



Migrant rights in Morocco between reconciling security and humanism

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Abstract: Morocco occupies a pivotal position in global migration flows, acting simultaneously as a country of origin, transit, and destination. This article critically examines Morocco's migration policy, which attempts to reconcile international human rights obligations with national security imperatives. By analyzing legislative texts such as Law n°02-03 on irregular migration, Law n°27-14 on human trafficking, and the delayed asylum bill (n°66-17), alongside institutional strategies like the National Strategy on Immigration and Asylum (SNIA), The paper highlights the delicate balance Morocco seeks to maintain between its humanitarian commitments and the legitimate imperatives of migration governance and national security. Morocco has undertaken significant legal and diplomatic initiatives, including hosting the Global Compact for Migration in Marrakech and launching two major regularization campaigns aimed at improving the situation of migrants residing on its territory. These actions reflect a clear political will to engage with international human rights standards and promote a more inclusive migration policy. Nevertheless, certain structural and operational challenges persist. Among them are the need to strengthen institutional capacities, to provide greater legal clarity for asylum seekers, and to further align migration management tools with human rights safeguards. While Morocco clearly affirms its commitment to a rights-based approach in both its discourse and strategic frameworks, the practical implementation of these principles remains a work in progress. As such, efforts to harmonize security objectives with the full protection of migrants' rights continue to evolve, requiring ongoing dialogue, investment, and inter-institutional coordination.

Keywords: Migration policy; Morocco; migrant rights; human security; Law n°02-03; SNIA; asylum law; irregular migration

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1 Migration Governance at the Crossroads: Morocco's Dual Role in Global Mobility Regimes

Migration is one of the defining global challenges of the twenty-first century. It is driven by multiple structural factors such as poverty, political instability, armed conflicts, environmental degradation, and the pursuit of better economic, social, and educational opportunities. In this context, Morocco has emerged over the past two decades as a key actor in both regional and international migration dynamics. Its unique geographical position, serving as a natural bridge between Sub-Saharan Africa and Europe, has led to its transformation into a country of origin, transit, and destination. Morocco finds itself at the center of complex migration flows and policy demands while balancing internal development goals with external expectations from international partners, particularly the European Union.

This strategic position places Morocco in a delicate situation with overlapping responsibilities. On one hand, the country has ratified several international conventions recognizing the fundamental rights of migrants, refugees, and asylum seekers. These include the 1951 Geneva Convention relating to the Status of Refugees and various core human rights treaties. On the other hand, Morocco is considered a key partner in regional efforts to reduce irregular migration to Europe, which entails enhanced border control, return cooperation, and action against trafficking and smuggling networks. As a response, the state has developed an increasingly detailed legal and institutional framework designed to align with international human rights norms while also responding to national security concerns.

One of the most significant milestones in this direction is the National Strategy on Immigration and Asylum, adopted in 2014 and launched in 2014. This strategy reflects a clear policy shift toward a more inclusive and rights-based approach to migration. It is accompanied by two major regularization campaigns and the adoption of various legal and administrative measures aimed at promoting migrant integration. In parallel, Morocco has played a visible role at the international level, notably by hosting the intergovernmental conference that led to the adoption of the Global Compact for Safe, Orderly and Regular Migration in Marrakech in 2018. These efforts demonstrate a strong political will to contribute actively to global migration governance and to position Morocco as a leading voice in the African and Mediterranean regions.

However, the implementation of these commitments continues to face important challenges. Despite diplomatic achievements and significant policy advancements, many migrants and asylum seekers still encounter legal and administrative difficulties in accessing their rights. Law number 02-03 on the entry and residence of foreigners remains in force and continues to apply a security-based logic. While the law includes certain procedural safeguards, it also criminalizes irregular migration and provides for detention and deportation mechanisms that raise concerns in relation to international human rights standards. The absence of an adopted asylum law, despite the existence of draft law number 66-17, has created a gap in the legal protection framework for asylum seekers. This situation leaves their legal status uncertain and heavily dependent on discretionary administrative decisions and cooperation with international organizations such as the United Nations High Commissioner for Refugees (UNHCR).

Other practical difficulties remain. Migrants often face barriers in accessing legal support, interpretation services, and procedural clarity during administrative or judicial processes. Even those with regularized status may face the risk of arrest, relocation, or social exclusion, especially in contexts where control-based policies take precedence over integration objectives. Reports by civil society actors indicate that inconsistencies in law enforcement, limited coordination among institutions, and insufficient resources all contribute to a gap between official commitments and actual practices on the ground.

This article explores the extent to which Morocco's legal and institutional framework effectively protects the rights of migrants and asylum seekers. It also examines the internal contradictions that emerge between progressive policy orientations and the realities of enforcement. The analysis suggests that the country's current approach is marked by a dual logic. On one side, there is a strong engagement with human rights norms and a willingness to develop inclusive policies. On the other side, implementation continues to be shaped by administrative limitations and security-driven concerns. This tension does not undermine the significance of the progress achieved. Rather, it highlights the importance of strengthening institutions, harmonizing legal frameworks, and ensuring that principles translated into law are also realized in practice.

Morocco's experience shows how migration governance in strategic regions involves complex negotiations between national priorities and international obligations. The country's efforts to manage migration in a way that respects human dignity while ensuring national stability remain a valuable case study for the wider region. The ongoing evolution of its legal and policy landscape reflects both the difficulties and the potential of building a more humane, coherent, and effective approach to migration management.

2 Analytical Framework and Qualitative Methods in Assessing Normative and Institutional Compliance

This research adopts a qualitative methodology grounded in socio legal analysis and informed by the interdisciplinary approaches commonly used in contemporary migration studies. The investigation combines documentary research with a critical examination of policy implementation. It draws on perspectives from legal anthropology, political sociology, and international human rights law in order to understand both the formal dimensions of migration governance and the practical realities experienced by migrants, asylum seekers, and refugees in Morocco.

The study is based on an extensive review of primary and secondary materials. These materials include Moroccan legislative texts and national policy documents such as the law regulating the entry and stay of foreign nationals, the law addressing human trafficking, and the draft law on asylum that remains under discussion. International conventions ratified by Morocco form an additional part of the legal corpus. Reports produced by civil society organizations, intergovernmental agencies including UNHCR and the International Organization for Migration (IOM), and national human rights institutions were examined carefully. Academic publications and media investigations provided further depth and contributed to the theoretical framing of the research.

The analytical framework considers both the legal commitments made by the Moroccan state and the ways in which these commitments are implemented in practice. This framework makes it possible to evaluate how legal norms are applied, interpreted, or sometimes sidestepped during administrative and judicial processes. Attention is given to the protection of civil, political, social, and economic rights and to the mechanisms through which migrants attempt to access these rights. The approach is informed by key concepts such as state capacity, legal pluralism, and policy coherence, which together allow for a nuanced understanding of the tensions, inconsistencies, and structural constraints that emerge within migration governance.

The research also examines empirical information related to migrant regularization campaigns, trends in asylum applications, access to public services, labor market participation, and border control practices. These data were gathered through the triangulation of official statistics, civil society monitoring efforts, and international datasets. Although the study does not include field interviews, it remains closely connected to the practical dimensions of institutional decision making and administrative procedures.

Through the combination of legal analysis and socio political inquiry, this methodology provides a comprehensive and critical understanding of the structures and practices that shape Morocco's migration policy. It seeks to move beyond the examination of legal texts and to explore the concrete impact of these texts on the lives of migrants, thereby contributing to a deeper understanding of the evolving landscape of migration governance in the country.

3 Legal Instruments, Institutional Reforms, and Policy Initiatives in Moroccan Migration Management

Morocco has undertaken a series of legislative and institutional reforms aimed at formalizing the protection of migrant rights within its national legal and policy frameworks. One of the foundational instruments in this regard is the law governing the entry and residence of foreign nationals, which outlines the procedures for entry, stay, expulsion, and removal. This legal framework contains certain procedural safeguards, including the right to legal counsel and the possibility to appeal administrative decisions. At the same time, the law continues to criminalize irregular migration and permits administrative detention and forced returns under specific circumstances. It establishes a distinction between administrative expulsion and deportation on grounds related to public order, while including some protections for vulnerable populations such as pregnant women and minors.

In 2016, Morocco adopted a new legal instrument designed to address the issue of human trafficking. This law aligns with international standards set by the United Nations Palermo Protocol. It defines trafficking through a combination of actions, means, and purposes and provides for enhanced penalties when the acts involve violence, minors, or organized criminal structures. However, the facilitation of irregular migration remains punishable under the migration law, which targets smuggling networks but also imposes penalties on migrants in certain cases. This dual approach reveals an ongoing tension between protective and punitive dimensions within the national legal system.

With respect to economic and social rights, Morocco has ratified several key international instruments, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of

Their Families. Nevertheless, the effective enjoyment of these rights remains partial and uneven. Migrants continue to face a range of legal, institutional, and social barriers that limit their access to employment, healthcare, and social protection systems. Restrictions on access to formal employment are particularly significant in regulated professions, where nationality requirements or reciprocity clauses apply. In the field of education, recent policy developments have expanded access for migrant children, with initiatives such as the Massar platform facilitating school registration and academic monitoring.

At the institutional level, Morocco has developed a relatively comprehensive architecture for migration governance. The National Strategy on Immigration and Asylum, introduced in 2013, set forth strategic objectives aimed at promoting the integration of migrants, fighting discrimination, and aligning domestic legal standards with international norms. Coordination is managed through interministerial mechanisms and supported by the establishment of a National Commission to Combat Human Trafficking, in cooperation with United Nations agencies and international partners. Morocco also hosts important regional structures, including the African Observatory on Migration, and has assumed a prominent role in global discussions on migration, notably by facilitating the adoption of the Global Compact for Safe, Orderly and Regular Migration in Marrakech in 2018.

Despite these advances, significant limitations remain. The draft legislation on asylum, which seeks to give effect to the 1951 Geneva Convention, has yet to be adopted. This legal gap undermines the rights of asylum seekers and creates uncertainty regarding their status and access to protection. Observations from national and international human rights organizations have reported ongoing violations, including internal displacements without legal basis, arbitrary arrests, and limited access to legal remedies. A report published by GADDEM covering the period from 2021 to 2022 highlighted that such practices have affected not only undocumented migrants but also individuals with pending asylum claims or regularized status. Procedural safeguards are frequently weakened by the absence of trained interpreters, insufficient legal aid services, and the general complexity of administrative and judicial procedures. These structural issues continue to constrain the practical realization of the rights that Morocco has formally recognized.

4 Policy Tensions and the Securitization of Migration: Between International Norms and National Practices

The findings of this study point to a persistent ambivalence at the heart of Morocco's migration governance. While recent legislative and strategic frameworks demonstrate a growing alignment with international human rights standards, the practical implementation of these measures continues to be shaped by a security-driven logic. Migration is frequently treated not as a complex social phenomenon requiring inclusive and humanitarian engagement, but as a potential threat to public order. This orientation is particularly evident in the continued application of the national law governing the entry and stay of foreign nationals, which remains anchored in a punitive approach to irregular migration.

The securitization of migration in Morocco is further reinforced by its cooperative relationship with the European Union. This partnership prioritizes border control and migrant containment and is supported by financial and technical assistance. As a result, migration policy tends to reflect external pressures as much as internal

priorities, creating tensions between international commitments to rights protection and national security objectives.

The reforms introduced through the National Strategy on Immigration and Asylum represent an important effort to move toward a more inclusive policy model. However, these reforms have not been supported by the level of administrative or financial investment required for effective implementation. Institutional fragmentation, limited interministerial coordination, and technical constraints continue to restrict the reach and impact of integration programs. The continued postponement of the asylum law further reflects a broader reluctance to translate legal commitments into concrete protection mechanisms for vulnerable individuals.

At the societal level, migrants remain exposed to various forms of marginalization and discrimination. These challenges are particularly acute for individuals without regular legal status, who often experience exclusion from basic services such as housing, employment, and healthcare. Migrants commonly work in informal or precarious sectors where labor protections are weak or entirely absent. Although the regularization campaigns conducted in 2014 and 2017 marked important milestones and improved the legal situation of many individuals, they remain isolated interventions. In the absence of a broader and sustained rights-based migration policy, such initiatives have limited long-term impact.

5 Reconciling Rights and Sovereignty: Toward a Coherent and Rights-Based Migration Policy in Morocco

Morocco's migration policy presents a complex contradiction. While the country has undertaken visible efforts to harmonize its legal and strategic frameworks with international human rights standards, the translation of these commitments into practice remains uneven. Security-centered approaches continue to shape the daily realities of migration governance, while limited institutional resources and political delays further hinder the effectiveness of rights protections. The ongoing absence of a dedicated asylum law and the persistence of practices such as arbitrary detention and internal displacement illustrate the structural tensions that persist beneath the surface of formal policy reforms.

To advance toward a more coherent and effective migration policy, Morocco must bridge the gap between legal frameworks and field-level implementation. This requires more than normative alignment. It calls for concrete investments in institutional capacity, the expansion of access to justice, and the design of inclusive social programs that support the long-term integration of migrants and asylum seekers. Strengthening coordination across government sectors and ensuring the accountability of enforcement mechanisms are also critical to reinforcing trust and legal certainty.

International partners have an important role to play in this process. In particular, the European Union must ensure that its cooperation with Morocco promotes migration governance grounded in respect for human rights. Policies that prioritize containment or border externalization risk undermining the very protections they claim to support. A more balanced and sustainable approach requires shared responsibility and long-term commitment to the dignity, rights, and well-being of all individuals on the move.

References

- Amnesty International France. (2024). What is an asylum seeker? Retrieved from <https://www.amnesty.fr/focus/droit-asile>
- Bellamine, I. (2024, February 23). Refugees and Stateless Persons Bureau: The asylum puzzle. *Enass.ma: The Voice of the Voiceless*. Retrieved from <https://enass.ma/2024/01/30/bureau-de-refugies-et-apatrides-bra-lenigme-dasile/>
- GADEM. (2023, December 7). Situation of non-Moroccan nationals in Rabat 2021–2022. Retrieved from <https://www.gadem-asso.org/situation-des-personnes-non-ressortissantes-marocaines-a-rabat-2021-2022/>
- GADEM. (2024, September 12). Morocco: 45,015 irregular migration attempts thwarted since early 2024. Retrieved from <https://www.gadem-asso.org/maroc-mise-en-echec-de-45-015-tentatives-demigration-irreguliere-depuis-debut-2024/>
- International Organization for Migration. (2024). Key migration terms. Retrieved from <https://www.iom.int/key-migration-terms>
- Khrouz, A., Berriane, J., & GADEM. (2009). *Irregular migrants in Morocco: Legal and institutional study*. Rabat: GADEM Publications.
- Lemaizi, S. (2023, January 10). Migration profile of Morocco: Five figures to understand. *Enass.ma*. Retrieved from <https://enass.ma/2023/01/09/profil-migratoire-du-maroc-5-chiffres-pour-comprendre/>
- Lamlili, N. (2016, December 14). Mehdi Alioua: “Morocco must reform its migration law to make it more humane”. *Jeune Afrique*. Retrieved from <https://www.jeuneafrique.com/383584/societe/mehdi-alioua-maroc-reformer-loi-migration-rendre-plus-humaine/>
- Ministry of Foreign Affairs of Morocco. (2021). Morocco’s migration policy: Assessment and outlook. Rabat: Kingdom of Morocco.
- United Nations High Commissioner for Refugees. (2023). Country report: Morocco. Geneva: UNHCR.
- Wender, A. (n.d.). Migration and institutions in Morocco: Between security and human rights. Lyon: University of Lyon.
- World Health Organization. (2024). Rabat Declaration on the health of migrants and refugees. Geneva: WHO.