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Almost Home? Morocco's Incomplete Migration Reforms by Katharina Natter



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Cover image: Young Malian migrants watch the border between Morocco and the Spanish enclave of Melilla from a clandestine immigrant camp located at Mount Gourougou, near Nador, Morocco, Nov. 6, 2014 (AP photo by Santi Palacios).

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ALMOST HOME? MOROCCO'S INCOMPLETE MIGRATION REFORMS

By Katharina Natter

Migration from Africa to Europe is a hotly debated topic. Headlines about migrants crossing the Sahara Desert or the Mediterranean Sea appear regularly in major international newspapers, most infamously in April, when at least 1,000 migrants died on two capsized ships between Libya and Italy. In Brussels, European leaders meet frequently to discuss policy responses to irregular border crossings and migrant deaths at sea, time and again advancing cooperation with North African states as a potentially successful strategy. But reporting has mainly focused on the European perspective, while North African states' policy approaches and civil societies' attitudes toward irregular migrants have largely been ignored. This perspective is essential, however, to fully grasping the migration dynamics unfolding in the region and to working out sensible policy solutions.

Morocco, in particular, is a key actor in this Euro-African migration system. Over 3 million Moroccans and their descendants currently live in Europe, and thousands of migrants from Asia and Africa [arrive in Morocco each year](#), both to settle there and to prepare for migration to Europe. Morocco's land borders with the Spanish enclave cities of Ceuta and Melilla on the Mediterranean coast increase its attractiveness for Europe-bound migrants. For European countries, especially France and Spain, Morocco is therefore a crucial partner in migration control. Since the 1990s, these countries have signed multiple bilateral agreements covering border control cooperation, readmission of irregular migrants and preferential access for Moroccan students and workers.

Morocco's political stability in recent years [contributes to making it a privileged partner for Europe](#). Although the country has not seen the turmoil caused by the Arab Spring in other parts of North Africa,

2011's pro-democracy "February 20 Movement" and related demonstrations against rising unemployment [did challenge the political status quo](#). As a result, a new constitution was adopted by referendum in July 2011 that increased—at least on paper—human rights and empowered the prime minister and government, without touching the royal prerogatives that form the foundation of Morocco's political system.

This changing political context has also significantly affected the migration issue. In September 2013, King Mohammed VI [announced a new migration policy](#) that stood in stark contrast with the previously repressive stance toward irregular migrants, surprising many local and international observers. The new policy claims to be progressive and respectful of human rights, and indeed, it brought about tangible changes on the ground, including a regularization campaign and state-led integration measures. However, large-scale raids of irregular migrant settlements in northern Morocco in February suggest the limits of the sustainability and credibility of this new policy.

This article seeks to put Morocco's current migration policy changes in context by providing insights into the country's shifting migration dynamics, as well as the impact of broader social and political developments.

Irregular Migrants in Morocco

Immigration has emerged as a highly salient topic in Morocco over the past two decades, despite the strikingly small size of the foreign population. In 2013, approximately 110,000 migrants were living on Moroccan soil, representing less than 0.4 percent of the country's population. Among those, 77,000 were legal residents, [mainly originating from France](#), and were either retired or employed in high-skill jobs.

The size of Morocco's irregular migrant population is difficult to determine, but estimates [range between 30,000 and 40,000 people](#). These irregular migrants come from a variety of countries, not only from the Maghreb and sub-Saharan Africa, but also increasingly from Asia and Europe. Alongside refugees from war-torn countries in the

wider region, Filipino domestic workers, Chinese traders and young French and Spanish workers [have started migrating to Morocco](#), in the latter case as a consequence of the 2008 economic crisis.

Despite this diversity, Moroccan and European public discourse has fostered the image of a mainly poor and transient sub-Saharan irregular migrant population passing through Morocco on its way to Europe. This characterization is wrong in two regards. First, the framing of sub-Saharan irregular migration as a phenomenon driven mainly by poverty and desperation is misleading. Most sub-Saharan migrants in Morocco have secondary or tertiary education and [were employed in their country of origin](#) before departure. In addition, many sub-Saharan African students find themselves in an irregular situation after completing their studies in Morocco, as it is very difficult to access work permits.

Second, the portrayal of sub-Saharan migration to Morocco as “transient migration” is outdated and does not do justice to the attractiveness of Morocco as a destination country. Recent in-depth [interviews with 50 irregular sub-Saharan migrants](#) showed that a quarter of them aspired to permanently settle in Morocco, in contrast to a 2007 study that [found that only 3 percent of interviewees wished to stay](#).

Morocco’s limited but growing attractiveness for migrants notwithstanding, the lived experiences of sub-Saharan irregular migrants there are often dominated by stigmatization and abuse. Their irregular status restricts legal possibilities to work, rent houses and access social services such as health care, and they often find themselves in exploitative relationships with employers or landlords. In recent fieldwork by the [Beyond Irregularity project](#), a migrant [recounts](#), “I have seen cases of undocumented migrants who have had accidents in factories . . . who remain [trapped] without any aid in hospital beds here because they not only had no residence permit, but also could not sue their employers.”

On the societal level, everyday racism based on complexion, language and religion—many sub-Saharan migrants are Christians, whereas Morocco is almost entirely Muslim—contributes to stigmatization in the public sphere. The widespread xenophobia has also been [fos-](#)

tered by [Moroccan media discourse](#), which regularly links reporting on sub-Saharan migration to issues such as trafficking, prostitution and dangerous diseases such as HIV. The most cited example in this regard is probably the November 2012 cover of the weekly newspaper Maroc Hebdo that [referred to sub-Saharan migrants in Morocco as “the black peril.”](#) Although churches and local NGOs provide support both to recently arrived and established migrants, social interactions among migrants and Moroccans remain limited.

Mistreatment by the Moroccan State

Migration has always ranked high on the Moroccan political agenda. But while authorities used to focus almost exclusively on fostering relations with the Moroccan diaspora in Europe, the 21st century has heralded a new policymaking phase dominated by irregular migration control. Morocco’s first law on irregular migration, Law 02-03, [dates from 2003](#). It criminalized irregular migration, established strict sanctions for the support and organization of irregular migration and increased human and technological control capacities at Morocco’s borders with Algeria and Spain. On the ground, this policy was accompanied by regular raids of migrant settlements in northern Morocco and the suburbs of major cities.

Protest against this harsh treatment of irregular migrants remained limited at first. In the fall of 2005, however, a game-changing event propelled the mistreatment of irregular migrants to the forefront of Moroccan, African and European diplomacy and civil society activism: In September and October 2005, at least 15 irregular migrants [died attempting to cross the border fences](#) between Morocco and Ceuta and Melilla. Since then, irregular migrants [have called the barriers](#) between Morocco and these Spanish territories “the death corridor.”

In the aftermath of this crisis, irregular migrants’ abuse by Moroccan public authorities, police and border guards was widely criticized by local and international NGOs, which accused Morocco of playing “Europe’s gendarme.” Activists regularly pointed out the contrast between the Moroccan government’s treatment of migrants on its soil and its advocacy for more rights for Moroccan migrants in Europe.

Since 2006, the Moroccan Anti-Racist Defense and Support Group of Foreigners and Migrants (GADEM) has openly denounced the illegal treatment of migrants, and migrants themselves have [established associations](#) such as the Council of Sub-Saharan Migrants in Morocco (CMSM) to protest against the inhuman treatment they face.

Despite these efforts, human rights violations have continued to occur in Morocco and at its borders over the past decade. In 2012, [field-work by Human Rights Watch](#) and a [report by GADEM and CMSM](#) extensively documented practices of arbitrary detention of irregular migrants, including women and children, as well as police abuse of migrants during raids on informal settlements. One migrant interviewed by GADEM in August 2012 recounted that after Moroccan police forces penetrated a house occupied by migrants, they “set on fire the remaining belongings, clothes, food, and covers, including identity documents.”

These reports also provide vast evidence of the collective expulsions of irregular migrants from Spain to Morocco and from Morocco to Algeria. A migrant interviewed by the transnational network No Borders Morocco in March 2014 [reported that he had been forced back to Algeria seven times](#). His account revealed the violence of both the Algerian and Moroccan state agents at the border: “[The Moroccan military] says to you: ‘Here is Algeria, cross!’ If you don’t cross the way they want, because they are militaries, they are armed . . . And in that case too, it is the Algerians that are very violent, because the Algerians, they shoot . . . Both Moroccans and Algerians, they often shoot.”

The regional political developments triggered by the Arab Spring, the domestic calls for more migrant rights and Morocco’s economic and diplomatic interests in sub-Saharan Africa have made the enactment of more humane migration policy measures inevitable. However, the sustainability of Morocco’s policy change remains uncertain in light of the most recent backlash against irregular migrants.

Policy Shifts in the Wake of the Arab Spring

Unlike in Tunisia, Libya and Egypt, the 2011 Arab Spring in Morocco did not turn into a revolutionary uprising. Instead, a new constitu-

tion [was enacted to placate critics of the government](#). Article 30 for the first time enshrined that “foreigners enjoy the same fundamental rights as Moroccan citizens.” By implicitly including migrants in the Moroccan social contract, this article nurtured expectations among migrant associations and human rights NGOs and gave them a powerful legal tool to support requests for increased migrants’ rights.

Despite this initial improvement, the new human-rights based migration policy announced in 2013 came as a surprise. Based on the recommendations of the National Council on Human Rights (CNDH), Mohammed VI [detailed the three main aspects](#) of this new policy. First, a refugee determination system would be elaborated to enable the Moroccan government to process asylum claims, a task currently performed by the United Nations High Commissioner for Refugees (UNHCR). Second, the king [promised regularization of irregular migrants](#) able to prove several years of continuous residency, a stable work contract or family links to a Moroccan national or resident. Finally, he pledged to develop an integration policy for migrants living in Morocco, targeting the social system and the labor market.

Over the past 18 months, Morocco has started to implement this new migration policy. One positive development in the first half of 2014 was the [discontinuation of irregular migrants’ expulsion to Algeria](#). The most tangible improvement so far was the regularization campaign conducted between Jan. 1 and Dec. 31, 2014, which [granted 17,916 migrants](#)—mostly of Senegalese, Syrian, Nigerian and Ivoirian origin—legal status, out of a total of 27,332 applications. With an approval rate of 65 percent on average, and 100 percent for women and children, the regularization has been dubbed a success. However, some human rights organizations in Morocco [criticize the opacity of the appeals procedure](#), as well as the fact that only 4 percent of applicants requesting regularization on the basis of a work contract received a favorable response.

The royal policy intervention in favor of migrants’ rights, however, should not only be examined in light of the Arab Spring; it can also be understood as part of Morocco’s growing political and economic interests in the rest of Africa. While in the past, Moroccan foreign policy was almost exclusively guided by the government’s desire to

foster integration with the European Union, the 2008 global economic crisis led Morocco to increasingly [emphasize its links with neighboring countries in Africa](#). Indeed, Moroccan firms have made important investments in West Africa in recent years, especially in the telecommunications, banking and infrastructure sectors.

Diplomatically, Mohammed VI attracted important media attention with his tour of West African countries in February 2014. Beyond economic cooperation, Morocco also has a strong interest in maintaining good diplomatic relations with West African countries to receive backing for its position on the Western Sahara question. Morocco [claims sovereignty over the Western Sahara territory](#), while other African states recognize the Sahrawi Arab Democratic Republic (SADR), whose membership in the African Union (AU) in 1984 prompted Morocco to leave the organization.

Despite the continuing importance of Europe for Morocco, this deepening of African-Moroccan relations seemed at odds with the denial of African migrants' rights in Morocco. Together with the growth of the African migrant population in Morocco, this may partly account for the policy shift.

Renewed Violence on the Ground

However, the euphoria of civil society and international actors regarding Morocco's new migration policy was cut short by the raids conducted by the police and the military only one day after the last decisions for regularization were issued. On the night of Feb. 10, Moroccan police raided the Gourougou forest near Nador in the north of Morocco, where over the past few years irregular migrants seeking to enter Europe via the fences surrounding Ceuta and Melilla [had established a makeshift camp](#). Approximately 1,200 irregular migrants were evacuated, taken first to Nador for identification and then to improvised detention facilities in the south and center of the country; the Gourougou settlement was torn down.

Hicham Rachidi, secretary-general of GADEM, [voiced his disappointment](#) at this "success-story-turned-catastrophe," writing, "This is a true migration tragedy. . . . All conditions were in place to allow

Morocco to substantiate the exemplary and exceptional work started in 2013. . . . Of all this, nothing remains.”

In a recent interview, GADEM member Elsa Tyszler further explained that although the Moroccan government had announced it would “clean the northern border” at the end of the regularization process, migrants’ rights activists were surprised at the scale and speed of these raids. Uncertainty also prevailed regarding the aim of this police action. According to the government, migrants were detained to facilitate their access to stay and work permits, but migrants’ activists suspected that authorities were actually trying to deport them.

Yet by the end of February, most of the migrants had allegedly been released, after a judge in Casablanca publicly denounced the illegal character of these detentions. This kind of judicial intervention is new in the Moroccan context and possibly a side effect of the judiciary’s increased independence, enshrined in the 2011 constitution. Previously, civil society had been virtually alone in denouncing the illegal practices of public authorities. The intervention of the judicial branch could strengthen activists’ legal demands and may indicate the emergence of a new domestic actor on Moroccan migration policy.

So far, it remains unclear how this unexpected turn of events—first the massive detentions, then the judicial intervention—fits into the king’s proactive and progressive migration agenda. Like in any other political system, various potentially contradictory interests in foreign policy and domestic affairs are shaping the issue of migration control. For instance, even as it deepened its relations with African countries, Morocco renewed migration cooperation with the EU in June 2013 through the signing of a “Mobility Partnership.” This agreement prepares the ground to negotiate, among other things, an intensified EU-Moroccan collaboration on border controls and the accelerated readmission of irregular migrants to Morocco, as well as support structures for Morocco to return African irregular migrants to their countries of origin. However, no concrete policies have emerged from this partnership so far.

On a bilateral level, cooperation with Spain has also intensified in recent years, both diplomatically and operationally, with the aim to

strengthen controls in the Strait of Gibraltar and at Morocco's borders with Ceuta and Melilla. The current Spanish policy, which since April [has legalized the immediate expulsion of irregular migrants](#) from the two territories to Morocco, also points toward increasingly harsh treatment of migrants in the region.

Conclusion

Morocco's apparent readiness to continue cooperating with Europe on the securitization of borders in the region seemingly contradicts its progressive approach toward African migrants over the past two years. However, these developments reflect the characteristic ambiguity of Moroccan migration policies, which seek to simultaneously satisfy European, African and domestic policy interests. While Morocco endorses EU talking points on the need to control migration, actual collaboration on border controls and readmission on the ground has often been limited, and Moroccan authorities have always kept their regional geopolitical and business interests in mind.

Nonetheless, migrants, local human rights' associations and international observers remain uncertain how to interpret ongoing developments. As events unfold rapidly, there are indicators both of policy continuity and of a genuine shift.

On the one hand, the recent roundups represent continuity with Morocco's policy since 2003, characterized by arbitrary detentions and expulsions. Although these seem to have decreased since the announcement of a new migration policy, a closer look at events reveals that violence and repression at Moroccan borders continued throughout 2014. Indeed, border crossing attempts from Morocco into Ceuta and Melilla have become more frequent over the past year, regularly leading to migrants' deaths. Testimonies of migrants [recorded by No Borders Morocco](#) reveal how the regularization campaign has failed to end the violent treatment from both Moroccan and Spanish border forces.

On the other hand, nearly 18,000 people have received regular status over the past year—a first in the North African context and an exceptional policy development. In addition, Moroccan authorities [have](#)

announced initial social measures, such as the creation of a support program for the most vulnerable migrants and the decision to make migrants eligible for a health assistance program for economically disadvantaged Moroccans.

However, the inconsistency of this policy change is remarkable, and several issues remain unresolved, two of which will significantly determine the sustainability of this shift. The first concerns how regularized migrants will integrate into Moroccan society, and what structural support systems will be put in place to facilitate this process. An effect of the regularization has been the growing visibility of irregular migrants in Moroccan cities and public spaces. In August 2014, tensions between local communities and migrants led to the murder of a Senegalese student in the coastal town of Tangier.

The second concerns Morocco's incomplete legal framework on migration. What will happen to those irregular migrants whose application for regularization has been rejected? How will regularized migrants be able to renew their status after one year? And what laws will apply to those migrants who will enter Morocco in the coming months and years? The answers to these and many other questions remain to be determined. While the regularization has been implemented rapidly, the announced new laws on asylum, immigration and human trafficking have not been adopted yet. This legal void represents an ongoing challenge to the sustainability of Morocco's migration policy experiment. □

*Katharina Natter is a research assistant at the International Migration Institute at the University of Oxford, where she works on the **Determinants of International Migration (DEMIG)** project. Her research focuses on the role of states and policies in migration processes, particularly from the North African perspective. From September 2015 onward, she will conduct her doctoral research on Tunisian and Moroccan migration policies at the University of Amsterdam.*

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