

The National Immigration and Asylum Strategy (NIAS): the uncertainty revolving around refugee policies and reflected in the desire for integration and border control.

Authors: Mehdi Azdem, independent researcher in communication and cultural engineering & Abdeslam Ziou Ziou, independent researcher and art consultant (Casablanca, Morocco).

Translated by: Mohamed Bijjeddiguene

Introduction:

The history of contemporary migrations in Morocco dates back to the first half of the 20th century. It was marked by emigration of Moroccans abroad, which subsequently and for several reasons, including the closing of borders and the introduction of visas, led to migratory flows to Morocco. According to the High Commissioner for Planning in a report dated 1994 on the logic of migration in Morocco, several phases¹ marked this period and which can be summarized as follows:

- “Phase 1 (1956 - 1968): establishment of the institutional framework and the conclusion of numerous immigration agreements between Morocco and the countries requesting migrants;
- Phase 2 (1969 – 1974): migratory outburst towards Europe: France, Belgium, Netherlands, Germany and Scandinavian countries;
- Phase 3 (1975 – 1989): crisis in European economies and rise in unemployment. Emigration has slowed down in the face of the borders shutdown, the instigation of the departure of immigrants, the rise and the trivialization of racism in Europe;
- Phase 4 (1990 – 1993): closure of Europe's borders and the initiation of visas;”²

The closing of borders and the introduction of visas conceived a new migratory reality pertaining to controlling Europe's external borders. As a result, Morocco adopted drastic policies to fight against the so-called illegal immigration by establishing a set of legal mechanisms; in order to frame practices of control and repression of the migrant population:

- Phase 5 (1994-2004): conclusion of EU/Morocco agreement ³and the fight against illegal immigration (Law 02-03);
- Phase 6 (2005 - 2012): increase in migratory flows from Sub-Saharan Africa to Morocco as a transit country;
- Phase 7 (2013 -2022): presence of refugees and asylum seekers and launch of the NIAS.⁴

Migration State of Art :

1.National Immigration and Asylum Strategy (NIAS)

¹ Haut-Commissariat au Plan (1994), Répartition de la population, urbanisation et migration.

² Haut-Commissariat au Plan (1994), Répartition de la population, urbanisation et migration.

³ Houria Alami M'chichi, Bachir Hamdouch, Mehdi Lahlou, Le Maroc et les migrations (2005), Friedrich Ebert Foundation, P.18

⁴ These last phases were added by us following different readings and reports to which we had access.

For researchers, operators in the field and journalists, the year 2013 is considered to be a turning point for the migration policy adopted by the Moroccan State. Following the publication of the very critical report of the National Human Rights Council ⁵ and of several international NGOs on the migratory situation in Morocco, royal instructions were issued on September 10, 2013 in favor of the elaboration of a national policy of immigration and asylum. In that event, a regularization campaign for 23,096 migrants began in January 2014 and ended in December 2014 with the adoption of the National Strategy for Immigration and Asylum (NIAS) ⁶ by the Moroccan government. This strategy has “created an institutional framework allowing civil society and European partners to help implement the new policy for the integration of migrants in Morocco” [Gross-Wyrtzen, Gazzotti (2021), p. 833].

The NIAS included 7 action programmes around specific themes: education and culture, youth and entertainment, health and housing, humanitarian and social aid, management of migratory flows, the fight against human trafficking and international cooperation and partnerships. This Strategy aims first and foremost to facilitate the integration of regular migrants and to ensure their right to access education and training, work, health and housing as well as their participation in politics. Secondly, it contributes to better managing the migratory flows, in compliance with the principles of human rights. That can be summarized in the control of legal migration (students, workers, investors), whilst limiting the entry of "illegal" migrants, adopting a humane approach that respects their rights. This strategy aims to fight against smuggling networks and human trafficking. Moreover, a legal framework for migration and asylum was established, based on human rights principles and relevant agreements ratified by Morocco. This national migration and asylum strategy is implemented by all relevant ministries and official institutions in cooperation with civil society associations, the private sector and international partners "when appropriate".

This change in the national strategy is a result of a set of factors related both internally and externally to the Kingdom's migration policy. In an article analyzing the new migration policy in Morocco, the *Journal of North African Studies* in its September 2021 edition⁷ provided us with information supporting this statement. The authors addressed many factors that render complex the study of this new migration policy. In that regard, they rejected the claim that Moroccan migration policies are solely an application of European borders externalization policies, and they considered that assertion to be Eurocentric. Firstly, some authors explain the implementation of the NIAS, within the framework of the policies initiated by the Moroccan State, by focusing on the internal dynamics of the State through an analysis of: “*How the State thinks of itself*”. Migration policy is becoming an important tool for decision-making on national and international levels by defending Moroccan interests both in their neighborhood policy with the European Union and in the Kingdom's “new” African policy. This is but a response to the criticisms formulated by national and international civil society on the inhuman treatment that migrants are subjected to - by fabricating a humanitarian facade.

Secondly, the “*new migration policy*” also responded to an internal transformation of migration profiles in Morocco, as migrants started to favor settling within the national territory over transit

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<https://www.cndh.org.ma/fr/rapports-thematiques/conclusions-et-recommandations-du-rapport-etrangers-et-droits-de-l-homme>

⁶Two regularization campaigns took place in 2014 and 2016, reaching nearly 50,000 migrants: Hicham Houdaifa, *Migrations au Maroc: l'impasse?* (2019), Collection Enquête, Edition In Letters P.11

⁷Leslie Gross-Wyrtzen & Lorena Gazzotti (2021) Telling histories of the present : postcolonial perspectives on Morocco's 'radically new' migration policy, *The Journal of North African Studies*, 26:5, 827-843, DOI: 10.1080/13629387.2020.1800204

migration⁸. By taking an interest in the informal micro-practices of integration and encounters between migrant and Moroccan populations, the authors intended to delve deeper into the concept of transit, revealing the multiple scales and dimensions of the notion of border: “ *Focusing on informal practices instead of formal policy reveals the multi scalar and multidimensional nature of the border, and, migration management landscape, implicating unexpected operators as agents of European and Moroccan strategic interests, who at time act as “petty sovereigns” to reinterpret these objectives in light of their own aims*” (Gross- Wyrzten , Gazotti , p.834).

Actors in the field recognized a notable contribution of NIAS in altering the state’s mentality regarding migration. They also highlighted the contrast between political will and reality⁹. Actors in the field (journalists, community activists, and civil society professionals) have a nuanced view of the NIAS stating that:

“The National Strategy for Migration and Asylum, (...) has provided hope and positive indicators by granting 50,000 residence permits to migrants. It is an important process, and that is what matters for Morocco, the only country in the south of the Mediterranean basin. But the state has not kept all of its promises, particularly related to providing the means to integrate migrants, as they still face difficulties pertaining to access to school, health, citizenship, the renewal of residence permits; in particular during the Covid period, as well as the continued deportation of migrants to the desert. In other words, the national immigration and asylum strategy has failed and did not achieve its objectives. The result is that immigrants in Morocco still suffer from several problems and difficult conditions.”¹⁰

The category of asylum migration in Morocco reflects fairly well this duality of migration policy between discourse and reality. In this article, we analyze the figures issued by the High Commissioner for Refugees for the year 2021, giving an overview of the considerable increase in asylum applications and their refusal over the last two years.

2. Figures from the High Commissioner for Refugees (UNHCR) 2021: reality on the ground

The report of the High Commissioner for Planning (HCP) related to forced migration in Morocco, and dating from September 2021, defines it as being:

“The forced migrant is considered to be any foreign person on the Moroccan territory mainly for reasons related to transit to another country, the request for asylum or refugee status, insecurity, war, persecution in the country of origin, trafficking or coercion.”

The semantic change adopted by this governmental institution indicated a change of position regarding migration in Morocco. The semantic shift is reflected in shifting from the illegality of residence (illegal migration, clandestine migration) discourse to laying out the motives leading up to the so-called “*forced*” migration by including people in transit as well as populations fleeing situations of war, violence or persecution. This paradigm shift stems partly from the adoption of the NIAS but also the efforts led by civil society to change migration policies in Morocco.

⁸“Transit migration suggests continuous movement rather than friction, glossing the fragmented, extended, and immobilizing nature of transnational migration (Collyer 2010), and enfolding vast space-times into an undifferentiated zone between origin and destination. Similarly, the category 'transit state' hides the fact that many migrant people are (often reluctantly) settling in conditions suggestive of containment rather than passage (Gross -Wyrzten, Gazotti 2021, p.835)

⁹<https://www.infomigrants.net/fr/post/33562/integration-des-migrants--au-maroc-le-fosse-se-creuse-entre-dis-cours-et-realite>

¹⁰Interview conducted on 01/15/2021 with a journalist specializing in migration issues.

During our exploratory research, we sought to answer the following questions:

What is the reality of forced migration in Morocco from a statistical point of view? Who are the forced migrants in Morocco? What is their quantitative reality? How many are they? What do they represent?

Official figures do not reflect the real numbers of forced migrants in Morocco. The available figures that we were able to procure originate from the High Commissioners for Refugees (UNHCR)¹¹. This institution publishes annually all the figures related to the status of refugees and asylum seekers. However, it does not inform us about the reality of all the categories of forced migration, as it only provides us with an overview of the processed applications within the framework of the asylum procedure.

For the year 2021, the UNHCR in Morocco identified 18,765 refugees and asylum seekers (i.e., 9,379 refugees and 9,386 asylum seekers). In one single year (2021), the UN body registered 5,560 new asylum applications. There is a significant increase in the number of the target population, as it has almost doubled between January 2020 and January 2022: 9,756 to 18,248. The number of refugees has increased by 40 % and the number of asylum seekers has tripled in one year only (source: UNHCR data - Annex 1).

This trend primarily indicates an extremely significant increase in asylum applications between 2019 and 2021, the Covid 19 pandemic has only magnified a movement that was already underway in 2019. Morocco has become much more than a land of transit. Today, it is a place of asylum and refuge for forced migrants. In addition, the pandemic situation has contributed to keeping forced migrants in Morocco, in particular through the increasingly drastic control of displaced populations and the closing of the Spanish borders. The status of refugee or asylum seeker appears like a sheltering status, allowing one to benefit from a number of rights, in times of instability, due to the health situation.

On the other hand, it should be noted that the asylum application rejection numbers have remained constant between 2017 and 2021. With or without a pandemic, the asylum application rejection rate is around 60 %¹²:

- 60% rejection in 2021
- 59% rejection in 2020
- 62% rejection in 2019
- 61% rejection in 2018
- 66% rejection in 2017

The denial of refugee status appears to be the norm. The only change that resulted from the health situation was the virtual absence of the appeal procedure during the pandemic period. That was particularly due to restrictions on access to institutions and courts of appeal. The consistent percentage of the rejected asylum applications highlights an existing policy of controlling migratory flows; by operating a system of informal quota for accepting asylum applications.

Thus, the UNHCR figures further confirm the analysis of the article featured in the *Journal of North African Studies* on the complexity of migratory logics in Morocco. The health situation has only heightened a movement, initiated in 2019, of the multiplication of asylum applications. Morocco has undoubtably become more than a country of transit, but also a place of refuge and settlement.

¹¹Statistical report on UNHCR population of concern. UNHCR Morocco - 31 December 2021.

¹² Statistical report on UNHCR population of concern. UNHCR Morocco - 31 December 2021.

Annex 1 – UNHCR data

Statistical report on UNHCR population of concern

UNHCR Morocco - 31 December 2021



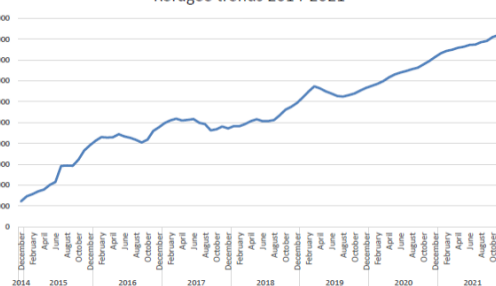
Active population Individuals: **18,248** Cases: **13,058**

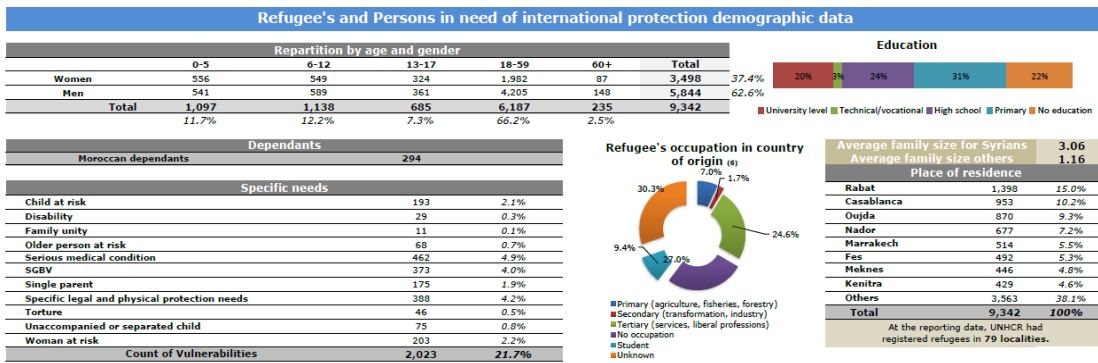
	Active population Start of period	Increase			Decrease					Active population End of period
		New registration (1)	New registration of Syrians	Reactivation (2)	Births	Resettlement	Voluntary repatriation	Other closure (3)	Other closure (Syrians)	
Total 2016	5,478	3,947	1,566	967	86	60	2	3,682	1,686	6,734
Total 2017	6,734	3,124	833	1,153	111	94	0	4,249	1,938	6,779
Total 2018	6,779	3,835	796	1,260	128	82	1	4,144	1,114	7,775
Total 2019	7,775	5,349	730	927	215	83	0	4,427	887	9,756
Total 2020	9,756	3,614	602	604	246	21	1	665	117	13,533
2021										
January	13,533	404	71	40	36	0	0	2	0	14,011
February	14,011	481	46	41	25	3	0	122	0	14,433
March	14,433	494	22	13	16	2	0	2	0	14,952
April	14,952	406	45	31	25	0	0	808	1	14,606
Mai	14,606	263	30	11	14	0	0	4	0	14,890
June	14,890	432	51	58	21	0	0	290	14	15,111
July	15,111	327	7	28	16	0	0	1	0	15,481
August	15,481	472	50	29	22	0	0	249	1	15,755
September	15,755	497	39	42	29	0	0	15	2	16,308
October	16,308	608	55	25	24	0	0	6	0	16,959
November	16,959	551	36	31	22	0	1	4	2	17,558
December	17,558	625	27	50	20	0	0	5	0	18,248
Total 2021	13,533	5,560	479	399	270	5	1	1,508	20	18,248

Population of concern by status and country of origin

Country of origin	Total	Asylum seekers	Refugees/Persons in need of international protection (4)
Syrian Arab Republic	5,082	0	5,082
Guinea	2,654	2,509	145
Côte d'Ivoire	1,438	1,047	391
Cameroon	1,249	1,074	175
Senegal	1,224	1,118	106
Yemen	1,102	0	1,102
Sudan	992	938	54
Central African Republic	987	0	987
Mali	823	765	58
South Sudan	439	0	439
Nigeria	438	413	25
Democratic Republic of the Congo	383	190	193
Palestine	258	0	258
Iraq	133	6	127
Gambia	128	126	2
Others	918	720	198
Total	18,248	8,906	9,342
Count of Country of Origin	49		40

Refugee trends 2014-2021





Refugee status determination
(cases processed in 2021, excluding Palestinians, South Sudanese, Syrians, Central Africans and Yemenites)

	First instance				Appeal				
	Pending interview (start of period)	New applications during period	Interview conducted	Recognition	Rejection	Pending interview (end of period)(5)	Interviews conducted	Recognition	Rejection
2016	769	1,944	768	206	479	1,224	135	18	293
2017	1,224	1,932	955	217	637	1,130	27	7	79
2018	1,130	2,447	1,096	332	673	794	54	10	131
2019	784	3,701	1,216	335	753	2,274	22	4	110
2020	3,274	2,558	646	155	383	3,955	0	0	109
2021									
January	3,955	284	41	27	52	4,191	2	0	0
February	4,191	390	38	16	25	4,486	4	0	0
March	4,486	442	67	10	23	4,863	4	1	2
April	4,863	331	127	5	62	4,466	0	0	2
May	4,466	313	107	3	59	4,673	1	0	0
June	4,673	347	130	4	70	4,568	1	0	0
July	4,568	307	44	5	71	4,813	0	0	0
August	4,813	367	48	8	35	4,955	1	0	1
September	4,955	430	92	16	64	5,216	0	0	0
October	5,216	409	114	7	59	5,654	0	0	0
November	5,654	472	104	23	91	6,039	0	0	0
December	6,039	497	66	30	32	6,473	0	0	0
Total	3,955	4,669	978	154	643	6,473	13	1	5

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