan Community Organization, supporting access to services, including lobbying for refugees' access to public health institutions, and established in 2003; the Sudanese Charity Association, focused on health problems (2003–2008); the Keira Centre, operating as a cultural center since 2007; and the Ard El Taibeed Association, offering services targeting mothers and children since 2006.

NGO Work on Migration and State Surveillance

Local NGOs have filled some gaps in the provision of refugee protection and services, such as language-training, administrative support, job-seeking, and community activities. But their work is more and more curtailed by the state. The 2011 regime change opened new opportunities of international funding for civil society, which alarmed the government over concerns of political activism. For instance, since 2014, the government requires all NGOs to register with and declare their activities to the Ministry of Social Solidarity. Law No. 149 of 2019, which replaced similar legislation approved in 2017, and consecutive crackdowns further limit and restrict civil society organizations, particularly advocacy groups.

The law prevents NGOs from pursuing “political” work that could undermine “national security” or from cooperating

with foreign entities without explicit authorization from the government. It places the work of international organizations operating in Egypt under more scrutiny too. Violators are subject to hefty fines and the threat of detention. Fearing repercussions, several NGOs have had to close or re-orient their activities in the less controversial field of basic service provision. Field research, surveys, and polls also need to receive government approval. This condition contributes to the gradual erosion of academic freedom in the country, for foreign and Egyptian researchers, already complicated by the legislation and the ongoing state of emergency. Limitations placed on research also restrain the information available on migrants and refugees in Egypt.

These laws and policies were received with criticism. The European Parliament recommended conditioning further cooperation with Egypt on progress made on the rule of law and individual freedoms, including in the area of migration management. But the ongoing bilateral and EU support to Egyptian institutions are proof of the growing dependency of the EU on Egypt, in spite of the persisting tensions and the thorny nature of the partnership.

2.4 EU-Egypt Partnership: The High Price Tag of Countering Irregular Migration

Egypt has a long track record of anti-terrorism, border control, and surveillance work in cooperation with neighboring countries. Egyptian security forces operate strict control over the Gaza Strip border and the movement of African asylum seekers looking to travel to Israel.³⁵ Border cooperation with Sudan has led to the arrest, refoulement, and even death of migrants and refugees crossing into Egypt.³⁶

It is therefore not surprising that migration and border control also take center stage in Egypt’s partnership with the European Union. The number of migration-related ini-

tiatives and dialogues between Egypt and the EU is impressive: Egypt is a member of the Khartoum Process, an EU-Horn of Africa migration policy dialogue that focuses on irregular migration, trafficking, and smuggling. In addition, the Egypt-EU Migration Dialogue provides a platform for diplomatic exchange and has helped intensify cooperation on irregular migration since its launch in 2017.³⁷ At the operational level, Frontex announced in 2018 the launch of a capacity-building project for the reduction of irregular migration with countries of the Africa Frontex Intelligence Community (AFIC), of which Egypt is a member.³⁸ The EU Border Assistance Mission to the Rafah border crossing point (EUBAM Rafah) worked closely with Egyptian authorities to monitor movements across the border

35 Gerasimos Tsouparas, “The Egyptian Migration State”, Country Profile Migration: Dates - History - Politics, Bundeszentrale für politische Bildung (February 6, 2020): <https://www.bpb.de/gesellschaft/migration/laenderprofile/304864/the-egyptian-migration-state> (accessed June 18, 2021).

36 Tom Rollins, “Sudanese Refugees on Egypt’s Border,” MENASource, Atlantic Council (December 1, 2015): <https://www.atlanticcouncil.org/blogs/menasource/sudanese-refugees-on-egypt-s-border/> (accessed June 18, 2021).

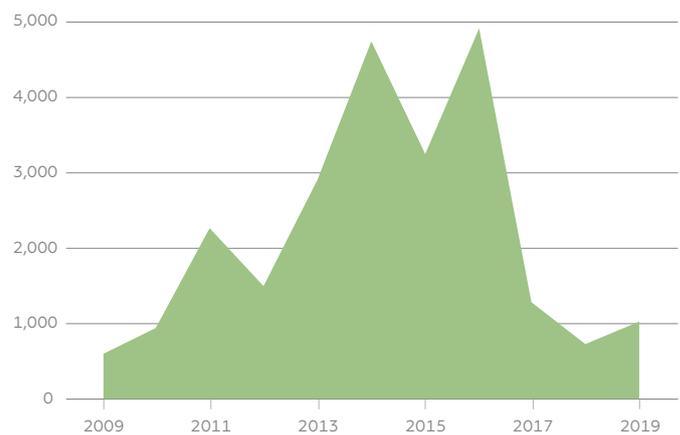
37 European Union Agency for Criminal Justice Cooperation, “Step forward against illegal migration” (July 10, 2019): <https://www.eurojust.europa.eu/step-forward-against-illegal-migration> (accessed June 17, 2021).

38 EuroMed Rights, *EU-Egypt migration cooperation: at the expense of human rights* (July 2019): <https://www.statewatch.org/media/documents/news/2019/jul/Report-on-EU-Egypt-cooperation-on-migration%20.pdf> (accessed November 30, 2020).

between Egypt and the Gaza Strip from 2005 to 2020, although its activities were suspended and later restrained following the election of the Hamas takeover of the Strip. Today, the Egyptian police forces benefit from regular trainings by EU agencies and various member states.³⁹ Individual EU member states have also been active. Germany, for instance, set up its own bilateral dialogue with Egypt on migration in 2017.⁴⁰ Shortly after, Frontex started operating return flights from German airports.⁴¹ More recently, Germany opened the German-Egyptian Center for Jobs, Migration, and Reintegration operated by the GIZ.⁴²

Financial aid followed suit. Egypt is a beneficiary of both the EU Trust Fund for Africa (EUTF) and for Syria (MADAD). The former funded, for instance, a EUR 60 million project to support “migration management, address the root causes of irregular migration, and support Egyptian communities hosting migrants.”⁴³ These funds have helped tighten Egypt’s smuggling laws. In 2016, Egypt enacted the Law No. 82 on “Combating Illegal Migration and Migrant Smuggling.” The National Coordinating Committee for Preventing and Combating Illegal Migration and Human Trafficking (NCCPCIM/TIP) was established to lead on the elaboration and operationalization of the law with EU funding and IOM support.⁴⁴ The law targets migrant smugglers, members of criminal smuggling networks, and intermediaries linking migrants to smugglers,⁴⁵ but importantly, it does not criminalize irregular migrants – which led Europeans to praise the new legislation as an important milestone.⁴⁶ But contrary to the provisions of the law, migrants attempting to depart are regularly arrested on the grounds of their irregular stay in Egypt or their irregular attempt to exit the country.⁴⁷

FIG. 4: DETECTED IRREGULAR BORDER CROSSINGS INTO THE EU BY EGYPTIAN NATIONALS, 2009–2019



Source: Frontex, detections of irregular border crossings (FRAN data as of June 5, 2020).

Combined, these efforts contributed to a drop in detected irregular border crossings from Egypt. As Frontex data in Figure 4 shows, the number of Egyptian nationals intercepted at EU borders fell from around 5,000 in 2016 to around 1,200 a year later. Likewise, reported irregular departures by foreign nationals from Egypt’s coasts have also declined significantly between 2016 and 2017,⁴⁸ although the available data, yet again, is patchy. Migration expert Ayman Zohry estimates that up to 20,000 irregular migrants leave the country every year via land and sea.⁴⁹ Among them are

39 European Parliament, “Answer given by Vice-President Mogherini on behalf of the European Commission, Question reference: E-002474/2019” (October 29, 2019): https://www.europarl.europa.eu/doceo/document/E-9-2019-002474-ASW_EN.html (accessed June 18, 2021).

40 Federal Foreign Office, “Dialogue on migration – Germany and Egypt sign agreement” (August 28, 2017): <https://www.auswaertiges-amt.de/en/aussenpolitik/laenderinformationen/aeegypten-node/-/257234> (accessed November 30, 2020).

41 EuroMed Rights, *EU-Egypt migration cooperation: at the expense of human rights* (see note 38).

42 German Embassy Cairo, “Creating future perspectives together – Germany and Egypt inaugurate German-Egyptian Center for Jobs, Migration and Reintegration,” Press Release, German Embassy Cairo (November 2, 2020): <https://kairo.diplo.de/eg-de/aktuelles/-/2411592> (accessed June 17, 2021).

43 European Commission, “Fourth Progress Report on the Partnership Framework with third countries under the European Agenda on Migration,” Report from the Commission to the European Parliament, the European Council and the Council, European Commission (June 13, 2017): <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52017DC0350&from=GA> (accessed November 30, 2020).

44 Critics argue that these institutions are used by international organizations like IOM to channel EU funds. A similar scheme had been implemented in 2010 for the elaboration of Egypt’s anti-trafficking law (Law 64) by the National Coordinating Committee for Combating and Preventing Illegal Migration (NCCPIM), through which an estimated €500,000 of EU funds were disbursed by IOM. Jan Claudius Völkel, “Fanning fears, winning praise: Egypt’s smart play on Europe’s apprehension of more undocumented immigration,” *Mediterranean Politics* (May 27, 2020): <https://www.tandfonline.com/doi/full/10.1080/13629395.2020.1758450> (accessed November 30, 2020).

45 Penalties can include life imprisonment and substantial fines above \$25,000 for smugglers and accomplices when facilitation results in death or disability or when links to organized crime and terrorism are substantiated.

46 Jan Claudius Völkel, “Fanning fears, winning praise: Egypt’s smart play on Europe’s apprehension of more undocumented immigration,” *Mediterranean Politics* (May 27, 2020): <https://www.tandfonline.com/doi/full/10.1080/13629395.2020.1758450> (accessed November 30, 2020) and “Austrian Chancellor Praises Egypt’s Efforts in Combating Illegal Migration,” *Asharq Al-Awsat* (December 18, 2018): <https://english.aawsat.com/home/article/1509536/austrian-chancellor-praises-egypt%e2%80%99s-efforts-combating-illegal-migration> (accessed June 17, 2021).

47 Al-Masry Al-Youm, “Egypt’s Interior Ministry arrests 20 illegal migrants,” *Egypt Independent* (October 22, 2019): <https://egyptindependent.com/egypts-interior-ministry-arrests-20-illegal-migrants/> (accessed November 30, 2020).

48 Stephan Roll, “Egypt: Migration Policy and Power Consolidation,” in *Profiteers of Migration? Authoritarian States in Africa and European Migration Management*, eds. Anne Koch, Annette Weber, and Isabelle Werenfels (2018), p. 65: https://www.swp-berlin.org/publications/products/research_papers/2018RP04_koh_et_al.pdf#page=58 (accessed June 17, 2021).

49 Jan Claudius Völkel, “Livin’ on the Edge: Irregular Migration in Egypt,” Middle East Institute (April 12, 2021): <https://www.mei.edu/publications/livin-edge-irregular-migration-egypt> (accessed November 30, 2020).

Egyptian nationals but also Sudanese, Eritreans, and Ethiopians, many of them heading to Libya, from where some attempt the crossing over the Mediterranean.⁵⁰ Other migrants cross the other way around: sub-Saharan African nationals have, for instance, reached Egypt from Libya in the hope of crossing into Italy.⁵¹

While the scope of transit migration from Egypt into Europe remains unclear, the drivers are well-documented: The increasingly restrictive environment and deteriorating living conditions in Egypt are likely to lead some migrants and refugees to attempt the crossing toward Libya or Europe. But it is unclear how many have the necessary means to migrate, given their precarious situation,⁵² and many migrants might not consider leaving in spite of more negative circumstances, given that they have been living in Egypt for years, where they have established networks and where they remain closer to their countries of origin.

As a consequence, it is unclear to what extent Europe's high investments in Egypt are serving their actual migration goals, but Europeans' partnership with Egypt undoubtedly comes with a high price tag, both financially and in terms of

It is unclear to what extent Europe's high investments in Egypt are serving their actual migration goals, but Europeans' partnership with Egypt undoubtedly comes at a high price

Europe's many other foreign policy goals – including maintaining its credibility as a defender of human rights.

3 RECOMMENDATIONS

The Egyptian regime is a partner that the EU may not like to depend on, but it cannot afford to sideline or rebuff. This dilemma will persist (and likely grow) as Europe holds on to its objectives of curtailing irregular movements in its neighborhood with the support of key regional migration hubs like Egypt, Turkey, Libya, Morocco, or Ethiopia. In fact, Egypt's relevance for Europe might grow even further as the EU's attempts to work with countries south of Egypt, especially with Ethiopia, are dampened by the turmoil the country has been in for the past year.

As alternatives to third-country cooperation seem to be in short supply in Brussels and many EU capitals, European policymakers should at least be clear-eyed about and carefully weigh the trade-offs of closer cooperation with Egypt on migration. The following recommendations to German and European politicians, policy experts, and practitioners cannot solve Europe's dilemma of growing links with non-democratic regimes, but they can help to give ideas and pointers for future discussions on migration with their Egyptian counterparts.

1. Grab the Low-Hanging Fruit: Support Enhanced Data Collection on Migrants and Refugees in Egypt

Data collection is an unexciting yet crucial part of functioning migration policies. It is also a largely uncontroversial – and thus a common – objective of Egypt and the European Union. Currently, available data produced by the UNHCR provides information about registered refugees, but they are only a small share of Egypt's migrant population. The official statistics agency CAPMAS focuses on Egyptians abroad, and thereby also leaves large data and information gaps on the realities of migration flows into the country.

European policymakers should therefore grab the obvious low-hanging fruit: encouraging the collection and sharing of data on foreigners in the country. Concretely, they could fund or otherwise support a second household survey on migration, which would update the first survey conducted in 2013 as part of the EU's MED-HIMS initiative (Household International Migration Surveys in the Mediterranean countries).⁵³ Similarly, policymakers should consider supporting

50 International Organization for Migration, "Libya's Migrant Report. January-February 2021" (2021): https://displacement.iom.int/system/tdf/reports/DTM_Libya_R35_Migrant_Report.pdf?file=1&type=node&id=11261 (accessed June 17, 2021).

51 Expertise France, "Egypt Country Statement: Addressing Migrant Smuggling and Human Trafficking in East Africa" (September 2017): <https://www.expertisefrance.fr/documents/20182/234347/AMMi+-+Country+Report+-+Egypt.pdf/e6046b2d-86e6-42ba-a4ce-f4f50e5fdac2> (accessed June 17, 2021).

52 International Organization for Migration, "Circular migration to Libya" (May 2021): https://displacement.iom.int/system/tdf/reports/DTM_LBY_CircularMigration.pdf?file=1&type=node&id=11546 (accessed June 17, 2021).

53 Eurostat, "Households International Migration Surveys in the Mediterranean countries (MED-HIMS)": <https://ec.europa.eu/eurostat/web/european-neighbourhood-policy/enp-south/med-hims> (accessed November 30, 2020).

research on irregular migration and secondary movement from Egypt to other countries in North Africa (such as Libya) and Europe. Such data collection efforts would link well to recent African Union initiatives to enhance data and analysis regarding migration in Africa, notably through the establishment of the African Migration Observatory in Morocco. Ultimately, investing in better data would help give Egyptians and Europeans alike a more accurate assessment of all groups of migrants in Egypt, and it would help dispel exaggerated refugee and migrant estimates.

2. Rebalance the Partnership with Opportunities for Labor Migration

At present, the EU-Egypt partnership tilts toward security objectives and the prevention of irregular flows in the Mediterranean. This imbalance helps Egypt claim an upper hand in the relationship, waving the threat of secondary movements and increased irregular migration.

Europeans should therefore have an interest in broadening their agenda and making labor migration a greater part of the partnership – this would not only bring more chips into the negotiation, but could also help Europeans regain some leverage. Egypt is facing a two-pronged problem: The imbalances in its labor market continuously create an oversupply of labor and fuel migration aspirations, while Gulf countries are in the process of renationalizing their labor markets, accelerated by the COVID-19 pandemic, leaving fewer spots for Egyptian workers and thus endangering remittances.⁵⁴ Because of these challenges, Egypt currently has a vested interest in other migration channels, both for its unskilled and its skilled populations, to the extent that it is tightening its cooperation with Libya and even calling for the return of Egyptian workers to the country.⁵⁵

EU Member States could leverage this interest – the European Commission's recent unveiling of its Talent Partnerships is a useful opening. Under this framework, European policymakers could offer more opportunities for labor migration to the EU for Egyptian nationals, while also supporting the Egyptian education and vocational training system to decrease the gap between skills and labor needs in the country. Opportunities for temporary and circular migration, as anticipated for in the Talent Partnerships, are especially at-

tractive for Egyptian authorities, who are keen on seeing their workers return home after stints abroad (see Box, p.11).

Specifically, Germany and other European countries could recreate or build on the legal migration pilot projects conducted under the Talent Partnership framework, such as the HOMERe project (High Opportunity for Mediterranean Executive Recruitment), which provides new graduates in Egypt and other countries with mobility options to learn and work in Europe.⁵⁶ Another model that might be useful to watch is the THAMM project (Towards a Holistic Approach to Labour Migration Governance and Labour Mobility in North Africa), which was launched in 2019 to foster both the modernization of labor migration frameworks and legal migration opportunities in North Africa.⁵⁷ Germany can also build on the recent inauguration of the Egyptian-German Centre for Jobs, Migration and Reintegration to boost labor and student migration between the two countries.

3. Support International Organizations and NGOs Providing Services for Refugees and Migrants

International organizations, civil society, and community-based organizations have tried to fill the gaps left by the government in migrant and refugee protection. However, they are faced with financial and bureaucratic difficulties, in addition to the intense scrutiny and threats that civil society and international actors working in Egypt are under (see Box, p.13). While some organizations continue to operate as long as their work remains apolitical and squarely focused on service provision, others working on advocacy or research have had to re-orient, self-censor, or end their activities altogether.

European policymakers should therefore expand their support for civil society and international organizations that provide essential services to refugee and migrant communities and/or (try to) conduct non-partisan research on migration and refugee issues. While it would be desirable that Egypt itself provides the needed services to its migrant and refugee population, it is unlikely to do so in a more substantial manner soon. European actors should thus consider channeling funds to trusted service providers to help improve (or at least maintain) living conditions for these groups in Egypt.

54 Huda Alsahi, "COVID-19 and the Intensification of the GCC Workforce Nationalization Policies," Arab Reform Initiative (November 10, 2020): <https://www.arab-reform.net/publication/covid-19-and-the-intensification-of-the-gcc-workforce-nationalization-policies/> (accessed June 17, 2021).

55 "Libyan labor market has room for 2M Egyptian workers: Private Sector Syndicate," *Egypt Today*, April 21, 2021: <https://www.egypttoday.com/Article/3/101122/Libyan-labor-market-has-room-for-2M-Egyptian-workers-Private> (accessed June 17, 2021).

56 66 Union for the Mediterranean, "High Opportunity for Mediterranean Executive Recruitment (HOMERe)": <https://ufmsecretariat.org/project/homere/> (accessed June 17, 2021).

57 EU Emergency Trust Fund for Africa, "Towards a Holistic Approach to Labour Migration Governance and Labour Mobility in North Africa" (December 13, 2018): https://ec.europa.eu/trustfundforafrica/region/north-africa/regional/towards-holistic-approach-labour-migration-governance-and-labour_en (accessed June 17, 2021).

4. Use Leverage – Even if Limited – to Support Migrant and Other Civil Society Organizations

European countries should use their (albeit sometimes limited) leverage over the Egyptian government to try and improve conditions for migrant and other civil society organizations. While the effectiveness of such pressure is never assured, sometimes it does pay off: When faced with international criticism over the 2017 NGO law, President el-Sisi did indeed have the law revised. While human rights organizations lamented these changes as largely cosmetic, they did remove some of the draconian measures that had previously been in place, including prison sentences for human rights advocates.⁵⁸

Concerted action at the EU level would also help. As the European Commission is currently identifying new ways to secure improved cooperation with third countries on migration, including via visa or aid conditionality, European policymakers should not just consider their partner's track record on migration cooperation and readmissions, but also that on human rights and the rule of law.

⁵⁸ Human Rights Watch, "Egypt: New NGO Law Renews Draconian Restrictions" (July 24, 2019): <https://www.hrw.org/news/2019/07/24/egypt-new-ngo-law-renews-draconian-restrictions> (accessed June 18, 2021) and Amnesty International, "Egypt: Draft New NGO Law Retains Repressive Essence of Old One," Public Statement (July 16, 2019): <https://www.amnesty.de/sites/default/files/2019-07/Amnesy-Bericht-%C3%84gypten-Ce%C3%A4ndertes-Gesetzt-zu-NGOs-Juli2019.pdf> (accessed June 18, 2021).

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