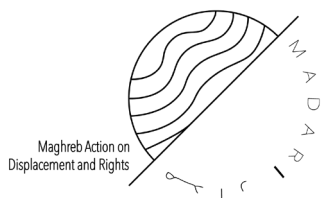


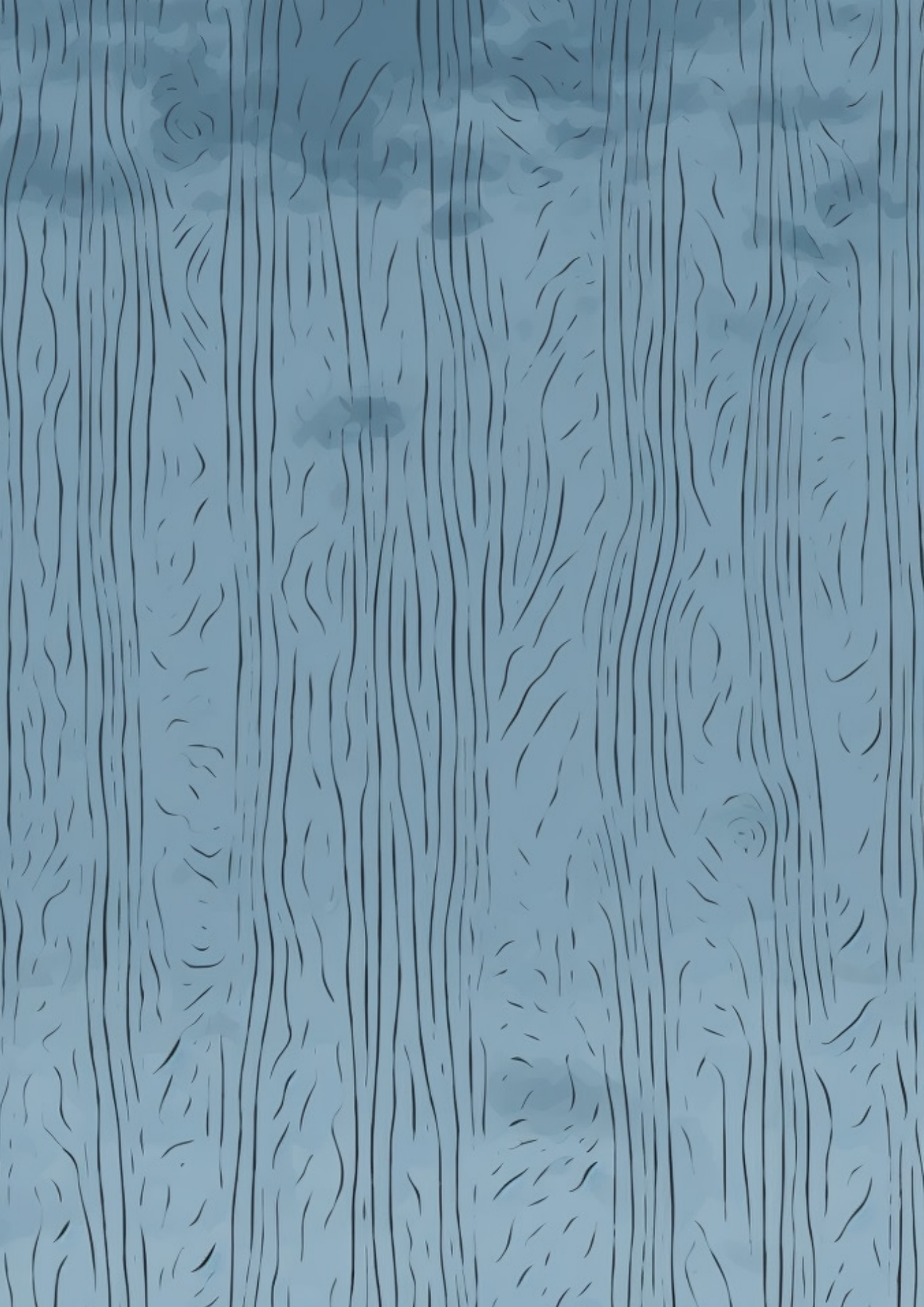


# Guide of Policies and Applicable Laws in Morocco Relating to Immigrants and Refugees and Their Implementation

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Coordinated by Mehdi Lahlou









This work was carried out in the framework of the Maghreb Action on Displacement and Rights (MADAR Arabic for مدار “path”) Network Plus project, which aims to improve the humanitarian protection of vulnerable, displaced people in contexts of conflict in the central Maghreb region of Algeria, Morocco, and Tunisia.

The MADAR Network is funded by the UK Arts and Humanities Research Council (AHRC) Global Challenges Research Fund (GCRF.) MADAR facilitates research collaborations and commissions research projects drawing on the regional expertise of UK and Maghreb-based scholars from across the arts and humanities and the social and political sciences. MADAR combines an interdisciplinary approach with participatory and collaborative methods, deploying artistic and creative engagement to mobilise global voices, to improve access to marginal and underrepresented groups, and provide a more active role for displaced people to shape the research process and outcomes.

This report was written by Mehdi Lahlou and Bahija Jamal, under the supervision of Mehdi Lahlou.

The sole responsibility of content published lies with the author(s)

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# Research objectives and methodology

This report presents the results of a research project titled “A manual bringing together the laws in force in Morocco relating to foreign migration as well as their application in the field”. It aimed to provide a summary, as broad and precise as possible, of the public policies on migration as well as the existing Moroccan legislation on the protection of the rights of migrants and refugees and how they are implemented on the ground.

Furthermore, the research project is intended to “provide and disseminate contextual knowledge to guide and shape a coherent and well-conducted policy in Morocco – as well as in the other Maghreb countries – which will help to protect rights and avoid harm to displaced people”. As well, the purpose of the research is to contribute to “the production of a contextual and evidence-based knowledge into academic form and enhance decision-making debates on displacement in neighboring regions – Europe, Middle East, and Sub-Saharan Africa”, and also to make strong arguments to convince any person/institution/associations that have undertaken active advocacy efforts about the issue of the protection of migrants’ rights in Morocco.

In this regard, this research and its outputs constitute one of the first contributions in this field, in the sense that it is a global synthesis of the migration policies and laws/regulations adopted/monitored in Morocco since the beginning of the current century. Policies and regulations are being confronted, moreover, with a field survey, which shows, even if it relates to a reduced sample, the obvious limits of the migratory actions implemented by the Moroccan authorities.

The objective of this research is, more specifically, to take stock of the laws and other policies and strategies adopted by Morocco since 2003 to deal with the phenomenon of migration in general, and irregular migration in particular, to, in, and from its territory.

In the end, two main objectives, responding to those issues in the MADAR project, were sought through the documentary work as well as the field survey carried out within the framework of this project:

a/ Inform civil society, in particular associations involved in supporting migrants and refugees, about the legal arsenal protecting them and, thus, giving them means to advocate in this area. And, above all, allow them to use it to support and argue, in law and in fact, their various interventions;

b/ Provide researchers and doctoral students working on the migration issue with data, information, and references that are useful for their proper research.

**The methodology used to undertake the research project comprises the following main components:**

a/ Collection of bibliography resources related to the evolution of the Moroccan legal and institutional frameworks since 2003 and the in-depth analysis of these sources. During this phase, the research was based on the analysis of the “Moroccan model” of migration and asylum policies, before and after the adoption of what would be called the “New Migration Policy” from 2013.

b/ Besides the theoretical side, it has been planned to undertake fieldwork, based on focus groups and the conduct of structured-direct interviews. In this regard, a survey has been carried out in four regions known as areas that host a large number of migrants and refugees in Morocco: this concerns Tafilalet in the south-eastern region of Morocco; the Oriental region, which represents the border area with Algeria; the Center-Atlantic region, mainly the cities of Agadir and Guelmim, that constitutes as well an important area of the reception of migrants and refugees; and also the cities of Casablanca and Mohammedia, where a dozen women, Syrian women in particular, were interviewed. In Rabat, the capital of Morocco, interviews were conducted with former and current administrative officials, as well as with associations advocating the human rights of immigrants and refugees.

**In total, nearly 125 people, including 105 migrants, were interviewed. The surveys allowed us to approach the gap between the legal framework adopted by Morocco to manage migration in and from its territory and the effectiveness of the integration/protection of immigrants and refugees as perceived and developed in the Public Migration Policy and the National Strategy for Immigration and Asylum (NSIA) programs.**

### Problems encountered

It seems important to highlight that the fieldwork took place under very difficult conditions due to COVID-19 and the sanitary restrictions imposed between the end of 2021 and the beginning of 2022 by the Moroccan authorities.

Thus, it was difficult to travel to certain cities, as it was very tricky to organize large focus groups with migrants. This is also the reason that interviews have taken place mostly in coffee shops and restaurants. In addition, many of these migrants were worried and afraid to speak out about their living conditions. The same goes for some members of Moroccan associations or migrants who were reluctant to reveal their identity in the research project.

The present report is divided into two parts:

The first part is devoted to a general presentation of the migration policies followed in Morocco since 2003, as well as the laws and other elements of public policy adopted in the same year. This section concludes with a summary of the assessments drawn from the field survey and certain bibliographical elements relating to the application in the field of the same migration management policies and laws in the country.

The second part is more specifically devoted to analyzing the situation of immigrant women and children and the current law, regulation, and policy on immigration, asylum, and combating human trafficking in Morocco.



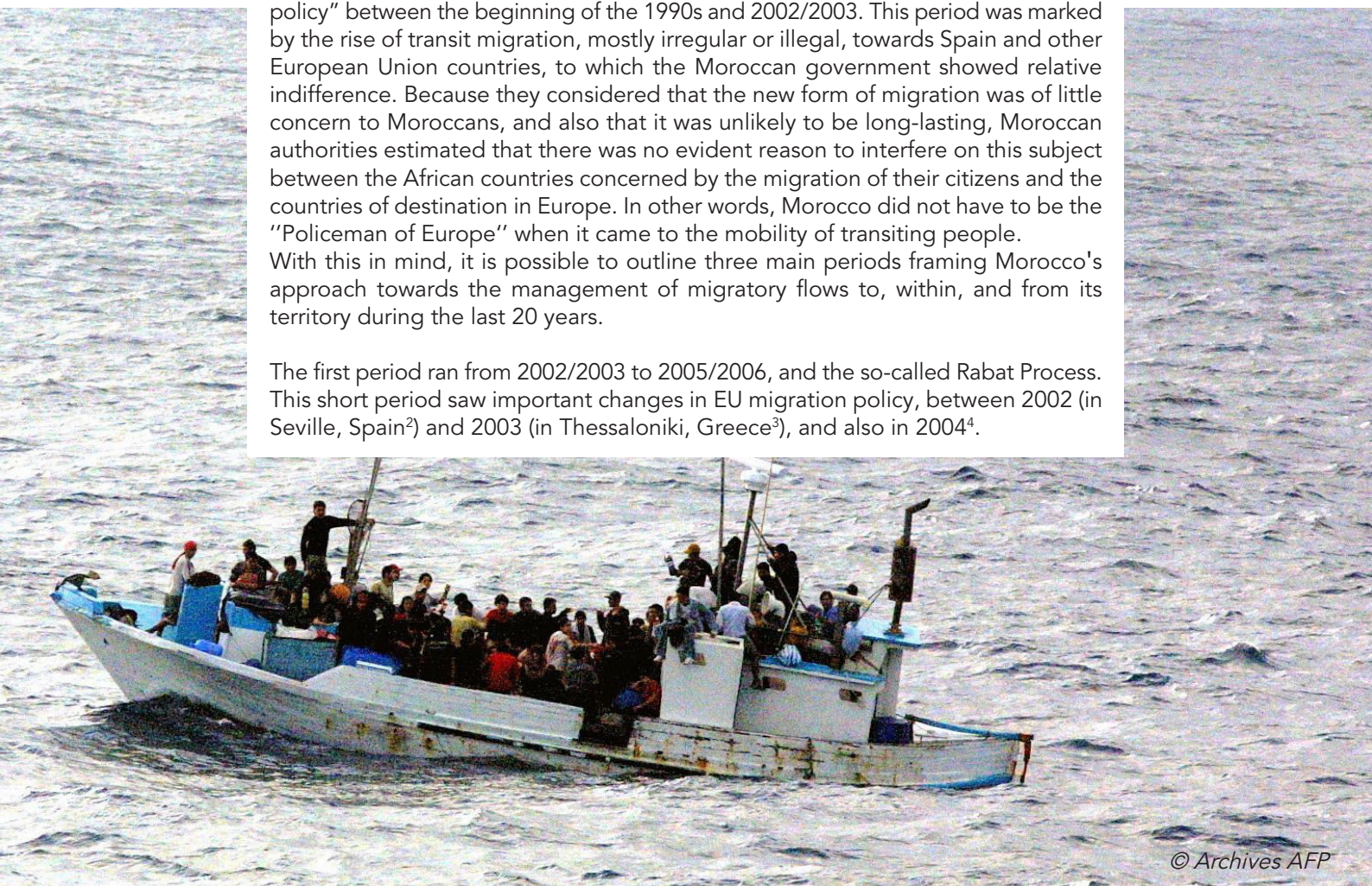


# Introduction

While Morocco has remained, since the beginning of the 1960s, a significant emigration area, especially when considering the number of Moroccans living abroad (about 5 million people from a population of 36.6 million)<sup>1</sup>, it started to be a transit area by the end of the last century, but in more or less variable proportions depending on the period. Then, progressively, it has become – even if this is not yet clearly reflected in official figures – a default destination for many Africans and a host country for a number of Europeans in search of job opportunities. This progressive evolution between 1992 and the last few years (2020/2021) induced parallel changes in Moroccan migration policy, especially regarding transit and stay migration.

Thus, before it accepted the fact that irregular migration through its territory was a serious human and political issue, Morocco experienced a period of “non-migration-policy” between the beginning of the 1990s and 2002/2003. This period was marked by the rise of transit migration, mostly irregular or illegal, towards Spain and other European Union countries, to which the Moroccan government showed relative indifference. Because they considered that the new form of migration was of little concern to Moroccans, and also that it was unlikely to be long-lasting, Moroccan authorities estimated that there was no evident reason to interfere on this subject between the African countries concerned by the migration of their citizens and the countries of destination in Europe. In other words, Morocco did not have to be the “Policeman of Europe” when it came to the mobility of transiting people. With this in mind, it is possible to outline three main periods framing Morocco's approach towards the management of migratory flows to, within, and from its territory during the last 20 years.

The first period ran from 2002/2003 to 2005/2006, and the so-called Rabat Process. This short period saw important changes in EU migration policy, between 2002 (in Seville, Spain<sup>2</sup>) and 2003 (in Thessaloniki, Greece<sup>3</sup>), and also in 2004<sup>4</sup>.



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<sup>1</sup> Exactly 36.609 million inhabitants, according to the Haut-Commissariat au Plan du Maroc. [https://www.hcp.ma/downloads/Maroc-en-chiffres\\_t13053.html](https://www.hcp.ma/downloads/Maroc-en-chiffres_t13053.html). Accessed 29 April 2022.

<sup>2</sup> “Presidency Conclusions Seville European Council 21 and 22 June 2002”. [https://ec.europa.eu/commission/presscorner/detail/en/DOC\\_02\\_13](https://ec.europa.eu/commission/presscorner/detail/en/DOC_02_13)

<sup>3</sup> “Thessaloniki European Council 19 and 20 June 2003 Presidency conclusions”. [https://ec.europa.eu/commission/presscorner/detail/en/DOC\\_03\\_3](https://ec.europa.eu/commission/presscorner/detail/en/DOC_03_3)

<sup>4</sup> The European migration approach as started in 1998 was affirmed by the Council of the EU, during its meeting of 4/5 November 2004, within the framework of what was called “The Hague Agenda” on “strengthening freedom, security and justice in the European Union”. In its point 6, relating to the external dimension of asylum and migration, the European Council called on the European Commission to, in particular, “continue the process of fully integrating migration into the present and future relations of the EU with third countries. It calls on the





It included the adoption by Morocco of its first law on migration at the end of 2003 to reduce irregular migration from the country and reinforce the fight against human trafficking between Northwest Africa and Spain. This period was especially marked by the dramatic events recorded at the borders of the cities of Ceuta and Melilla during the summer/autumn of 2005<sup>5</sup>. The Moroccan authorities also proposed at that time more significant security cooperation with Europe to carry out the same objectives.

The second period ran from mid-2006, after the Euro-African intergovernmental meeting on migration held in Rabat in July of that year<sup>6</sup>, to the end of 2010. During these years, the number of irregular migrants crossing through Morocco decreased to its lowest level since 2000.

The third period started at the end of 2010, with the beginning of the so-called “Arab Spring” and the great transformations in terms of regional security that it caused in the Southern and Eastern Mediterranean, from Tunisia to Syria. After having strongly decreased by the end of 2010, the migration flux started to increase again (mainly from Tunisia and Libya), initially slowly between 2011 and 2012, then more markedly from 2013, with, in particular, a large influx of Syrian refugees. Whereas flows of irregular migrants from Morocco have changed little since this date, from 2008 a significant number of Syrian refugees arrived in the country, along with many European migrants – in particular Spanish – seeking to flee the economic and social crises in their home countries at that time.

In response to this evolving situation, and also to change the image of the country concerning the conditions for receiving irregular migrants, the Moroccan king decided by September 2013 to adopt a “New Migration Policy”. This embraced, in particular, a process of “exceptional regularizations” of almost 25,000 migrants by the end of 2014, and the adoption of an Immigration and Asylum Strategy, as well as a series of laws relating to the same topic.

Globally, the Moroccan approach to international migration seems to have been determined by the evolution of transit and residence migration from and on its territory, as well as by the changes in European policies that have taken place in this regard since 2002.

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Commission to complete the integration of migration into all regional or country strategy documents vis-à-vis relevant third countries by spring 2005 at the latest”. European Union: Council of the European Union, Brussels European Council, 4/5 November 2004. Presidency conclusions. Brussels, 8 December 2004.

<sup>5</sup> “Technical Mission to Morocco: Visit to Ceuta and Melilla on Illegal Immigration, 7–11 October 2005”.

<http://migreurop.org/IMG/pdf/rapport-ceuta-melilla-2.pdf>

<sup>6</sup> The first Euro-African ministerial conference on Migration and Development was held in Rabat on 10–11 July 2006. For more information see the Rabat Process website: <http://www.processusderabat.net>.

# Part I

## *General presentation of the migration policies followed in Morocco since 2003*

An overview of Moroccan migration policies adopted since 2003

### A/

## Overall framework of Moroccan migration policy: The reasons for the change

Becoming a country of transit and then a country of settlement for an increasing number of foreign migrants on its territory – even though it has not ceased to be a country of departure itself – Morocco will change its approach to the migration issue, each time following the king's intervention. Such an approach will change in the space of ten years (between 2003 and 2013) from a strong predominance of security to a more “social and humanitarian” perspective, if the basic law governing migration remains the one that was adopted in 2003.



# A.I/ Morocco: A transit country

**Table 1: Evolution of the irregular migration from Morocco, 2000-2011**

Years	Moroccans	Foreigners	Total
2000	9,353	15,056	24,409
2001	13,327	13,100	26,427
2002	16,034	15,363	31,397
2003	12,493	23,851	36,344
2004	9,353	17,252	26,605
2005	7,914	21,894	29,808
2006	7,091	9,469	16,560
2007	6,619	7,830	14,449
2008	4,651	8,735	13,386
2009	2,672	7,531	10,203
2010	ND°	10,223	10,223
2011	ND	12,929	12,929

Source: M. Lahlou, "Morocco's Experience of Migration as a Sending, Transit and Receiving Country". IAI – Istituto Affari Internazionali, Rome, 2015.

<https://www.iai.it/en/pubblicazioni/moroccos-experience-migration-sending-transit-and-receiving-country>

° Not determined.

**Table 2: Irregular movements of migrants on the West-Mediterranean route about all similar migrations in the Mediterranean, 2008-2019**

Year	Total migrants (all routes) 1	Western Mediterranean route 2	2/1
2008	151,135	6,500	4.3%
2010	104,120	5,000	4.8%
2012	73,160	6,400	8.75%
2013	101,800	6,800	6.68%
2014	283,175	7,840	2.76%
2015	1,822,337	7,164	0.39%
2016	374,638	10,231	2.73%
2017	184,410	23,143	12.55%
2018	149,117	56,245	37.71%
2019	141,846	23,969	16.89%

Source: Compiled by M. Lahlou. 2016 and Risk Analysis for 2016 and 2018. March 2016 and February 2018. + Risk Analysis 2020.

[https://frontex.europa.eu/assets/Publications/Risk\\_Analysis/Risk\\_Analysis/Annual\\_Risk\\_Analysis\\_2020.pdf](https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/Annual_Risk_Analysis_2020.pdf)

Between the years 2000 and 2011 a little over 206,752 foreign migrants passed through Morocco on their way to Europe—This gives an annual average of just over 13,850 migrants. However, with a sharp drop from 2006, the number of transit migrants in 2009 represented only less than 30% of what it was in 2003 or 2005, as shown in Table 1.

The same downward trend in the number of migrants transiting through Morocco, on their way to Europe, is confirmed by Table 2, which shows Frontex data on irregular movements of migrants in the Mediterranean as a whole, as well as in the Western Mediterranean route, which is the passageway between Morocco (and incidentally Algeria) and Spain.

Table 2 indicates, in particular, that the number of migrants using the Western Mediterranean route was 6,500 in 2008 and 7,164 in 2015, the year of the Refugee Crisis which recorded more than 1.8 million irregular migrants and refugees (mainly Syrians) crossing the Mediterranean, from South and East to the North.

This was one of the elements facilitating the adoption by Morocco of the "New Migration Policy" it announced in 2013.

## A.2/ Morocco: A host country for migrants, refugees—and asylum seekers

According to the Moroccan High Commission for Planning (HCP)<sup>7</sup>, out of a population of 33.8 million inhabitants recorded in 2014, the number of foreigners residing in Morocco reached 84,001 inhabitants; i.e. a proportion of 0.25% of the entire Moroccan population. Thus, the foreign (regular) population in Morocco recorded an absolute increase of 32,566 foreigners compared to 2004, representing an overall growth rate of 63.3% over the intercensal period.

The interpretation of these data must, however, take into account the extremely fluctuating nature of migrant populations, especially in a country where a large part of international migration is in transit. Thus, the international migrant population present in Morocco in 2022 or 2020 is not the same as that which the country knew in 2014. In effect, in late 2013, right before the beginning of the exceptional regularization process, Moroccan authorities estimated the number of irregular immigrants

living in Morocco as higher than 45,000, almost twice the number indicated before. This would mean that the number of foreigners (regular and irregular) living in Morocco in 2014 was then nearly 130,000 people. For the rest, taking into account only the data of the 2014 census and the results of the two exceptional regularizations (in 2014 and 2016/2017), the foreign population living in the country would have reached 134,000 people in 2017, not taking into account non-regularized migrants.

In this regard, the first Regional Review of the “Global Compact for Safe, Orderly and Regular Migration” in the Africa zone, published in December 2021 by the Moroccan Department in charge of Migration Affairs, indicates that “The number of regular migrants residing in Morocco amounts to 133,274 foreign nationals; the French community coming in first with 24%, followed by the Senegalese community with 9%”. But,

here too, no reference is made to the non-regularized migrants present/in transit in Morocco, a good part of whom must end up in aborted (and not aborted) migration attempts reported in the reference below<sup>8</sup>, i.e. 74,000 in 2019 or 89,000 in 2018.

To this population must be added people under “UNHCR mandate”, i.e. refugees and asylum seekers. Thus, as of 31 May 2020, there were 7,306 refugees and 3,843 asylum seekers in Morocco, a total of 11,149 people. Of these, 4,039 were of Syrian origin<sup>9</sup>.

Nested one inside the other, all these data indicate – with reservations taking into account the difficulty of evaluating, in all cases, the foreign population in an irregular situation – that the number of foreigners living in Morocco in 2021 would be estimated to be between 134,000 and 230,000, i.e. nearly five times the foreign population estimated in 2004<sup>10</sup>.

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<sup>7</sup> The Moroccan High Commission for Planning (HCP), [https://www.hcp.ma/Note-d-information-du-Haut-Commissariat-au-Plan-a-l-occasion-de-la-journee-internationale-des-migrants-18-decembre-2017\\_a2067.html](https://www.hcp.ma/Note-d-information-du-Haut-Commissariat-au-Plan-a-l-occasion-de-la-journee-internationale-des-migrants-18-decembre-2017_a2067.html)

<sup>8</sup> According to Khalid Zerouali, governor in charge of migration and border surveillance at the Moroccan Ministry of the Interior, “In 2019, around 74,000 attempts at irregular immigration to Spain (compared to 89,000 in 2018) were aborted by our services of order. These irregular flows have been redirected, for some years, from the central route which passed through Libya, towards Morocco”. Africanews.fr. <https://fr.africanews.com/2020/02/03/migrations-irregulieres-au-maroc-74-000-tentatives-avorte-es-en-2019-officiel/>

<sup>9</sup> UNHCR, Morocco, June 2020.

<sup>10</sup> This taking into consideration the data of the general population census carried out in 2004 as well as the fact that between 15,000 and 25,000 irregular migrants were then living in Morocco.

# B/ Moroccan migration policy: Primary step, the Law No.02-03

For political and many other (financial, material, and diplomatic, etc. reasons, Morocco did not see any need in the last decades of the twentieth century to change its approach towards irregular migration, which meant that the kingdom became an easy transit space for sub-Saharan migrants bound for Europe (to which they started entering rather easily through the cities of Ceuta and Melilla). At that time, and until 2000, Morocco probably considered that the number of irregular migrants transiting through its territory (fewer than 8,000 people) was not significant. It may also have considered, given its bad relations with Spain<sup>11</sup>, that it had no reason to help this country protect itself from irregular migrants.

However, after that period the Moroccan government began gradually to adopt another approach, closer to European aims and options, in particular for the surveillance and control of its borders – especially regarding Spain, for which it is the nearest African country. The first phase signaling the change of the Moroccan migration policy came towards the end of 2002, the year when Morocco and Spain entered into an almost open war as a result of the territorial conflict around the small Perejil Island<sup>12</sup>. This phase seems to follow the decisions taken by the European Council during its meeting held in Seville, Spain, in June 2002. Most probably inspired by the Spanish Prime Minister, the European Council linked, for the first time, the relations of the European Union with third countries and the migration policy pursued by these countries. Morocco – supposed then to facilitate the passage of irregular migrants through its territory – was the focus in mind.

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<sup>11</sup> Mainly because of issues of fisheries and agricultural exchanges with Europe. And also in keeping with the animosity of the Spanish government, headed at the beginning of the current century by Prime Minister Aznar (leader of the Popular Party) who was openly hostile to Morocco.

<sup>12</sup> The island is called Laïla by the Moroccans and is situated 200m from from Morocco's northern coast.



# B.1 / The Law No.02-03

The law on “Entry into the Kingdom of Morocco, the residence of foreigners, irregular<sup>13</sup> emigration and immigration” was unanimously adopted by the Moroccan parliament on 22 May 2003, just a few days after terrorist attacks in Casablanca on 16 May, in which 45 people were killed. Such a concomitance indicated the link that had then been made between irregular migration and international terrorism and meant, at the same time, that the security approach dominated the management of the migration issue<sup>14</sup>.

This law marks a turning point in the management of the issue of migration, especially illegal, and mainly those of migrants from sub-Saharan Africa. It was initially described as an exceptional law given the regional and international geopolitical context during which the initial draft was submitted for discussion and the speed with which it was adopted, between the beginning and the end of January 2003, in the Council of Government and then in the Council of Ministers.

In particular, it represents an update of criminal sanctions on this subject, dating for the most part from the colonial era, a clear radicalization of Moroccan law vis-à-vis foreigners, and records a clear repressive turn vis-à-vis human trafficking networks.

In reality, Law No. 02-03 is linked to a particular situation which was that of the Moroccan-Spanish disputes as they had evolved in particular between 2000 and the end of 2002, and more generally in close connection with the negotiations on the issue of sea fisheries, where Morocco refused to renew the agreements on the subject as they had agreed before 1999, or with the Sahara issue, which Spain used as a means of constant persuasion on Morocco and as a strategic element of temporary rapprochement with Algeria.

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<sup>13</sup> There is no official definition of “irregular immigrants” (or immigrants in irregular administrative situation), but the Law No. 02-03, promulgated by Morocco in November 2003 within the context of what subsequently became the country’s new migratory policy, states in its introductory articles that “any foreigner disembarking or arriving on the Moroccan territory must report to the competent authorities, in charge of control at the border crossings, in possession of a passport issued by the State of which he/she is a national, or any other valid document recognized by the Moroccan State as a valid and subsisting travel document and provided, where relevant, with the required visa, issued by the administration”. Any foreigner who, when entering in Morocco, does not report to a border post established for this purpose or who stays in Morocco despite the expiry of his/her travel document or visa as required by the administration would therefore be termed an illegal/irregular migrant.

<sup>14</sup> It was published in November of the same year.

## B.2/ The institutional framework following the Law No.02-03 promulgation

Between the discussion of what became Law No. 02-03, its promulgation, and the interview with the King of Morocco in *El País*, the Moroccan authorities set up an institutional and operational framework that they considered able to support their migration approach and best meet the interests of Morocco's privileged partnership with the EU and its improved relations with Spain.

At the institutional level, the establishment, from November 2003, of the "Directorate of Migration and Border Surveillance" and the "Migration Observatory" aimed, according to the Moroccan public authorities, "to rationalize working methods, refine analysis tools and optimize the deployment of operational units for monitoring clandestine infiltration points, as well as to federate the reflection of all the parties concerned by the migration problem". In this sense, the fight against illegal migration in Morocco has received a clear impetus from the king for whom "the fight against human trafficking networks is understood as a priority in government action".



# a

## Directorate of Migration and Border Surveillance

The main mission assigned to this body is “the implementation of a national strategy to combat human trafficking networks and border surveillance”. The action of this Directorate is ensured by:

- A national research and investigation brigade responsible for combating illegal migration, which is responsible for investigating cases relating to the trafficking of human beings throughout the national territory;
- Seven provincial and prefectural delegations (Tangier, Tetouan, Al Hoceima, Nador, Larache, Oujda, and Laayoune) whose mission is the implementation at the regional level of the national strategy to combat illegal migration;
- Local committees in the other provinces and prefectures attached to the *walis* and governors. They are responsible for the collection and transmission of migration data.



Composed of representatives of the ministerial departments concerned (Ministries of the Interior, Foreign Affairs, Finance, Employment, Royal Armed Forces, Customs, National Security and Auxiliary Forces), its mission is “to develop the national strategy in the field of migration”.

# b

## The Migration Observatory

This Observatory is responsible for:

- Centralizing all migration-related information;
- Updating a database of statistics at the national level on migration;
- Proposing to the public authorities concrete measures in the field of migration;
- Carrying out studies and conducting research projects on trends in migration flows;
- Ensuring the dissemination of periodic reports on migration.

The creation of these two entities was an important step in the completion of the legislative and institutional arsenal put in place by Morocco at that time to translate into reality its new policy options in the field of migration. However, while the Directorate of Migration and Border Surveillance and its attachment to the Ministry of the Interior seemed to go in the normal direction of strengthening the security approach, the attachment of the Migration Observatory to the same Ministry was not unanimously appreciated. Indeed, if a body of this nature is to be effective in investigating a largely unknown area, its being placed under the supervision of the security authorities was likely to automatically distance some of the researchers on the subject in addition to weakening, a priori, the credibility of its investigations and its work.



# C/ Moroccan migration policy, The “New Migration Policy”

The year 2006 seems to have constituted a crucial moment between two periods and two countries, Morocco and Spain. Table 1 shows for that year a transfer of migration corridors towards the south, close to Sahelian space, more particularly between Mauritania (until June 2006) then Senegal (as from the summer of the same year), and the Canary Islands. Such a transfer constituted a continuation of the events that had taken place following violent attempts carried out by hundreds of migrants to access the Spanish enclaves of Ceuta and Melilla, north of Morocco, during autumn 2005 and which then led to a quasi-total border closure bordering these same cities<sup>15</sup>. The strong reduction in irregular migration from Morocco from 2005 and the shift in 2006 of migration routes further south of its borders – to Mauritania and Senegal more specifically – implies that Moroccan migration policy and the country’s active partnership with Spain made transit through its territory extremely difficult, whether via the Mediterranean Sea or the South Atlantic Moroccan waters.

Based on these elements, it seems that Morocco – which was accused at the end of 2005 by civil society in Morocco and Europe and some parts of the press in sub-Saharan Africa, to have opted for a migration policy totally and recklessly out of kilter with the European policy “of outsourcing the management of migration flows”<sup>16</sup> – gradually improved its political and diplomatic position on the issue through a series of approaches including, inter alia:

- The involvement during the autumn of 2005 of the ambassadors of some African countries with many of the migrants being returned to their areas of origin in decisions and procedures related to their citizens. This includes particularly Senegal and Mali. The ambassadors of these two countries have subsequently been constantly consulted in the case of new operations of repatriation of migrants “voluntarily returning to their homes” with the support of the International Organization for Migration (IOM).
- The increasing visits of the King of Morocco to some African countries of origin of migrants, including Niger and Senegal<sup>17</sup>. One of the most important visits was the one made in February 2006 to Gambia, Congo, and the Democratic Republic of Congo to convince those countries to take on board the idea already launched in Rabat and Madrid of the Euro-African governmental meeting on migration planned in 2006.

<sup>15</sup> The two lines of barbed wire which skirted the two cities had been raised by 3 meters in October 2005, to reach a total height of 9 meters. The cities were then also separated from Morocco by trenches, making for an entirely insuperable border.

<sup>16</sup> Morocco had then been shown to be become the “gendarme of Europe in Africa”, as it 1) adopted a law (Law No. 02-03) on foreigners which was regarded as being of European inspiration; 2) mobilised security forces made up of several thousands of people to protect its borders and those of Spain from flows of irregular migrants coming from Africa; 3) transferred to their countries of origin, during the autumn of 2005, several thousands of irregular migrants, at the request of the Spanish authorities. See Mehdi Lahlou, “De la “directive retour” au “pacte sur l’immigration”, la forteresse Europe se construit face au Sud”, in *Recueil Alexandries, Collections “Reflets”*, October 2008, <http://www.reseau-terra.eu/article834.html>.

<sup>17</sup> According to statement given by Senegal’s ambassador in Rabat, to *Aujourd’hui le Maroc* on 28 October 2005, “The repatriation of the Senegalese took place in excellent conditions. With the support of Morocco, which chartered a plane especially for this purpose, we organised the voluntary return of a total of 1,021 Senegalese. About 60 Senegalese remain grouped in Nador and we are currently organising their repatriation alongside the Moroccan authorities.” See “Il faut un plan Marshall pour l’Afrique!”, selon l’ambassadeur du Sénégal au Maroc”, in *Aujourd’hui le Maroc*, 28 October 2005, <http://www.avomm.com/a101.html>

• The political and diplomatic involvement of the Algerian authorities, which, after having argued for a long time that they were not concerned by migration transiting through Morocco, began to strengthen as of the end of November/early December 2005 the checkpoints along their borders with Mali and Niger and send back several hundred sub-Saharan migrants to their countries of origin. An article published on 5 December 2005 stated that “the Algerian authorities launched a vast operation of deportation aiming several hundred of illegal African immigrants settled in a region nearby the Moroccan borders. This operation, which was launched on the evening of 3 December, applies to illegal immigrants who were living in inhumane conditions on the shores of Oued Jorgi in the Daïra of Maghnia. This no man’s land, hurriedly established at the end of the 1990s at the Algerian-Moroccan border, hosted by 2005 some 2,500 irregular sub-Saharan migrants,

according to the Algerian authorities.

• A slight improvement in the conditions of treatment and transportation of migrants returned to their countries of origin, especially after the huge mistake committed by the Moroccan authorities when trying to expel through the desert more than 700 migrants arrested in September/October 2005 on the borders of Ceuta and Melilla.

• At the same time, an attempt to better explain the new Moroccan official policy on irregular migration, especially through authorities directly in charge of implementing this policy on the ground.

• Relations between the Moroccan government and the local representative of the High Commissioner for Refugees seem to have improved and reached a non-explicitly stated agreement according to which UNHCR would act with all available means to ensure that migrants residing in Morocco – that

is, those prevented from crossing over to Europe – would benefit from some formal warranties, and the Moroccan authorities would act to ensure the number of migrants accepted on its territory (in the framework of a tacit sharing of responsibilities for the migration “burden” between EU countries and all North African countries) does not exceed a given “threshold” This implies tighter border control and the possibility to proceed sporadically to huge expulsion operations.

• A stronger rapprochement with Spain, France, and the EU in general, explaining in particular that Morocco was/is a “victim of its geographical position” and that the migrants were only on its territory on their way to Europe. This resulted, in particular, in a significant convergence of views between Moroccan and Spanish officials, whose common interests vis-à-vis the EU, Algeria, Asia, and sub-Saharan countries of departure were increasingly emphasized.

# D/

## The “New Migration Policy” in 2013

As indicated in Table 2 above, the number of irregular migrants using the Western Mediterranean route, including Morocco with its two sea coasts, increased to 7,840 in 2014 from only 5,000 in 2010. But the 2014 figure is still well below the figures reached between 2001 and 2005, even if the total number of irregular migrants who arrived in Europe in 2014 has almost tripled by comparison with 2013, increasing from 107,365 to 283,532<sup>18</sup>. That means that the controls all along the Moroccan borders are still rigorous, confirming the “will” of Morocco to continue to adapt its migration policy to that of Europe. This will have been reinforced by the “advanced status” granted by the EU to Morocco on October 2008 as by the “mobility partnership” linking Moroccans to Europeans since April 2013<sup>19</sup>.

With this in mind, and probably as a reaction to a BBC documentary broadcast on 4 September 2013, where Morocco was accused of “human rights breaches over migrants”, King Mohammed VI held a meeting with the Ministry of Home Affairs and some human rights representatives (among them the National Human Rights Council – CNDH) on 10 September 2013, to initiate a “New Migration and Asylum Policy” for foreign residents in the kingdom, especially illegal migrants<sup>20</sup>. This announcement was regarded as another turning point in Morocco’s human rights approach to irregular immigrants, mainly sub-Saharan from countries like Mali, Senegal, Niger, Nigeria, Côte d’Ivoire, and Guinea, but also refugees from Libya and Syria.

<sup>18</sup> In April 2015, Frontex published figures of illegal immigration in Europe for the year 2014. According to its data, the number of illegal immigrants in the EU almost tripled in 2014 compared with the previous year, an increase of 164 percent. The first migration route remains the sea. Over 170,000 irregular migrants arrived in Italy and more than 50,000 in Greece. See Frontex, Annual Risk Analysis 2015, op. cit. pp 12 and 19.

<sup>19</sup> On 13 October 2008, Morocco became the first country in the southern Mediterranean region to be granted advanced status, marking a new phase of privileged relations. “The Advanced Status is reflected in the willingness to strengthen political dialogue, cooperation in the economic, social, parliamentary, judicial and security fields and in different sectors, namely agriculture, transportation, energy and environment. It also aims at the progressive integration of Morocco into the EU single market as well as at increasing legislative and regulatory convergence. Financial cooperation plays an essential support role in the success of this special relationship”. See the European Commission webpage on International Cooperation and Development : Morocco, [http://ec.europa.eu/europeaid/countries/morocco\\_en](http://ec.europa.eu/europeaid/countries/morocco_en)

<sup>20</sup> Even if official spokesmen and public media attached this initiative to a report on the issue of irregular migration published by the CNDH, some observers were to link this initiative to the BBC documentary.

# D.1/

## The “New Migration Policy”

### A three pillars approach

Since the end of 2013, while Morocco began to experience a kind of “migratory peace” (in 2015, fewer than 0.40% of trans-Mediterranean migrations transited through its territory and maritime space), the country has implemented a “New Migration Policy”, qualified as “more Human” and based on three pillars:

- A political pillar consisting of the commitment of the king in person on the subject. This follows a report by the National Human Rights Council (CNDH) entitled “Foreigners and human rights in Morocco: For a radically new asylum and immigration policy”;

- An operational pillar that consisted of two exceptional operations to regularize migrants in an irregular situation. Conducted in 2014 and 2016/2017, these two operations have led to the regularization of more than 50,000 migrants.

- A pillar of public policy consisting in the adoption, at the end of 2014, of a “National Strategy for Immigration and Asylum” (NSIA), followed, in 2015, by a “National Strategy for Moroccans Residing abroad”; More specifically, the SNIA was to lead to the adoption of laws allowing better integration of migrants and asylum seekers into social life in Morocco. In this sense, several public structures are involved, since the authorities have proceeded, among other things, to facilitate migrants’ access to the training provided by the Office for Vocational Training and Labor Promotion (OFPPT), to the training programs provided by the Center of the National Mutual Aid (Entraide Nationale) and to the job search services provided by the National Agency for the Promotion of Employment and Skills (ANAPEC).

In the same context, and at another level, a more marked fight against human traffickers was announced to reduce networks facilitating irregular movements to and from Morocco. This would be done in parallel with the commitment of the public authorities to give an expanded power to the headquarters of the United Nations High Commissioner for Refugees (UNHCR) in Rabat to grant, in particular, the right of asylum to a larger number of asylum seekers in Morocco.



## D.2/ The National Strategy for Immigration and Asylum (NSIA)

The Ministry in Charge of Moroccans Living Abroad and Migration Affairs worked out, at the end of 2014, a “National Strategy for Immigration and Asylum”. Such a strategy, adopted by a Government Council held on 18 December 2014, has a vision to ensure a better integration of immigrants and a better management of the migration flux within the framework of a “coherent, overall, humanistic and responsible policy”<sup>21</sup>.

**This strategic vision was founded on three main strategic objectives:**

*Facilitating the integration of legal immigrants*

This objective consists in ensuring the integration of regular migrants, allowing them to enjoy the same rights as Moroccans (access to education, vocational training, and employment, medical coverage, housing, etc.), combating discrimination, and ensuring the conditions for a dignified and fulfilled life (family reunification, political participation, etc.).

*Upgrading the regulatory framework*

This objective consists in establishing a regulatory framework that takes into account Morocco's immigration and human rights guidelines, the provisions of the Constitution, and the international conventions signed.

*Establishing an appropriate institutional framework*

This objective consists in establishing the institutional and governance framework allowing better collaboration between the actors concerned by the issue of immigration and synergy in the implementation of the actions provided for in the framework of the said strategy.

<sup>21</sup> See Conseil de gouvernement du jeudi 18 décembre 2014, <http://www.maroc.ma/fr/actualites/conseil-de-gouvernement-du-jeudi-18-de-cembre-2014>

## E/

The Constitutional Framework  
of the “New Migration Policy”

The “New Migration Policy” adopted by Morocco in the autumn of 2013 draws much of its substance from the Constitution voted by Moroccans in July 2011, as one of the consequences of the Moroccan “Arab Spring”.

In this sense, the preamble to the new Moroccan constitution adopted by referendum states that the Kingdom of Morocco “Undertakes to adhere to the principles, rights, and obligations set out in the respective charters and conventions” and “Reaffirms its commitment to universally recognized human rights and its willingness to continue to work to maintain peace and security throughout the world”. In this regard, the Kingdom reaffirms its commitment to “let duly ratified international conventions prevail over domestic law ... and bring the relevant provisions of its national legislation into line accordingly”. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families thus serves as a regulatory framework.

Article 16 of the Constitution stipulates that “*The Kingdom of Morocco shall work to protect the legitimate rights and interests of Moroccan citizens living abroad, in accordance with international law and the laws in force in the host countries*”. The preamble reaffirms the country’s commitment to “*Prohibit and combat all discrimination against any individual on the grounds of sex, color, creed, culture, social or regional origin, language, disability or any personal circumstances*”.

Also, article 30 of the Constitution provides that “*Foreigners shall enjoy the same fundamental freedoms granted to Moroccan citizens, in accordance with the law. Those who reside in Morocco may participate in local elections in accordance with the law, the application of international conventions or reciprocal arrangements*”.

Such an article, on its own, clearly represents a basis for the NSIA, which was decided by the Moroccan government three years later.





## Ratification of international instruments/conventions

All of the above elements should be supplemented by the large number of international conventions dealing with the mobility of people and the rights of migrants ratified by Morocco. To which must be added the country's adherence to the "Global Compact for Safe, Orderly and Regular Migration" (GCM).

Thereby, Morocco has ratified most of the international conventions on human rights as well as those on refugees. It ratified in particular :

- The Convention on the Prevention and Punishment of the Crime of Genocide, ratified on 24 January 1958;
- The International Convention on the Elimination of All Forms of Racial Discrimination, ratified on 18 December 1970;
- The International Covenant on Economic, Social and Cultural Rights, ratified on 3 May 1979;
- The International Covenant on Civil and Political Rights, ratified on 3 May 1979;
- The Convention on the Elimination of All Forms of Discrimination against Women, ratified on 21 June 1993;
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified on 21 June 1993;
- The Convention on the Rights of the Child, ratified on 21 June 1993;
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ratified on 21 June 1993;
- The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, ratified on 2 October 2001;
- The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, ratified on 22 May 2002;

- The Convention on the Rights of Persons with Disabilities and its Optional Protocol, ratified on 8 April 2009.

Two major international instruments should be highlighted in this regard: the Convention relating to the Status of Refugees (known as the Geneva Convention of 28 July 1951), for which the instruments of ratification were deposited on 7 November 1956, and the Protocol relating to the Status of Refugees, to which Morocco acceded on 20 April 1971<sup>22</sup>.

Besides all these international instruments/conventions, Morocco was among the first countries to join the GCM<sup>23</sup>. This Compact enumerates 23 objectives for State action, bolstered by specific commitments, that seek to address challenges related to today's migration. Its commitments and actions can be seen as a guide for States to meet their human rights obligations when designing migration governance measures to reduce the risks and vulnerabilities migrants face at different stages of migration and to create conducive conditions that empower all migrants to become active members of society.

As explained above, Morocco has gradually put in place a comprehensive legislative and legal arsenal to enable it to approach the migration issue in the best possible terms. This is both to safeguard the rights of migrants and refugees and to control its borders and strengthen its diplomatic position in the context of its relations on the subject both with EU countries and with other African countries.

However, it appears that there is a relative discrepancy – due to several reasons – between what is proclaimed in the texts and the practice on the field, as will be shown below.

<sup>22</sup> UNHCR, GUIDEBOOK FOR ASYLUM SEEKERS IN MOROCCO. According to article 1A (2) of the Geneva Convention of July 28, 1951, concerning refugee status, a refugee is: "Any person who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country". <https://www.unhcr.org/4aa765b19.pdf>

<sup>23</sup> United Nations Human Rights, "Global compact for safe, orderly and regular migration".

<https://www.ohchr.org/en/migration/global-compact-safe-orderly-and-regular-migration-gcm>

# G/

## Achievements under the NSIA

### G.1/ Key quantitative achievements under the NSIA

One of the most important achievements of the NSIA during the last two years is to be attributed to program 1, i.e. education. At this level, it seems that several advances have been recorded for the 2020–2021 school year, namely:

- 3,227 migrant children enrolled in the formal school system;
- 407 migrant children benefited from the non-formal education program for the 2020–2021 school year;
- 300 migrant children benefited from the school support program;
- 175 migrant children enrolled in pre-school education.

And, in terms of health, free care for migrants and refugees suffering from COVID-19 at the level of health structures. But, it seems that this was only the case for refugees and migrants with residence permits in Morocco.

For the rest, the quantitative data are of little significance. In this regard, see more developments in Part II hereafter.





## G.2/ Qualitative limits of the NSIA and the Moroccan migration policy

Here we report on the assessment of a leader of a migrant association, which is also that of many of the association leaders interviewed during this research. We also take up, within the same framework, some of the main quantified results drawn from the field survey.

### G.2.a/ Associative point of view

For the president of one of the main migrant organizations in Morocco – the Democratic Labor Organization-Immigration (ODT-I) – there has been a significant setback in terms of migrants' rights from the momentum initiated by the public authorities within the framework of the NSIA to ensure the successful integration of migrants into Moroccan society since 2018.

Thus, at the administrative level, there has been a tightening of the conditions for the renewal of residence permits in favor of the beneficiaries of the two phases of the exceptional operation to regularize migrants in 2014 and 2016/2017, following the requirement of an employment contract, a lease contract, the certificate of the CNSS (Caisse Nationale de Sécurité Sociale – National Social Security Fund), proof of income, bank statements, medical certificates and criminal records of migrants requesting their regularization<sup>24</sup>.

At the institutional level, there has been the abolition of the department in charge of migration affairs within the Ministry of Moroccans Living Abroad.

On the security front, there have been targeted arrests of sub-Saharan migrants, particularly in disadvantaged neighborhoods of Rabat, and their displacement to cities in central and southern Morocco.

In terms of health, access to health – considered a fundamental right enshrined in the Moroccan Constitution – has been severely limited, especially during the period of health crisis due to the Covid-19 pandemic. In this sense, migrants in an irregular situation have been excluded from vaccination operations, which are also free of charge for Moroccan citizens and foreign residents legally in Morocco.

In terms of employment, the majority of irregular migrants work without social security coverage and continue to be victims of exploitation, injustice, wage inequality, and violations of their fundamental rights, including domestic workers.

<sup>24</sup> All these elements are confirmed by current and former members of GADEM as well as AMDH (Moroccan Association for Human Rights).

## G.2.b/ Comments from the fieldwork

A very low level of information on Moroccan migration policies and actions is known by migrants. Thus, it appears that less than 30% of the migrants who were interviewed during this research are informed of the content of these policies. Less than 25% are aware of the new Moroccan migration policy, more than 80% are unaware of the NSIA and only 16% are aware of law 02-03.

Among all these elements, there are very few differences between men and women, as shown in Table 3 below.

**Table 3: Migrants informed about Moroccan migration policies/actions**

Policy/Action	All the sample	Migrant women	Migrant men
Migration laws and policies are applied today in Morocco.	29%	35%	26%
Law No. 02-03	16%	15%	17%
New Migration Policy	23%	21%	24%
National Immigration and Asylum Strategy	18%	12%	21%

Source: M. Lahlou & G. Abdelali, Field survey, Morocco, January–March 2022.

This situation, marked by the lack of knowledge belonging to the migrants present in Morocco of the country's migration policies, may be due to several reasons, including, in particular, the following fact noted during the field survey.

**63% of the migrants we interviewed say they do not want to stay longer in Morocco (of these, 88% would like to go to Europe and 12% would like to return to their country of origin).**

**As most migrants do not wish to stay in Morocco, they seem to not want to know more about the migration policies that the country has adopted, or they apply to them.**

**This aligns with the statements of more than 9 out of 10 interviewed migrants who declared that they were in a non-regular administrative situation. More than 80% of the same migrants do not belong to any civil society organization that would be able to inform and defend them.**

# P

## artial conclusion

From what has been presented, it is clear that Morocco has adopted, particularly since the end of 2013, an important arsenal of migration laws and strategies aimed at regulating migratory movements to, on, and from territory; for example, allowing the integration of regular migrants and refugees into society. However, it appears, through the fieldwork carried out within the framework of this project, that a large part of the migrants present in the country are not aware of this arsenal, or do not want to know that it exists, very probably – here too, as indicated by the field research – because they do not want to stay in Morocco.







# Part II

## *Immigrant women and children in Moroccan law, regulation, and policy on immigration, asylum, and combating human trafficking*

Immigrant women are entitled to the same human rights protections as all other individuals. International human rights instruments, labor standards, specific international instruments concerned with the protection of immigrant workers, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families constitute key international instruments on the rights of immigrant women and children. Morocco is a party to the main instruments on the rights of immigrant

women and children. It's bound to respect its commitment towards immigrants in general, and towards immigrant women and children in particular.

Immigrant women and children's rights are guaranteed by the Moroccan Constitution. According to the Supreme law, as noted elsewhere, foreigners under Moroccan jurisdiction enjoy the fundamental freedoms granted to Moroccan citizens, male and female, in accordance with the law (art. 30, par. 2). Therefore, all Moroccan laws are applied

to immigrant women and children as they are drafted in genderless language.

Moreover, Morocco as a party to the CMWMP is bound to protect immigrants and their family members regardless of their legal status (regular or irregular) as well as to guarantee the effective enjoyment of immigrants' rights based on its national laws.

**A/** Immigrant women and children in the legal regulatory and policy frameworks on immigration and asylum

**This part of the study focuses mainly on legal provisions afforded to immigrants, refugee women and children, and victims of human trafficking.**



## A.1/ Immigrant women and children in the legal framework of immigration and asylum

Moroccan national laws involve specific provisions applicable to immigrant women and children and general ones regulating refugee women and children.

Morocco developed specific provisions applicable to immigrant women and children:

- Law No. 02-03 of 11 November 2003 on the entry of foreign nationals into Morocco and their residence in the country, illegal emigration and immigration and the decree implementing this law in 2010 (Decree No. 2-09-607);
- Labor Law;
- Domestic Workers Law;
- Civil Status Law and Nationality Code.

## A.2/ Immigrant women and children in Law No. 02-03

As indicated above, Law No. 02-03 is the main piece of legislation governing migration (emigration and immigration) in Morocco. The provisions of this law establish the basic rules for the admission and residence of foreigners in Morocco. Their enforcement and the penalization of violations are assigned to the supervisory authorities, operating under the Director General of National Security.

It does give special consideration to some very specific categories of immigrants, such as pregnant women and children. In particular, it forbids the expulsion or removal of foreign children and pregnant women to another country (art. 26, par. 8 and art. 29).



## A.3/ Immigrant women in Labor Law

Article No. 65-99 of 11 September 2003 on the Labor Code aims to regulate work relations in a stable and healthy social climate capable of guaranteeing and preserving human dignity and making it possible to improve working conditions and to establish respect for the freedom of association and negotiations based on the protection and defense of the interests and fundamental rights of workers.

Regular immigrant male and female workers are covered by the provision of the Moroccan Labor Code. Chapter V involves the rights and obligations of foreign workers in Morocco.

Chapter V of the same code provides some guarantees to protect the rights

of immigrant workers. Avoiding illegally employing foreigners could expose them to abuse, discrimination and exploitation. Article 516 of the Code provides that any employer wishing to recruit a foreign employee must obtain authorization from the government labor authority.

Furthermore, the same chapter provides guarantees to prevent the exploitation of migrant workers and to protect them from being subject to forced labor. Also, according to Article 518 of the Labor Code, “the contract must stipulate that in case of refusal to grant the authorization mentioned in the 1st paragraph of article 516, the employer undertakes to pay the costs of returning the foreign employee to his/her country or country of residence”.

## A.4/ Immigrant women and children in Domestic Workers Law

Law No. 19-12 went into effect in October 2018. The legal text provides domestic workers (generally, women) with the right to have an employment contract. It also requires employers to register the workers with the National Social Security Fund (Caisse Nationale de Sécurité Social – CNSS).

The law applies to both Moroccan and foreign domestic workers (art. 4). It requires employers to have written contracts with their domestic workers. The contract must limit the working hours to 40 hours per week for minors aged 16–18 and 48 hours for adults. Domestic workers with contracts are also entitled to all CNSS benefits, including medical insurance and family allowances. Furthermore, they have the right to one day of rest per week and a paid leave after six months of continuous work. The vacation can last for 1.5 days for each month of work.

According to Law No. 19-12, the minimum age of employment for domestic workers is 18 years. However, during the first five years from the date of implementation of the law, the employment of workers between 16 and 18 years old is allowed, provided that the worker has an authenticated written permission document signed by his or her guardian to that effect (art. 6).





## A.5/ Immigrant children in Civil Status Law and Nationality Code



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Immigrant children have the right to registration and nationality. According to Article 3 of Law No. 37-99 on civil status, all Moroccans are subject to the civil status regime. The same regime applies to foreign nationals, including immigrant workers and members of their families, in respect of births and deaths occurring on Moroccan territory.

Furthermore, immigrant children have the right to nationality. By Law No. 62-06 of the Nationality Code, all children born in Morocco to foreign parents who were themselves born there after the entry into force of Act No. 62-06, acquire Moroccan nationality provided that, in the two years before reaching the age of majority, they have stated that they wish to acquire it and that they are normally and legally resident in Morocco.

## A.6/ National dispositions on asylum

Morocco developed general provisions applicable to all refugees, including women and children. The country issued a Royal Decree (Dahir) No. 2-57-1256 of 29 August 1957 on the implementation of the Convention relating to the Status of Refugees of 1951. The Decree established an Office for Refugees and Stateless Persons (Bureau des Réfugiés et Apatrides, hereinafter referred to as "BRA") and an Asylum Appeal Instance within the Ministry of Foreign Affairs. Furthermore, the Decree stipulated that the BRA is responsible for recognizing the refugee status of persons under UNHCR's mandate or by the criteria under the 1951 Convention, and issuing residence permits and other documentation to applicants.

But, despite the adoption of the Decree, no real measures have been taken to give effect to the BRA mandate or to develop comprehensive national asylum legislation. However, asylum seekers and refugees were granted some rights under the Law No. 02-03:

- Conditions for granting asylum seekers or refugees a residence card (art. 17);
- Criteria for the non-expulsion or deportation of asylum seekers and refugees (art. 29);
- Procedures on the treatment of asylum seekers in waiting areas (art. 38).

Furthermore, the government initiated Draft Law No. 66-17 on asylum in early 2014. The

Draft Law was developed under the new Moroccan policy on migration and asylum. It regulates conditions for granting asylum and all related rights in line with the Geneva Convention and its 1967 additional protocol. It also regulates the national institutional framework on refugee status determination.

This Draft Law has been dragging for years and is now pending adoption by the Government Council and the Parliament. Until the adoption of the Draft Law on Asylum, Law No. 02-03 is the only national legislation applicable to refugees.





# B/

## The regulatory and policy frameworks on immigration and asylum

**Morocco developed specific regulatory and policy provisions applicable to immigrants and refugees in general including women and children. The current provisions guarantee access to basic rights and services.**

# B.1/

## Right to access residence

- The legal and regulatory frameworks for immigrant women's access to residence include:
- Law No. 02-03;
- Decree implementing this law in 2010 (Decree No. 2-09-607);
- Order of the Ministry of the Interior setting the documents to be attached to the application for obtaining or renewing residence permits; (2012)
- Circular governing the exceptional operation to regularize the residence status of foreign women and men.





# B.2/

## Right to access to education

### **Immigrant and refugee children have the right to access education based on the following regulatory framework:**

- Note No. 2-4676 of 11 December 2012, addressed to the directors of the regional education and training academies and the provincial delegates of the ministry concerning the registration of Syrian students;
- Circular No. 13-487 of 9 October 2013, on the integration of foreign students from the Sahel and sub-Saharan countries to public and private education and teaching institutions;
- Ministerial Decision No. 15-161 of 19 January 2015 on access to services offered by boarding schools and school canteens to immigrant and refugee students, in the same manner as Moroccan students;
- Directive No. 18-139 (2018) on measures related to awareness-raising, reception, and registration, pedagogical and educational support, as well as the assessment process for immigrant children.
- Minister of UNHCR and the Ministry of National Education, Vocational Training, Higher Education and Scientific Research (MNEVTHESR) Decision No. 014/2018 of 11 May 2018, relating to measures and procedures for the launch of the 2018–2019 school year;
- UNHCR and MNEVTHESR partnership agreement for refugee children (April 2021).

# B.3/

## Right to access to health services

Morocco developed a regulatory and policy framework to guarantee immigrant and refugee women and children access to health services. This includes:

- Joint Circular No. 33 dated 15 February 2017, between the Delegate Ministry in charge of Migration Affairs, the Ministry of the Interior, and the Ministry of Health, organizing medical assistance for immigrants and refugees in Morocco;
- Agreement between the Ministry Delegate in charge of Migration Affairs and the National Health Insurance Agency (ANAM) on 28 March 2017, for the production and issuance of medical assistance cards for the benefit of immigrants and refugees in Morocco;
- Partnership agreement signed in October 2015 between the Ministry Delegate for Moroccans Living Abroad and Migration Affairs, the Ministry of Health, the Ministry of the Interior, and the Ministry of Economy and Finance, intended to provide immigrants with medical coverage called "RAMED" similar to Moroccans in a vulnerable situation;
- Order of the Ministry of Health No. 456-11 of 6 July 2010 on the internal regulations of Hospitals (art. 57);
- Ministry of Health Circular on free primary health care for foreigners (2007).



# B.4/

## Right to access to work

As mentioned above, regular immigrants and refugees (men and women) benefit from rights regulated by:

- Labor Code (2003), Chapter V: “Employment of foreign employees” (articles 516 to 521);
- Order No. 1391-05 of 25 November 2005 supplementing the model work contract reserved for foreigners appended to the Minister of Employment and Vocational Training Order No. 350-05 of 9 February 2005;
- Law No. 112-12 (2014) relating to the creation of cooperatives (no nationality requirement).

# B.5/

## Right to access to justice

Access to justice is guaranteed to immigrant and refugee women and children according to:

- Constitution of 2011 (art. 2, 30);
- Criminal Code (art. 10);
- Code of Criminal Procedures (art. 3 and 93);
- Law No. 27-14 on the fight against trafficking of human beings (specific guarantees of fair trial);
- Prosecutor’s Office Circular No. 10/3 dated 6 February 2017, addressed to Prosecutors at the Courts of Appeal and Courts of First Instance, which relates to the implementation of the provisions of Law No. 27-14 relating to human trafficking.





## Immigrant women and children in the legal framework on combating human trafficking

Trafficking in human beings is considered a violation of human rights and a form of gender-based discrimination and violence against women and young girls. Several factors contribute to trafficking in women linked to their socially constructed roles.

Young girls and women's vulnerability, especially as a consequence of violence, and the demand for their sexual services are two leading factors that have received increased attention in recent years.

Morocco is an origin, destination, and transit country for men, women, and children subjected to human trafficking. According to many national and international reports (2020 Prosecutor's Office report and the US State Department on Trafficking in Persons, 2021), there has been a significant increase in the number of victims of trafficking in Morocco.

At the national level, the majority of victims of trafficking are generally irregular immigrants, mainly women originating from sub-Saharan Africa and some South-East Asian countries. They are exploited for labor, domestic work, begging, and prostitution.

In response to human trafficking in the country, the Moroccan government passed, for the first time, a law (law No. 27-14) on combating human trafficking by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, ratified by Morocco in 2011.

Law No. 27-14 was drafted under the new Moroccan policy on migration and asylum adopted at the end of 2013. The anti-trafficking law was developed concerning:

- International standards and good practices;
- Criminalization of human trafficking and awareness-raising;
- Gender and human rights perspectives;
- Age consideration;
- Non-punishments principle regarding victims;
- Identification, protection, and assistance of victims;

- Non-distinction between Moroccan and foreign victims.

The anti-trafficking law fixes:

- 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 Code of Criminal Procedure prioritizing the identification of the victim and enabling the judicial authorities to issue the orders indicated in case of trafficking;
- Arrangements for assistance in public services for protection, medical care, psychological and social assistance for victims of trafficking, and free legal aid;
- The establishment of a National Commission in charge of coordinating measures to combat and prevent human trafficking.

As mentioned above, this law was perceived from a gender perspective and age consideration alike. In this regard, it provides more severe penal provisions. For instance, according to art. 448.4, the offense of trafficking in human beings is punishable by imprisonment for 20 to 30 years and a fine of 200,000 to 2,000,000 dirhams (20,000 to 200,000 US dollars) in the following cases:

- 1) When the offense was committed against a minor under 18 years old;
- 2) When the offense is committed against a person in a difficult situation because of his age, an illness, a disability, or a physical or mental weakness or concerning a pregnant woman if her pregnancy is apparent or known to her culprit;
- 3) When the perpetrator of the offense is the spouse of the victim, one of his ascendants or descendants, his guardian, his "kafala", responsible for looking after her or having authority over her.

# D/ The living conditions of immigrant women and children

As it is important to shed light on and analyze the issue of living conditions of immigrant women and children in Morocco, this part of the study brings more quantitative and qualitative data on immigrant women and children in Morocco; the nature of their access to basic rights and services; and their plight in Morocco.

## D.1/ Profile of immigrant women in Morocco

**D.1.a/ According to the 2021 High Commission for Planning national survey on forced migration, a study carried out among 3,000 immigrants divided into 2,200 regularized immigrants or in an irregular situation and 800 refugees or asylum seekers:**

- **40.7% of immigrants in Morocco are women.**
- **Immigrants aged between 15 and 29 are 39.4%, 30-44 year-olds 48.2%, and 45-59 year-olds 10.7%. A tiny minority (1.7%) are aged 60 and over.**
- **39.4% of immigrants are aged between 15 and 29; 48.2% between 30 and 44; and 10.8% between 45 and 59. A tiny minority (1.7%) are aged 60 and over.**
- **51.7% are single, 33.2% are married and 5.6% are divorced.**
- **At the time of the survey, 22.5% had reached higher-education level. The share of those with a qualifying high school level is 23.5%, middle school level 19%, and primary level 17.2%, with no significant difference between men and women. 16.4% of immigrant women have no level of education.**
- **89.3% of the immigrant women surveyed left their country of origin in 2010. Another indication: nearly 5.8% of the immigrants resided in Morocco more than once (6.5% of men and 4.8% of women). Immigrants who arrived in Morocco for the first time represent 94.2%.**



- The journey of immigrants from their country of origin to Morocco costs on average 1,940 US dollars.
- 51.7% of women entered Morocco through airports and 38.2% crossed the border with Algeria.
- 41% of immigrant women left their country of origin mainly for reasons related to war, insecurity, and persecution; 32.1% to find a job or improve their living conditions; and 11.4% for education and training. Family reunification (married or joining the family) is the fourth reason, cited by 8.9% of immigrant women.
- 44.5% of the immigrants (men and women) questioned mentioned difficulties encountered during emigration. The main difficulties mentioned by name are, in order of importance, lack of money, physical exhaustion due to walking, hunger and thirst, physical and psychological violence, sexual harassment or rape, arrest and detention, expulsion, and deportation. 4.3% of women had a pregnancy or childbirth while traveling.
- 37.7% of immigrant women in Morocco claim to be in an irregular situation. 49.8% requested asylum and 47.3% asked for regularization of their situation<sup>25</sup>.



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<sup>25</sup> "La migration forcée au Maroc : Résultats de l'Enquête Nationale de 2021", HCP, September 2021. <https://www.hcp.ma/>. Accessed 10 February 2022.



# LEAVE NO ONE BEHIND



**D.1.b/ According to interviews carried out within the present Work Package in Casablanca and Mohammedia among ten immigrant women from Cameroon, Côte d'Ivoire, and Syria, these are the main characteristics identified:**

- **Aged between 21 and 53;**
- **70% have a very low level of education;**
- **7 are engaged, 2 single and a widow;**
- **90% are mothers;**
- **90% are working;**
- **80% are begging sometimes;**
- **80% are in an irregular situation.**

## D.2/ Access to rights in Morocco and life difficulties

### D.2.a/ Access to the right to residence

Law No. 02-03 presents the conditions and procedures for the issuance of residence permits in Morocco. It also presents all the cases of rejection and renewal of these titles, the cases of escorting to the border and expulsion, the movements of foreigners, and the criminal provisions.

There are two types of residence permits: the registration card and the residence card. Immigrant men and women who have the intention to stay in the Moroccan territory for a specific reason (studies, work, etc.) without having the objective to stay for a long period, are eligible to obtain registration cards. Following that, the Moroccan authorities propose five different registration cards with the following mentions: "visitor", "student", "for work", "family reunification", and "long-term medical care".

The registration card remains valid for 1 to 10 years with the exception that the holder exits the territory for more than 6 months. According to the law, once the period of validity of the registration card has expired, you must exit the Moroccan territory, unless you obtain a renewal or possess a residence card.

When the registration card is refused (when requested for the first time or renewal) or withdrawn, the concerned immigrant man or woman must exit the Moroccan territory within a period of 15 days from the notification date of the refusal or the withdrawal by the administration.

On the other hand, the residence card is intended for people who wish to settle down in Morocco once and for all. To be eligible for that, immigrant men and women have to prove a non-interrupted residence of at least four years on Moroccan territory that complies with the existing laws and regulations.

The residence card may be granted to the following people as their right (subject to the regularity of their entry to the Moroccan territory)<sup>26</sup>. This residence permit is valid for ten years and is renewable; however, if the holder exits the Moroccan territory for a period that exceeds two years, the residence card is no longer valid (or applicable)<sup>27</sup>.

Immigrant men and women requesting residence permits in Morocco have to submit the required documents, according to the Ministry of Interior 2012 Order, setting the documents to be attached to the application for obtaining or renewing residence permits<sup>28</sup>. For instance, it's mandatory to submit a criminal record check; a lease contract or a certificate of ownership or any document justifying the permanent residence of the person concerned in Morocco; a medical certificate; and proof of means of subsistence.

Besides the two types of residence permits, there is another specific one for minors living in Morocco.

Those seeking to live with their minor children in Morocco must apply for a minor's relocation document, known as a "Document de Circulation", on their behalf. If a minor has been residing in Morocco without a relocation document, they will be prohibited from leaving Morocco until their parents file for and receive a Document de Circulation. To be eligible for a Document de Circulation, a minor residing in Morocco must have one of the following apply:

- At least one parent has a residence card;
- They were born abroad to a Moroccan mother and do not have Moroccan citizenship;
- They are a refugee; or
- They entered Morocco on a visa of more than three months.

For irregular immigrant men and women who were regularized during the two exceptional regularization campaigns (2014/2017), they

have to meet at least one out of the following eligibility criteria:

- Foreign spouses of Moroccan citizens, married and living together for two years and more (before 31 December 2011);
- Foreign spouses of other foreigners in a regular situation in Morocco, married and living together for four years and more (before 31 December 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 1 January 2012);
- Foreign nationals able to prove a five-year-long continuous residence in Morocco;
- Chronically ill persons receiving care in Morocco since 31 December 2013<sup>29</sup>.

Within the framework of the fully humanist philosophy of the regularization operation and following consultations between the National Human Rights Council and the partners concerned (mainly the Ministry of Interior), it was decided to relax the eligibility criteria to expand the contingent of foreigners benefiting from the regularization. In this regard, it must be emphasized that immigrant women and their children as well as unaccompanied minors have been regularized regardless of the initial criteria of the administrative circular<sup>30</sup>.

<sup>26</sup> Foreign spouse of a Moroccan national; Foreign or stateless children from a Moroccan mother; Foreign ascendants of a Moroccan national and his spouse and who are his covered dependants; Foreign parents of a child born in Morocco and residents in Morocco with the Moroccan nationality (provided that they legally represent the child, the right of custody or that they meet the needs of their child); Spouses and minor children of a foreign holder of a residence card; Foreigners having acquired the status of refugees as well as their spouses and children (provided that they are minor or in the year following their civil majority); A foreigner justifying by all means that he has been resident in Morocco for more than 15 years, or since he has reached (at most) the age of ten years or that he is in a regular situation for more than ten years.

<sup>27</sup> The decree implementing this law in 2010 (Decree No. 2-09-607).

[http://www.sgg.gov.ma/Portals/0/profession\\_reglementee/decretApplicationLoi02-03.pdf](http://www.sgg.gov.ma/Portals/0/profession_reglementee/decretApplicationLoi02-03.pdf)

<sup>28</sup> "Arrêté du ministre de l'intérieur n° 501-12 du 20 Rabii I 1433 (13 February 2012) fixant les documents devant être joints à la demande d'obtention ou de renouvellement des titres de séjour".

<sup>29</sup> "2013 Joint Circular of the Minister of the Interior and the Minister in charge of Moroccans residing abroad and migration affairs".

<sup>30</sup> "Politique Nationale d'Immigration et d'Asile, Rapport 2018", p. 74. <https://marocainsdumonde.gov.ma/>. Accessed 9 January 2022.



## D.2.b/ Immigrant women and children's difficulties and challenges accessing to the right to residence

The conditions and procedures governing the access of immigrant women and children to residence permits do not, however, constitute a problem in themselves, according to interviews based on testimonies from civil society associations, immigrant women who were regularized during the first regularization campaign (2014) and those who came to Morocco after 2017 are encountering difficulties accessing legal residence in Morocco.

Many immigrant women live in peripheral neighborhoods of Moroccan cities. According to interviews conducted with ten immigrant women in Casablanca and Mohammedia, only two are in regular situations; the others all attest to the fact that they are irregular immigrants.

“

*I arrived in Morocco in 2015. I used to live with my partner within our community in a forest close to Oujda. In 2019, I came to Mohammedia. I didn't regularize my situation – I have no idea about the regularization campaign you are talking about ... my partner did not and I couldn't do that myself, I have to follow him ... we didn't come to Morocco to stay, one day we will go to Europe*

*Cameroonian woman  
interviewed in Mohammedia*

The respondent makes clear that she is not aware of the regularization campaign initiated by Morocco in 2017. Her testimony reveals to what extent gender roles in the migratory context impact women's access to the right to residence; her dependency on her partner is making her powerless to decide for herself. Moreover, their intention is not to stay in Morocco but to continue their journey to Europe. It was clearly said during the interview that if others succeeded they would succeed also.

The interviewee's testimony also reveals the fact that due to the intention to continue their journey to Europe, many immigrants have refused to regularize their situation in Morocco, in either campaign. Furthermore, the decision to regularize their stay in Morocco is a male decision.

“

*I came to Morocco in 2016. I don't know about the 2017 regularization campaign – at that time we were in Oujda ... my husband and my five children are living irregularly ... my husband is deciding on our behalf.*

*Cameroonian woman  
interviewed in Mohammedia*

Living in an irregular situation in Morocco is very much apparent among immigrant women. According to HCP, it comes out from a 2021 national survey on forced migration from a sample of 3,000 immigrants, over a third (36.6%) claim to be in an irregular situation, 37.7% for women and 35.9% for men<sup>31</sup>.

During fieldwork, a category of women who are living in irregular situations for different reasons were identified. For instance, an Ivoirian woman said that she didn't get regularized and she doesn't know why. Likewise, an immigrant from the Democratic Republic of Congo admits that she did not know what to do to live regularly in Morocco. Indeed, most of the interviewees point out that they do not know the current Moroccan regulation regarding access to legal residence.

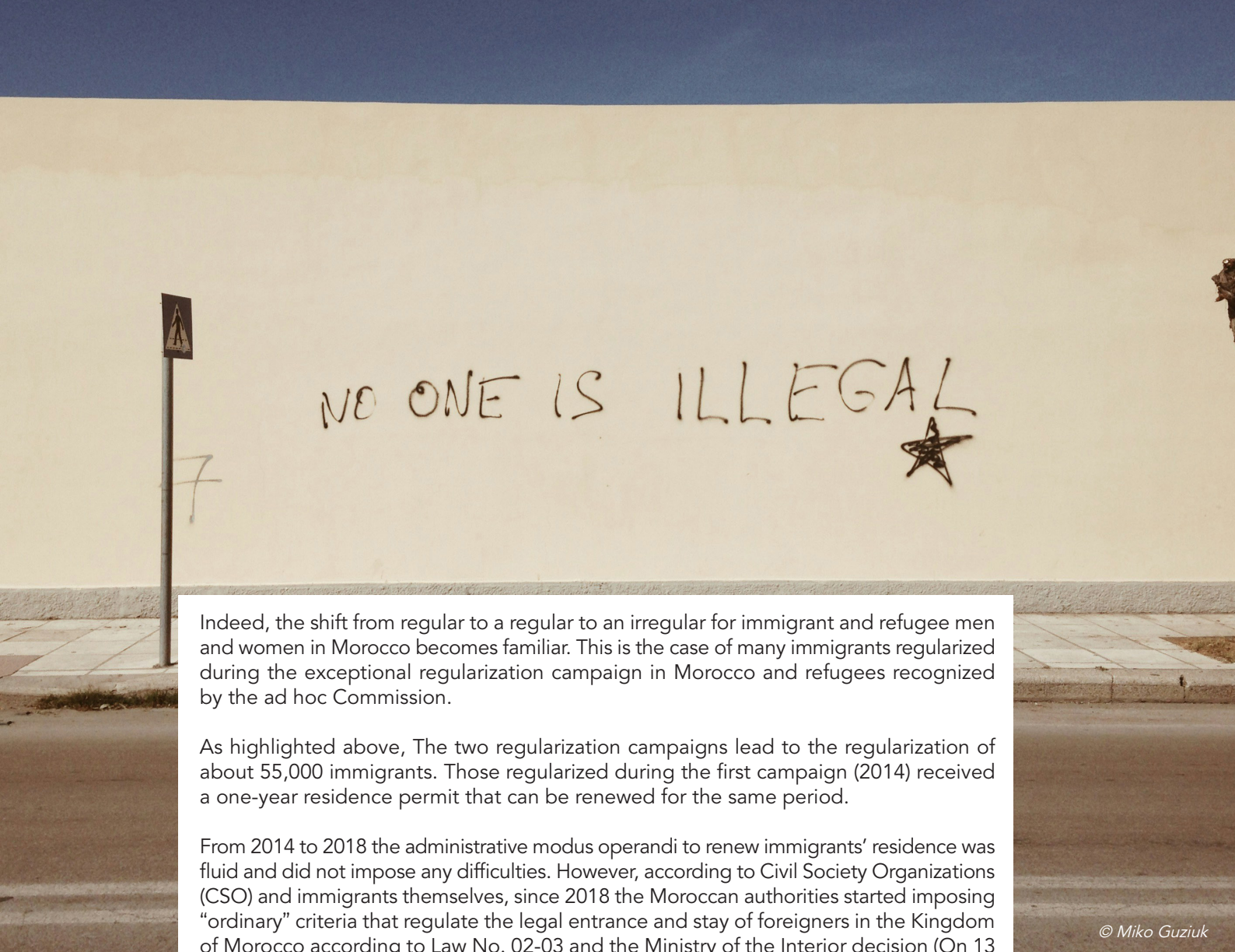
Ignorance of the regulatory framework to access the right to residence is not the only obstacle to regularizing immigrant women during their stay in Morocco. Here, it is useful to highlight the case of a young journalist from Cameroon who was in a regular situation for many years until the Moroccan authorities refused to renew her resident permit.



*I am 30 years old, and have been living in Morocco since 2008. I got my master's degree in Communication from Hassan II University in Casablanca. I hold a registration card that mentions a "student" which I renewed every year. I worked as a journalist at the newspaper Al-Bayan –, my journalist card allowed me to get an employment contract from the newspaper. Once the contract was approved by the Ministry of Employment, I got a registration card with the mention of "work" ... I am currently a freelance journalist at 2M [national Moroccan TV]. As 2M is encountering financial constraints employees are not granted employment contracts but just a contract for providing services. Unfortunately, when I went to the Office of Foreigners to renew my registration card, the Moroccan authorities refused to renew it. They require that I present an employment contract stamped by the Ministry of Employment ... The Ministry didn't accept the contract for providing services and I am now in an irregular situation and don't know what to do ... I contacted "Droit et Justice", an association that provides legal support to immigrants, and hope they can find a solution for me ... During all these years I didn't know in depth the procedures but today I need to know more about the regulation framing my stay in Morocco".*

*Cameroonian woman  
interviewed in Casablanca*

<sup>31</sup> "La migration forcée au Maroc : Résultats de l'Enquête Nationale de 2021".



NO ONE IS ILLEGAL

Indeed, the shift from regular to a regular to an irregular for immigrant and refugee men and women in Morocco becomes familiar. This is the case of many immigrants regularized during the exceptional regularization campaign in Morocco and refugees recognized by the ad hoc Commission.

As highlighted above, The two regularization campaigns lead to the regularization of about 55,000 immigrants. Those regularized during the first campaign (2014) received a one-year residence permit that can be renewed for the same period.

From 2014 to 2018 the administrative modus operandi to renew immigrants' residence was fluid and did not impose any difficulties. However, according to Civil Society Organizations (CSO) and immigrants themselves, since 2018 the Moroccan authorities started imposing "ordinary" criteria that regulate the legal entrance and stay of foreigners in the Kingdom of Morocco according to Law No. 02-03 and the Ministry of the Interior decision (On 13 February 2012) that sets out the documents to be attached to the request for obtaining or renewing residence permits.

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In the absence of any official announcement from the Moroccan authorities, regularized immigrants suddenly find themselves required to present, while renewing their registration card, documents that every foreigner entering or staying in Morocco has to present according to the normal/ legal procedures. Consequently, regularized immigrants are required to meet eligibility criteria different than the ones they have met during the exceptional regularization campaigns.

In this regard, regularized immigrants are required to present, for instance, a work contract; rental agreement; criminal record check; and a long list of documents. The current problem that most immigrants are facing is that their socio-economic situation (following COVID-19) is very poor. Hence, they cannot meet the ordinary criteria, meaning their livelihood is linked to the support they get from CSOs in charge of the implementation of NSIA programs.

The situation of immigrant men and women became worse than ever before, particularly during the pandemic. In 2020, Moroccan authorities were criticized by CSOs and immigrants themselves. As pointed out by immigrant rights activists, Morocco returned to the situation as it was before 2013, with regularized immigrants are living in irregular situations<sup>32</sup>.

<sup>32</sup> Hamza Mekouaz, "The hardship of foreign immigrants in Morocco". *The North Africa Journal*, 18 May, 2020. <https://north-africa.com/2020/05/morocco-the-hardship-of-foreign-immigrants-in-morocco>. Accessed 25 April 2021.



It is incomprehensible that the Moroccan authorities are still reluctant to inform immigrants about the shift from the exceptional to the ordinary requirement if they are to stay legally in Morocco. Likewise, refugees recognized by the ad hoc Commission are encountering the same difficulties renewing the resident permit issued by the Moroccan authorities. During the pandemic lockdown, many refugees were unable to access the Office of Foreigners.

The situation is more complicated for Syrians. The 1,363 refugees who were registered by the ad hoc Commission do not fully benefit from NSIA programs. The situation is particularly worrying due to the impact of COVID-19 and the current rising prices. To date, the Moroccan government has not yet decided on what status Syrian refugees' can be granted (i.e. Geneva Convention refugee status or complementary/subsidiary protection) and the Draft Law No. 66-17 on asylum is still pending.



*I'm 21 years old, I came to Morocco with my parents in 2016. When we arrived, my father contacted the UNHCR once but we were not granted a refugee card. My father had a job opportunity in Tangier and we went there and settled in Tangier until 2020. Following a family visit to Casablanca in March 2020, we got stuck there due to the lockdown. We still live in Casablanca, we are in an irregular situation and my father works in a Syrian restaurant owned by compatriots. I had no idea about the regulatory framework on asylum in Morocco till the date I intended to apply to the faculty of law at Hassan II University in Casablanca to realize my dream of being a lawyer; unfortunately, the administration refused to enrol me. They asked me to present an original copy of my high school diploma (I left it in my city, Idleb) and they required my resident permit ...*

*Syrian woman interviewed  
in Casablanca*



*My partner and I both arrived in Morocco in 2015. We used to live with our community in the forest close to Oujda. We didn't get regularized and we are not aware of Moroccan policy on migration. I have two kids (four and six years old). They were born in Morocco. My kids are not registered in the civil register, they do not have a birth certificate ... they are in an irregular situation as well, hence they cannot have access to education, so I am teaching them when I come back home...from time to time.*

*Cameroonian woman  
interviewed in  
Mohammedia*

# D.3/ Access to the right to education

## D.3.a/ Demonstrating commitment to children on the move

There has been an increase in the number of foreign children in Morocco, in particular unaccompanied and separated immigrant children (USMC)<sup>33</sup>. However, children in a situation of mobility are a difficult phenomenon to apprehend through national statistics. Indeed, general data on immigrants are not disaggregated by systematic age, which means that the data concerning children are incomplete. Furthermore, it is not obvious to collect data on children who travel without identity documents, who are not in contact with supporting organizations, and who are in transit. It is therefore impossible to estimate the number of children in Morocco or to analyze its evolution.

Available data on immigrant and refugee children come from the 2014 General Census of Population and Housing (GCPH)<sup>34</sup>, as well as from the first regularization campaign at United Nations organizations and CSO's statistics<sup>35</sup>.

According to a study, conducted in 2016 by Caritas and "Médecins du Monde-Belgium", on the subject of "Unaccompanied minors, looking for a future"<sup>36</sup>, USMC were mostly boys (76%, compared to 24% girls). The average age was 16.5. The majority of girls came from Côte d'Ivoire and the Democratic Republic of Congo, while the boys came mainly from Guinea, Cameroon, and Côte d'Ivoire. Most of the children had reached middle school level before leaving (35.5%); 30% had completed it; however, 10% had not.

As per the Caritas study, concerning identity documents, 24% of the children surveyed were refugees or asylum seekers and 20% had an identity card versus 51% who had no ID.

The data concerning refugee children are the only ones to be updated every month, which allows for more cross-analysis. According to UNHCR, at the end of February 2019, 2,342 refugee children were assisted by the organization, and 432 asylum seekers registered. Of the total, children accounted for 36.1% of refugees and 21.6% of asylum seekers<sup>37</sup>.

The situation of children on the move to Morocco (whether family accompanied or unaccompanied) and particularly their access to their basic rights before 2013 was not a prime concern of the Moroccan government. For instance, most children of immigrants were not allowed to attend schools, except for some rare exceptions with the help of CSOs.

A while later, Morocco developed, as mentioned above, a legal and regulatory framework to guarantee access to education to immigrant and refugee children, mainly following the adoption of the 2013 new policy on immigration and asylum. Thereafter, the Moroccan government adopted a specific program to guarantee access to education for immigrant and refugee children as part of the 11 programs of the National Immigration and Asylum Strategy (NSIA).

The Moroccan official discourse emphasizes the guarantee of access to education programs for all immigrant and refugee children, regardless of their administrative status, and in respect of the Best Interests of the Child principle. However, it comes out from the fieldwork and of CSOs' criticism that children are facing obstacles and difficulties for the effective enjoyment of their rights.

<sup>33</sup> "Situation des enfants au Maroc, les enfants immigrants (module 4)", UNICEF, November 2019 <https://www.unicef.org/morocco/media/2076/file/> Accessed 20 February 2022.

<sup>34</sup> According to 2014 GCPH, of 84,000 foreigners in Morocco (56.5% men and 43.5% women), 17.8% are under 14.

<sup>35</sup> In 2016, Caritas-Rabat created the "Unaccompanied Foreign Minors", a unit which, since its creation, has welcomed an average of 600 USMC a year. The average age of these children is 16 years old, but with very varied profiles ranging from 7 to 17. In 2018, Association Solidarité Médico-social au Maroc in Oujda has provided assistance to 80 USMC among 2,700 immigrants (2.9% of assisted persons).

<sup>36</sup> "Mineur-e-s non accompagné-e-s, en recherche d'avenir", April 2016. [https://www.infomie.net/IMG/pdf/etude\\_mna\\_-\\_mdm\\_caritas\\_-\\_def.pdf](https://www.infomie.net/IMG/pdf/etude_mna_-_mdm_caritas_-_def.pdf) Accessed 25 March 2022.

<sup>37</sup> "Situation des enfants au Maroc, les enfants immigrants (module 4)", p. 16





### D.3.b/ Immigrant and refugee children's difficulties and challenges accessing education

In accordance with “Child Notice Morocco”, produced by UNICEF in 2015, immigrant children suffer discrimination in their access to education (despite official publications discouraging this), as do children with a history of non-formal education. UNICEF highlighted, according to CSOs, the presence of many obstacles that prevent immigrant children from full enjoyment of access to education.

In this regard, it was reported that access to education for sub-Saharan children depends exclusively on the will of the heads of schools: some of them are willing to follow the instructions of the Ministry of Education, others accept immigrant children in their schools only if an association guarantees that the child will be monitored, and some categorically refuse to permit immigrant children to attend their schools<sup>38</sup>.

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<sup>38</sup> Ibid. p. 52.



Furthermore, UNICEF pointed out that the regulatory framework was confronted with obstacles mainly linked to birth registration and the lack of legal representation for unaccompanied children. Being in such a situation compromises children's social and educational integration.

Despite an ongoing effort on the part of the government to guarantee access to education (as will be highlighted afterward), immigrant children are still encountering difficulties accessing education effectively. Seven years following UNICEF's above-mentioned report, immigrant children are still confronted with the same obstacles, particularly the failure to access education. This is because, while education in public schools is free, it is only in Arabic. This poses a problem for many children coming from sub-Saharan African countries where the mother language is not Arabic. As for private schools, they charge a fee, but most migrants do not have the financial means to send their children to these schools. A third problem at this level is to link to the denial of the deliverance of birth certificates to children whose mother is in an irregular situation.

Notwithstanding the official discourse declaring that access to education is guaranteed irrespective of immigrants' and refugees' administrative status, full enjoyment of that basic right is not in fact met for immigrant children in an irregular situation. This was the case for the aforementioned Syrian and Cameroonian respondents.

It's crucial to make the following remark concerning the linkage between access to residence and access to education as well as access to other rights. In the context of migration, the key right is the right to access legal residence. Once this right is not met the other rights are impacted. This remark confirms the fact that human rights are indivisible and interrelated.

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# E/ Access to health care

## E.1/ The Moroccan health system: The importance of understanding

Before analyzing the nature of immigrant women and children's access to health care in Morocco, it seems relevant to briefly present the complex Moroccan health system. It comprises three levels:

- Health care centers;
- Prefectural or provincial hospital centers;
- University hospital centers (CHU).

At the first level, basic care is offered to patients, while the other two levels offer more specialized care, both in terms of diagnosis and treatment. Any person whose health condition cannot be taken care of by primary health care centers is immediately referred to higher-level hospital centers, in particular for emergencies and specialist care. The complexity of the health care system is not always well understood by immigrants and does not fully meet their health needs.

It should be noted that access to health care for immigrants in Morocco, according to the literature, varies between aforementioned levels. Primary health care is free for immigrants as it is for Moroccans; however, it is chargeable when accessing prefectural/provincial hospitals and university hospital centers.

Over the past two decades, access to health care for immigrants and refugees in Morocco has evolved considerably, in particular due to the adoption of the legal/regulatory frameworks as mentioned above and the NIAS health program. Despite the Moroccan government guaranteeing free access to certain health structures, enjoyment of this right for immigrant men and women, particularly those in an irregular administrative situation, is in fact still not fully effective.

In its report published in 2017 on the psychosocial needs of immigrants and relevant professional service, IOM pointed out that “despite all the efforts made by the Moroccan authorities and the various actors in the field of health to improve and guarantee immigrants” access to health services, many challenges remain to be addressed both in terms of their health care in general and in terms of their mental health and their psychosocial needs in particular<sup>39</sup>”.



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<sup>39</sup> “Rapport de l’étude sur les besoins psychosociaux des immigrants et des professionnels de santé”, Organisation Internationale pour les Migrations (OIM), 2017 [https://morocco.iom.int/sites/g/files/tmzbdl936/files/documents/Rapport%20MHPSS%20français\\_0.pdf](https://morocco.iom.int/sites/g/files/tmzbdl936/files/documents/Rapport%20MHPSS%20français_0.pdf)

## E.2/ Immigrant women and children's difficulties and challenges accessing health care

The living conditions of refugees and immigrants impact their well-being, including their physical and mental health. Fear, anxiety, and mental suffering is a shared experience of many immigrants in Morocco. In this situation, responses to medical needs, as reports indicate, are still insufficient<sup>40</sup>.

According to various reports consulted and respondents, immigrant women encounter difficulties accessing health care health centers because they do not have the documents that justify their permanent residence. Due to problems linked to access to housing (high rental rates), immigrant women are constantly on the move – they don't have fixed home addresses. Presenting a housing certificate is mandatory to access health care centers<sup>41</sup>. Moreover, it comes out from the interviews that because of their irregular situation, some immigrant women are unable to access health care services.

It is crucial to highlight that despite efforts made by Morocco to guarantee access to health, it emerges from interviews that some immigrant women are failing to overcome administrative obstacles to access medical follow-up during pregnancy. Interviews also shed light on cases of deaths of immigrant women at hospitals because they didn't receive the necessary care, or at least not enough, or because the health protocol had not been respected.



***Last year an Ivoirian woman in an irregular situation like us had complications following her childbirth, she needed surgical intervention. Most of the Ivoirian community here in Mohammedia contributed to pay for her operation; fortunately, we saved her life.***

***Ivoirian woman interviewed in Mohammedia***

Additionally, immigrant children's access to effective health care services is a challenge. It was reported that there are cases of a newborn being deprived of their first vaccination (BCJ) because the mother's home address is not fixed.

Endangering immigrant children constitutes a serious violation of child rights. Likewise, immigrant parents fail to obtain official birth registration certificates for their children, as they cannot afford the medical fees to be paid before obtaining an "avis de naissance"<sup>42</sup>.

Furthermore, some specific problems regarding access to health care affect immigrant men and women. It was reported that they are stigmatized as holders of diseases (HIV, cholera, tuberculosis, etc.) In particular, women are perceived as holders of sexually transmitted diseases (STDs). Moreover, immigrant men and women were victims of discrimination based on nationality.

***We are almost 300 Ivoirians in an irregular situation in Mohammedia, none of us has been vaccinated.***

***Ivoirian woman interviewed in Mohammedia***

<sup>40</sup> Ibid. See also "Child Notice Morocco", UNICEF, 2015.

<sup>41</sup> Helena Maleno Garzón, "Des voix qui s'élèvent: Analyse des discours et des résistances des femmes immigrantes subsahariennes au Maroc", Generalitat Valenciana, 2018. <https://www.alianzaporlasolidaridad.org/axs2020/wp-content/uploads/Informa-Helena-Maleno-2018-Alzan-do-voces-Franc%C3%A9s.pdf>. Accessed 20 January 2022.

<sup>42</sup> "Concluding observations on the combined third and fourth periodic reports of Morocco. Committee on the Rights of the Child, 14 October 2014. CRC/C/MAR/CO/3-4."



# F/ Access to work

Morocco has developed a legal and regulatory framework to guarantee access to decent work for immigrants. Furthermore, access to work is one of the key programs of NIAS, thus the Moroccan government has made efforts to provide support to immigrants to access the job market.

Despite all these efforts, it's noticeable that eight years after the adoption of the Moroccan new policy on immigration and asylum, immigrants are still facing difficulties accessing employment. Pursuant to the above-mentioned HCP 2021 national survey more than a quarter of immigrants in Morocco (27.4%) are unemployed, 29.6% for men and 24.3% for women. Furthermore, almost a quarter of immigrants in Morocco (24.5%) are outside the labor market; 9.2% are students, 8.2% are housewives and 7.1% are other inactive persons.

The main reasons these inactive people are out of the labor market are:

- Firstly, for 32% of them, the low level of studies and/or skills;
- In second place, the lack of employment opportunities for 15% among them;
- Thirdly, for family obligations, exclusively among women (at 14.2%);
- Fourthly, because of health reasons (for 8.3% of migrants);
- Fifthly due to the refusal of a partner (for 7.3% of migrants), or a family member (for 6.1% of migrants)<sup>43</sup>.

As highlighted by the survey, for a variety of reasons, poor access to sources of income is one of the main problems facing refugee and immigrant populations in Morocco. Immigrants and refugees often find themselves unemployed with limited opportunities to enter the labor market, especially in the formal market.

Almost all the immigrant women interviewed for this study said they were unable to obtain any form of employment. Among those who had jobs, were a Cameroonian woman who is working as a social provider with an international organization, Enable, in Casablanca, and her compatriot who set up her own consultancy office, Just Consulting & Mentoring, also in Casablanca. According to the respondents, both of them are in a regular situation in Morocco, hence it facilitates their access to the job market. They are convinced that being a woman and immigrant does not mean leaving oneself to vulnerability. For these respondents, women have the internal potential to adapt to all life situations.

<sup>43</sup> "La migration forcée au Maroc: Résultats de l'Enquête Nationale de 2021".



*During my meetings with immigrant women I tell them how precious they are. As a priest I am reminding them that it's God's gift in itself, they have to appreciate and work hard to adapt and overcome any life obstacles with their partners, children, Moroccan neighbors, and the Moroccan authorities ... To be here is a destiny and we have to accept it, it's a chance others lost during their migratory journey.*

***Cameroonian woman “priest” interviewed in Casablanca***

By contrast, other immigrant women stated that they are struggling daily to access to sources of income. Some of them reported that their partners are mostly unemployed, while two respondents stated that their partner is working from time to time in construction. Among Syrian immigrants, one woman indicated that her husband is a waiter at a Syrian restaurant in Casablanca; another that her father did the same job.

Interviewed women stated that they are working as housekeepers, hair stylists, or as saleswomen in small public markets. It was also stated by some respondents that most of the time they are begging, otherwise they cannot survive.

All immigrant women's jobs, as well as those of their male counterparts, are in the informal sector which means the absence of a formal contract which is normally a safeguarding of workers' rights. Hence, immigrant men and women are exposed to rights violations even with the presence of legal and regulatory frameworks.

Once again, as highlighted by two Cameroonian respondents living in a regular situation, the lack of a residence permit remains the main obstacle faced by immigrant and refugee men and women trying to enter the labor market.

On the other hand, as has been noted by some research, COVID-19 exacerbated the vulnerability of refugees and immigrants, in particular those with informal jobs, or who were dependent on charity. The lockdown cut all forms of income and led to an increase in risk for the most vulnerable populations, such as women with children.



# G/ Access to justice



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As mentioned earlier, access to justice is guaranteed to immigrant and refugee women and children according to the constitutional and legal frameworks, but living conditions can be harsh for immigrant and refugee women and children in Morocco to the extent that they can be exposed to many protection risks and human rights violations.

Previous research in Morocco underscores how immigrant women's hard living conditions increase women's vulnerability to discrimination, gender-based violence, and trafficking. It has been highlighted that due to obstacles accessing to the labor market (the lack of a work permit), the only chance means of survival is recourse to domestic work, begging, or prostitution. Such a precarious condition constitutes an increased likelihood of the physical and sexual abuse of these women<sup>44</sup>.

To confront this situation, most Immigrant women are reluctant to access justice. Immigrant women hesitate to bring their abusers to justice; they are less likely to file a complaint.

According to previous research and respondents, we can summarize the main reasons behind women's reluctance:

- Lack of legal knowledge on migration and asylum and ignorance of the basic rights;
- Hesitance linked to the administrative status, particularly for women in an irregular situation;
- Lack of trust in law enforcement officials (police and judges) as they require identity documents;
- Fear of being deported and the risk of being arrested;
- Language barriers (a police report is a written document, and women are reluctant to sign it).

<sup>44</sup> Lara Deramaix and Julien Moriceau, "Quelle justice pour les femmes au Maroc?: Analyse des parcours de justice", Avocats Sans Frontières (ASF), April 2019. <https://www.asf.be/wp-content/uploads/2019/12/ASF-justice-femmes-Maroc-2019-6-2.pdf>. Accessed 25 February 2022.



# H/ The plight of immigrant women in Morocco



Being a woman is harder when she is displaced. As highlighted above, immigrant women are facing different kinds of hardships, especially those who are in an irregular situation. Reports underscore the discrimination, violence, abuse, and human trafficking with which immigrant women are confronted<sup>45</sup>.

In Morocco, as for many immigrants in transit and host countries, immigrant women are victims of discrimination and gender-based violence. Their experiences with migration are different to those of men, hence they have specific needs that government, international organizations, and local CSOs have to take into account while developing responses for them.

*I remember one day I was begging beside traffic lights and two Moroccan boys in their car told me, “Hey you, Aziya, come with us, we offer the opportunity to earn a lot of money instead of keeping begging ...” They provoked me and I insulted them ... after that they tried to hit me with their car.*

*Ivoirian woman interviewed in Mohammedia*

## H.1/ Immigrant women and discrimination

Discrimination is a phenomenon that was mentioned by respondents. Two types of discrimination came up during interviews with immigrants: structural discrimination and behavioral discrimination.

-Structural discrimination is apparent in the government’s responses to immigrant men and women’s needs. As mentioned previously, the Moroccan authorities are reluctant to inform immigrants about the shift from exceptional to ordinary procedures to renew residence permits. From a certain point of view, this attitude can be considered as a form of discrimination. Moreover, the refusal of the Moroccan authorities to renew residence permits and the impact this has on the full enjoyment of immigrants’ rights and access to basic needs (education, health, justice) can also be considered as discrimination based on nationality.

In this regard, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance stated that: “Although national law and policy guarantees a range of rights to immigrants and refugees on an equal basis in all of these contexts, rights violations persist and discrimination remains a key barrier to integration. The Special Rapporteur received testimonies from individual immigrants who, based on their race, had been subjected to racist stereotypes, and in some cases that stereotyping had also directly resulted in racially discriminatory denial of their rights.”<sup>46</sup>

Behavioral discrimination is mainly linked to the interaction of some Moroccans with immigrant men and women. Behavioural discrimination linked to the interaction of certain Moroccans with immigrant men and women. Most of the time, discrimination is based on physical appearance. During the fieldwork, all respondents confirmed having been victims of discriminatory behavior. They experienced racist acts in public, including spitting, insults, stone-throwing and physical assaults.

<sup>45</sup> “Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Country visit: Morocco. 28 May 2019. A/HRC/41/54/Add.1.” See also: Maleno Garzón, “Des voix qui s’élèvent: Analyse des discours et des résistances des femmes immigrantes subsahariennes au Maroc”; and “La migration forcée au Maroc: Résultats de l’Enquête Nationale de 2021”.

<sup>46</sup> “Report of the Special Rapporteur on contemporary forms of racism ...”.

## H.2/ Immigrant women and human trafficking

According to the 2021 US State Department report on trafficking in persons, Morocco is a source, destination, and transit country for men, women, and children who are subjected to trafficking, specifically forced labor and forced prostitution. According to certain international organizations and national civil society organizations, there has been a significant increase in the number of victims of trafficking in Morocco in recent years. The majority of victims of trafficking are irregular immigrants, originating mainly from sub-Saharan Africa, but also from certain South-East Asian countries, and are located in the northern part of Morocco<sup>47</sup>.

**The number of victims of human trafficking appears to have increased in recent years. But there is no verifiable data on this. As the main NGO documenting this, MSF (Doctors Without Borders), left Morocco in 2013. In the period 2017 – 2020, the Moroccan government identified 719 victims, of which 536 were Moroccans and 183 foreigners. Of the 719 identified victims, 305 were female, 414 were male, 213 were adults, and 192 were minors<sup>48</sup>.**

Years	Victims	Male	Female	Minors	Adults	Moroccans	Foreigners
<b>2017</b>	16	7	9	9	8	16	0
<b>2018</b>	280	119	161	75	52	243	37
<b>2019</b>	423	288	135	108	153	277	146
<b>2020</b>	131	7	51	73	58	126	5
<b>Total</b>	850	421	356	265	271	662	188

The number of immigrant victims of human trafficking in Morocco is increasing<sup>49</sup>. Regular and irregular immigrants, especially women and children, are highly vulnerable to forced labor and sex trafficking in Morocco as they transit through this country to reach Europe. Traffickers exploit many immigrants who voluntarily use smugglers to enter Morocco. Some female undocumented immigrants, primarily from Sub-Saharan Africa, as well as a small but growing number from South-East Asia, are exploited in sex trafficking and forced labor in Morocco<sup>50</sup>.

<sup>47</sup> "2021 Trafficking in Persons Report. US Department of State", [www.state.gov](https://www.state.gov).

<sup>48</sup> "Rapport annuel de la Commission nationale chargée de la coordination des mesures ayant pour but la lutte et la prévention de la traite des êtres humains, 2020. Secrétariat Permanent de la Commission au Ministère de la Justice".

<sup>49</sup> Ibid.

<sup>50</sup> "2021 Trafficking in Persons US State Department Report".



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As reported by the National Commission's annual report, sexual exploitation, servitude, and begging are the most widespread forms of exploitation in human trafficking in Morocco. As shown below, 367 identified immigrants were sexually exploited in the period 2017 – 2020.

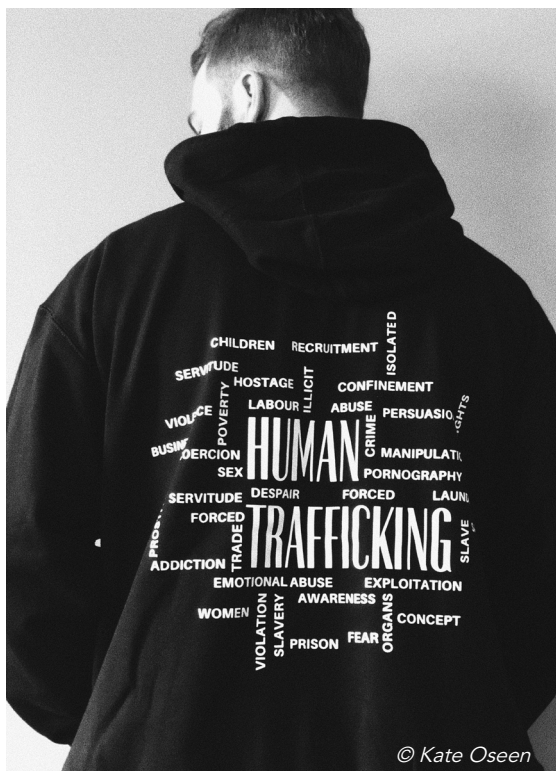
Victims of trafficking per type of exploitation				
Years	Sexual exploitation	Servitude	Begging	Total
<b>2017</b>	11	0	5	16
<b>2018</b>	131	20	43	194
<b>2019</b>	141	15	8	164
<b>2020</b>	84	9	7	100
<b>Total</b>	367	44	63	474

Even the National Commission's annual report does not provide data on the exact number of women and children among the 25% identified foreigners. Besides, there is no available official data on forms of exploitation inflicted on immigrant women per se. Otherwise, international organizations, local NGOs, and respondents report that irregular immigrant women are coerced into prostitution and forced labor in Morocco. In particular, women and children from Côte d'Ivoire, Nigeria, Cameroon, and the Democratic Republic of Congo are highly vulnerable to sex trafficking.



The traffickers often keep the women in groups and in secret and hard-to-access locations. In exchange for their “protection”, the women must serve as prostitutes<sup>51</sup>.

During fieldwork respondents and CSOs interviewed noted cases of female victims of human trafficking. It was reported that some female immigrants are exploited in sex trafficking and forced begging by individuals of their own nationality.



“

*During our weekly meetings with women, we detect cases of victims of human trafficking ... Some of them attest that their partners forced them into prostitution and begging and take advantage of that ... we have cases of abused and traumatized women who attempted suicide ... they lack self-esteem, they are stigmatized and they feel lost.*

*Interview with the president of the association Femmes Restaurées in Casablanca*

Another form of human trafficking is exploitation through underpaid work or work lasting longer than the legal duration. A source from a CSO sheds light on the involvement of private recruitment agencies in human trafficking. For instance, in Casablanca, there is a recruitment agency that recruits domestic workers from their country of origin, mainly from Senegal, Cameroon, Indonesia, and the Philippines. They bring them to wealthy families in Casablanca where they are paid a very low monthly salary. The informant points out cases of immigrant women from Cameroon who were exploited by their employees, mainly Moroccan women. He indicates that their documents are confiscated and they are forced to work for long hours with low salaries, contrary to what they were promised by the recruitment agency. As reported, once these women managed to escape their employees, either with or without the support of CSOs, they would refuse to file a complaint with the police against them.

From their living conditions, we can conclude that immigrant women, relative to men, are disproportionately subject to gender-based violence and discrimination, including violence inflicted on them by other members of their community and the host community. They are confronted with the persistence of cultural gender roles and notions of inferiority in host countries. Their weak situation in the migratory context makes them easily exposed to abuse, violence, and discrimination, in particular that, imposed by the rule of law.

<sup>51</sup> Bahija Jamal, “Victimes étrangères de la traite des personnes au Maroc: Identification, protection et assistance”, Organisation Internationale pour les Migrations (OIM), 2017.



## Governmental and civil society responses to immigrant women and children's specific needs

### I.1/

## Governmental responses

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 health care, education, housing, employment, and other services.

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 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 to change society's perception of foreigners.

The NSIA is implemented through several programs by the relevant ministerial departments. As mentioned

earlier, it includes 11 programs covering fundamental areas such as education, health care, housing, social and humanitarian assistance, vocational training, employment, management of migratory flows, combating human trafficking, cooperation and international partnerships, conventional and regulatory framework, and migration governance.

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

#### **ACCESS TO EDUCATION:**

As stated in the annual ministry achievements reports, during 2013/2014, 7,122 children were integrated into the formal school system, 48.11% of which were girls. Year-on-year growth

in beneficiary numbers was noted; for instance, 7,418 children were integrated into the same school system during 2014/2015.

About 5,545 immigrant children were registered in 12 Regional Academies of Education and Training during the 2017/2018 school year. This is due to the public's will for widespread children's enrollment in the Moroccan education system. This included the registration of 1,500 in primary schools (girls representing 48.27%), 2,957 in middle schools (49.41% girls), and 1,088 in high school (50% girls).

Controversially, compared to the previous years, the number of children enrolled in more recent years has decreased. As specified in the DMMRA annual reports of achievements, only 3,204 children had access to education during the 2019/2020 school year<sup>52</sup>.

<sup>52</sup> "Politique nationale d'immigration et d'asile: Rapport 2020", in publishing process.



**ACCESS TO HEALTH:** There has been much progress when it comes to health care access for immigrants and refugees. For example, the NSIA health program allows free access to preventive and curative care in primary health care centers and emergency care in hospitals.



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Access to health care services	
Year	Beneficiaries
2017	15,606
2018	22,900
2019	23,759

Available statistics indicate growth in the number of medical care beneficiaries. Year on year, migrants' and refugees' access to health care is increasing, as shown below<sup>53</sup>:

Outreach and awareness campaigns are also organized to include immigrants and refugees in the Ministry of Health's national programs concerning tuberculosis, parasitic diseases, HIV/AIDS, and sexually transmitted diseases. For 2017 – 2018, 2,650 migrants and refugees benefited from the outreach campaigns.

Alongside that, immigrant and refugee women 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<sup>54</sup>.

In 2018, 745 immigrant women benefited from the pregnancy and childbirth follow-up program (253 in the Rabat-Salé-Kénitra region, 100 in Tangier-Tétouan-Al Hoceima, 153 in Oriental, 222 in Fès -Meknès and 17 in Souss-Massa). Similarly, 751 immigrant children were vaccinated in the regions of Oriental, Fès-Meknès, Tangier-Tétouan-Al Hoceima, Rabat-Salé-Kénitra, and Souss-Massa<sup>55</sup>.

The government's annual reports on achievements highlight Morocco's efforts to guarantee the fundamental rights of immigrant men and women. Nevertheless, international organizations, national CSOs, and respondents attest to the fact that the enjoyment of immigrant women and children's basic rights remains non-effective and not fully met.

<sup>53</sup> Ibid.

<sup>54</sup> "Politique nationale d'immigration et d'asile : Rapport 2018, DMMRA".

<sup>55</sup> Haince et al., "Les déterminants socioculturels d'accès à la santé des personnes migrantes au Maroc".

## 1.2/ Civil Society Organization (CSO) responses

The Moroccan policy on immigration and asylum was perceived as based on a comprehensive approach 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.

CSOs are key stakeholders in the implementation of the different components of the above-mentioned policy. CSOs were presented at the exceptional regularization campaigns. Likewise, they were implicated in the consultancy process on upgrading the legal and institutional framework on immigration, asylum, and combating human trafficking. In addition, CSOs played a key role in the implementation of the 11 programs of the NSIA.





**ACCESS TO EDUCATION:** To foster the successful integration of migrant children in schools, the DMMRA, in cooperation with the Ministry of Education, works in partnership with a number of CSOs relying on calls for proposals to support enrollment to classes and preschool 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.

Interviews conducted with CSOs in Casablanca indicate challenges faced by immigrant children while accessing education. As highlighted by immigrant respondents and confirmed by CSOs, children mostly fail to integrate into Moroccan schools because they are not registered at the civil register. Moreover, a key informant brings up the issue that immigrant children face discrimination in public schools based on their religion. Non-Muslim immigrant children are required to attend Islamic education courses and to take the exam. Furthermore, he stresses the absence of cultural diversity and openness to others in Moroccan school curricula.

**ACCESS TO HEALTH:** With financial support from the government and international organizations, CSOs provide services to immigrants and refugees such as payment of consultation fees, examinations, prescriptions, certain treatments, psychological support, assistance to certain target groups (in particular women and isolated minors), individual support in health structures and the purchase of medical equipment<sup>56</sup>.

The fieldwork highlights other difficulties identified by CSOs which hinder access to health. These difficulties are linked to:

- Perception of immigrants that includes cultural barriers, language and communication problems, and stigmatizing pathologies (tuberculosis, HIV, etc.)



*Some immigrants, by nature, some men sometimes speak loudly when they get in a health care center, this is seen as an impolite behavior by the center professionals ... on that basis, immigrants are stigmatized as non-civilized persons' and even holders of diseases that make some nurses hesitant to get in close contact with immigrant patients.*

***Interview with the president of the Association pour l'intégration des réfugiés, immigrés et demandeurs d'asile in Casablanca***

As the interview with an association in Casablanca shows, some professionals do not give enough time to listen to immigrants. Such a behavior can be considered as that of poorly qualified or inexperienced professionals, while some of them demonstrate a lack of knowledge of the cultural specificities of migrants.

<sup>56</sup> Ibid.



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**ACCESS TO JUSTICE:** CSOs play a central role in facilitating access to justice for immigrant and refugee men and women. Theoretically, NSIA develops a program to facilitate access to justice for immigrants and refugees. It includes providing services of a lawyer free of charge, translation services, and waiver of judicial fees. But in reality, there are still many barriers to access to justice. The Moroccan government's "legal assistance program" is only intended for people in a regular situation. Indeed, immigrants do not trust the judicial system, especially those in an irregular situation<sup>57</sup>.

The entire legal assistance strategy involves projects with associations. But, the latter are hampered by the few human resources they have and, therefore, by the little time potentially allocated to this assistance<sup>58</sup>.

According to a key CSO informant, immigrant women are confronted with a hard daily life, hence they do not have access to work. These women find themselves obliged to feed their children. To do this, immigrant women are sometimes forced to beg, prostitute themselves, or recruit other women to human trafficking.

In an interview with the Legal Clinic based at Mohammedia law faculty, the representative of the clinic affirms that when a lawyer identifies potential immigrant victims of human trafficking, she proposes to initiate legal proceedings; however, the victims refuse the support provided to them.

*The training we had on the Moroccan anti-trafficking law (27-14) allows us to identify cases of potential victims amongst immigrants we receive; however, as the identified victims are in an irregular situation they refuse our services helping them gain access to justice.*

*Interview with the Legal Clinic representative in Mohammedia*

Following this statement, a crucial element has to be stated. It concerns the legal knowledge of CSOs on different issues linked to immigration, asylum, and combating human trafficking. Most of the CSO representatives contacted during the fieldwork (in Mohammedia) confirmed their basic knowledge of the legal and regulatory frameworks and NSIA programs. At least, the knowledge they have acquired allows them to provide support to immigrants in general, and to immigrant women in particular, to help them gain access to justice.

<sup>57</sup> Etat des lieux de l'accès aux services pour les personnes migrantes au Maroc : Bilan, perspectives et recommandations de la société civile. La Plateforme Nationale Protection Migrants (PNPM).2019. <https://www.cjhm.org/wp-content/uploads/2019/03/Rapport-PNPM-ACCES-AUX-SERVICES-POUR-MIGRANTS-AU-MAROC-2017.pdf>.

<sup>58</sup> Ibid.





***In my daily work, I receive many cases of women in an irregular situation as well others victims of abuse, violence and even victims of human trafficking ...as an NGO dealing exclusively with issues related to access to justice, we supported many women to renew their residence permit, we helped some asylum seekers to contact UNHCR in Rabat, but unfortunately, we are all the time confronted by the reluctance of victims of human trafficking and domestic workers in an irregular situation to access justice ... to emphasize, most of the immigrant women we receive do not know the Moroccan rules and policy on immigration and asylum – they ignore their rights.***

***Interview with a representative of the association Droits et Justice in Casablanca***

Finally, analyzing the protection of immigrant women and children in Morocco enables us to shed light on the experiences and specific needs of this vulnerable category of people living in Morocco. To examine to what extent the Moroccan government and CSOs are taking into consideration gender and age specificities while responding to the needs of immigrant women and children, it was important to understand their living conditions and the difficulties and challenges with which they are confronted.

Morocco has developed legal, regulatory, and policy frameworks on immigration and asylum and combating human trafficking. Theoretically, these frameworks constitute a safeguard of immigrant women and children's rights; however, in practice, it should be noted that the existence of such frameworks does not guarantee the full and effective enjoyment of the rights.

Meanwhile, it has been underscored that the effective enjoyment of immigrant women and children's rights is strongly linked to the full enjoyment of the right to legal residence. This reality confirms to what extent human rights are interrelated.

We conclude that the gender-based approach allows us to analyze gender roles in a migratory context. To be a woman in any society is hard but to be a woman and an immigrant is harder. Women's legal and socio-economic vulnerability within their community as well as their lives in a host country, where they are exposed to gender-based violence and discrimination, make them more exposed to difficulties and challenges.

Over nine 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 humane, particularly with regard to immigrant women and children.

# General conclusion

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The analysis of the social and political impact of irregular stay or transit migration on Morocco in the coming years should take into account two highly uncertain parameters, which have been reinforced since 2020 by the effects of the COVID-19 pandemic and since, the beginning of 2022, by the potential consequences of the Russian war in Ukraine.:

## **a/ The evolution in the number of transit migrants (or immigrants) in the years to come.**

This evolution is not easy to quantify due to highly contradictory and contrary movements. Thus, most observers thought, for instance, that irregular migrants would no longer try to cross by force to Ceuta and Melilla, in the north of Morocco, as what happened with the dramatic events of autumn 2005 which occurred there. The idea was that the transit movement shifted (by the end of 2005 to the summer of 2006) to the Senegalese and Mauritanian coasts, then further, to Eastern and Central Mediterranean (between 2008 and 2016). However, a strong return of migratory movements of transit, and also of stay, has been recorded – a consequence of the evolutions which occurred in the Eastern and Central Mediterranean between 2015 and 2017 – on the Western Mediterranean

side, between Morocco and Spain, especially during 2018.

## **b/ The evolution of the economic and social situation in Morocco:**

In this sense, on the one hand, if the number of sub-Saharan migrants (transit and/or stay migration) rises as a result of the worsening economic, social, and political situation in sub-Saharan Africa and the closure of the southern borders of Europe, and if Morocco continues to experience a relatively low level of GDP growth over the long run (2.5 to 3.5% per year), despite the improvement, the social and/or political consequences for Morocco would of course be very damaging and difficult to bear, given the high unemployment rate and prevalence of poverty within the Moroccan population.

On the other hand, if Morocco experiences a rise in its GDP rate (to reach over the long term 7.5 – 8.5% annually) through important public and private investments (national and European, in particular) and through stronger economic dynamics (thanks to a more significant action of the Moroccan authorities in the fight against corruption, the annuity economy and the moralization of public life, through the strengthening of the role of justice as a core element of Good governance),

it could host without any great difficulties 100,000 – 200,000 sub-Saharan migrants, including 20,000 – 30,000 students in the forthcoming years. It would be able to integrate with dignity the migrants present on its territory, following both the NSIA and the Global Pact for Safe and Orderly Migration to which the country has committed itself in recent years.

This implies a real integration of these migrants into the labor market in Morocco, which is currently very difficult in sectors like private services or agriculture and not possible in formal industries or public administration.

Such a perspective requires the allocation of more financial resources to national economic and social development policies as well as a revision of certain provisions of the free trade agreements signed between Morocco and the EU, such as, for example, another development partnership, truly balanced between the northern and southern shores of the Mediterranean. This would contribute to the creation of a space of shared prosperity in the Mediterranean.

In this sense, not only will the number of Moroccans seeking to migrate be reduced, but the country will be better able to receive, integrate, and

ensure the security of a large number of foreign migrants on its territory. And if the same prospects materialize in the other Maghreb countries, this region of North Africa will become a development bridge between Europe and sub-Saharan Africa, rather than remaining as a kind of protective barrier of the southern European borders, which will undoubtedly yield to the repeated assaults of African youth with strong feelings of abandonment and despair at the possibility of good living conditions on the continent of their birth.

In any case, the Moroccan lesson, as presented in this report, shows that the best migration laws and policies alone do not allow the integration and guarantee of the rights of migrants, especially women and children. For this, there is also a need for significant financial resources, and therefore for significant, sustainable economic development. However, this can only be achieved if, in Europe, as in Morocco and the rest of Africa, we begin to perceive irregular (forced) migration as a consequence of underdevelopment and we do everything to combat its motives.



# Annex

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## *Main information from the research survey*

### **All the sample: 105 migrants**

**In addition to the ten women interviewed in Casablanca and Mohammedia, our sample included 105 migrants, who we met between January and March 2022 in the cities of Oujda, Errachidia, Agadir, and Guelmim.**

**68% are men and 32% are women.**

**58% are single.**

**91% are in an irregular administrative situation.**

**81% do not belong to any association.**

**71% are not informed about the migration laws and policies applied today in Morocco.**

**84% are unaware of Law No. 02-03.**

**77% are unaware of the “New Migration Policy”, adopted in 2014.**

**82% are not informed of the provisions of the National Immigration and Asylum Strategy.**

**53% said they had suffered violence, racist acts, and discrimination since they were in Morocco.**

**77% of victims of violence said they received no support on this occasion.**

**63% of the migrants we interviewed say they do not want to stay in Morocco. Of these, 88% would like to go to Europe, and 12% would like to return to their country of origin.**

## Women

**Women represented 32% of our sample, i.e. 34 women.**

**Of these, 47% are single, 12% are divorced and 32% are married.**

**- 91% are in an irregular administrative situation.**

**- 79% are not affiliated with an association.**

**- 65% are not informed about the migration laws and policies applied today in Morocco.**

**- 79% are unaware of the “New Migration Policy” Policy, adopted in 2014.**

**- 85% are unaware of Law No. 02-03.**

**- 88% are not informed of the provisions of the National Immigration and Asylum Strategy.**

**- 62% said they had suffered violence, racist acts, and discrimination since they were in Morocco.**

**- 76% of victims of violence said they received no support on this occasion. And 12% did not answer this question, probably because they were afraid to do so.**

**- 71% of the migrant women we interviewed said they don't want to stay in Morocco.**

**Of these, 83% would like to go to Europe and 17% would like to return to their country of origin.**





## Men

**Men represented 68% of our sample, i.e. 71 men.**

**Of these, 61% are single, and 39% are married.**

**- 90% are in an irregular administrative situation.**

**- 82% are not affiliated with an association.**

**- 74% are not informed about the migration laws and policies applied today in Morocco.**

**- 76% are unaware of the “New Migration Policy”, adopted in 2014.**

**- 83% are unaware of Law No. 02-03.**

**- 79% are not informed of the provisions of the National Immigration and Asylum Strategy.**

**- 60% said they had suffered violence, racist acts, and discrimination since they were in Morocco.**

**- 76% of victims of violence said they received no support on this occasion. 11% said they received support and 13% did not answer this question.**

**- 60% of the migrant men we interviewed said they don't want to stay in Morocco. Of these, 91% would like to go to Europe and 9% would like to return to their country of origin.**





# Bibliography

- Layla Babahaji, "The current state of migrant health in Morocco: Pre- and peri-COVID19- pandemic", Independent Study Project Collection, Spring 2020.  
[https://digitalcollections.sit.edu/cgi/viewcontent.cgi?article=4377&context=isp\\_collection](https://digitalcollections.sit.edu/cgi/viewcontent.cgi?article=4377&context=isp_collection)
- S. Carrera et al, "EU–Morocco cooperation on readmission, borders and protection: A model to follow?", Brussels: Centre for European Policy Studies (CEPS), 2016.
- Conseil Economique, Social et Environnemental, Maroc, "Migration et marché du travail". CESE edition, Rabat, Morocco, 2018.
- Council of the European Union, "Joint declaration establishing a Mobility Partnership between the Kingdom of Morocco and the European Union and its Member States (ST 2013 6139 ADD 1 REV 3)", 3 June 2013.  
<http://data.consilium.europa.eu/doc/document/ST-6139-2013-ADD-1-REV-3/en/pdf>
- Lara Deramaix and Julien Moriceau, "Quelle justice pour les femmes au Maroc?: Analyse des parcours de justice", Avocats Sans Frontières (ASF), April 2019.  
<https://www.asf.be/wp-content/uploads/2019/12/ASF-justice-femmes-Maroc-2019-6-2.pdf>
- Khadija Elmadmad, "La nouvelle loi marocaine du 11 novembre 2003 relative à l'entrée et au séjour des étrangers au maroc, et à l'émigration et l'immigration irrégulières", in CARIM Analytic and Synthetic Notes, No. 2004/01 (2004).  
<http://hdl.handle.net/1814/11690>
- European Commission, "Visit to Ceuta and Melilla – Mission Report. Technical mission to Morocco on illegal immigration 7th October–11th October 2005"  
[http://europa.eu/rapid/press-release\\_MEMO-05-380\\_en.htm](http://europa.eu/rapid/press-release_MEMO-05-380_en.htm)
- European Commission, "Communication on establishing a new Partnership Framework with third countries under the European Agenda on Migration", Strasbourg, 2016.
- European Commission, "New Pact on Migration and Asylum", September 2020.  
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0609>
- Fondation Heinrich Böll-Afrique du Nord, Rabat, "Pour une gouvernance de la migration centrée sur l'intégration", Rabat, October 2017.
- Frontex (2016a), "Risk Analysis for 2016", Warsaw.
- Frontex (2018), "Risk Analysis for 2018", Warsaw.
- Haut Commissariat au Plan (HCP), 2021, "La migration forcée au Maroc: Résultats de l'Enquête Nationale de 2021", September 2021. [www.hcp.ma](http://www.hcp.ma)
- Bahija Jamal, "Current Moroccan immigration and asylum policy: Eight years after the adoption of the "New Policy", *Arribat – International Journal of Human Rights*. 1:1, 31 May 2021. Published by the CNDH Morocco.
- Bahija Jamal, "Victimes étrangères de la traite des personnes au Maroc : Identification, protection et assistance", Organisation Internationale pour les Migrations (OIM), 2017.

- M. Lahlou, “Les migrations irrégulières entre le Maghreb et l’Union européenne: évolutions récentes”, CARIM Research Reports, No. 2005/03 (2005).  
<https://cadmus.eui.eu/handle/1814/6278>
- MCMREAM, “Insertion professionnelle des migrants régularisés par l’auto emploi au Maroc: Rapport final – Novembre 2017”.
- MCMREAM, “Politique nationale d’immigration et d’Asile, Rapport 2013 – 2016”.
- MCMREAM, “Elaboration de la stratégie nationale de l’immigration et de l’asile: Rapport d’état des lieux et diagnostic, 2014”.
- Moroccan Constitution – 2011.  
<https://moroccoonthemove.com/wp-content/uploads/2013/08/Constitution.pdf>
- Organisation Internationale pour les Migrations (OIM), “Rapport de l’étude sur les besoins psychosociaux des immigrants et des professionnels de santé”, 2017.  
[https://morocco.iom.int/sites/g/files/tmzbdl936/files/documents/Rapport%20MHPSS%20français\\_0.pdf](https://morocco.iom.int/sites/g/files/tmzbdl936/files/documents/Rapport%20MHPSS%20français_0.pdf)
- UNICEF, “Situation des enfants au Maroc, les enfants immigrants” (module 4). November 2019.  
<https://www.unicef.org/morocco/media/2076/file/Module%204%20les%20enfants%20immigrants.pdf>. Accessed 20 February 2022.
- UNICEF (2015), “Child Notice Morocco: Concluding observations on the combined third and fourth periodic reports of Morocco. Committee on the Rights of the Child, 14 October 2014”. CRC/C/MAR/CO/3-4, 2015  
<https://www.unicef.nl/media/4646666/cn-marokko-eng-def.pdf>
- World Bank, “Labor market in Morocco: Challenges and opportunities”, 2018.  
<https://documents.worldbank.org/en/publication/documents-reports/documentdetail/477441523251051211/labor-market-in-morocco-challenges-and-opportunities>



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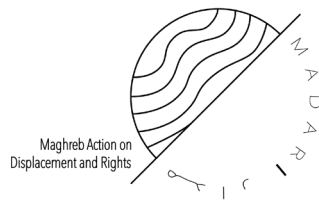
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