Migration Policy Reform in Morocco: Implications for Migrants, the Country, and the Region

By Kelsey P. Norman

In September 2013, the King Mohammed VI of Morocco made an announcement that startled the country’s civil society: Morocco would be reforming its national migration policy. More specifically, the King called for the drafting of a new ‘comprehensive policy on immigration’ with the intention of providing a path to regularization for irregular migrants in Morocco, whether from sub-Saharan Africa or elsewhere. The King also called for the drafting of a new law regarding asylum-seekers and human trafficking. This Insight will explore Morocco’s migration policy changes in greater detail and address three questions: Why did the Moroccan government suddenly change its approach to migration, what consequences has this had for migrants and refugees themselves, and what are the implications of this change for other countries in the region undergoing similar patterns of migrant settlement?

‘Non-Traditional’ Migrant Settlement

Most literature on immigration and citizenship assumes that migration takes place from developing countries to Western, liberal-democratic countries, despite the fact that more than half the world’s migration takes place between developing states (OECD 2011). Due to increasingly stringent border controls imposed by traditional migrant-receiving states in Europe and decreasing refugee resettlement rates, hundreds of thousands of migrants and refugees fleeing conflict and poverty in neighboring African and Arab states have settled in MENA countries, either because they are unable to reach Europe or they are not eligible for resettlement. The recent refugee crises caused by the ‘Arab Spring’ and increasing incidents of fatal boat crossings in the Mediterranean highlight the urgency of this issue.
In academic literature and among policy practitioners, migrant destination countries are generally considered to be developed, Western states. Indeed, European countries were the highest immigrant-receivers per capita following WWII, and were then surpassed by Canada, the United States and Australia beginning in the 1970s (Castles and Miller 1998). However, these traditional migrant-receiving states have enacted a series of increasingly restrictive migration controls since the 1990s, making it much more difficult for would-be migrants to successfully immigrate. Goldschmidt (2006) argues that when the EU created the Schengen space – an internal zone of free movement – in 1985, it also largely barred legal entry to migrants from developing countries. Since that time, the EU has granted increasingly fewer visas for migrants coming from developing countries in all immigration categories, despite an increase in the number of aspiring immigrants (ibid).

**EU Pressure on Morocco**

The European Union and individual European states began pressuring North African countries to bolster border security in order to curb illegal migration in the 2000s (Boubakri 2013). In exchange for increased trade and the loosening of visa entry requirements for nationals of neighboring countries, the EU has successfully pressured many of these states to adopt enhanced policing policies toward irregular migrants. In the case of Morocco, this has meant particularly violent policing measures toward migrants near the Spanish enclaves of Melilla and Ceuta. Migrants residing near these enclaves were frequently arrested in mass raids, driven to Morocco’s border with Algeria, and forcibly deported into the no-man’s land separating the two countries (MSF 2013). While Morocco has resisted signing a readmission agreement that would require it to accept European-deported migrants who had transited through Morocco, it did sign a ‘migration and mobility’ partnership with the EU in 2013. Morocco is the fifth of the EU’s neighbors to sign this type of non-legally binding framework, the purpose of which is to facilitate migration for Moroccans to the EU while simultaneously committing Morocco to combating irregular migration (European Commission Press Release 2013).

Despite such deterrents in Morocco and elsewhere in North Africa, both migrants and refugees continue to depart from their home states, though few are able to reach Europe or their desired destination country due to the prohibitive financial cost, potential danger, or limited resettlement spots in the case of refugees (de Haas 2007). Additionally, the price of a return
journey via the same migratory route is often too high, or the opportunities available in a migrant’s home country are too limited. Consequently, many migrants and refugees choose, or are forced to choose, the best available solution: remaining in a transit state for an indefinite period of time.

**Changing the Game: Civil Society**

The buildup of stocks of migrants in Morocco since the 1990s has given rise to a network of international and local NGOs that provide services for migrants and refugees. Migrants themselves have also established community organizations like the Conseil des Migrants Sub-Sahariens au Maroc or the Collectif des Communautés Subsahariens au Maroc that advocate for migrant rights: the right to fair pay, access to health care, the right to remain in the country, etc. A turning point for many of these groups occurred in 2005 following the death of at least fifteen migrants at the hands of Spanish and Moroccan authorities while trying to scale the fences separating Morocco from Melilla and Ceuta (Goldschmidt 2006). After a series of particularly violent incidents that year, a forum was held in 2006 between European civil society groups, migrant community leaders in Morocco, and Moroccan civil society organizations, many of which had only worked tangentially on the issue of migration up until that point. That same year, a NGO called GADEM\(^1\) was formed to advocate for the recognition of the rights of foreigners and migrants. A ‘Platform for Protection,’ led by GADEM, Caritas, La Fondation Orient-Occident, and other NGOs, was officially launched in 2009 and continued to solidify over the next several years, even in the face of continued violence toward migrants and the excessive use of force by Moroccan authorities.

Concurrently, in 2006, a labor union called the Organization Démocratique du Travail (ODT) was founded. Unlike older, more established unions, this organization’s membership was young, with seventy-five percent of members under the age of thirty. In 2012, following several incidents in which migrants were injured or killed while working informally for Moroccan companies, migrant community leaders approached ODT and asked its leadership to consider allowing migrants to join the union. While ODT leaders initially rejected the migrants’ requests,

\(^1\)GADEM is an acronym for Groupe Antiraciste de Défense et d’Accompagnement des Étrangers et Migrants.
the organization’s Secretary General had recently returned from meetings with labor unions in France and the United States where he learned that labor groups in those countries had been largely responsible for helping migrants to gain working rights. Later that year ODT leaders reconsidered the migrants’ requests and created a separate section of the organization to work solely on the issue of migration, headed by a migrant community leader. In conjunction with the broader migrant protection platform, the ODT was instrumental in pushing for the migrant regularization process that would be adopted by the Moroccan government the next year.

The Post-2013 Period

In August 2013, GADEM compiled a highly critical report on the status of migration in Morocco. This report provided the basis for a more condensed publication written by the Moroccan Human Rights Council (CNDH), and presented during a closed session between the council and the government. Shortly thereafter, on the 9th of September, representatives from GADEM presented their report in Geneva at an international forum for human rights. The next day King Mohammed VI announced his plans for migration policy reform. This timeline of events has led GADEM and other civil society organizations to conclude that the primary motivation behind the King’s announcement of reform was international shaming: Morocco despises humiliation on the international stage. Organizations also cite Morocco’s mobility partnership with the EU that was signed in June 2013 as another incentive behind the timing of reform. A third explanation suggested by civil society groups is Morocco’s desire to play a leading role in Africa, both economically and geo-politically. If Morocco wants to take on a leadership position, then it must put on a welcoming face toward migrants from African countries. This could also be a bid for the support of African countries in Morocco’s control of Western Sahara, an ongoing conflict that remains a taboo subject in Morocco. Lastly, as a counter-narrative to explanations based on power politics, some migrants in Morocco posit that the King’s decision was a response to the public outcry following the deaths of several migrants at the hands of the Moroccan police in the spring and summer of 2013.

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2 Interview with Ali Lotfi, Secretary General of the Organization Démocratique du Travail, Rabat, Morocco, February 12, 2015.

3 Morocco claims ownership over Western Sahara and is unwilling to recognize any claims for independence emanating from the Polisario Front and the group’s self-proclaimed Sahrawi Arab Democratic Republic (SADR) (International Crisis Group 2007).
Regardless of the reason, those involved with the migrant advocacy and protection platform differentiate between the pre-2013 governmental approach to migration and the post-2013 period. Following the King’s announcement, ministries were mobilized alongside the CNDH to develop an implementation plan for the unfolding of the regularization process. It was decided that the regularization process would begin in January 2014 and run for one year. Migrants would have to meet certain criteria, such as being married to Moroccan nationals, or providing proof of residency in Morocco for five years, in order to be regularized. The policy changes would also involve the government taking on responsibility for refugees and asylum-seekers whose claims had previously been handled solely by the United Nations High Commissioner for Refugees (UNHCR). Lastly, informal policies of policing and mass arrests were minimized (though not eradicated) after the King’s announcement in 2013, signaling that perhaps the Moroccan government was sincere in its commitment to cultivating a new relationship with migrants.

Skepticism and Broader Implications

In February 2015, the ODT reported that 16,180 migrants had successfully received their residency permits, and 10,950 had either been rejected or were still waiting to hear the results of their applications. The CNDH is helping migrants who have been rejected to appeal their claim, though the committee that will be handling the appeals process has not yet assembled and the timeline for the appeals process is unclear. A controversy over gender has also arisen; during the regularization process the decision was made that all female applicants would automatically be granted residency status. Many male migrants resent this decision, arguing that males are equally vulnerable in this situation and equally deserving of the right to stay and work in Morocco. Additionally, all migrants, civil society organizations, and governmental bodies are waiting for the three new laws attached to the policy reform to be finalized and implemented: one will regulate immigration, another the asylum system, and the third will deal with human trafficking. The CNDH expects that the new laws will be passed later this year, though like the appeals process, the exact timeline is unclear.

While many migrants, refugees and civil society actors are skeptical of the implementation process, some individuals are critical of the entire reform. A representative from

4 In total the Moroccan government created six criteria.
the Moroccan Association for Human Rights – the CNDH’s more radical, non-governmental counterpart – asserts that the regularization process is nothing more than political posturing. In this individual’s view, the reform is a way of appeasing European countries, which can then claim that migrants have no need to travel to Europe when integration possibilities exist in Morocco.5 The new migration policy is therefore yet another means of EU migration prevention. In line with this distrust, a worrying incident occurred in February 2015 when Moroccan authorities conducted the first large-scale, post-2013 police raid on a migrant settlement on Morocco’s northern coast (Associated Press 2015). According to an individual at GADEM who was monitoring the situation, this raid was more centrally organized and systematically orchestrated than any previous attack, perhaps ushering in yet another era marked by violence and exclusionary treatment toward migrants.6

While organizations and migrants are justified in their skepticism of the Moroccan government’s intentions for policy reform, the move toward integration for irregular migrants and refugees is nonetheless unprecedented for a non-traditional receiving state. As European and other Western states continue to harden their borders, countries in the Middle East and North Africa will increasingly become receivers of migrants and refugees that settle on a permanent or semi-permanent basis. Will we see other states move toward regularization or formal integration measures for migrant populations? In this regard, Morocco is playing a bellwether role, and the next year will be telling in terms of Morocco’s engagement, or lack thereof, with migrants and refugees.

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5 Interview with Said Tbel, Director of Migrant Issues at the Moroccan Association for Human Rights, Rabat, Morocco, January 22, 2015.
6 Interview with Camille Denis, Coordinator at GADEM, Rabat, Morocco, March 5, 2015.
Bibliography


