



Department of Global Health  
and Population

**Harvard University Winter Field Study Course 2016**  
*Assessing the Humanitarian Impact of Migration in the Mediterranean*

**In The Same Boat: Morocco's Experience with Migrant Regularization**

Working Paper  
January 20, 2016

## About the Harvard Field Study

Since 2006, Professor Claude Bruderlein and his team have run an experiential field-based course on critical thinking and strategic planning in times of crisis for graduate students at the Harvard Kennedy School of Government, the T.H. Chan School of Public Health, and other Harvard graduate schools. A group of 16 Harvard graduate students joined the field study course in January 2016.<sup>1</sup> The 2016 course focuses on the policy response to challenges and dilemmas surrounding the migration crisis in the Maghreb and Mediterranean. It has centered on a three-week field-based mission, of which two weeks were spent in Morocco, and one in Italy.

The course has three major aims: to develop a nuanced understanding of the case in question, to explore and apply relevant critical thinking tools and strategic planning processes in a complex environment, and to introduce students to the methods of experiential learning. The first of these aims is scientific; students should understand Morocco's experience of migration, reflecting on its relevance for Europe as the continent considers its own response. The second objective entails the use of applicable critical and strategic assessment tools emphasizing collective reflections and exchanges. The last objective is centered on skill building, using the case of Morocco to further professional dialogue on political and ethical dilemmas, and to learn to approach situations through interdisciplinary scientific lenses, all the while developing practical and professional skills in mission planning and implementation.

## Objectives of This Paper

This collective policy paper summarizes the main themes of Morocco's recent experience around migration policy. It draws upon many conversations with major stakeholders, group work, and site visits. We believe that thus far potential lessons from Morocco's migration experience have generally been neglected in the current discourse around migration. This paper will draw out a number of ways in which this case is interesting and relevant for Europe. Ultimately we see potential lessons clustered around two main themes: the necessity of agile and fluid frameworks in formulating policy for the status of migrants, and the prerequisite (in formulating this policy) to grant space and voice to civil society. We hope that the ideas in this

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<sup>1</sup> Participants to the Harvard Field Study Course and contributors to this paper include: Zena Agha, Sonja Anderson, Josephn Ataman, Pitichoke Chulapamornsri, Dan Cnossen, Lina Dakheel, William Dangel, Emily Franchett, Stephanie Garbern, Juliette Keeley, Johannes Laepple, Adnane Meziane, Heli Mishaël, Kevin Moss, Argyro Nicolau, and Katie Parry. The course was led by Prof. Claude Bruderlein and organized by Anaide Nahikian, Associate Instructor, and Federica DuPasquier, Researcher.

paper will challenge and inform policymakers as they seek to address this issue, which will continue to be present for years to come.

### **Digital Campaign**

While on this field course, all participants have been active on social media in order to disseminate the group's findings as widely as possible. More details on every aspect of our work can be found by visiting the following:

Blog: <https://inthesameboatmorocco.wordpress.com/>

Facebook: <https://www.facebook.com/inthesameboatmorocco/?fref=ts>

Twitter: @morocomigrant #inthesameboat

The team will also be producing a podcast on the relevance of the Morocco migration experience to Europe. The culmination of our digital campaign will be the online presentation of this podcast followed by a live web chat session, on Friday 22nd January at 10am CET. To join us register at: <http://www.atha.se/webcast/same-boat>.

## **Migration: The Big Picture**

Migration was the biggest issue in Europe this year. The International Migration Organization (IOM) estimates that 1,003,124 people reached Europe by sea in 2015. This situation embodies an enormous human tragedy; most of the individuals braving these dangerous sea crossings were fleeing war, violence and persecution. In 2015 alone, approximately 3,771 died or are still missing after undertaking this desperate journey in search of a new life.

From the perspective of the European Union, however, this situation also represents a historical challenge. The 28 countries of the European Union are being forced to find a way to deal with a crisis that requires response on a number of levels. In the short term there are over a million people who need to be processed and whose immediate needs must be attended to, but there are also longer term questions on how these individuals - many of whom have legitimate claims to international protection - are to be integrated into European society, and what implications this has for Europe's generous social safety nets.

This crisis is ongoing. While many expected that migration flows would slow to a trickle over the European winter, according to IOM, Greece is still receiving in excess of a thousand migrants a day. It seems probable that Europe should prepare itself for the arrival of several million migrants over the coming years.

## **Why Morocco?**

Over the course of the last few decades Morocco has shifted from being a country of transit and departure to being one of immigration. The Migration Policy Centre estimates that in 2012 there were 3.4 million Moroccans living overseas and 77,798 foreign nationals residing legally in Morocco out of a population of around 33 million. There was also a population of long-term undocumented migrants of somewhere between 30,000 and 60,000; roughly 28,000 of whom were regularized in the 2013 campaign. Meanwhile, a steady flow of migrants continue to attempt transit to Europe through Morocco.

While these numbers are dwarfed in absolute terms by the scale of recent arrivals to Europe, the points of pressure are salient: the vast majority of crossings happen at Tangier just 15km from Gibraltar, and through the land borders of the tiny Spanish enclaves Ceuta and Melilla. Additionally, these numbers still represent a sizeable population of undocumented migrants living within the borders of a country that has been, until recently, practically and

legally ill prepared to receive them. Amidst this influx of migrants Morocco has been greatly concerned about how policy changes may be perceived abroad, both in terms of potential damage to its international image as well as the ‘pull’ effects that may result from an opportunity to receive regularized status.

As such, it can be seen as something of a microcosm of Europe in migration terms. In recent years it has experienced - albeit on a smaller scale - many of the issues now facing countries of transit and destination within Europe, such as Italy and Germany, respectively. These European countries are struggling with the same issues relating to reception, integration, and the creation of an appropriate political and administrative framework. This paper will propose a number of ways in which the Moroccan experience can be instructive for Europe as it seeks durable solutions to the migration crisis.

### **Morocco: The Context**

Until the mid-1990s there was considerable migration north from Morocco. This was fueled by economic disparities and lack of opportunities for Moroccan citizens as well as migrants in the country, further facilitated by proximity to Europe. Since the early 2000s the flow of migrants to Europe has slowed as it became increasingly difficult to cross the border in light of tightened security. However, tighter northern borders have not necessarily decreased the flow of migrants to Morocco. As economic prospects have improved in Morocco over the last 20 years, it has become a destination in its own right, attracting migrants from across West and Central Africa. Primary countries of origin include Ivory Coast, Cameroon and Senegal.

Prior to 2013 Morocco had no official legal structures to monitor and respond to migration. The only law relating to migration was n02-03, passed in 2003, concerning foreign nationals in Morocco. This law included heavy sanctions for undocumented immigrants, but largely bypassed the issue of migrants’ rights. Some critics have argued that this law was largely motivated by pressure from Europe desiring Morocco to play the role of North Africa’s “policeman” (Migration Policy Centre, 2014).

This lack of legal status created a number of issues on both the political and individual levels. On the political level, Morocco was housing an entire population of people who essentially had no formal space or voice in society. Challenges for individual migrants included access to employment, education and healthcare, and ability to legally rent a home. These issues

inevitably led to economic and social tensions with the local population as migrants tried to integrate into a system that not only did not recognize them but also was already overburdened simply supporting Moroccan nationals. Incidents of xenophobia and racism were regrettably common, most notably a 2012 cover of Moroccan weekly magazine Maroc Hebdo referred to ‘Black Peril’ as a description of dark-skinned Sub-Saharan African immigrants.

These issues prompted civil society to place increased pressure on government agencies to protect this vulnerable population and to implement a comprehensive migration policy. Pressure from civil society aligned with a shift in the rhetoric of King Mohammed VI, who began to place more and more importance on human rights. This shift, including increased political space given to civil society organizations, was likely motivated in part by a desire to project an image of Morocco as a country that not only adhered to international norms but also displayed an innovative and progressive migration policy in a region otherwise riddled with human rights abuses. It was against this backdrop that Morocco began the process of developing a migration policy framework in 2013.

The remaining sections of this paper will highlight key aspects of the Moroccan migration experience, and suggest how these may be instructive to other countries or regions that are currently dealing with a large scale migration influx.

### **Morocco: A Country in Transition**

Morocco is a country in transition from both a reactionary and a proactive standpoint. Morocco’s desire to be widely perceived as a reliable and forward thinking partner and participant in the international community has had a strong influence on its internal politics. Its current role as a bridge between Africa, the Middle East and Europe has been premised on its reliability as a partner; a number of the policy reforms in the years following 2010 can be seen as attempts to shore up this stability. However, it is also operating in a geo-political environment that is changing quickly. While Africa has seen tremendous economic growth and development, Europe is dealing with a migration crisis, and the Arab countries are still reeling from the Arab Spring. Morocco is therefore currently feeling its way to a new international role, one that requires a considerable shift in the way the country is governed.

The Arab Spring of 2011 had ramifications across the region, and Morocco was no exception. While it’s Arab neighbors took different ways in responding to the demands of civil

society, it appears that there was a top-down decision in Morocco to respond to some of the calls for social reform, one of these being migration. Morocco took on the ‘humanitarian’ approach to migration while many of its regional partners were turning towards more security based policies.

The regularization campaign is part of a broader program of migration policy reform demonstrating a ‘new’ Morocco that is seeking to take control of its image, internally and externally, and re-shape its geo-political dimensions accordingly. The new - and seemingly more liberal - 2011 Constitution is one example of Morocco taking a new direction, and an argument can be made that the 2013 Regularization campaign which saw nearly 28,000 illegal migrants being given a residence status can be seen in the same light. These policies were part of a raft of reforms aimed at combatting social exclusion and civil society discontent. In addition, it is unlikely purely chance that the new migration policy coincided with King Mohammed VI’s meeting with President Obama in Washington DC in November 2013 - as US-Moroccan relations have strengthened in recent years.

To the extent that economic factors were important in formulating migration policy, the argument to regularize illegal migrants with long-term connections with Morocco was likely in part due to the country’s macroeconomic strategy, looking south within Africa. First, Morocco’s attractiveness to international investors is premised on its stability, and on the comparative strength of its economy and political structure. As Africa’s economic power grows, the Moroccan government is keen to strengthen economic ties with its Sub-Saharan trade partners. The existence - and successful integration - of migrants from these partner nations will assist in cementing these links. Here we see the importance of international image in the formation of migration policy in Morocco. Although Morocco still continues to operate outside the African Union due to issues over Western Sahara, it has been consciously trying to move closer to its African neighbors. In recent years King Mohammed VI has made a number of strategic visits to the region in what has been called a ‘diplomatic offensive.’ Yet, increasing political and trade links are incompatible with the continuing poor treatment of African nationals on Moroccan soil, and this has likely played a role in Morocco’s shift to a more welcoming stance towards foreign migrants.

Looking north, while the EU is currently undergoing a transition period of its own, Morocco remains a very strategic partner economically and politically. It represents the ‘Gateway to Africa’ in a geographic and economic sense, as well as for a considerable number of

migrants. In recognition of this importance, the EU signed an Association Agreement with Morocco in 2000, and a new EU-Morocco Action Plan was formally adopted in December 2013. This amounts in practice to a tacit agreement that the EU will provide Morocco with financial, technical support, and access to its markets in exchange for Morocco's assistance in tightening the borders around the Spanish enclaves as well as increasing control over the movement of migrants toward Europe by sea.

This last point has become particularly important in the context of the ongoing migration crisis around the Mediterranean. While it is tempting to assume the regularization policy was part of an ongoing attempt by Morocco to ingratiate itself with its more powerful northern neighbors, there are reasons to dispel this. First, the policy likely had little or no effect on the number of migrants aiming to reach Europe; the majority of those using Morocco as a transit country have no desire to be regularized, and would generally not have met the regularization criteria. Second, there are reasons to believe that EU influence over Morocco, though strong, may be weakening; the EU's continuing insistence that Western Sahara is an independent state has proved a stumbling block in the relationship, and Morocco has been actively trying to develop its diplomatic and economic ties with other areas, namely Sub Saharan Africa.

Morocco's regularization policy is one of the rare cases in which a number of different important allies can be appeased at once - Europe was pleased that Morocco was trying to integrate existing migrants and tighten its northern borders, other Sub-Saharan African nations were pleased that Morocco was extending services and opportunities to their nationals, and the Arab world was comforted to see Morocco's ongoing attempts to secure the continuation of its political and societal stability in the region.

### **Crafting of a New Role and Identity for Morocco**

Morocco's migration experience has also been closely tied to a conscious crafting of a new image and identity for the country. The government and pressure from the King has primarily driven this process, but prominent civil society organizations such as GADEM and Morocco's National Human Rights Council (CNDH) have also played instrumental roles. This changing Moroccan identity, as both conceived internally and projected externally, has allowed Morocco to be innovative and agile in its approach to migration issues, rather than remaining stuck in a cycle of increasingly anachronistic historical narratives.



Currently Moroccan identity and self-image is broadly based on two narratives. The first is historical: the norm of traditional values and religious identity, which feeds into the image of Morocco as a moderate Islamic monarchy and as an island of stability in a region of political instability. The second is an image of modernity and a commitment to international rhetoric of human rights and liberalism, which has been gaining momentum since the 2011 Arab Spring.

This second narrative is crucial to Morocco's current projection of itself to the West. In order for the Government's political vision of Morocco as a financial hub and regional power to become a reality it is absolutely necessary that it project internationally this vision of a modern, progressive, stable country. Thus, driven by a desire to appeal to and appear in accordance with international human rights norms, the government couched the 2013 Migration policy campaign in "humanistic" rhetoric. This progressive human rights based narrative is vitally important to the King who wishes to be seen as progressive and modern, and it is evident in other policy areas as well; the 2011 constitution, for example, in theory opens more space for civil society and human rights based reforms.

Meanwhile the traditional religious narrative, albeit more conservative and inward-looking, also contributes to discussion around migration issues. This narrative is rooted in the myth that Morocco was founded by migrants and populated by many different cultures and ethnicities. While tensions exist and migrants still face substantial challenges integrating into Moroccan society, the deeply ingrained traditional Moroccan image of a welcoming country at least opens a space for a hospitable reception to migrants. Although this open welcome does not always translate in practice, on the surface level it has created room for dialogue on migration policy, which bolsters the progressive human rights narrative.

These two narratives, traditional and modern, have been increasingly - and deliberately - woven together; the movement towards a more human rights based approach and a more welcoming migrant policy has been couched in traditional values such as hospitality. At times tensions arise between these two narratives, however on the whole, the government and King as well as civil society have been able to leverage the overlap and fluidity of the two, ultimately forming an image of Morocco as a modern, vibrant, multi-ethnic country grounded in a firm commitment to Islam.

While these two deliberately-constructed narratives have opened a space for reform, in practice Morocco still struggles to incorporate other cultures or ethnicities, especially those that

are more distinct from its own Islamic, Arab identity. Though Morocco has made important steps to nominally “welcome” a large section of its migrant population and to integrate them into society, in reality migrants are often not accepted unless they are able to fully assimilate. These issues represent the points at which these dual identities - traditional and progressive - have been overstretched.

Thus, while an ongoing focus on crafting a new Moroccan identity and image has been key to opening a space for migration policy reform, it is important to keep in mind that this is only half the battle, and that challenges will arise as countries run up against the boundaries of concrete public sentiment. This is a lesson that European policymakers would do well to consider; the concept of “European” identity is not fixed, but it is struggling to expand to fit the enormous influx of migrants, and major tensions are already obvious. It may be possible to manage these tensions through a broad-based reimagining of the European (or country specific) narrative in a way that enables the EU to approach migration issues with fluidity and agility, rather than getting caught in potential rifts of otherwise static identities.

### **Opening Space for Legal and Policy Reforms in Morocco: The Role of Civil Society**

This recent political transition within Morocco opened a space for civil society and NGOs, granting more voice and a formal outlet of influence to organizations that have been actively calling for reform in Morocco for years. GADEM along with the National Commission for Human Rights (CNDH) played vital roles both in calling for these reforms and more recently in directly influencing government policy through formal avenues created by the 2011 Constitution. While organizations such as GADEM have been present in Morocco of years, many have only recently gained legal recognition. Although this legal recognition has prompted some to feel “co-opted” by the government and the King, GADEM recognizes that in order to reach the widest and most powerful audience it must to a certain degree work within the system. Therefore the Palace gained human rights legitimacy by opening a space for GADEM, CNDH and other agencies to advise on issues related to vulnerable populations, while meanwhile, GADEM and other organizations gained more voice and influence (albeit at times superficial), over future policies.

Thus the newly energized civil society was able to play a significant role in the formulation of the 2013 regularization policy. In August 2013 - the now formally recognized -

NGO GADEM released a highly critical report on the status of migrants in Morocco, which formed the basis of an extensive report presented to the government by the National Commission for Human Rights. On September 9th 2013, CNDH presented their findings and recommendations at an international human rights forum in Geneva, and King Mohammed VI instructed the very next day that reforms should be made to Morocco's migration policy. This timing demonstrates the build up of momentum for this reform as well as a desire by the King to continue re-shaping the Moroccan image in line with international human rights rhetoric.

These events illustrate two key aspects of policy transformation in Morocco. First, civil society played an active role in catalyzing this policy change, ultimately using the King's concern over international perceptions to bring matters to a head. Second, the role of the King is paramount in Moroccan policymaking. He may be responsive to outside forces, but the instructions to act come directly from him. The King was instrumental in granting civil society a larger voice in policy reform. Thus political transition by way of the King reassessing Morocco's geopolitical role in the region while appealing to international human rights rhetoric, created space for civil society to influence transitional policy on migration.

### **Allowing Flexible Technical Arrangements to Address Evolving Migration Patterns**

Finally, on the most technical level Morocco has been able to address evolving migration patterns with a reliance on flexible policy arrangements to provide status to undocumented migrants and refugees. Amidst changing geopolitical factors, and the securitization of Europe's southern borders, Morocco is increasingly a point not only of transit and departure but also a place of destination and potential long-term stay. In light of the growing number of migrants staying in Morocco as a de facto destination, mobilization around policy reform had to act with speed and flexibility. The strength of the campaign lies in the fact that it grants temporary status, without relying on a broad "long-term" legal framework, which could easily take years to pass.

In late 2013, Morocco launched a campaign to regularize undocumented migrants in Morocco. This was a twelve-month campaign, and by December 2014 a total of about 18,000 migrants out of more than 27,000 applicants from over 100 countries had been granted status in the form of a *carte de séjour*. This residence permit is annually renewable and codified into law rights to certain services including basic healthcare, free education, and work permits as well as access to legal documents such as birth and marriage certificates.

These residence permits were granted on the basis of a number of conditions including marriage to a Moroccan national, foreigners suffering from serious disease, proof of valid work status and long-term residence in the country (5 years or more). During the early part of the regularization process, however, the Moroccan authorities were unsatisfied with the low number of regularized migrants qualified to receive status, so in the summer of 2014 the Ministry of Interior established an appeals board - *Commission de suivi et de recours*. This board allowed the 9,000 or so applicants who did not initially receive status to appeal the decision. In response, the board regularized most of the remaining applicants with particular focus on vulnerable populations including women, children and Syrian refugees. After the appeals process in 2015, 27,643 migrants were eventually regularized, representing 92% of total applications. These figures comprise a substantial proportion of the total migrant population in Morocco, yet the country still contains a considerable number of undocumented migrants, with estimates from the Ministry of Interior between 25,000 and 40,000.

While this regularization process was a one-time campaign, a law sits before Parliament that would codify a new Moroccan migration policy. More importantly, instead of waiting years to build consensus around long-term migration policy, Morocco managed to address its growing role as a destination country with this innovative regularization campaign. By relying on flexible policy arrangements even at the most technical level, Morocco was not immobilized by its recent influx of migrants and thus can be looked to for lessons on migration policy, particularly in historical countries of transit such as Greece and Italy, which are now becoming *de facto* destinations.

## **Conclusions and Recommendations**

### *The Moroccan Experience*

Although the idea of a regularization campaign is not - in and of itself - innovative, Morocco is an important example of a European neighbor country beginning to deal with migration issues internally. The Moroccan experience is thus a unique test case for the potential impacts of policy shifts within countries in transition.

As we have seen above, there were a number of major drivers of Morocco's migration reform. First, the policy arose out of the necessity to address the significant influx of migrants that arrived to Morocco in the decades leading up to 2013. The existence of undocumented

migrants in Morocco rendered the existing legal and policy framework inadequate. Thus amidst a changing geopolitical focus, desire to appear progressive and “humanistic,” and pressure from civil society; Morocco approached migration policy ultimately producing a reform which enabled the country to quickly address growing issues of a largely undocumented migrant population. While the 2013 regularization campaign has yet to translate into a legally codified framework, it represents the agility with which Morocco was able to approach migration policy as a country in transition.

### *Broader Lessons*

As a country in transition only time will tell whether Morocco is capable and willing to flesh out the substance of its reforms, but in a number of ways its program of migration policy has already been successful. There are three major aspects of this success that are worth highlighting for other countries or regions faced with an influx of migrants.

First, Morocco’s position as a country in transition may actually have been an advantage when it came to developing a migration policy. Morocco was a blank slate in terms of migration policy, which enabled it to be flexible in dealing with the country’s new demographic reality, and to craft policies that can continue to evolve as the situation changes. While it will be difficult for a large and bureaucratically inflexible organization like the European Union to emulate this sort of fluidity, policymakers should aim to create policies that can respond to the evolving situation, rather than trying to fit the current migration crisis into stiff pre-existing frameworks or spending years and years building consensus on a policy for a country in need of instant action.

Second, while it is clearly important to develop transitory solutions to address immediate needs of migrants, it is also vital to have an eye on longer-term solutions for when the migration situation stabilizes and the longer-term social and economic implications become clear. Morocco finally recognized the need to integrate its many undocumented migrants into formal society; moving towards a system that attributes the necessary rights and social protections to those that are resident within its borders. The sooner that Europe realizes that many of the migrants who have entered in the last few years are here to stay, the more chance it will have to build sustainable long-term solutions rather than simply continuing a program of pure emergency response.

Finally, we saw impressive evidence of Moroccan civil society participation in politics. In recent years, particularly since the 2011 constitutional reforms, Morocco has made a conscious effort to involve NGOs such as GADEM in policy-making. However, while policy and dialogue appear to be open and innovation, gaps have arisen as these new policies are implemented. It is in this arena that civil society, if granted space, can continue to play a large role in Morocco, as well as in countries of the EU. The strength of civil society is that it operates on the ground, and has the technical competency in delivering aid and services that migrants actually need. Thus even if granted space to pressure the government and advocate for change, these policies will remain weak in practice if civil society does not receive more space and funding to aid and support integration of migrant populations. It is therefore crucial not only for civil society to consult on the needs, grievances and objectives of undocumented migrants that are present in their territories, but also for organizations to be given space to fill gaps between rights granted by policy and minimal government services. Only in this way will countries be able to effectively implement policies to manage migration and migrant integration.

# MOROCCO'S POLICY RESPONSE TO MIGRATION CHALLENGES

The King  
Mohammed VI



Royal Cabinet

Pressure from  
protesters for  
more rights and  
freedom



New liberal-  
oriented  
Constitution



GADEM and  
many other civil  
society  
participants  
mobilized



Regular review  
of Morocco at  
UNHRC in  
Geneva



2011  
Arab Spring

2011  
Constitutional Reform

2012  
Media Controversies

2012-2013  
Civil Society  
Mobilization

Summer 2013  
Review of Morocco at Human  
Rights Council

Shocking front-  
pages "The  
Black Peril",  
"Black Crickets"



Modern, with  
Islamic heritage



Report and  
recommendations



November 2013  
King's Speech Laying Out  
Migration Policies

September 2013  
King's Strategic Vision  
Towards Migration

September 2013  
Narrative change:  
Liberal & Islamic values

September 2013  
CNDH report on  
Migration

Policy and  
Institutional  
Outputs:  
Progress Status



Regularization  
Campaign



Institutional  
reform to  
support  
migration



Increased  
International  
Institution  
Presence



Standing with  
Economic and  
Diplomatic  
Partners



Practical  
Implementation  
of Migration  
Policy



Update of  
Migration and  
Refugee Law