



Current Moroccan Immigration and Asylum Policy: Eight years after the adoption of the “New Policy”

Bahija JAMAL

Mohammedia Faculty of Law
Hassan II University-Casablanca
Casablanca, Morocco
jbahija@gmail.com

Abstract

Over the past decades, Morocco has gradually evolved from a country of emigration and transit to a country of immigration, particularly from Sub-Saharan Africa. Faced with a significant increase of migrants on its soil and alarmed by the difficult living conditions of immigrants and refugees, Morocco embarked on a major overhaul of its immigration and asylum policy.

In 2013, at the invitation of King Mohamed VI, Morocco took the decision to develop a global policy on immigration and asylum consistent with Morocco’s international commitments. It is a policy that encompassed multiple aspects/dimensions of immigrants’ and refugees’ daily lives.

Over eight years, Morocco made great efforts to implement its new public policy on immigration and asylum. As a result, the country succeeded in achieving the policy’s main goals. Nevertheless, Morocco still needs to mitigate the challenges and keep the political “will” alive to make this policy more effective and human.

Keywords— Immigration, asylum, refugees, new policy, perspective

I. INTRODUCTION

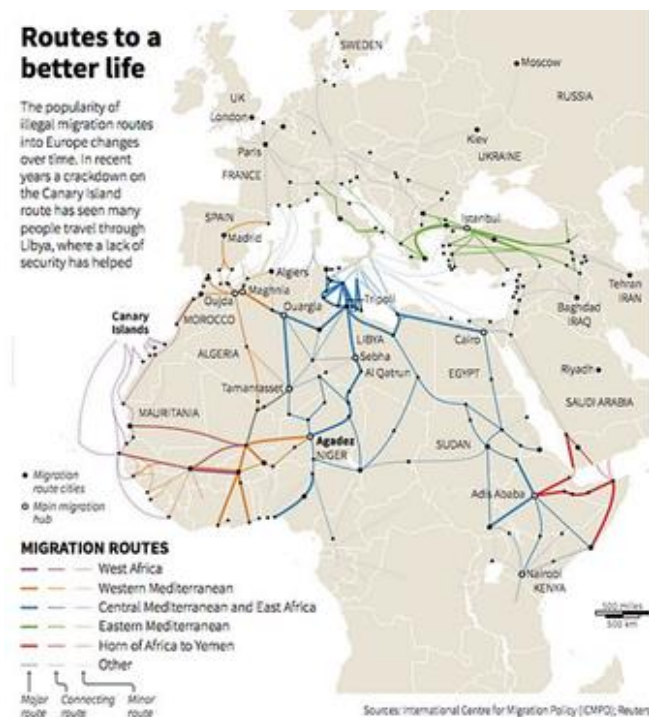
Due to its historical, cultural, and religious links with Sub-Saharan African countries, Morocco is considered a land of emigration, immigration, and transit; to its geographical vicinity to Europe. Consequently, Morocco hosts many regular immigrant workers, a relatively large number of foreign students, but also many asylum seekers, refugees, and irregular immigrants who remain “in transit” often for years.

As reported by the Office of the High Commissioner for Planning (Morocco’s official statistical agency/ 2014 population census), 86,000 foreigners legally reside in the country, representing 0.25 percent of the population of Morocco (33.8 million). Since 2014, following the new Moroccan

policy on migration and asylum, Morocco has regularized 50,000 undocumented migrants.

In the mid-1990s, migration to Morocco from sub-Saharan Africa countries, primarily from West Africa, increased. That is because Morocco constitutes one of the main migratory routes towards Europe. Most of the sub-Saharan irregular migrants crossed and are still crossing Morocco with the intention of pursuing their journey to Europe, mainly via Ceuta and Melilla (see Figure).

Figure 1: Main migration routes to, through, and from Morocco¹



The situation of immigrants, asylum seekers, and refugees in Morocco has been deeply criticized by the Moroccan civil society and international organizations. After decades of ignoring the phenomenon of irregular migration, the Moroccan authorities issued in 2003 Act n°02-03 relating to the entry and stay of foreigners in the Kingdom of Morocco and relating to illegal emigration and immigration (hereinafter “law 02-03”). Most of the Act articles criminalize the entry and stay of undocumented migrants in Morocco. Thus, it was subject to criticism by national and international organizations.²

In response to the plight of migrants and refugees, Morocco enacted, eight years ago, a significant immigration and asylum reform conceived from a human rights-based approach. It is a policy that breaks up with the security-based logic of migration management that had prevailed until then.

September 2013 was a turning point in Morocco’s view towards irregular immigrants and refugees. At the invitation of King Mohamed VI, Morocco decided to develop a new comprehensive, integrated, and humane immigration and asylum policy



in line with Morocco's international and regional human rights commitments.

Over two decades, Moroccan made governance reforms to protect and promote human rights. In this context, the Moroccan government has undertaken numerous measures to implement a new public migration policy to protect and improve the daily lives of migrants and refugees, including victims of human trafficking.

For instance, a large number of undocumented immigrants have been regularized since 2014. Moreover, two draft laws on asylum have been elaborated, and a new law on combating human trafficking has been adopted. Furthermore, several bilateral agreements were signed between key governmental stakeholders (related to immigrants' access to fundamental civil, social, and economic rights). Morocco also developed in 2014 the National Immigration and Asylum Strategy (SNIA).

Thus, this paper aims to shed light on the Moroccan policy on immigration and asylum (II). In particular, it examines the lessons learned eight years after implementing this policy and to which extent immigrants and refugees have effectively benefited (III). Further, the

paper provides an insight on how important to review and update the current Moroccan national policy on immigration and asylum is (IV).

Understanding all of this requires an analysis from various angles and concerning multiple actors. This includes exploring the nature of the national, regional, and international State responsibilities towards immigrants and refugees in Morocco, particularly from a human rights-based approach.

II. THE MOROCCAN POLICY ON IMMIGRATION AND ASYLUM: CONTEXT, PRINCIPALS AND COMPONENTS

Before introducing the current Moroccan policy on immigration and asylum, it seems crucial to present the contextual elements that framed this policy and the principles that define it.

1. CONTEXT

First, it is essential to give an overview of the national, regional, and international context that contributes to developing the national public policy on immigration and asylum.

1.1. NATIONAL CONTEXT



The new policy on immigration and asylum adopted in 2013 is part of the global and structural human rights reform process that Morocco initiated in 2000. Moroccan openness towards respecting the human rights of all human beings marks a major paradigm shift, particularly following the promulgation of the new Moroccan constitution in 2011 that emphasizes the human rights of national citizens and foreigners.

Morocco's migratory policy profound transformation came after years of lobbying from Moroccan Civil Society Organizations (CSOs). They played a vital role in tackling the fragile situation of immigrants and refugees in Morocco. Therefore, their demands were endorsed by The Moroccan National Human Rights Council (CNDH).

In September 2013, CNDH released a thematic report entitled "Foreigners and human rights in Morocco: For a Radical New Asylum and Immigration Policy", assessing the government's policy on immigration and asylum. Furthermore, it outlined inhumane treatment such as aggression, racism, denial of basic rights (housing, health insurance, education...).³

The CNDH report invited public authorities, social actors, and Morocco's

partner countries to enhance the life quality standards of immigrants and refugees. A will to act in synergy to develop and implement a new public policy that includes four main components: the situation of refugees and asylum seekers, undocumented migrants, fighting against human trafficking, and the rights of regular migrants.

Conforming to the CNDH mandate, the report recommendations were submitted for appreciation to King Mohamed VI. He approved them and invited the government to develop a new global and comprehensive policy on immigration and asylum.

1.2. REGIONAL AND INTERNATIONAL CONTEXT

Morocco is a pivotal actor in regional and international discussions on migration management. Before developing the new policy, many regional and international initiatives reflected its willingness to take more migration-management responsibilities. Morocco is playing important roles at:

- 5+5 Dialogue on Migration in the Western Mediterranean;
- Euro-African Dialogue on Migration and Development (Rabat Process);



- Global Forum on Migration and Development (GFMD);
- United Nations High-Level Dialogue on Migration and Development;
- Migration and Mobility Partnership between Morocco and the European Union and its Member States;
- African Alliance for Migration and Development, initiated by Morocco (High-level meeting by the UN body International Migration and Development)

2. *PRINCIPLES*

The current Moroccan immigration and asylum policy is considered a humanitarian and comprehensive policy. It is based on humanitarian considerations and promotes integration and access to healthcare, education, housing, employment, and other services.

The policy is guided in its vision, objectives, and action plans by three principles/approaches:

- Principle 1: Humanitarian/human rights-based approach.
- Principle 2: Comprehensive approach.
- Principle 3: Shared responsibility.

GUIDING PRINCIPLE 1: HUMANITARIAN/HUMAN RIGHTS- BASED APPROACH

The humanitarian approach governs the way humanitarian response is carried out. It was adopted to guarantee the full enjoyment of immigrants and refugees of their rights with respect to international and regional commitments. This is chiefly about guaranteeing the right to life, especially when attempting unlawful entry into the territory, avoiding inhuman or degrading treatment (for example, during the interception and removal operations), and fighting against exploitation and abuse.⁴

GUIDING PRINCIPLE 2: COMPREHENSIVE APPROACH

The policy was perceived to strengthen and broaden the framework of partnership and cooperation with vital migration stakeholders (Institutional Departments, CSOs, and international organizations) and immigrants and refugees alike.

The comprehensive approach also involves exclusive management of migration issues by combining three essential pillars (Overseeing the regular migration, fighting against irregular immigration,



strengthening synergies between migration and development) to maximize both immigrants' and host countries' benefits.

GUIDING PRINCIPLE 3: SHARED RESPONSIBILITY

Pursuant to this approach, migration management's responsibility has to be shared with key national stakeholders. The effective implementation of the immigration and asylum policy requires the collaboration between entities/bodies (both private and public institutions and CSOs) performing the same kind of activity that intends to create an environment that ensures migrants' and refugees' full enjoyment of rights.

3. COMPONENTS

In 2013, the Moroccan government introduced a new immigration and asylum policy based on a comprehensive framework that tackles the complex and inter-related issues of irregular migrants, refugees, and human trafficking.

On September 11th, 2013, following the King's instructions, the Moroccan government set up a national commission in charge of implementing the new policy. The Commission set up four Sub-committees:

- Sub-committee on the regularization of irregular immigrants;
- Sub-committee responsible for the regularization of refugees recognized by the United Nations High Commissioner for Refugees (UNHCR);
- Sub-committee responsible for upgrading the legal and institutional framework on immigration, asylum, and combating human trafficking;
- Sub-committee on diplomatic actions responsible for promoting international and regional cooperation regarding migration.

One month later, the Moroccan government elaborated a work plan that outlined the steps needed to achieve the new policy goals. Thus, the work plan covered the four core components of the Moroccan policy on immigration and asylum:

- Exceptional regularization of irregular immigrants;
- Regularization of refugees recognized previously by the UNHCR
- Upgrading the legal and institutional framework on immigration, asylum, and combating human trafficking;



- National strategy on migrants' and refugees' integration.⁵

3.1. *EXCEPTIONAL REGULARIZATION OF IRREGULAR IMMIGRANTS*

Morocco has made significant efforts to enable undocumented immigrants to access residence permits.

Confronted with an increasing number of irregular and undocumented migrants on its soil, Morocco decided in 2014 to give them the opportunity to be regularized. In line with the government working plan, using eligibility criteria, two regularization campaigns took place in 2014 and 2017.

Therefore, applicants had to meet one of the following criteria:

- Foreign spouses of Moroccan citizens, married and living together for two years and more (before December 31st, 2011);
- Foreign spouses of other foreigners in a regular situation in Morocco, married and living together for four years and more (before December 31st, 2009);

- Children of the two above categories, providing they hold a valid birth certificate;
- Foreign nationals holding a valid work contract, employed at least for the past two years (since January 1st, 2012);
- Foreign nationals able to prove a five-year-long continuous residence in Morocco;
- Chronically ill persons receiving care in Morocco since December 31st, 2013.⁶

3.2. *REGULARIZATION OF REFUGEES RECOGNIZED BY THE UNHCR*

Upon instruction from His Majesty King Mohamed VI, an ad hoc Commission for the regularization of refugees registered with the UNHCR was established in September 2013. The Commission was chaired by the Ministry of Foreign Affairs (Office for Refugees and Stateless Persons/ Bureau des Réfugiés et Apatrides) and included representatives from the ministries of Interior; Justice, Labour, Foreign Affairs, the Delegate Ministry in charge of Moroccans Residing Abroad (DMMRA), Inter-ministerial Delegation



for Human Rights, and United Nations High Commissioner for Refugees (UNHCR).

The regularization of refugees by Moroccan authorities marks a change in the Kingdom's policy towards this category of forced migration. Hence, as a state party to the 1951 Refugee Convention and its 1967 Protocol, Morocco is committed to guaranteeing refugees' full enjoyment of their rights.⁷

3.3. UPGRADING THE LEGAL AND INSTITUTIONAL FRAMEWORK ON IMMIGRATION, ASYLUM, AND COMBATING HUMAN TRAFFICKING

The national policy on immigration and asylum aims to ensure the integration of immigrants and refugees based on a human rights perspective. Reaching this goal required enhancing and upgrading the regulatory framework in compliance with Morocco's constitution and international commitments.

The drafting process of the three laws on immigration, asylum, and combating human trafficking was almost launched simultaneously with other work plan components. As a result, the draft laws were

finalized and ready for adoption end of 2014.⁸

3.4. THE NATIONAL IMMIGRATION AND ASYLUM STRATEGY (SNIA)

In 2014, the government of Morocco developed and started to implement a national strategy for Immigration and Asylum to promote the integration of immigrants and refugees in Morocco. The SNIA is an inter-ministerial endeavor that pursues four strategic objectives:

- Managing migration flows in a manner consistent with human rights;
- Facilitating the integration of regular immigrants;
- Implementing an appropriate institutional framework;
- Upgrading the regulatory framework.

The integration strategy aims to guarantee equal opportunities for immigrants and refugees. Furthermore, it seeks to improve their access to economic, cultural, and political rights and precisely change society's perception of foreigners.

The SNIA is implemented through several programs by the relevant ministerial



departments and the Delegate Ministry/DMMRA. It includes eleven programs covering fundamental areas such as education, healthcare, housing, social and humanitarian assistance, vocational training, employment, management of migratory flows, combatting human trafficking, cooperation and international partnerships, conventional and regulatory framework, and migration governance.⁹

Indeed, to support the implementation of the SNIA programs, several national and international partners, including CSOs, the International Organization for Migrations (IOM), and the UNHCR.

For instance, the UNHCR provides support for refugees with health issues and ensures their referral to public health facilities. Moreover, it provides direct financial support to refugees affected with severe and chronic diseases.

III. MOROCCAN POLICY ON MIGRATION AND ASYLUM: ACHIEVEMENTS

As highlighted above, Morocco has adopted a courageous redefinition of the migration policy equation, which aims to bring the

country up to the standards of protecting immigrants and refugees' human rights.

To accurately assess the Moroccan policy, this part of the study will shed light on implementing the main components presented earlier.

1. EXCEPTIONAL REGULARIZATION OF IRREGULAR IMMIGRANTS

From the government's perspective, the regularization campaign was a success and implemented conforming to the best practices in this field. The two exceptional regularization campaigns in 2014 and 2017 helped nearly 50,000 irregular immigrants (including all women and children who applied) gain access to residency permits and SNIA programs. Hence, Morocco was the first (and to date the only) country in North Africa and the Arab world to regularize migrants in an irregular situation.

Ergo, migrants from 113 countries, predominantly from the sub-Saharan African region, have benefited from the regularization campaigns and were granted residence permits. Those regularized during the first campaign (2014) received a one-year residence permit renewed for the same period. Yet, during the second campaign,



the duration of the permit renewal was extended to three years.¹⁰

2. *REGULARIZATION OF REFUGEES RECOGNIZED BY THE UNHCR*

Upon its constitution, the ad hoc Commission started the examination of 853 refugees recognized by the UNHCR. By November 21st, 2013, with the assistance of the UNHCR, the BRA (Office for Refugees and Stateless Persons) had processed 532 files out of 853 requests received and had granted refugee status to 524 persons.

As of May 2016, there have been 1493 UNHCR-registered refugees interviewed by the Commission (687 non-Syrians and 814 Syrians). The Government granted all non-Syrians refugee cards, and subsequently, the Ministry of Interior granted them a one-year (renewable) residence permit. Upon the first year, the permit validity is extended to three years unless they annually renew their refugee card provided by the Ad hoc Commission. Therefore, the situation of Syrian refugees is different. Following the hearing session of 1363 Syrians, the Ad hoc Commission issued only a receipt that allows them, as well as other refugees, access to the SNIA

programs, including the national health coverage system (Régime d'Assistance Médicale (RAMED)).¹¹

3. *UPGRADING THE LEGAL AND INSTITUTIONAL FRAMEWORK ON IMMIGRATION, ASYLUM, AND COMBATING HUMAN TRAFFICKING*

Three sub-committees were set up to draft three laws on immigration, asylum, and combating human trafficking to give effect to this policy. The Sub-committees were composed of relevant government institutions that worked jointly under the Inter-Ministerial Delegation for Human Rights umbrella. This entity was in charge of drafting a new legal and institutional framework; it constituted task forces that set up concept notes for each draft law, based on the following:

- International law and international human rights standards;
- The 2011 Moroccan Constitution;
- Recommendations of international and regional mechanisms, especially the recommendations and observations of the treaty bodies;
- Best practices in comparative legal systems.



3.1. DRAFT LAW N° 72-17 ON IMMIGRATION

For years, Morocco's immigration policy adopted a security approach. CSOs and international organizations substantially criticized Law n°02-03 due to the mistreatment and deportations of migrants. Furthermore, the same law imposed heavy penalties and imprisonment for illegally entering or leaving Morocco whilst excluding any protection or assistance to the migrants.¹²

Accordingly, heeding the CNDH recommendations, the Committee in charge of drafting the law gave a new impetus to this law regulating immigration in Morocco. Indeed, the Committee structured the new law on the basis of principles that respect the dignity of immigrants during their entrance and stay in Morocco.

3.2. DRAFT LAW N°66-17 ON ASYLUM

As mentioned previously, Morocco is a State party to the 1951 Refugee Convention and the 1967 Protocol. Additionally, in 1957, the country adopted the Royal decree on the application of the Geneva Convention. Correspondingly, an asylum law was drafted to make the CNDH

recommendations regarding refugees and asylum seekers effective.

Per the Geneva Conventions and its protocol, Draft Law n°66-17 regulates conditions for granting asylum and all related rights. It also oversees the national institutions in charge of refugee status determination and all linked standards and procedures.

3.3. LAW N°27-14 ON COMBATING HUMAN TRAFFICKING

Responding to the CNDH recommendations, Morocco passed, for the first time, Law n°27-14 on combating human trafficking following the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children ratified by Morocco in 2011.

The anti-trafficking law stipulates the following:

- Definition of human trafficking, exploitation, and victim;
- Provisions on criminal sanctions, detailing offenses and penalties, as well as aggravating and mitigating circumstances;
- Amendments to the Criminal Procedure Code prioritizing the



identification of the victim and enabling the judicial authorities to issue the indicated orders in case of trafficking;

- Arrangements for assistance within public services for protection, medical care, psychological and social assistance, and free legal aid for victims of trafficking;
- Under the authority of the Head of Government, the establishment of a National Commission to coordinate measures to combat and prevent human trafficking.

4. *THE NATIONAL IMMIGRATION AND ASYLUM STRATEGY (SNIA)*

As highlighted above, to achieve the integration of immigrants and refugees into Moroccan society, the SNIA adopted 11 programs to enable them to access social and economic rights in Morocco with respect to their human dignity.

Since 2015, the SNIA programs guaranteed migrants' and refugees' access to many program activities. Nonetheless, the focus here will be on most programs that constitute crucial achievements. It concerns:

-Access to education irrespective of migrants' and refugees' administrative status.

Adopting the new Moroccan policy included the decision to provide access of migrant children to Moroccan public and private schools. In this regard, the Ministry of Education issued a circular in October 2013 to grant access to education to all children, regardless of their administrative status, and in respect of the Best Interests of the Child principle.

Guided by the comprehensive approach as stated above, and in order to foster successful integration of migrant children in schools, the DMMRA, in cooperation with the Ministry of Education, works in partnership with a number CSOs relying on calls for proposals to support enrollment to classes and pre-school for immigrant and refugee children. In addition, the government- via CSOs- offers non-formal education opportunities to children who have missed out on lessons and cannot attend regular schooling. Thereby, this program allows them to join back formal education or be redirected towards vocational training.



As stated in the annual ministry achievements reports, during 2013/2014, 7122 children integrated the formal school system, counting 48.11% of girls. Year-over-year growth in beneficiary numbers was registered; for instance, 7418 children integrated into the same school system during 2014/2015.¹³

About 5545 immigrant children got registered at twelve Regional Academies of Education and Training during the 2017-2018 school year to widespread children's enrollment in the Moroccan education system. It included the registration of 1500 in primary schools (girls representing 48.27%), 2, 957 in middle-schools (with 49.41% girls), and 1088 in high school (girls representing 50%).¹⁴

Controversially, compared to the previous years, the number of children's enrollment has decreased. As specified in the unpublished DMMRA annual reports of achievements, only 3204 children had access to education during the 2019/2020 school year.¹⁵

-Access to health services irrespective of migrants' and refugees' administrative status.

There has been much progress when it comes to healthcare access for immigrants and refugees. For example, the SNIA health program allows free access to preventive and curative care in primary healthcare centers and emergency care in hospitals.

Available statistics indicate growth in the number of medical care beneficiaries. Year after year, migrants' and refugees' access to health care is increasing as shown below:¹⁶

Access to health care services	
Year	Beneficiaries
2017	15606
2018	22900
2019	23759

Moreover, deprived regularized immigrants and refugees are also entitled to a medical insurance scheme similar to the regime that poor Moroccans benefit from the National Insurance Medical System.

Outreach and awareness campaigns are also organized to include immigrants and refugees in the Ministry of Health national programs concerning tuberculosis, parasitic diseases, HIV/AIDS, and sexually transmissible diseases. For 2017-2018, 2650 migrants and refugees benefited from the outreach campaigns.¹⁷ Along with that, women migrants and refugees are taken into



consideration in the health program; for instance, pregnant women are eligible for the entire range of pre-natal and post-natal care.¹⁸

On another note, it seems worth emphasizing that, equally to citizens, immigrants and refugees are amongst the beneficiaries of the national vaccination campaign against COVID-19.¹⁹

-Access to vocational training and labor market

Morocco supports migrants' and refugees' integration to vocational training and the labor market. Therefore, regardless of their administrative situation, they can freely access vocational training services of the National Mutual Aid (Entraide Nationale) and CSOs projects during the period 2014-2015.

In this regard, 460 immigrants, 50% of whom were women, located in the cities of Rabat, Casablanca, Fes, Sefrou, and Oujda, received training in the areas of hotel jobs, cuisine and pastry, IT, construction, child education, entrepreneurship, support and creation of cooperatives and income-generating activities.²⁰

Similarly, regularized immigrants and refugees are eligible for the National Office

of Vocational Training and Promotion of Employment (OFPPT). Vocational training programs allow immigrants and refugees to establish businesses and self-employment.

Available information reveals that 54 immigrants and refugees registered at the OFPPT during 2017-2018 [10], while that number decreased to 44 registered during 2018-2019.²¹

Although during 2017-2018, 401 immigrants and 218 refugees registered at different regional National Mutual Aid Delegations [10], regional Delegations recorded only 334 migrants and refugees in 2018-2019.²²

Generally, migrant workers and asylum seekers are granted access to work. Thus, many sub-programs have been planned:²³

- Integration of regular immigrants to the job search programs and services via the National Agency for the Promotion of Employment and Competencies (ANAPEC);
- The ANAPEC enables access to available employment opportunities. During 2015-2019, 2226 migrants and refugees registered at the Agency, and 878 took part in a training session on



employment search. As a result, 68 immigrants and refugees succeeded to access the labor market;

- The ANAPEC employment assistance programs Idmaj, Tahfiz and Taâhil;
- Integration of immigrants and refugees in aid programs for self-employment and business creation;
- Setting up a portal for job offers for rare profiles.
- Regularized migrants and refugees can access job-search services of the public employment office ANAPEC online through a dedicated mobile application, “Welcome ANAPEC”, or in 11 agencies of the country where the procedure was introduced and the personnel trained.

We conclude that the SNIA programs mentioned above and the other 11 programs not presented in this study attest to the extent to which the Moroccan government made concert efforts to fulfill its commitments to integrate immigrants and refugees.

It is important to acknowledge that immigrants, refugees, and vulnerable groups were a concern for the Moroccan government during the Covid 19 national lockdown.²⁴

In its draft annual achievements report, the DMMRA highlights that within the humanitarian assistance framework of the SNIA programs and with the support of CSOs, immigrants, and refugees benefited from the distribution of food baskets, clothing, and medical assistance.²⁵

IV. MOROCCAN POLICY ON MIGRATION AND ASYLUM: PERSPECTIVES OF UPDATING

Human mobility management “in the positive sense” is an issue that requires a participatory approach to deal with it. As mentioned earlier in this paper, Morocco has direct implications for migration management at the international and regional levels. The country still plays a significant role in making migration and asylum safe, orderly, and regular. In this regard, in 2018, Morocco hosted two international meetings in Marrakech: the Intergovernmental Conference that adopted the Global Compact for Safe, Orderly and Regular Migration (CGM) and the 11th Global Forum on Migration and Development (GFMD) Summit Meeting.

Simultaneously, during the Intergovernmental Conference, Morocco signed the headquarters agreement of the



African Migration Observatory – inaugurated on December 18th, 2020, reaffirming its commitment to multilateral work on migration at the regional level.

Morocco continues making efforts to keep standing its agenda for change. Once again, the new international and regional contexts impel adopting a more comprehensive approach to facilitate effective migration and asylum management.

The matters discussed above undoubtedly attest to the particularity of the Moroccan experience in presenting positive/human responses to immigrants and refugees. Nevertheless, Morocco has been urged to carry out a comprehensive update of its 2013 national policy on immigration and asylum.

The implementation of different components was confronted with some legislative, institutional, and administrative challenges. This part of the study offers some perspective on upgrading based on the claims/demands of CSOs, immigrants and refugees themselves.

1. REGULARIZATION OF IRREGULAR IMMIGRANTS

The two regularization campaigns led to the 50000 migrants having their situation regularized. Those who benefited from the first campaign (2014) received a one-year residence permit renewed for the same period.

From 2014 to 2018, the administrative modus operandi to renew immigrants' residence permits was fluid and did not pose any difficulties. Since 2018 however, according to CSOs and immigrants, Moroccan authorities have started imposing standard criteria that govern foreigners' legal entrance and stay in the Kingdom of Morocco. These criteria follow the provisions found in Law n° 02-03, and the Minister of Interior decision (n°500-12 issued February 13th, 2012) that sets out the documents to be attached to the request for obtaining or renewing residence permits.

In the absence of any official announcement from the Moroccan authorities, regularized immigrants suddenly find themselves required, when renewing their permits, to present documents that any foreigner entering or staying in Morocco must submit according to the standard legal procedures. Wherefore they must meet eligibility criteria different from those required during the first regularization campaign.²⁶



In this regard, regularized immigrants must present, for instance, a work contract, rental agreement, criminal record check, and a long list of documents. Currently, immigrants face the problem of not meeting the standard criteria due to a low socio-economic status for most. Their livelihoods are tied to the support they get from CSOs in charge of implementing the SNIA programs.

The situation of immigrants has become worse than ever, particularly with the pandemic. Last year, CSOs and immigrants themselves criticized the Moroccan authorities. Migrant's rights activists pointed out that Morocco returned to the situation before 2013 and regularized immigrants wended up living in an irregular situation.²⁷

Morocco is urged to review its position towards regularized immigrants so as to preserve and build on its achievements.

It is crucial to mention that it is incomprehensible that Moroccan authorities are still reluctant to inform immigrants about the shift from the exceptional to the standard/ordinary requirements.

Otherwise, immigrants will have more difficulties accessing the SNIA programs without being regularized. With a view to keep its position as an immigration model country, two scenarios can be recommended for the Moroccan government to adopt:

To pass, as soon as possible, the Draft Law n° 72.17 on immigration that was conceived from a human rights perspective and made an update to residence permits criteria;

To organize a third exceptional regularization campaign with more understandable eligibility criteria. A campaign that takes into account immigrants' plight during the pandemic and the difficulties of accessing the SNIA programs.

2. REGULARIZATION OF REFUGEES RECOGNIZED BY THE UNHCR

The ad hoc Commission recognized refugees face the same difficulties to renew their residence permits issued by the Moroccan authorities. During the pandemic lockdown, many refugees failed to have access to the Office of foreigners.

Due to limitations of movement that require administrative authorization, some refugees



who moved before the COVID-19 crisis to other cities got blocked and could not renew their documents. According to regulations related to the renewal of residence permits, immigrants and refugees must request the renewal at the Office of foreigners that issued the document for the first time, based on the applicants' habitual residence addresses.

Withal, the situation is more complicated for Syrians. The 1363 refugees who received the receipt from the ad hoc Commission do not fully benefit from the SNIA programs. The situation is particularly worrying, especially during the pandemic. In addition, issues relating to Syrian refugees and the other 4,291 people registered by UNHCR are still pending. For instance, the Moroccan government has not yet decided on what status Syrian refugees' can receive (i.e., refugee status, temporary protection, other).

To preserve its achievements, Morocco is urged to make its policy on asylum more effective and respect its international and regional commitments that provide protection and human rights guarantees to asylum seekers and refugees. For that purpose, Morocco is recommended to:

Review the rigid administrative procedures linked to the renewal of residence permits for both refugees and immigrants, such as demanding a habitual residence address;

Promptly pass the Draft Law n°66-17 on asylum intended to provide more protection guarantees to all refugees, including Syrians waiting for responses to their pending situation.

3. EFFECTIVE IMPLEMENTATION OF THE SNIA PROGRAMS

Despite being a developing country, Morocco rose to the challenge of implementing a courageous policy in the Arab and African regions. The SNIA programs' implementation requires a specific budget, but the economic and financial imbalance impacts the effective execution of the integration policy. Moreover, recent developments pose new challenges that could be overcome if the Moroccan "will" still exists.

Nowadays, the government's will, which was behind the adoption of the new policy in 2013, needs a booster shot. To this end, the government is urged to:



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- Remind key institutional stakeholders about their commitments;
 - Implicate new stakeholders;
 - Rethink to better mainstream immigrants and refugees in the national social assistance plans.
 - Operationalize the immigrants' medical assistance program (Insurance system, RAMED);
 - Provide self-employment opportunities to immigrants and refugees and support them in setting up micro-businesses and cooperatives;
 - Continue to increase private sector awareness of the possibility of recruiting immigrants and refugees;
 - Integrate migration issues in national social assistance plans such as the Social Security Initiative launched recently by King Mohamed VI.

Along these lines, here are some proposals that can lead to more effective and impactful SNIA programs:

- Expand migrants' and refugees' access to employment, mainly access to the labor market and job-search with the support of all ANAPEC agencies nationwide. Hence, expanding access will enable more than 68 individuals (mentioned above) to enter the labor market;
- Foster and strengthen immigrants' and refugees' formal business creation opportunities via micro-credit institutions' mobilization;
- Conduct a study on immigrants' and refugees' education needs, setting up indicators for monitoring and evaluating immigrants' and refugees' access to education; in particular, as it has been noticed that the number of education programs' beneficiaries is decreasing year by year;

This initiative would thereby improve the living conditions of Moroccan citizens, immigrants, and refugees alike.

V. CONCLUSION

Adopting an immigration and asylum policy marks a significant paradigm shift in the orientation of Moroccan policy, one that breaks with the security-based logic of migration management and embraces a comprehensive humanist approach based on respect for the fundamental rights and dignity of immigrants and refugees.

As mentioned above, Morocco has made considerable efforts to implement the new



policy components. The achievements accomplished with national and international partners attest to Morocco's pioneering role in migration management in the region.

For eight years, the successes and failures, the ups and downs, have had an impact on the achievement of public policy goals. Implementing all the national policies on immigration and asylum was not as effective as intended.

Yet, it is not rational to make an early assessment of such a big project initiated by a developing country.

The political will is here despite many financial, institutional, and administrative challenges confronting that will.

Hence, to mitigate its challenges, Morocco is urged to update and review its public policy and continuously reiterate its commitments and responsibilities towards immigrants and refugees, especially during and post-pandemic.

To conclude, all the matters discussed above undoubtedly impact Morocco's pioneering role in international and regional migration management agendas. Morocco needs to make more efforts and adopt a

unified and sustainable approach to ensure South-North and South-South good migration governance to maintain its leadership position. Good and humane governance considers immigrants and refugees not a burden but an opportunity to be welcomed.



NOTES

¹ Stylianos Kostas, 'Morocco's Triple Role in the Euro-African Migration System', *Middle East Institute*, (2017).

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