

## **A Migration Bubble? Reading the New European Neighbourhood Policy in the Moroccan Context**

Jun 17, 2016 by [Sakina Abushi](#), [Hicham Arroud](#)

### **Introduction**

In the preface to the review of the new European Neighbourhood Policy (ENP) of 18 November 2015, the European Commission and the High Representative for Foreign Affairs explain the reasons for developing this new policy. There have been radical changes, they argue, and both positive and negative developments in the European neighbourhood. While, on the one hand, ‘local actors took action to initiate reforms to obtain rule of law, social justice, and increased accountability, as exemplified by the Nobel Peace Prize awarded to the Tunisian quartet,’ on the other hand ‘conflict, rising extremism and terrorism, human rights violations and other challenges to international law, and economic upheaval have resulted in major refugee flows.’<sup>1</sup> Even in the very first pages of the document, it becomes apparent that a sense of menace is driving the EU to reconsider its foreign policies: The continent feels threatened by a neighbourhood in upheaval, a sentiment symbolised by the image of a wave of refugees ‘flowing’ into Europe. As Ilana Bet-El rightly remarks in her introduction to this dossier, ‘it is this threat that has finally led to the understanding (...) that the fortunes of Europe, and especially the EU, as both concept and geography are absolutely intertwined with those of the neighbourhood.’<sup>2</sup> For years Europeans thought that wars and armed conflicts, such as those in Syria, Iraq and Libya, and long-term political and economic desperation, especially among young people, as in Tunisia, Egypt, Palestine or Lebanon, are distant problems that can continue for years without directly affecting Europe and which Europe will certainly not intervene in. However, the continent has finally come to realise that stability, security and prosperity in its immediate neighbourhood are a strategic priority. This realisation comes at a time when the European Union is also facing internal instability. The ‘refugee crisis’ is only the latest in a series of crises that have shown the inadequacy of European institutions and instruments, while the Greek debt crisis and the conflict in Ukraine in particular are still smouldering.

The new ENP provides a useful framework in which to discuss Moroccan migration policies as well as the impact of European migration policies on the lives of migrants and refugees in Morocco. This article begins by providing a brief overview of the Moroccan migration experience. After that, an analysis of the Moroccan migration context will focus on three major points tackled by the new ENP:

---

<sup>1</sup> European Commission and High Representative (2015), p. 2.

<sup>2</sup> Bet-El (2016)



- 1) Readmission and voluntary return of individuals staying in the EU,
- 2) Border cooperation, and
- 3) Support for externalising refugees and migrants.

It will then be argued that there is a sort of 'migration bubble' in Morocco, similar to a 'real estate bubble'. If an economic bubble means trade in an asset at a price that strongly deviates from its intrinsic value, a 'migration bubble' is a boom in migration-related projects and policies that bear no relation to the number of people concerned and have little effect on their actual situation. This bubble is partly caused and influenced by European policies on the ground, and it is actively promoted by the Moroccan government.

### **The Moroccan migration experience**

Morocco has a long and tumultuous history of migration, having been a country of immigration, emigration and transit for centuries. Arab immigration in the 7th century changed the religion and language of the local population forever; the Muslim conquest of Andalusia was led by Moroccan tribes and later hundreds of thousands of Andalusian Muslims and Jews had to flee to Morocco as the Christian *Reconquista* progressed. A look at the map makes it clear that migration between Morocco and Europe was not the exception, but the rule for many centuries. The most recent wave of migration started in the 1960s when Europe needed cheap labour, and recruitment agencies opened in various regions of Morocco, particularly in the north of the country. Due to historical political conflicts with the population of this area, people in the north were strongly encouraged to migrate by the authorities. Hundreds of thousands of Moroccans migrated to various countries in Europe, particularly France, Germany and Belgium, and later Spain. Large Moroccan communities in exile strengthened social, economic and political links with these countries and helped create the narrative of migration to Europe as a means of achieving economic and social success. The border with Spain and notably the land borders with the Spanish enclaves of Ceuta and Melilla were open until 1991 when, having joined the EU in 1986, Spain started requiring visas from Moroccan citizens. Even in the years to follow, up until the late 1990s, the border was still relatively permeable. Nearby residents still remember a time when the border just consisted of some barbed wire at a height of about one metre that they stepped over to enter or leave whenever they wanted. Later, there was increasing pressure from Europe, particularly Spain, on the Moroccan authorities to intercept migrants and refugees leaving the Moroccan coast. Metal barriers were built steadily higher to isolate the towns of Melilla and Ceuta completely from their surroundings.

The closure of the last European external border (the border with Spain) and the tightening of visa conditions heralded the start of a tragic phase of migration by boat across the Mediterranean, as the coasts of Morocco and other North African countries

became the point of departure for thousands of migrant and refugee boats heading for southern Europe. The town of Melilla became one of the most significant points on the migration route from south to north after the civil war in Algeria broke out and Algerian refugees came to Morocco hoping to reach Europe. These refugees were the first to discover that it was possible to request asylum in Melilla, and were followed by Sub-Saharan migrants and refugees in the 1990s. This is how the large camp at the mountain of Gourougou, which runs alongside the border with Melilla and has become the base camp for thousands of migrants and refugees from across Africa, came into existence.

Since the outbreak of the Syrian crisis in 2011, hundreds of thousands of refugees have been taking the route to Europe via Turkey. Thousands of Moroccans, mainly young people, decided to join this movement of people by taking a plane to Turkey (where Moroccans do not require visas), then traveling to western Europe via the Balkans. It is impossible to give precise figures for the number of Moroccans who went to Turkey, partly because most of them pose as Syrian refugees and give false names to the authorities, but mainly because they disappear to join their family or friends in countries with large Moroccan communities. Civil society actors in the north of Morocco estimate that over 17,000 young Moroccans left from the 2 provinces of Nador and Driouch in the north of Morocco alone. This figure is based on the number of air tickets to Turkey sold by travel agents between September 2015 and December 2015.

It is very difficult to define a typical profile and analyse the true causes of current irregular Moroccan migration to Europe, but it seems that economic reasons were not the main factor, as many of the young people come from families that are in a stable economic situation. The phenomenon can be partially explained by a lack of reliable alternatives for young people facing a high level of unemployment and having few chances to achieve their aspirations. This migration can also be attributed to a spirit of adventure among young people who have seen dozens of videos on YouTube showing young Moroccans crossing the sea between Turkey and Greece while singing and dancing seemingly relaxed.

### **The revised ENP – more legal migration...**

The new, revised ENP follows the general logic of the many bilateral and multilateral agreements that have governed Moroccan-European migration relations over the last 20 years, i.e. security-based cooperation. It also still follows the 'More for More' principle, which previously informed the old ENP and the more recent Mobility Partnership signed with Morocco in 2013. The same logic of incentives for security cooperation inspired the recent EU-Africa summit in Valletta and the EU-Turkey deal in 2016. Increased legal migration is promised in exchange for close cooperation in the fight against irregular migration: 'In order to foster reforms and reinforce the commitment of our partner countries to work in closer partnership, differentiation between partner countries will be developed, working more closely on visa and mobility issues with those that are willing

to engage with the EU, including visa liberalisation and facilitation dialogues with partners.’<sup>3</sup> The Commission promises to promote mutually beneficial migration and mobility for nationals of countries that cooperate on migration issues. While the provisions remain quite general, it is possible to identify the main target groups for this enhanced mobility. Having identified skills gaps in EU labour markets, the EU aims to set up a ‘skilled labour migration scheme’ to help ‘highly skilled third-country nationals’ to enter and reside in the EU and have their qualifications recognised. Academics are another group of desired migrants. They may enter and reside in the EU for the purposes of research, studies, exchange, training and voluntary service. In addition to these quite privileged ways to migrate to Europe, the EU is going to promote regional and south-south mobility and circular migration. The document carefully narrows and reinterprets the definition of migration. Only the highly skilled and educated may enter the EU – and this only to ‘reside’ for a specific purpose. While the standard definition of migration means people moving from one place to another with the intention of staying there for a long time, possibly their entire life, and integrating socially into their new society, legal migration to the EU as laid out in the ENP serves specific economic purposes and may end as soon as there is no longer an economic benefit to the EU.

### **...for more cooperation**

The other side of the “More for More” principle is that the neighbour is supposed to make a commitment to fighting irregular migration, both by ENP nationals and by third-country nationals transiting ENP territory. As Carrera et al have shown, one of the EU’s main responses to unwanted immigration is to increase cooperation with third countries, focusing on the three topics of 1) readmission and voluntary return of individuals staying in the EU, 2) border cooperation and 3) externalising refugees and migrants, supporting their reception in third countries. These are exactly the strategic priorities found in the new ENP.

#### **1) Readmission and voluntary return of individuals staying in the EU**

The new ENP proposes mechanisms to encourage legal immigrants in the EU to return voluntarily, and to return irregular migrants and refugees to their countries of origin or third countries. The tools proposed to encourage voluntary return are not new. Support is to be given to help migrants to send remittances home efficiently and to start businesses in their home countries, and there is to be a ‘brain circulation fund’ to help returning migrants to reintegrate and contribute to local development with the knowledge and skills acquired in the EU. Following a similar logic, the EU vows to ‘return in a dignified and sustainable manner those who do not, or no longer, have the right to stay in the EU,

---

<sup>3</sup> European Commission and High Representative (2015), p. 15.

including through the conclusion and full implementation of readmission agreements and voluntary return and readmission schemes (...). The EU will also assist ENP countries to develop their own return policy allowing them to return persons to third countries of origin.<sup>4</sup>

The question of voluntary return has been one of the main points of negotiation between Morocco and the EU for years. European states have offered various forms of (financial) support for voluntary return in the past, particularly for migrants who have not managed to integrate well economically or socially. These offers have differed from country to country and over time.

In general, the amounts offered for voluntary return have been very low (between 3,000 and 11,000 euros). In the best cases, particularly in Italy, offers to promote voluntary return are run by international NGOs, but there is no real technical assistance. Some countries try to ensure that migrants have really returned before sending them the agreed sum. Others simply transfer the money as soon as residency permits are surrendered.

The EU has tried to negotiate a formal readmission agreement with Morocco for almost 15 years now, but no agreement has yet been reached. The crucial point is the clause on third country nationals, whom Europe wants Morocco to readmit into its territory in addition to its own citizens. Morocco is not ready to sign such an agreement, for financial and political reasons. The readmission of African nationals from the EU would not fit well with Morocco's strategy of rapprochement towards Sub-Saharan Africa, especially west African countries. These countries have become increasingly attractive as economic partners, but their support for the Moroccan position in the Western Sahara conflict is probably even more important. They would not take it kindly if Morocco allowed their citizens to be deported to its soil. It is also simply seen as a 'bad deal' for Morocco to take responsibility for migrants and refugees that have already reached Europe simply because they crossed Moroccan territory. This is also the reason why the negotiations on the European Mobility Partnership, signed between the EU and Morocco in 2013, have stalled. The Partnership makes negotiations on visa facilitation conditional on renegotiating a readmission agreement.

The idea of readmitting citizens of third countries to Morocco is troubling from a human rights perspective. As it stands, Moroccan law strongly criminalises irregular immigration and does not guarantee foreign nationals access to basic rights. Law 02-03 (2003) governs the two elements of immigration (entry and stay in the country) and

---

<sup>4</sup> European Commission and High Representative (2015), p. 17.

emigration (leaving the country) of foreign nationals, and it imposes fines and imprisonment for any illegal immigration or emigration. This constitutes a violation of the right of each and every person ‘to leave any country, including his own.’<sup>5</sup> Article 25 stipulates that the authorities can expel a foreign national if their presence on Moroccan territory constitutes a severe threat to public order. The law severely represses irregular migrants and refugees, and does not guarantee the rights generally granted to foreign nationals (non-suspensive legal remedy, the right to be visited and assisted by human rights organisations and other basic rights).

Although the EU has not achieved a comprehensive readmission agreement so far, Morocco does have a history of bilateral readmission agreements with European countries. These only concern its own nationals. The first was signed with Spain in 1992, other European countries followed in the 1990s, including Germany in 1998. The existence of these agreements did not, however, mean that they were implemented. To take its own nationals back is not something that the kingdom does easily or willingly, since it is often hard for these people to reintegrate socially and economically in their country of origin. In early 2016, largely as a response to the incidents in Cologne on New Year's Eve, several readmission agreements were ‘brought back from the dead’. After a phone call between German chancellor Angela Merkel and the Moroccan king Mohammed VI paving the way, German interior minister De Maizière travelled to Algeria, Tunisia and Morocco in February 2016. He gained an official commitment from the Moroccan government to cooperate more effectively in readmission of Moroccan citizens living in Germany with irregular status, using its identity databases to identify them. In exchange, the German government promised to support Morocco's position in the EU court case brought by the Polisario Front concerning an EU-Moroccan agricultural and fishing agreement as well as to step up financial support to the kingdom. Germany also stated its intention of declaring Morocco a safe country of origin.<sup>6</sup> This promise is likely to be kept, as the bill has been through parliament, but it still awaits the Bundesrat's decision at the time of writing this article. The law has been heavily criticised by human rights activists both in Germany and in Morocco. It remains to be seen whether the renewed commitments will actually lead to higher readmission numbers. The number of people concerned is soberingly small – according to official statements, 60 Moroccan citizens were deported from Germany in the first three months of 2016, 18 of these to Morocco. To compare, 176 Moroccan citizens were deported from Germany in 2015.<sup>7</sup>

---

<sup>5</sup> International Covenant on Civil and Political Rights, Article 12, § 2, ratified by Morocco in 1979.

<sup>6</sup> ZEIT Online (2016)

<sup>7</sup> Die Bundesregierung (2016)

## 2) **Border cooperation**

The paragraph in the new ENP titled 'stepping up cooperation on border management' is relatively short. It explains in a mere six lines that the EU will 'proactively engage' with its partners and intensify work on information exchanges, administrative capacity and operational and technical cooperation with interested countries. This work will be done through the relevant EU agencies, including FRONTEX and EUROPOL. Elsewhere, in its section on security-related issues, the document makes it clear that migration definitely falls in the realm of security: irregular migration is a 'cross-border threat' and the new ENP will 'tackle cross-cutting security challenges, such as smuggling of migrants, trafficking in human beings, social cohesion and border protection/management.'<sup>8</sup>

The topic of border cooperation is central to Morocco's relations with the EU. It mainly concerns the north of Morocco, a strategic region for both sides of the Mediterranean. It is a priority area in international cooperation programmes, partly to combat production and export of drugs, and also due to irregular migration from Morocco and Sub-Saharan Africa. Moroccan and Spanish authorities, with financial support from Brussels, have cooperated on border surveillance and policing since the early 2000s. This security cooperation is often seen by European security experts as a model to be promoted, since Morocco has become a country where certain groups of migrants and refugees are prevented from entering Europe. The figures appear to confirm this. According to statistics provided by FRONTEX, the number of detected irregular border crossings from Morocco into Spain has only slightly increased since 2008, with a total of 7,164 detected crossings in 2015.<sup>9</sup> This is impressive if we bear in mind that the total number of irregular border crossings into Europe has almost multiplied six fold during the same period.<sup>10</sup> Of course, the Moroccan-Spanish border has not actually closed, but rather become more selective. Only certain groups are allowed to pass, and irregular crossings are only possible if you have enough money to pay for a fake passport or a place on a speedboat heading for the Spanish coast (at the moment the price for the latter is at about 3,000 euros). The 'unwanted group', mostly Sub-Saharan migrants and refugees, are brutally intercepted by Spanish and Moroccan police. Police and auxiliary forces use sometimes extreme violence to prevent migrants and refugees from crossing the fences around Melilla and Ceuta; severe injuries and even fatalities are regularly reported, most recently on 7 June of this year<sup>11</sup>. The Spanish-Moroccan border regime has a high

---

<sup>8</sup> European Commission and High Representative (2015), p. 12-13.

<sup>9</sup> FRONTEX (2016).

<sup>10</sup> Carrera et al (2016), p.8.

<sup>11</sup> Albertelli (2016).

humanitarian cost. Migrants and refugees are literally ‘trapped’ in Morocco. There are numerous reports of human rights violations in the land surrounding the border, especially at the fence between Nador and Melilla, and ‘hot returns’ or ‘push backs’ of people who have already reached Spanish territory. Organisations such as Amnesty International<sup>12</sup> and the Moroccan migrant support organisation GADEM<sup>13</sup> claim that this is a clear breach of the principle of *non-refoulement* (prohibition of the expulsion or return of a refugee), and thus of international law. Raids and deportations of migrants and refugees, involving significant levels of violence, are common practice, particularly in the north and east of Morocco, in Tangier, Oujda and Nador and the surrounding countryside. In 2013, migrants and refugees were randomly deported across the Algerian border without any checks on their right to protection. This practice has stopped since due to pressure from civil society and international groups. Instead, authorities increasingly deport migrants and refugees from the north to the south of Morocco, dropping even women and children in cities far to the south like Tiznit or Laayoune, or simply at the side of the road in the middle of nowhere. Even foreign nationals with a regular residency status, but the ‘wrong’ skin colour, might be arrested on the street and find themselves on a bus to Tiznit. The fear of deportation is so deeply engrained in Sub-Saharan people in Morocco that they avoid certain places or do not go outside at certain times. There are informal information systems in place that warn people not to leave their homes at times when raids are likely. All these attempts to move the migrants and refugees as far from the border as possible are clearly a response to Spanish pressure and a way of shielding the Moroccan-EU borders from ‘unwanted’ migrants and refugees – Moroccan police speak of ‘cleansing the north’. Of course, this strategy of deporting people to the south does not solve the ‘problem’ in the long term. Once migrants and refugees have been dropped in Tiznit, they will come back to the town where they live; it is a never-ending chase and no one has an interest in putting an end to it.

It is not difficult to see that the number of Sub-Saharan migrants and refugees in the north of Morocco has been falling. If you go to Gourougou forest today, a camp that previously held up to 3,000 migrants and refugees at a time, you only find a few hundred people still living in nearby camps, Gourougou having been raided and shut down by the authorities in 2015. NGOs and humanitarian groups working with migrants and refugees report that it has become difficult for them to find people to work with in the north of Morocco, so they now focus their activities more on the main cities of central Morocco. Besides the strategy of ‘cleansing the north’ described above, there are other reasons for the decline in the numbers of migrants and refugees. Firstly, the one-off regularisation

---

<sup>12</sup> Amnesty International (2015).

<sup>13</sup> GADEM (2015).

campaign by the Moroccan government in 2014 and 2015 (see following section) was not at all successful in the north. In Nador, the city right next to Spanish enclave of Melilla, only 20 out of 404 applications accepted were issued to men, which led to a large number of migrants and refugees leaving the city and trying their luck in Rabat or Casablanca, or leaving Morocco. Secondly, the Libyan migration route has become more accessible and affordable due to the war and instability in Libya, and as a result it has grown in significance. For migrants and refugees trying to reach Europe, it makes more sense to choose the Libyan route than the Moroccan route, where high-security measures are in place, even though the central Mediterranean route is much more dangerous for them.

### 3) **Externalisation of migrants and refugees**

The externalisation of migrants and refugees, i.e. support for ENP countries that are willing to host migrants and refugees, who might otherwise cross into Europe, is a cornerstone of EU migration policy and it still plays a central role in the new ENP. The EU wants to increase support for those receiving and assisting refugees and IDPs and help partner countries to develop asylum and protection systems. It wants to ensure that these people's 'basic needs are guaranteed, their human rights are protected and their socio-economic and human potential is not wasted.'<sup>14</sup>

Official speeches, conferences and development projects related to migration in Morocco seem to indicate that the country is a perfect partner for the EU's strategy of externalising migrants and refugees. In 2013, two main events sparked a debate on the rights of migrants and refugees in the country. The National Human Rights Commission (CNDH) issued the report 'Foreigners and Human Rights in Morocco: For Radically New Asylum and Immigration Policies', an initiative that was followed by a royal speech that described Morocco as a country of destination, not only of transit and emigration, and stated that it was a goal to 'produce new global policies concerning questions related to immigration and asylum, following a humanist approach in accordance with Morocco's international engagements and with respect for the rights of the migrants.' Two ad-hoc commissions were set up – one focusing on examining asylum claims recognised by the UNHCR, and the other overseeing a one-off campaign of migrant regularisation. In December 2014, the Ministry of Migration presented the highly promising 'National Strategy for Immigration and Asylum', which is partly funded by the EU.<sup>15</sup>

The one-off regularisation campaign of 2014-2015 has been central to the new Moroccan migration policy. Foreign nationals fulfilling certain, rather strict, conditions were

---

<sup>14</sup> European Commission and High Representative (2015), p. 17.

<sup>15</sup> Union Européenne/Royaume du Maroc (2015).

allowed to apply for a Moroccan residency and work permit (*carte de séjour*). These foreign nationals could be married to Moroccan nationals and able to prove at least two years of cohabitation, foreign nationals married to other foreign nationals with regular residency status in Morocco and able to prove at least four years of cohabitation, children of people listed in the two cases above, foreign nationals with work contracts valid for at least two years, foreign nationals able to prove five years of continuous residence in Morocco and foreign nationals affected by serious illness having been in the country since before 31 December 2013.

The government claims that the one-off regularisation campaign, part of the National Strategy for Immigration, has been a success. In February 2015 the Interior Ministry announced the outcome of the campaign. Out of 27,332 applications nationwide, 17,916 were accepted, of which 10,201 applicants were women. Applicants' place of residence and nationality were significant for success rates. The largest groups regularised were citizens of Senegal (24%) and Syria (19%), followed by Nigeria (9%) and Ivory Coast (8%). It is important to note that both Senegalese and Ivorian citizens are exempt from visas when travelling to Morocco. The campaign was more successful in major cities like Rabat and Casablanca, but as explained earlier, it was less successful in the north of Morocco near the Spanish border and in smaller towns and provinces. In these areas factors like the attitude of local authorities or relations between migrant support organisations and the local governor are sometimes more important than laws and directives from central government. In October 2015, the regularisation commission announced the easing of conditions and the review of all rejected cases; no statement has yet been made concerning the total number of people regularised in the campaign. Similarly, there is no information on the number of residency permits that were actually issued. It is probable that some of the people that were accepted never picked up their residency permit, since they had already left the country.

Another central element of the National Strategy is developing a national system to protect refugees and asylum seekers. Morocco is a signatory to the main international agreements and conventions relating to refugees, but lacks a national asylum procedure and protection mechanisms for irregular migrants, refugees and asylum seekers. Even though the development of an asylum law is a central element of the National Strategy, until now no such legislation has been adopted and the UNHCR continues to provide protection and assistance to refugees and asylum seekers in the place of the state. One problem is that the UNHCR and the Moroccan authorities have differing opinions on who is actually a refugee. The largest group of asylum-seekers, currently about 2,700 Syrian refugees, have been refused refugee certificates by the UNHCR at the request of the Moroccan authorities. Developing refugee legislation, although part of the National Strategy for Migration and Asylum and supported by international development agencies, is apparently not a national priority.

The third central element of the National Strategy for Immigration and Asylum is provisions for the integration of migrants and refugees residing lawfully in Morocco. Although the strategy laid out sweeping reforms in almost all areas of socio-economic integration, the living situation of migrants and refugees remains difficult. Very little information on the actual effects of the strategy is available, but reports from migrants, refugees and their support groups make it clear that there is still a lot of work to be done for them to have a dignified life in Morocco. While access to humanitarian aid and basic health care is easier in the big cities such as Rabat and Casablanca, living conditions for migrants and refugees in the north and east of the country as well as the countryside remain precarious. It is important to note that access to humanitarian aid is still mainly provided by international organisations. The Ministry of Migration and Health promised access to state health insurance, RAMEL, for regularised migrants and refugees in late 2015, however this promise has still not been carried out. Women and children are particularly vulnerable to abuse and violence, such as human trafficking or gender-based sexual violence. Psychological assistance is still very rarely accessible, although urgently needed by many. The housing situation is difficult. Migrants and refugees in the cities often live in overcrowded, basic living conditions. It is difficult for them to sign an official rental contract and they are subject to exploitation by landlords and arbitrary evictions in case of disputes. This is important, since a rental contract is often (but not always) a condition for regularisation. Child refugees and migrants still have difficulty entering the Moroccan school system, mainly due to linguistic or cultural issues (e.g. because Islamic education classes are obligatory). In general, young people have little access to education or professional training. Although some migrants and refugees have been able to find employment thanks to their residency status, labour laws in Morocco are still restrictive, and bureaucracy and long procedures don't make it easy for migrants and refugees to find work. They are therefore largely employed in the informal sector, where they are often underpaid and exploited, or they are simply forced to resort to begging. One of the points in the new immigration and asylum strategy that has been most strongly criticised by civil society activists is the government's failure to take into account socio-cultural elements and racism during implementation. Migrants and refugees from Sub-Saharan Africa are regularly targets of violent racist attacks and discrimination in Morocco. Media reporting on migrants and refugees is often biased and unfair. When migrants and refugees experience violence or violations of their rights, they have difficulty getting assistance from the police. More often than not, they are refused their right to file complaints with the police, and they are sent away or even subjected to more violence at the hands of the authorities.

### **Migration Bubble?**

The Moroccan government's National Strategy for Immigration and Asylum is being developed partly because of EU pressure on Morocco and the process is financially supported by a number of European state institutions and donors, including the European Delegation and national development agencies. There are several good reasons for the

Moroccan government to pursue this strategy. First and foremost, it responds to EU demands and allows the kingdom to advance on key political demands it has towards the EU (e.g. privileged mobility, trade negotiations, Western Sahara issue). Implementing the strategy creates jobs and brings foreign currency into the country. It also improves the kingdom's image and allows it to position itself as a leader and role model in the region. The strategy itself is a great initiative. There is nothing negative to be said about developing a national asylum system, a strategy for the integration of migrants and refugees and laws that effectively combat human trafficking. The problem is that there is a great disparity between what is said and what is actually done. A one-off regularisation campaign and the continuous blocking of all laws that would create a basis for an effective protection system for migrants and refugees indicate that neither the EU nor Morocco are in for a long-term political, institutional and financial commitment. For Morocco, the refugees and migrants are important bargaining chips, which allow it to exert pressure when necessary, and generate a substantial amount of income. The EU is content to see moves toward a protection system for migrants and refugees in the southern neighbourhood, which morally allow it to continue pushing for a readmission agreement including citizens of third countries that have transited through Morocco.

At the same time, the kingdom's new migration policy, expressed in the National Strategy for Immigration and Asylum, has had a considerable impact on international and national non-state actors in the field. It has created a migration bubble. Since 2014, there has been a steady rise in the funding available for migration-related projects and activities. The National Strategy has made the issue more topical and led to an increase in civil society activity especially on integration topics. Moroccan associations that had never worked with migrants or refugees started migration-related projects: the number of organisations representing migrants and refugees rose from 0 in 2014 to 3 in 2015 and there are currently 24. However, the reality of the situation is quite clear. There are considerable financial (funding) and legal (regularisation) incentives for organisations and projects that work within the National Strategy, while it has become more difficult to work on controversial issues ignored by the National Strategy or in the North of Morocco. Interestingly, several international humanitarian groups working in the field have had to leave the kingdom since 2013 – it seems that migration is in the process of becoming an internal domestic issue. Many problems are now being addressed as ‘migrant issues’ in projects and policies, even though they concern the entire population. Does it really make sense to address violence against women or social and economic rights by sub-group or are these not larger problems that concern everybody?

Migration is also a bubble in a simpler, numeric sense. The largest migration phenomenon concerning Morocco is still emigration: about 100,000 Moroccan citizens emigrate legally per year, most of them to Western Europe. This is quite a brain-drain compared to a mere 25,000 people emigrating from Germany per year, for example. The vast majority of Moroccans and people of other nationalities emigrating from Morocco

do so legally by plane, with visas. However, at the moment immigration to Morocco is highly topical. Nonetheless, on closer analysis the figures are surprising. The last official census including foreign nationals was conducted in 2014. According to this survey there were around 86,000 foreign nationals living legally in Morocco, of which about 50% were of European origin. The French Foreign Ministry registered 51,109 French citizens living in Morocco in 2015. Civil society groups estimate that there are 15-30,000 migrants and refugees in an irregular situation in the country. This number is hard to estimate, as no reliable figures exist and it is unclear whether Europeans in an irregular situation are counted – the Interior Ministry stated a much higher figure of 45,000 in 2014. There are also 5,500 refugees and asylum seekers living in Morocco, of which 1,200 have been registered as refugees by the UNHCR. The number of foreign nationals residing legally or illegally in Morocco probably does not exceed a total of 200,000 people, even according to the highest estimates. If we consider the fact that the country has a total population of around 33 million people, it is clear that a level of 0.06% of foreign nationals means that migration is a relatively minor phenomenon. In Germany, for example, 9 to 10% of the population is made up of legal aliens. Comparing this number to the millions of euros spent by the EU and its Member States' development agencies on migration-related projects in Morocco raises the question of whether these projects are appropriate, especially if we consider the obvious lack of improvement in migrants' and refugees' living conditions. The European Court of Auditors recently published a report on EU migration spending in Neighbourhood Countries until 2014; one of the countries included in the study was Morocco. The Court found that EU migration spending in the Neighbourhood is 'struggling to demonstrate effectiveness' and criticised, among other points, a lack of strategy, non-transparent expenditure, and poor monitoring and oversight. Shockingly, it was impossible for the court to determine total expenditure on EU external migration projects. Of € 1.4 billion scheduled for the period 2007-2013, the auditors were only able to determine € 304 million in spending. It added, perhaps most importantly, that 'respect for human rights, which should underpin all actions, remains theoretical and is only rarely translated into practice.'<sup>16</sup>

It is also interesting to note whom the migration discussion is referring to. All projects falling under the Moroccan National Strategy for Immigration and Asylum focus on non-European migrants only. This is striking, if we take the example of the regularisation campaign and all efforts against 'irregular' migration. It is estimated that more French and Spanish citizens are now in an irregular legal situation in Morocco than African citizens – a fact that is hardly ever mentioned. For example, the number of Spanish citizens working clandestinely, mainly in the north of Morocco, has risen considerably

---

<sup>16</sup> European Court of Auditors (2016).

since the beginning of the Spanish economic crisis. Local organisations estimate that there are 30,000 of them – again, a number that is hard to verify. What is clear, though, is that discussions of the fight against irregular migration focus exclusively on south-north migration. No one thinks of Spanish clandestine workers in northern Morocco or French citizens living and working in Morocco, who simply renew their tourist visa every three months in Ceuta or Melilla or take a low-cost flight to any European destination. The vast majority of foreign nationals in Morocco are European citizens, and they have a considerable impact on the kingdom's economy and labour market, and not always positively. Nonetheless, these people are not considered migrants, but 'expats', and they are certainly not included in the National Strategy for Immigration.

### **Conclusion**

Our analysis has shown that even though all three elements of the ENP migration strategy of readmission, border cooperation and externalisation of migrants and refugees are being applied to Morocco, for the moment only the element of border cooperation has 'succeeded' in reducing the number of migrants and refugees reaching Europe from Morocco. Both readmission and externalisation efforts remain ineffective, though expensive tools. Furthermore, we have seen that 'more for more' in the case of Morocco is an unattractive deal, as it is unfair. While legal migration channels are only open for limited numbers of highly-skilled migrants, the 'fight against irregular migration' clearly focuses on refugees and poor migrants moving from the south to the north. The thinking is 'You can send us more of your elite, if you keep the poor and displaced in your country.' The EU's strategies of readmission, border cooperation and externalisation go hand in hand. If Europe wants to uphold a minimal standard of human rights, it can only intensify border cooperation and readmission efforts provided that the reception of migrants and refugees in third countries meets a certain standard, so the human cost of externalisation is not too high. However the case of Morocco shows that it takes time and money to put in place structures for the reception of migrants and refugees. It took decades to build these processes and institutions in European countries and they are being dismantled as we speak. Morocco is a developing country that still struggles to ensure decent living conditions for its own population; in order to support the development of a sustainable migration policy; it will not be enough to simply fund or overfund migration-related projects in the country. Moroccan officials are aware of these long-term challenges and are therefore hesitant to implement the National Strategy for Immigration and Asylum and actually carry out readmission agreements. Both sides really need a fair solution to migration issues, including true mobility not only for Moroccan nationals but also for citizens of other countries attempting to reach Europe via Morocco. The visa system should be eased, and long-term multiple-entry visas should be made available, not just for the skilled elite but also for the average citizen. This would help to break down the myth of migration to Europe. European politics of fear, again reflected in the new Neighbourhood Policy, have led to short-sighted, inefficient migration policies both in Europe and in Morocco. Europe clearly feels threatened by its neighbourhood and is not

capable of finding fair solutions that distribute responsibilities evenly, offer real benefits for all sides and are actually implemented by both EU Member States *and* partners in the neighbourhood.

## **Bibliography**

Albertelli, Mathieu (2016): Un migrant meurt en tentant de rentrer à Melilla, Al Huffington Post Morocco, 08 June 2016, available at :  
[http://www.huffpostmaghreb.com/2016/06/08/migrant-meurt-melilla\\_n\\_10351888.html](http://www.huffpostmaghreb.com/2016/06/08/migrant-meurt-melilla_n_10351888.html)  
[accessed 13 June 2016]

Carrera, Sergio et al (2016): EU-Morocco Cooperation on Readmission, Borders and Protection: A model to follow?, available at:  
<https://www.ceps.eu/system/files/EU-Morocco%20Cooperation%20Liberty%20and%20Security%20in%20Europe.pdf>  
[accessed 13 June 2016].

European Commission & High Representative (2015): Review of the European Neighbourhood Policy. Joint Communication JOIN (2015) 50 final, available at:  
[http://eeas.europa.eu/enp/documents/2015/151118\\_joint-communication\\_review-of-the-enp\\_en.pdf](http://eeas.europa.eu/enp/documents/2015/151118_joint-communication_review-of-the-enp_en.pdf) [accessed 13 June 2016].

Bet-El, Ilana (2016): Rebuilding the Neighbourhood: Introduction, available at:  
<https://eu.boell.org/en/2016/03/08/rebuilding-neighbourhood-introduction> [accessed 13 June 2016].

UN General Assembly (1966): International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at:  
<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> [accessed 13 June 2016].

ZEIT Online (2016): Deutschland und Marokko vereinbaren schnelle Abschiebungen, available at: <http://www.zeit.de/politik/2016-02/asyl-abschiebung-marokko-deutschland-fluechtlinge> [accessed 13 June 2016].

Die Bundesregierung (2016): Mitschrift Regierungspressekonferenz vom 11. Mai 2016, available at:  
<https://www.bundesregierung.de/Content/DE/Mitschrift/Pressekonferenzen/2016/05/2016-05-11-regpk.html> [accessed 13 June 2016].

FRONTEX (2016): Trends and Routes: Western Mediterranean Route, available at:  
<http://frontex.europa.eu/trends-and-routes/western-mediterranean-route> [accessed 13 June 2016].

Amnesty International (2015): Fear and Fences: Europe's approach to keeping refugees at bay, November 2015, available at:

| <https://www.amnesty.org/en/documents/eur03/2544/2015/en/> [accessed 13 June 2016].

GADEM (2015): Ceuta et Melilla : Centres de tri à ciel ouvert aux portes de l'Afrique, Rapport conjoint, Décembre 2015, available at: <http://www.gadem-asso.org/Ceuta-et-Melilla-centres-de-tri-a> [accessed 13 June 2016].

Union Européenne/Royaume du Maroc (2015): Communiqué de Presse du Ministère Chargé des Marocains à l'Étranger et des Affaires de la Migration et de la délégation de l'Union Européenne, 17.04.2015, available at:

| [http://eeas.europa.eu/delegations/morocco/documents/news/20150417\\_comconjoint\\_fr.pdf](http://eeas.europa.eu/delegations/morocco/documents/news/20150417_comconjoint_fr.pdf) [accessed 13 June 2016].

European Court of Auditors (2016): Press Release of 17 March 2016: EU migration spending in neighbourhood countries 'struggling to demonstrate effectiveness', say EU auditors, available at

[http://www.eca.europa.eu/Lists/ECADocuments/INSR16\\_09/INSR\\_MIGRATION\\_EN.pdf](http://www.eca.europa.eu/Lists/ECADocuments/INSR16_09/INSR_MIGRATION_EN.pdf) [accessed 13 June 2016]. Full report available at

[http://www.eca.europa.eu/Lists/ECADocuments/SR16\\_09/SR\\_MIGRATION\\_EN.pdf](http://www.eca.europa.eu/Lists/ECADocuments/SR16_09/SR_MIGRATION_EN.pdf) [accessed 13 June 2016].