

MOROCCO'S MANAGEMENT OF NATIONAL IMMIGRATION STRATEGY (SNIA): THE LIMBO OF THE MEDITERRANEAN IMMIGRATION CRISIS



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Introduction

Morocco is both a transit country with geographic proximity to Europe and a destination for thousands of Sub-Saharan Africans. In recent years, immigrants in Morocco face severe social and economic systematic problems such as lack of access to medical care and education. Despite a promising national strategy to regulate immigration in compliance with international obligations, its National Strategy of Immigration and Asylum (SNIA), introduced in 2013, is insufficiently implemented. Morocco should revisit the setbacks to the implementation of its policy and inter-institutional coordination in a time of rekindling its relationships with African countries. Because, SNIA is key to address internal and international issues, alleviate human right abuses the migrants are subject to through systemic difficulties, and integrate Sub-Saharan immigrants and their descendants who comprise a portion of the population into the system and society. Internationally, regulation of

immigration is a contribution to the migration crisis in the Mediterranean. Across the region, there is still need for a framework on humanitarian actions that would enhance the standards of international law in terms of asylum, refugee status, the principle of '*non-refoulement*', or forced deportation, and providing human rights protections for persons regardless of their legal status.

The Maghreb and Migration

2,9 million Moroccan natives (35 million population) live abroad, mainly in Europe (France and Spain) and correspond to a 7.52 emigration rate. On the other hand, IOM reveals that there are 95.8 thousand international migrants in Morocco of which 30 per cent are minors. Net migration rate in 2012-2017 was -307.1 as a subtraction of immigrants from emigrants per million. Thus, immigration and emigration are constants of Moroccan geopolitics and a comprehensive issue to tackle considering all parties that are likely to be affected by the drafting of a migration policy.



After the Arab Spring, Maghreb states became a post of illegal immigration flows in the Mediterranean en route Europe. When migration to Europe from Middle East and North Africa reached its peak in 2015, European Union gradually adopted restrictive measures. Initial response to the crisis was the strengthening of border patrols and prioritizing security measures. Along with tight security measures to overcome irregular immigration, mistreatment to immigrants in North African countries and allegations of long detention periods or mass deportations, violence during deportation and expulsion is widely reported.

Recently, as Italy has adopted an anti-migration approach and policing on Libyan coast tightened, irregular flows shifted to other options in the Maghreb such as Tunisia, Algeria and Morocco, which is already a hub of regular and irregular emigration and immigration.

Algeria does not have an explicit asylum policy, but has seen a steady influx of sub-Saharan migrants; Human Rights groups estimate some

100,000 have entered the country in recent years, creating a sense of apprehension and tension within the host community in large cities and their environs.

Shortly after, international NGOs and media started reporting several inhumane and unlawful treatment to migrants in Maghreb states. Arbitrary arrest, banishment of immigrants to remote sections of the country, forced expulsion were common allegations in various reports drawing attention to cost of human rights in raids which are coordinated with EU against illegal migrants and human trafficking. For example, Algerian security forces are criticized for sending illegal migrants to detention centers, forced deportations and raids on neighborhoods populated by them.” On the other hand, Red Crescent reported Tunisia’s denial of an international rescue ship although the vessel was closer to Tunisian coast. Lastly, Moroccan security forces on border patrols are criticized by civil society and international NGOs for unlawful crackdown on sub Saharan immigrants in Northern Morocco.



Reports of how Maghreb states tackle immigration urge the need to manage migration flows immediately in the Mediterranean, “by far the world’s deadliest border” with shifting trends of frequented routes imminently challenging regional actors. According to International Organization for Migration, number of immigrants transiting Morocco has accelerated in 2017 and 2018. Five hundred immigrants died or reported missing on their way to Spain from Morocco since 2015, of which four hundred reported in last two year’s time. Since mobilization and management of immigration in countries bordering European Union lacked a proactive regional cooperation and burden sharing, current immigration management in Morocco is multiplied with systemic internal challenges in legal, social and economic terms.

Although Morocco is a party to 1951 Refugee Convention and its 1967 Protocol, 1969 OAU Convention on the rights of refugees, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as well as International Covenant on Civil and Political Rights, it has a domestic legislation that formerly criminalizes irregular entry, exit and stay sanctioned with penalties or imprisonment, observations and reports pertaining to arbitrary detention and deportation. Along with violation reports on immigrants, this domestic law had complicated Morocco’s standing with international norms of human rights. UN Committee on Migrant Workers reports that irregular entry, exit, and stay cannot be considered as criminal offense and asked Morocco to decriminalize irregular migration and provide adequate administrative sanctions.

Morocco is a major trade partner with the European Union and recently rekindles its relationship with African countries that immigrants in Morocco are predominantly Sub-Saharan nationals. As international humanitarian

monitoring is globally accessible and influential in political relations, an ambitious attempt to regulate immigration comprehensively in one of the main migration hubs in the world represented Morocco’s desire to change.

SNIA, national strategy of immigration and asylum, is introduced in 2013 as the new humanitarian immigration policy that collaborates civil society organizations and state agencies to set on a regularization campaign. Initially, it was to grant residence permit to irregular immigrants followed by access to medical care and education to those meeting certain standards. National Human Rights Council (CNDH) has been the key institution for the designation of a new policy on migration, asylum and human trafficking by providing on-site monitoring and correspondence with the international NGOs drawing attention to denied political and legal rights to irregular migrants. During the process, the Council urged a reform in the Moroccan legislation on immigration and regularization. Further, NHRC enforced the recognition of migrant assisting institutions such as GADEM, *Le groupe antiraciste de défense et d’accompagnement des étrangers et migrants*, strengthening civil society action in the process.

International civil society organizations and United Nations such as International Organization for Migration (IOM) and UNHCR hailed SNIA for being “humanist and exemplary policy at the regional and continental levels” on migration and asylum at the time. As the adopted policy suggests, Morocco responds to international norms on human rights from a ‘destination and transit country’ point of view, acknowledges civil society’s work in the regularization process.

In SNIA’s first year, 17,000 of the 27,000 applicants were able to receive residence permits. Despite endorsing migrant assisting

civil society action as a democratic improvement and regulating thousands of irregular migrants in phases, as SNIA was drafted without in-depth vision for implementation including mid and long-term consequences, whether the most vulnerable immigrants or minors could benefit from the reforms has been questionable. Although new immigration policy is in force and subject to annual evaluation communication between staff in the authorities and institutions at local authority, provincial and national government level is insufficient and responsibilities are not clearly defined. There are not enough counselling and reception centers, making economic, social and cultural integration and re-integration more difficult for refugees, migrants and Moroccans returning to the country. Nevertheless, Foundation Orient-Occident and UNCHR in Ouajda works towards facilitating the integration of Sub Saharan immigrants drawing particular attention to conditions of immigrants in Northern Morocco. There is also strong NGO activism against illegal immigration in Morocco in recent years.

Thus, Morocco lacks the positive outcomes of these policies and sustainable management of

migration today due to inadequate implementation. The impact of the policy could never be examined since the systemic challenges remained, even exacerbated after six years as some immigrants entering the country became irregular in the process and drawn to more profound integration issues such as lack of any legal status, access to public services and jobs.

Irregular immigration in Morocco is likely to continue the resource management issues with lack of prospective arrangements for irregular immigrants such as new jobs, accessible public - health care and education, legal status determining the political and economic rights of irregular immigrants in the society and economy. The integration of immigrants and their descendants into Moroccan society is crucial in the process as opposed to triggering segregation that makes immigrants especially vulnerable in public sphere. Morocco should question whether it is financially capable in terms of security to handle the flows of migration. Beyond the economic costs of health care, housing, and education for migrants, the potential for socioeconomic grievances is high as migrants



need jobs, which are already scarce, and providing jobs could enflame an already tense environment in the region. Most economies in the region are creating less than a third of the jobs needed every year to absorb new entrants into the job market. Under such conditions, racism and xenophobia can be exploited politically.

Recommendations

Morocco sets on to a promising path to regulate immigration and improve migrants' life standards comforting international norms, elements that hold the effective implementation of the policy back should be observed. Morocco's SNIA was a timely response to the migration crisis at its peak with severe negligence or abuse of human rights and a diplomatic instrument to convert Morocco from patrolling the borders to a prospective strategist in the crisis.

Considering that Morocco rekindles its diplomatic and trade relations with African countries combined with a refreshed self-image, SNIA represents this attempt strengthened with international humanitarian norms and should be implemented given Morocco's long term diplomatic goals.

Morocco should revise the setbacks in the post-implementation phase of this strategy to structurally regulate migration. The executive body overseeing the implementation should acknowledge its current and prospective operational limits for SNIA, phase and prioritize regulation process to facilitate institutional coordination for further integration.

Even further, SNIA's compatibility with the current dynamics of migration in Morocco should be revisited to differentiate either the current failure is a shortcoming of inter-institutional coordination and resources or a suspension of new migration policy.

In short time, SNIA's primary focus should be initial steps towards integration;

Reforming the educational system to receive the migrants' kids.

Reforming the laws in higher education to enroll sub-Saharan students (illegal or refugees);

Bargaining from a stronger position with the EU to facilitate Visas for Moroccans and for regular sub-Saharan.

More budgeting of activities aiming at integration and empowerment of regular and irregular migrants.

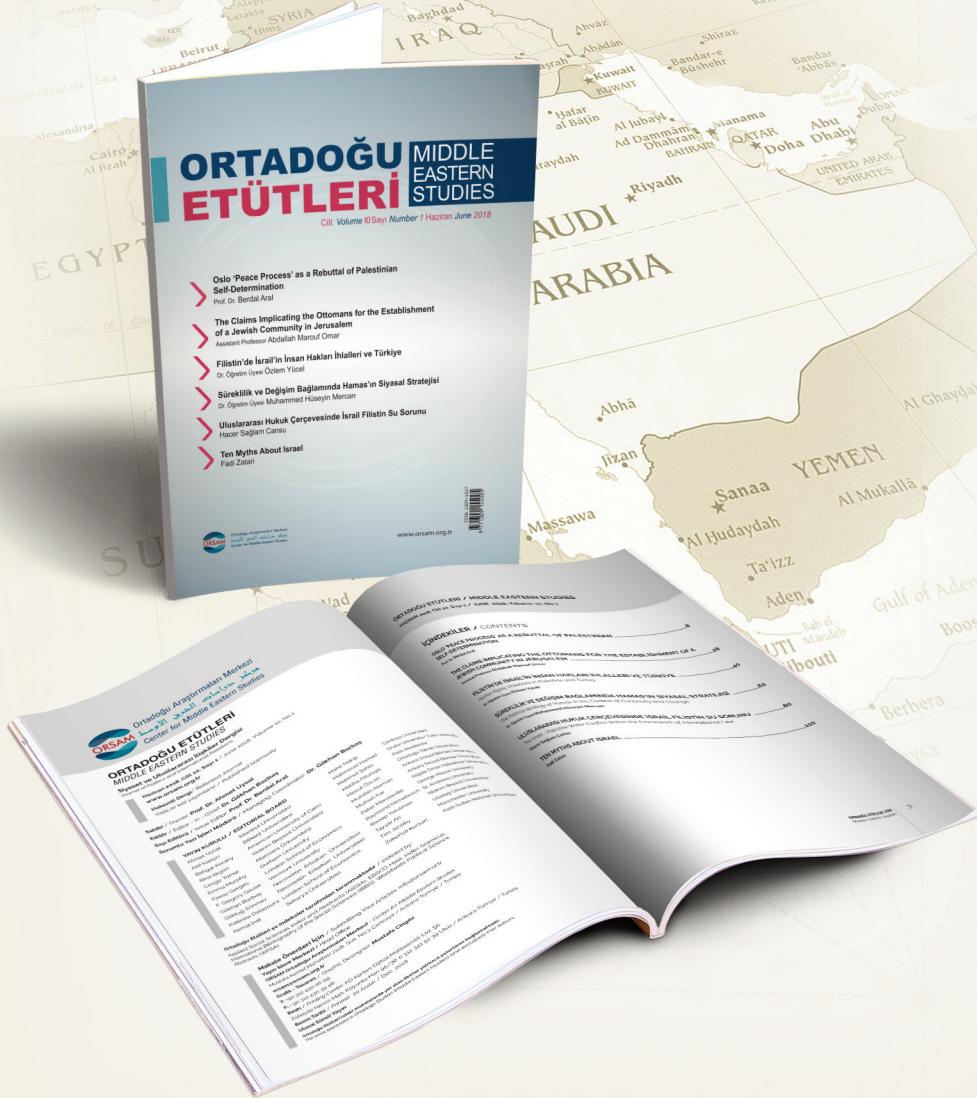
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