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Political regimes and immigration policymaking

The contrasting cases of Morocco and Tunisia

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ANNEX 1: OVERVIEW OF INTERVIEWS

1.1 LIST OF INTERVIEWED ACTORS

The following list provides an insight into the range of actors I interviewed in Morocco and Tunisia. In total, I conducted 144 interviews, 87 in Morocco and 57 in Tunisia. For reasons of anonymity (see Chapter 3), I only name institutions or organizations and do not specify the number or positions of respondents I interviewed within each institution.

TABLE A 1: Interviewed actors

	Morocco	Tunisia
State institutions	<ul style="list-style-type: none"> • Ministry of Foreign Affairs (MoFA) • Ministry of Interior (Mol) • Ministry of Justice (MoJ) • Ministry for the Moroccan Community Abroad and Migration Affairs (MCMREAM) • Ministry of Labour (MoL) • Ministry of Education (MoE) • Ministry of Industry • Ministry of Health (MoH) • Bureau of Refugees and Stateless People (BRA) • Parliament • National Council on Human Rights (CNDH) • Interministerial Delegation on Human Rights (DIDH) • Fondation Hassan II for Moroccans Residing Abroad • Consultative Council on Moroccans Abroad (CCME) • High Planning Commissariat (HCP) • Entraide Nationale 	<ul style="list-style-type: none"> • Ministry of Foreign Affairs (MoFA) • Ministry of Social Affairs (MoSA) • Ministry of Justice (MoJ) • State Secretariat for Migration and Tunisians Abroad (SEMTE) • Ministry of Employment and Professional Formation (MoEPF) • Ministry of Culture • Parliament • Centre for Legal and Judicial Studies (CEJJ) • Tunis Municipality • National Migration Observatory (ONM) • Organization for Tunisians Abroad (OTE) • Regional Directorate of Child Protection • National Statistical Institute (INS)
CSOs and migrant organizations	<ul style="list-style-type: none"> • Caritas Morocco • Moroccan Organization of Human Rights (OMDH) • Moroccan Association of Human Rights (AMDH) • Moroccan Association for the Support and Promotion of Small Enterprises (AMAPPE) • Association Droits et Justice 	<ul style="list-style-type: none"> • Caritas Tunisia • Tunisian Red Crescent • Arab Institute for Human Rights (IADH) • Tunisian Association of Democratic Woman (ATFD) • Tunisian Forum for Economic and Social Rights (FTDES) • Al Bawsala

	<ul style="list-style-type: none"> • Democratic Organization of Labour (ODT) • Democratic Organization of Immigrant Labour (ODTI) • La Cimade • Fondation Orient Occident (FOO) • Moroccan Association for Studies and Research on Migrations (AMERM) • Friends and Families of Victims of Clandestine Migration (AFVIC) • Anti-Racist Defence and Support Group of Foreigners and Migrants (GADEM) • African Cultural Centre of Morocco (CCAM) • Council of sub-Saharan Migrants in Morocco (CMSM) • Association for the Development and Sensitization of Guineans in Morocco (ADESGUIM) • Association Light on Emigration in Morocco (ALECMA) • Clinique Hijra • Evangelical Church Rabat • International Mutual Aid Committee (CEI) 	<ul style="list-style-type: none"> • General Union of Tunisian Workers (UGTT) • Tunisian Union of Industry, Trade and Crafts (UTICA) • General Confederation of Tunisian Workers (CGTT) • Doctors of the World Belgium (MdM-B) • Euromed Rights • Mercycorps • Media and Human Rights Observatory • Adventist Development and Relief Agency (ADRA) • Terre d'Asile Tunisie (TAT) • Maison des Droits et des Migrations • Association Adam • Association of African Students and Trainees in Tunisia (AESAT) • Union of African Leaders (ULA) • Association of sub-Saharan Workers in Tunisia (ASTT)
<p style="text-align: center;">International organizations and diplomatic actors</p>	<ul style="list-style-type: none"> • EU Delegation in Morocco • United Nations High Commissariat for Refugees (UNHCR) Morocco • International Organization for Migration (IOM) Morocco • International Labour Organization (ILO) Morocco • German Development Agency (GIZ) Morocco • Swiss Development Cooperation Morocco • Friedrich Ebert Foundation Morocco • Austrian Embassy Morocco • European External Action Service, Brussels • DG Home, Brussels 	<ul style="list-style-type: none"> • EU Delegation in Tunisia • United Nations High Commissariat for Refugees (UNHCR) Tunisia • International Organization for Migration (IOM) Tunisia • International Labour Organization (ILO) Tunisia • German Development Agency (GIZ) Tunisia • Swiss Development Cooperation Tunisia • Expertise France Tunisia • French Office for Immigration and Integration (OFII) Tunisia • International Centre for Migration Policy Development (ICMPD) Tunisia

1.2 STRUCTURE OF THE INTERVIEW GUIDE

A generic interview guide for each country and field visit provided the starting point for the specific questions guiding the semi-structured interviews and this was adapted to the personal and professional profile of each respondent. While I believe there is no added value in reproducing different variations of interview guides here in full, the following core questions provide an insight into the overall structure and focus of the interviews.

PART I. Starting the interview

1. Introduce myself and my broad research aims
2. Explain that anonymity of interview is guaranteed and get oral agreement to use interview material in thesis
3. Depending on the situation, ask whether I can record the interview

PART II. Personal trajectory and opinion on immigration

4. To start off, maybe you can tell a bit more about your work/engagement here? What are your responsibilities?
5. If I understood correctly, you were involved in (policy formation process, protest, implementation, reporting, events), can you tell me more about this?
6. What are, according to you, the main challenges in relation to immigration in Morocco/Tunisia?

PART III. Priorities, interactions and dynamics between actors

7. What is the role of your institution/NGO/group regarding immigration? What are your priorities and has this changed over time?
8. Who are your main partners? Do you work with state institutions/civil society/international actors? How have these interactions developed over time?
9. How would you characterize dynamics among NGOs/state institutions/international actors and between them? Have you observed any changes?

PART IV. Assessment of immigration policy developments / key moments of change

10. In your opinion, does Morocco/Tunisia have an immigration policy?
11. How would you describe the developments of Morocco's/Tunisia's approach to immigration over time?
12. Do you see any differences between the official policy and how it is implemented on the ground?

PART V. Drivers of immigration policy and changes

13. In your view, what explains the developments we just talked about? Who has been particularly involved?

14. Have these dynamics changed over time? Do you think the context has changed the way immigration is perceived and dealt with?
15. Is there a debate on immigration among the Moroccan/Tunisian population? If yes, what are the main issues?

PART VI. Ending the interview

16. Thanking for the very valuable insights during the interview
17. Ask whether respondent agrees to be contacted again in a few months' time to discuss some of these questions in more detail
18. Depending on the situation, ask for contact details of other potential respondents

1.3 LIST OF WORKSHOPS AND CONFERENCES ATTENDED DURING FIELDWORK

In addition to the semi-structured interviews, I attended several events in Morocco and Tunisia during my fieldwork. This gave me the opportunity to observe interactions between participants as well as their discourse in public or semi-public settings. This provided valuable information to contextualize my interview respondents and the 'field' in which they operate. Furthermore, this allowed me to have an additional fifty informal conversations with a wide range of actors during or after these events.

Morocco

- Conference of the GIZ Integration Strategy Group, Hotel Tour Hassan, 19 October 2016
- 4th Annual Forum on Immigration, National Library, 28 March 2017
- Seminar at the Centre Jacques Berque (La mobilité à Rabat – Espaces publics, immigrants subsahariens), 28 March 2017
- Workshop of the FRAME project (The promotion of human rights by the EU in Morocco and the Southern Mediterranean), International University Rabat, 30 March 2017

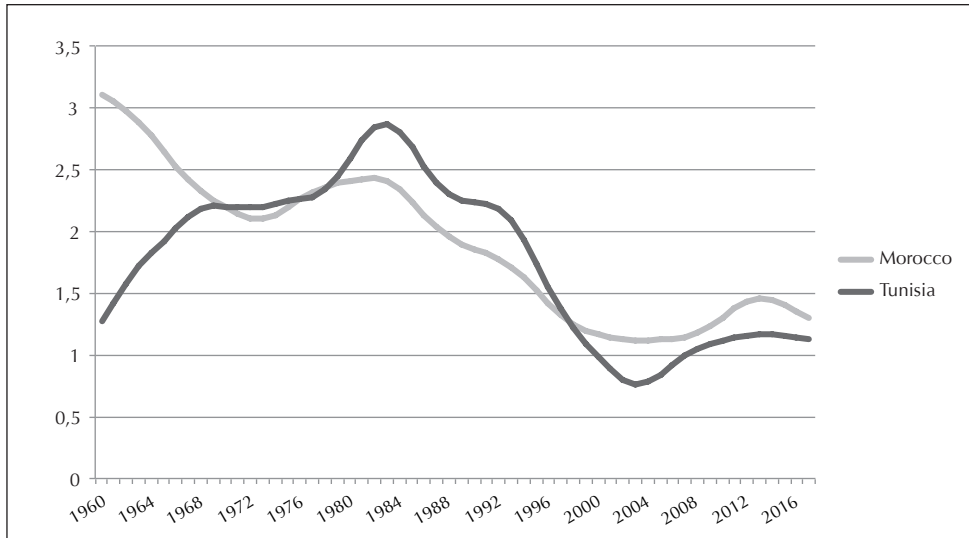
Tunisia

- Roundtable, Rosa Luxembourg Foundation, 22 November 2016
- Monthly breakfast roundtable (L'accès au séjour), Terre d'Asile Tunisie, 25 November 2016
- Workshop of the IRAM project (Etude sur l'emploi formel et informel des immigrés en Tunisie), Golden Tulip El Mechtel, 8 May 2017
- Workshop by Medecins du Monde, Hotel Belvédère, 11 May 2017
- Workshop by FTDES and TAT (Journée d'études sur la situation des migrants en Tunisie), Hotel Majestic, 16 May 2017

ANNEX 2: MACRO INDICATORS ON MOROCCO AND TUNISIA

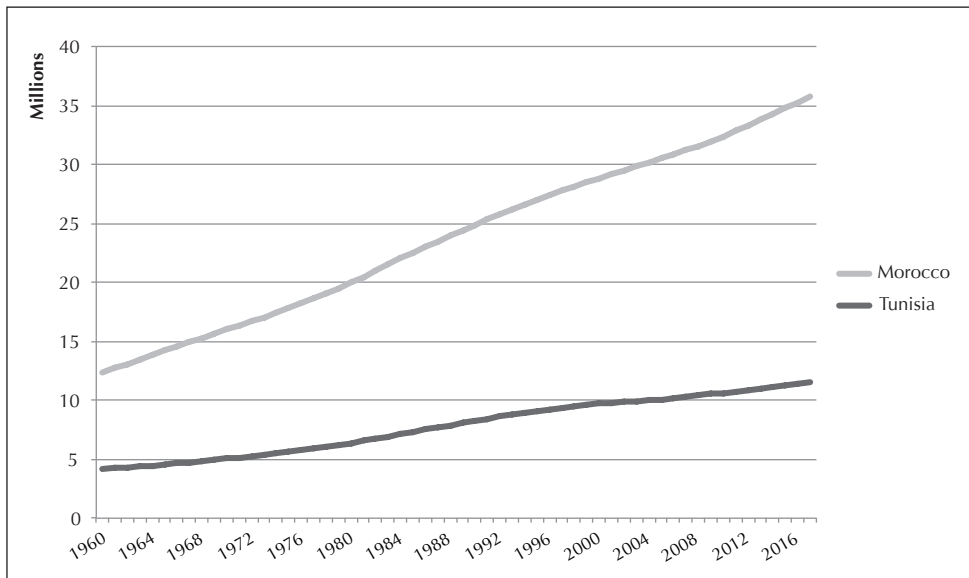
2.1 DEMOGRAPHIC INDICATORS

FIGURE A 1: Evolution of yearly population growth (in %), 1960-2017



SOURCE: World Development Indicators (2018), The World Bank.

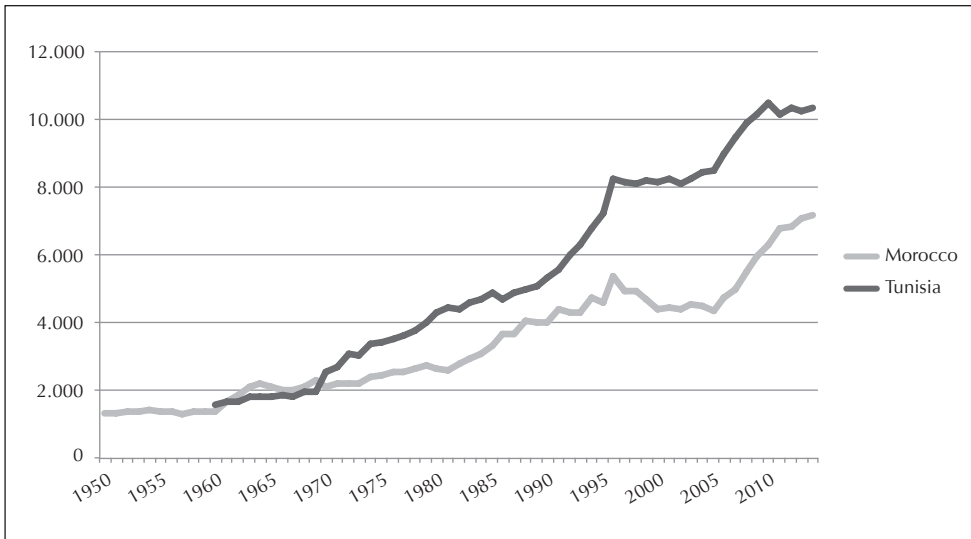
FIGURE A 2: Evolution of population size, 1960-2017



SOURCE: World Development Indicators (2018), The World Bank.

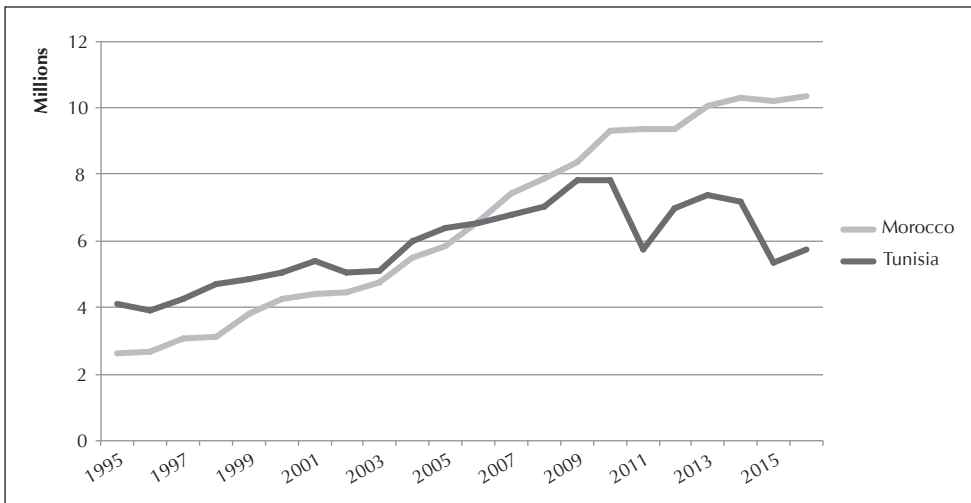
2.2 ECONOMIC INDICATORS

FIGURE A 3: Evolution of real GDP per capita, 1960-2014³⁶⁰



SOURCE: Penn World Table 9.0 (Feenstra, Inklaar and Timmer 2015)

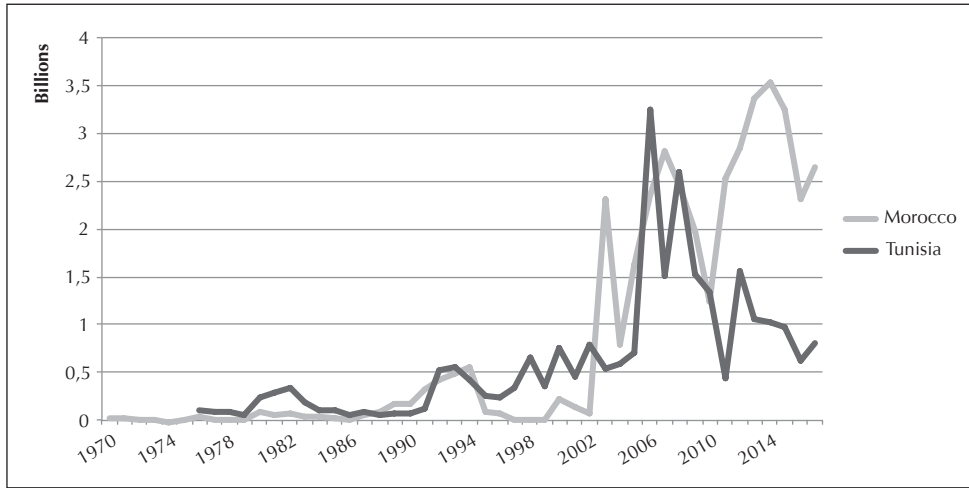
FIGURE A 4: International tourism, number of arrivals, 1995-2016



SOURCE: World Development Indicators (2018), The World Bank.

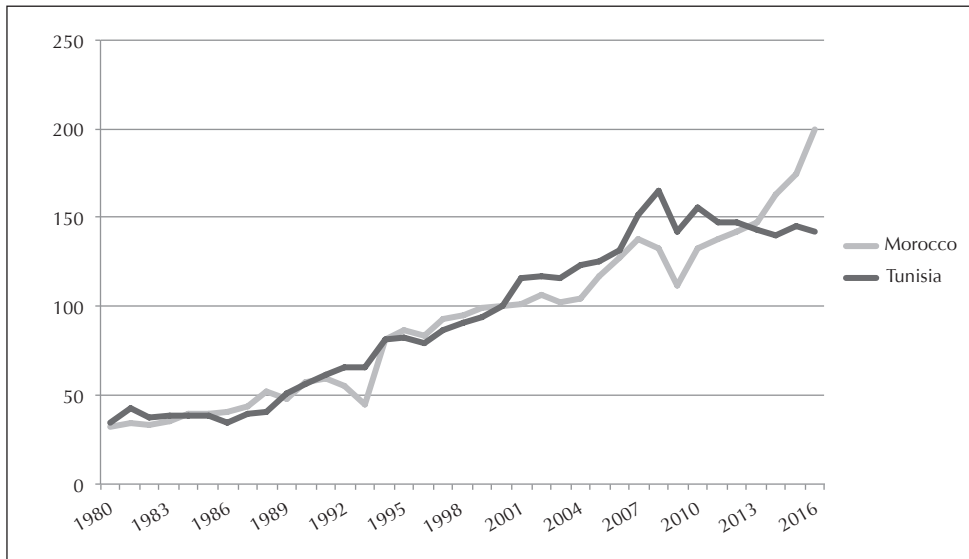
³⁶⁰ The variables measures expenditure-side real GDP at chained PPPs (in mil. 2005 US\$) which allows the comparison of relative living standards across countries and over time.

FIGURE A 5: Foreign direct investment (net inflows, current US\$), 1970-2017



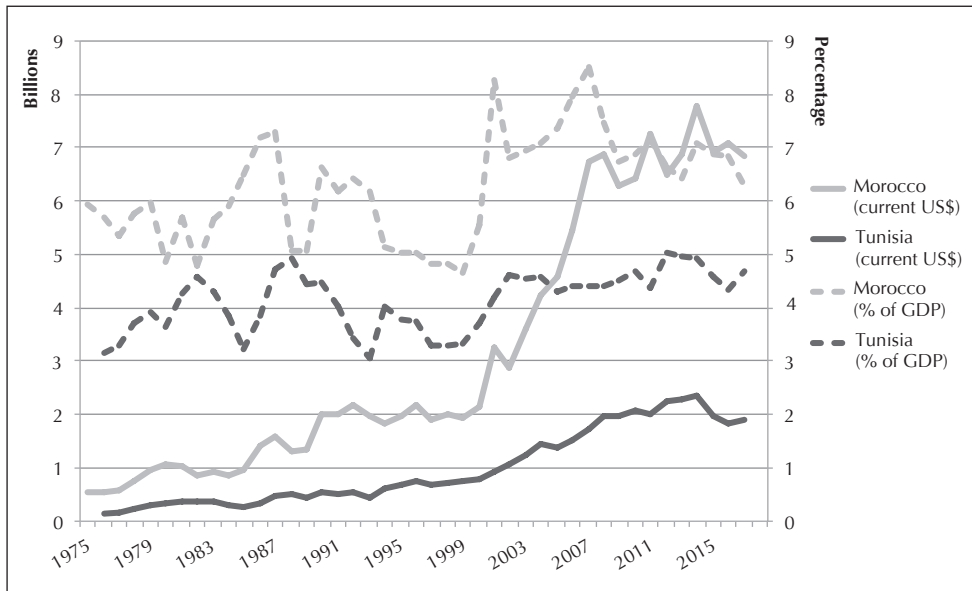
SOURCE: World Development Indicators (2018), The World Bank.

FIGURE A 6: Export volume index (2000=100), 1980-2016



SOURCE: World Development Indicators (2018), The World Bank.

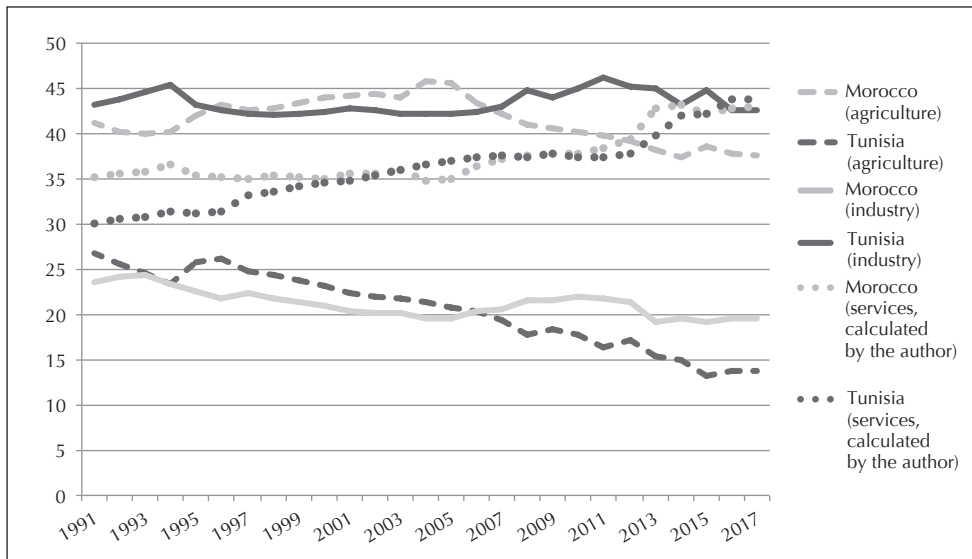
FIGURE A 7: Personal remittances received, 1975-2017



SOURCE: World Development Indicators (2018), The World Bank.

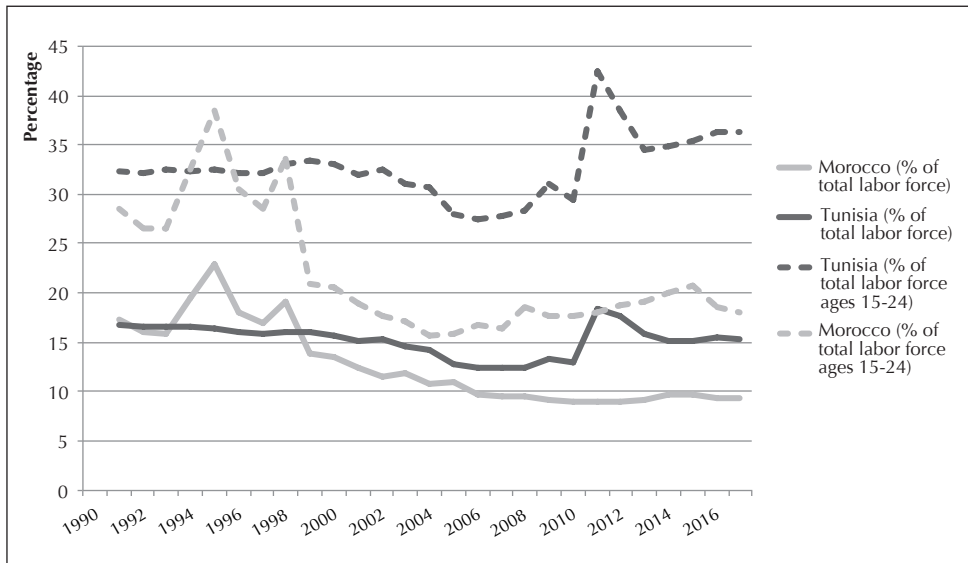
2.3 LABOUR MARKET AND EDUCATIONAL INDICATORS

FIGURE A 8: Employment by sector as % of total employment, 1991-2017



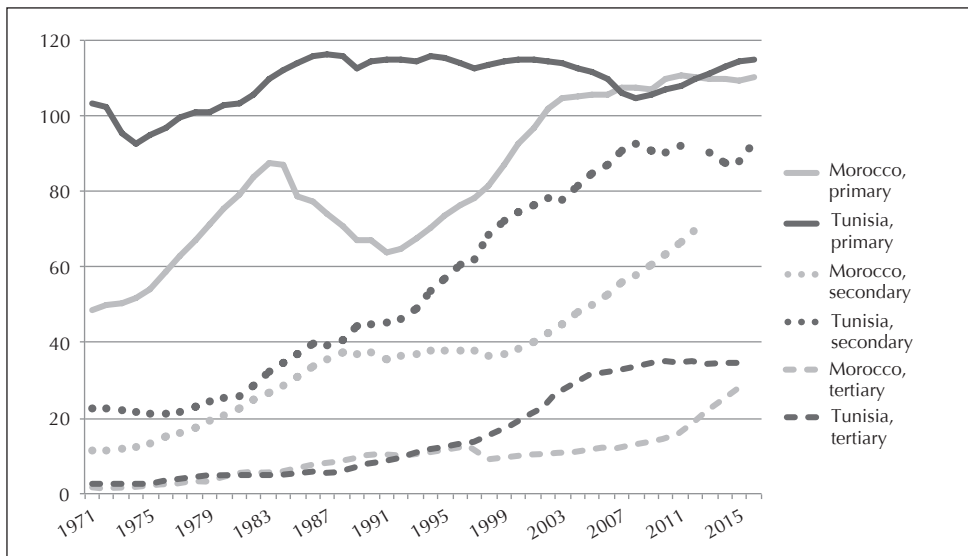
SOURCE: World Development Indicators (2018), The World Bank.

FIGURE A 9: Unemployment levels, 1990-2017



SOURCE: World Development Indicators (2018), The World Bank.

FIGURE A 10: Gross school enrolment ratio, 1971-2016³⁶¹

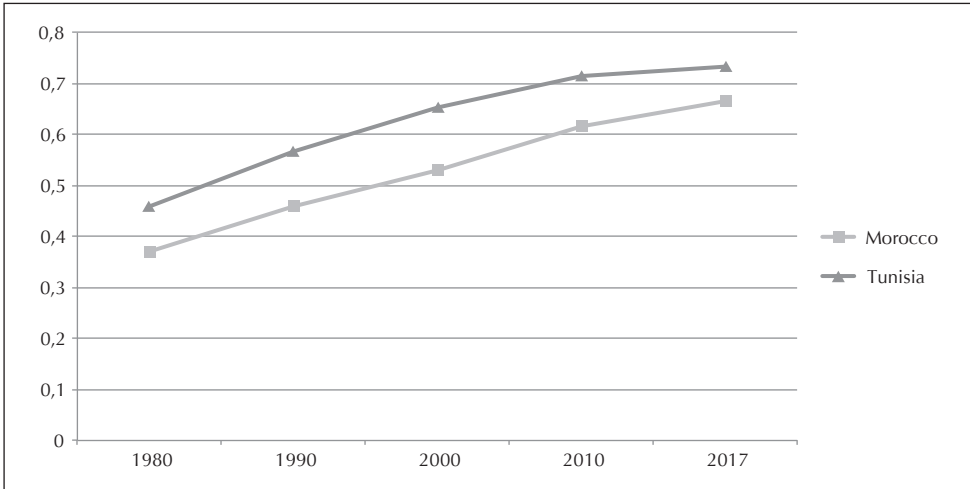


SOURCE: World Development Indicators (2018), The World Bank.

³⁶¹ The gross enrolment ratio is the ratio of total enrolment, regardless of age, to the population of the age group that officially corresponds to the level of education shown.

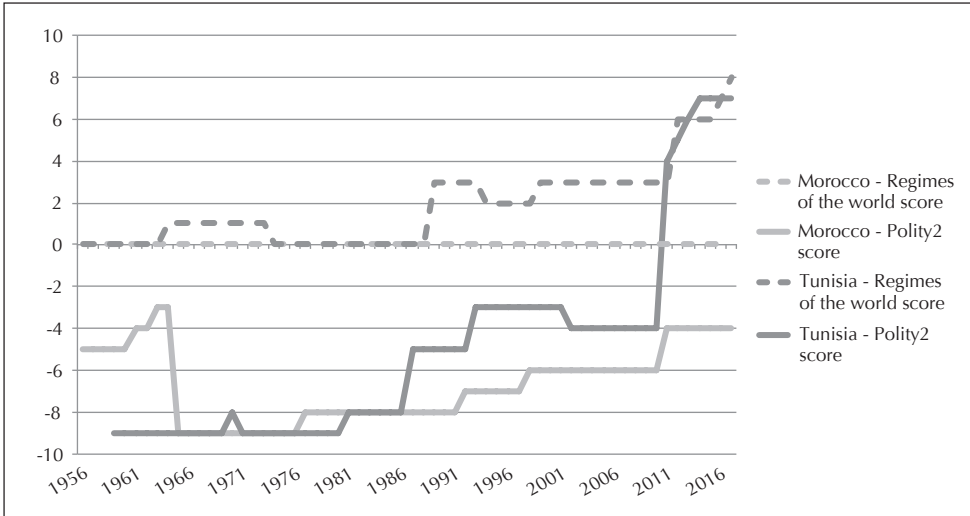
2.4 POLITICAL AND SOCIAL INDICATORS

FIGURE A 11: Evolution of Human Development Index, 1980-2017



SOURCE: UN Human Development Reports (UNDP 2013; UNDP 2018)

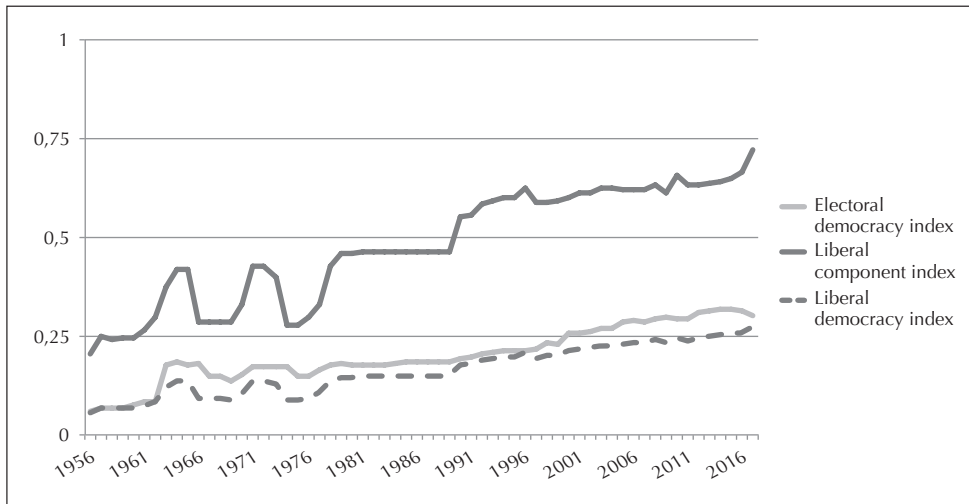
FIGURE A 12: Changes in political systems, 1956-2017³⁶²



SOURCES: PolityIV Project (Marshall, Gurr and Jagers 2018); V-Dem Project (Coppedge et al. 2018; Pemstein et al. 2018)

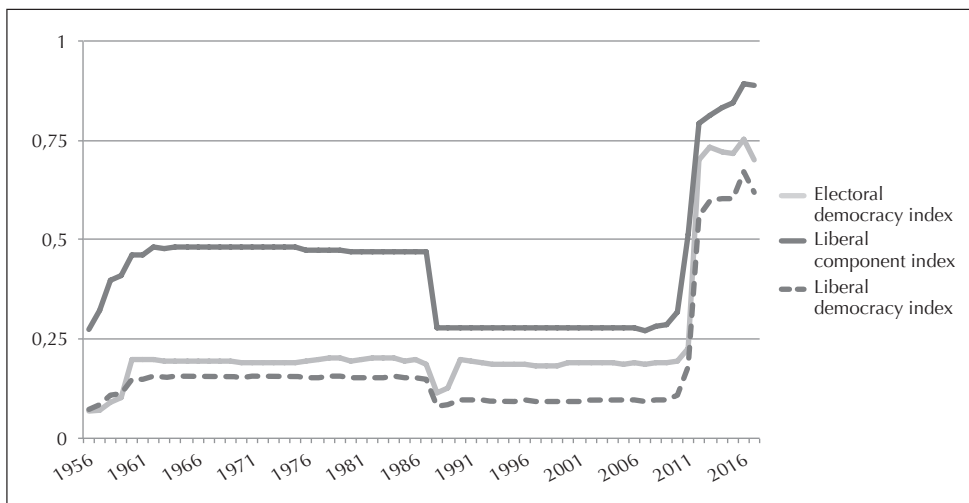
362 Polity scores range from -10 to +10. The 21-point scale covers a spectrum of political regimes spanning from institutionalized autocracies through mixed regimes to consolidated democracies can also be converted into three regime categories as ‘autocracies’ (-10 to -6), ‘hybrid’ regimes (-5 to +5) and ‘democracies’ (+6 to +10). Regimes of the World (RoW) scores from the V-Dem dataset range from 0 to 9, with the following thresholds: 0 for ‘closed autocracy’, 3 for ‘electoral autocracy’, 6 for ‘electoral democracy’ and 9 for ‘liberal democracy’.

FIGURE A 13: Changes in electoral and liberal components of democracy, Morocco, 1956-2017³⁶³



SOURCE: V-Dem Project (Coppedge et al. 2018; Pemstein et al. 2018)

FIGURE A 14: Changes in electoral and liberal components of democracy, Tunisia, 1956-2017³⁶³



SOURCE: V-Dem Project (Coppedge et al. 2018; Pemstein et al. 2018)

363 The liberal component index captures the extent the protection of individual and minority rights is achieved by constitutionally protected civil liberties, strong rule of law, an independent judiciary, and effective checks and balances. The electoral democracy index captures the extent to which rulers are made responsive to citizens through electoral competition, political and civil society organizations, clean and regular elections, freedom of expression and an independent media. The liberal democracy index measures to what extent the ideal of liberal democracy is achieved by combining the electoral and liberal components. One can interpret scores of 0 as ‘closed autocratic’, 0.25 as ‘autocratic’, 0.5 as ‘ambivalent’, 0.75 as ‘minimally democratic’, and 1 as ‘democratic’.

ANNEX 3: IMMIGRATION AND POLITICAL CHANGE IN MOROCCO AND TUNISIA, 1900-2018

3.1 IMMIGRATION POLICY CHANGES IN MOROCCO

TABLE A 2: Morocco's main legal and informal policy changes related to immigration

Year	Measure
1915 ³⁶⁴	Transfer of French immigration law to Moroccan territory. Criteria according to which people are not allowed entry or can be expelled from the Moroccan territory are set out.
1931 ³⁶⁵	Introduction of the work permit as well as sanctions for irregular entry and work.
1934 ³⁶⁶	The work permit is conditioned to the labour market situation. Sanctions for employers or carriers of irregular migrants are introduced and penalties for irregular migrants increased.
1940 ³⁶⁷	People considered a risk to national security or subject to expulsion can be assigned a specific residence and the execution of labour for the common good.
1941-1951 ³⁶⁸	Penalties for irregular entry and stay (fines and imprisonment sentences) are increased three times.
1955 ³⁶⁹	Ratification of Geneva Refugee Convention by France.
1957 ³⁷⁰	Morocco confirms its ratification of the Geneva Refugee Convention, turning Morocco into the first Arab country to have adopted a law on asylum. Nonetheless, there has been no functioning national refugee determination procedure in Morocco.
1963-1964 ³⁷¹	Bilateral Agreements with Algeria, Tunisia and Senegal to reciprocally facilitate entry and stay of nationals of these countries and equal treatment for socio-economic rights. These agreements have not been consistently implemented since.
1970s	Bilateral partnerships between Morocco and francophone African countries set up quotas and publicly-funded scholarships for African students wishing to study in Morocco.
1993 ³⁷²	Ratification of the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, entered into force in July 2003.
2003 ³⁷³	Creation of the labour Code unifying existing labour regulations. Articles 516-521 consolidate the work permit requirement and employer sanctions.

364 Dahir of 8 December 1915, In: B.O. n°161 of 13 December 1915

365 Dahir of 20 October 1931, In: B.O. n°993 of 6 November 1931

366 Dahir of 15 November 1934, In: B.O. n°1152 of 23 November 1934

367 Dahir of 2 January 1940, In: B.O. n°1421 of 19 January 1940

368 Dahir of 16 May 1941, Dahir of 1 May 1950, Dahir of 21 February 1951, respectively In: B.O. n°1491 of 23 May 1941, B.O. n°1967 of 7 July 1950, B.O. n°2006 of 6 April 1951

369 Dahir of 8 August, In: B.O. n°2237 of 9 September 1955

370 Dahir 1-57-271 of 26 August 1957 and Dahir 2-57-1256 of 29 August 1957, In: B.O. n°2341 of 6 September 1957

371 Establishment Convention with Algeria (15 March 1963), Senegal (27 March 1964) and Tunisia (9 December 1964)

372 Dahir 4-93-5 of 14 June 1993; Dahir 1-93-517 of 2 August 2011, In: B.O. n°6018 of 2 February 2012

373 Dahir 1-03-194 of 11 September 2003, In: B.O. n°5210 of 6 May 2004

2003 ³⁷⁴	Law 02-03 unifies regulations on entry and stay of foreigners in Morocco and introduces high fines and prison sentences for irregular entry and exit of the territory and support of irregular migrants. In parallel, a National Strategy to Fight Illegal Migration is elaborated.
2005 ³⁷⁵	Introduction of exemptions from the labour market test for foreigners married to a Moroccan, refugees, high-skilled workers and investors.
2006	Morocco hosts the first Euro-African conference on Migration and Development in Rabat, hereby launching the Rabat Process.
2007	Launch of the National Strategy to Fight Against Human Trafficking.
2010 ³⁷⁶	Internal hospital rules guarantee healthcare access to foreigners irrespective of their status.
2011 ³⁷⁷	Adoption of Morocco's new constitution. Article 30 guarantees the right to asylum.
2012 ³⁷⁸	Syrian children are allowed to register in Morocco public and private schools.
2013	On 10 September, King Mohammed VI outlines his orientations for a new migration policy, based on the CNDH report 'Foreigners and Human Rights: for a radically new policy' of 9 September.
2013	Morocco launches the African Alliance for Migration and Development at the UN General Assembly in New York in October to promote itself as a regional model for responsible and solidary migration management.
2013 ³⁷⁹	Children of sub-Saharan and Sahelian migrants are allowed to register in Moroccan public schools regardless of their legal status. This is later enlarged to include all foreign children.
2013 ³⁸⁰	Setting out of criteria for the exceptional regularization campaign of irregular migrants between January and December 2014: foreign spouses of Moroccans, foreign spouses of regular foreign residents in Morocco, foreign children of these two cases, foreigners with a work contract, foreigners with five years of continuous residence in Morocco, foreigners with serious illnesses.
2014	Adoption of the National Strategy of Immigration and Asylum (SNIA).
2014	Informal regularization of migrant associations and Moroccan pro-migrant CSOs.
2015 ³⁸¹	Elaboration of a healthcare insurance for regularized migrants and refugees similar to the healthcare assistance for poor Moroccans (RAMED).
2015 ³⁸²	Creation of an accelerated residence permit procedure for foreign investors and rare competences.

374 Dahir 1-03-196 of 11 November 2003, In: B.O. n°5162 of 20 November 2003

375 Circular n°1391-05 of the Ministry of employment and professional formation of 25 November 2005

376 Circular n°456-11 of the Ministry of Health of 6 July 2010, In: BO n°5926 of 17 March 2011

377 Dahir 1-11-91 of 29 July 2011, In: B.O. n°5964bis of 30 July 2011

378 Note n°2-4676 by the Ministry of Education of 11 December 2012

379 Circular n°13-487 of 9 October 2013 and Circular n°5-2014 of 21 January 2014 by the Ministry of National Education.

380 Circular n°8303 of 16 December 2013 by the Ministry of Interior and the Ministry for the Community of Moroccans Residing Abroad and Migration Affairs

381 Partnership Convention of 26 October 2015 between the Ministry for the Community of Moroccans Residing Abroad and Migration Affairs, the Ministry of Health, the Ministry of Interior and the Ministry of Finance

382 Note by the Ministries of Interior, Employment, Industry of September 2015, see: https://www.anapec.org/conseils/procedure_etrangers/

2016 ³⁸³	Law 19-12 regulates the working and employment conditions of domestic workers (both Moroccans and foreigners).
2016 ³⁸⁴	Law 27-14 specifies the identification, protection and punishments related to human trafficking. Victims of human trafficking are not granted a residence permit beyond the end of the legal process.
2016	Second regularization campaign between December 2016 and December 2017.
2016 ³⁸⁵	Regularized migrants are exempted from the labour market test (called 'ANAPEC procedure') and thus granted eased access to the Moroccan labour market.
2017	Regularized migrants renewing their residence permits will now receive a three year permit instead of a one year permit.
2017	After rejoining the African Union, Morocco is put in charge of coordinating and driving the migration dossier at the African Union.
2018	Morocco presides over the Global Forum of Migration and Development (GFMD) in 2018 and hosts the UN International Migration Conference in December, leading to the signature of the Global Compact for Safe, Orderly and Regular Migration.
Since 2013	Elaboration of a law introducing penalties for racial (and potentially other types of) discrimination.
Since 2014	Elaboration of Law 95-14 (now Law 72-17) revising and/or replacing Law 02-03 on immigration.
Since 2014	Elaboration of Law 26-14 (now Law 66-17) establishing a Moroccan asylum office and national refugee determination procedure.
Since 2017	Reform of nationality law submitted to Parliament to allow men married to Moroccan women to access Moroccan nationality (until now, this was only possible for women married to Moroccan men).

TABLE A 3: Moroccan national institutional changes related to immigration

Year	Measure
1957 ³⁸⁶	Morocco creates a Bureau of Refugees and Stateless People (BRA) within the Ministry of Foreign Affairs in charge of granting refugee status. NOTE: The BRA has not really been functional until 2013.
1986	Creation of Moroccan Agency for International Cooperation (AMCI) under the Ministry of Foreign Affairs to organize and promote student migration to Morocco.
2003 ³⁸⁷	Law 02-03 creates a new Directorate of Migration and Border Surveillance within the Ministry of Interior, as well as a Migration Observatory.
2005	The BRA officially closes down.

383 Dahir 1-16-121 of 10 August 2016, In: B.O. n°6493 of 22 August 2016

384 Dahir 1-16-127 of 25 August 2016, In: B.O. n°6526 of 15 December 2016

385 This circular by the Ministry of Employment could not be identified or found. Interviewees all attest its existence and it is acted upon by relevant administrations, but no one had seen it on paper.

386 Dahir 1-57-271 of 26 August 1957 and Dahir 2-57-1256 of 29 August 1957, In: B.O. n°2341 of 6 September 1957

387 Dahir 1-03-196 of 11 November 2003, In: B.O. n°5162 of 20 November 2003

2013	Reopening of the BRA in September, which is now evaluating refugee claims together with UNHCR.
2013	The Ministry for Moroccans Living Abroad is renamed in October as the Ministry for Moroccans Living Abroad and Migration Affairs (MCMREAM). Also, two new departments are created to implement the regularization campaign and to coordinate the new migration policy: The Directorate of Migration Affairs and the Directorate of International Cooperation.
2013 ³⁸⁸	Creation of an inter-ministerial Commission to implement the new migration agenda in September.
2014	Launch of the National Appeals Commission for regularization in June, led by the CNDH but with representatives of Moroccan ministries, civil society and migrant organizations. The Commission decides to regularize all women and children having submitted a request, and facilitates the criteria for other applicants.
2015	Article 247 of the 2015 Finance Law allows foreign residents in Morocco to profit from public subventions on housing.
2015	The services of the Entraide Nationale, Morocco's public social relief institution created in 1957, are opened to migrants – regular, irregular and regularized.
2015	The Moroccan labour market agency ANAPEC opens their job search services to regularized migrants.
2016 ³⁸⁹	Law 27-14 creates a National Commission to coordinate the anti-human trafficking policy.
2016	Elaboration of the National Strategic Plan on Migrant Health (PSNSM) 2016-2021 to improve migrants' access to healthcare services in Morocco.
2017	Downgrading of the MCMREAM into a Delegate Ministry and integration in the Ministry of Foreign Affairs in the course of the new government formation in April 2017.
2017-2018	Between March 2017 and December 2018, the BRA stopped assessing refugee status applications.

TABLE A 4: IO activities related to immigration in Morocco

Year	Measure
1965	UNHCR opens an honorary representation in Morocco.
2001	IOM starts to work in Morocco.
2004	IOM starts organizing Assisted Voluntary Returns of sub-Saharan migrants from Morocco.
2004	UNHCR starts to send international staff to Morocco without Moroccan authorities' approval.
2005 ³⁹⁰	Cooperation Agreement signed in February between Morocco and IOM that allows them to open a bureau (in 2007).

388 Dahir 2-13-731 of 30 September 2013.

389 Dahir 1-16-127 of 25 August 2016, In: B.O. n°6526 of 15 December 2016

390 Dahir 1-06-116 of 22 February 2005, In: B.O. n°5536 of 21 June 2007

2006	The Swiss Development Agency starts to work on migration issues in Morocco, mainly supporting Caritas in their humanitarian work and after 2011 also GADEM in their advocacy work. In 2013, the funding schemes in Morocco are officialized through a cooperation agreement between Switzerland and Morocco.
2006	Creation of a UN inter-agency thematic group on migration (GMT) to coordinate the work of UN agencies on migration in Morocco.
2007 ³⁹¹	Cooperation Agreement signed in July between Morocco and UNHCR to grant them the right to conduct refugee status determination procedures in Morocco.
2013	In June, Morocco and the EU sign a joint declaration for a Mobility Partnership. Negotiations started in January 2015, but apart from project funding, there has been no tangible outcome yet.
2014	The EU SHAKARA project (2014-2017) is launched to foster migration and development planning in Morocco.
2014	The MCMREAM and the Swiss Development Cooperation start a technical committee to coordinate funding activities on migration.
2015	The German Development Cooperation GIZ launches several multi-million projects on immigration, asylum and integration policy in Morocco.
2016	The UN and the MCMREAM launch the Joint Support Programme for the Implementation of the SNIA (2017-2021), involving eight UN agencies.
2018	Presentation of the African Migration Agenda and launch of the African Migration Observatory of the AU in Rabat.

TABLE A 5: National and international NGOs working on immigration in Morocco

Year	Measure
1961	Creation of the Association of Senegalese Nationals Residing in Morocco (ARSEREM).
1981	Creation of the Confederation of African pupils, students and interns in Morocco (CESAM).
1994	Creation of the Moroccan Association for Studies and Research on Migrations (AMERM), also working on immigration from the early 2000s.
1995	Caritas starts to work with sub-Saharan migrants in Rabat.
2000	The Moroccan Association of Human Rights (AMDH, created in 1979) starts to work on irregular migration, first of Moroccans, then also of sub-Saharan Africans.
2001	Creation of the association of Friends and Families of Victims of Clandestine Migration (AFVIC).
2002	Creation of the International Mutual Aid Committee (CEI) at the Evangelical Church in Rabat to provide humanitarian aid to migrants. In parallel, house churches start to play an important role in providing support for irregular migrants.

³⁹¹ Dahir 1-08-90 of 20 October 2008, In: B.O. n°5692 of 18 December 2008

2003	Caritas and the French association La Cimade are founding members of the first 'Plateforme Migrants' (PFM), active until 2006.
2004	The Moroccan Organization of Human Rights (OMDH, created in 1988) starts to work on immigration.
2005	Caritas opens the Migrant Reception Centre (CAM) in Rabat. In 2008, a second reception centre is opened in Casablanca, the JRS, and in 2011 a third one in Tangier, the TAM.
2005	The Foundation Orient-Occident (FOO, created in 1994) starts to work on migration.
2005	Creation of the Council of sub-Saharan migrants in Morocco (CMSM).
2006	Creation of Collective of Migrant Workers in Morocco (CTMM), legalized by the Moroccan state in June 2014.
2006	Creation of the Anti-Racist Group for the Defense of Foreigners and Migrants (GADEM), legalized by the Moroccan state in December 2013.
2007	OMDH and UNHCR create a Centre for legal assistance for refugees and asylum seekers in Rabat and Oujda. The centre in Rabat was closed in 2013.
2007	The Moroccan Association for the Support and Promotion of Small Enterprises (AMAPPE) starts to work on refugee labour market integration together with UNHCR.
2010	Creation of the African Cultural Centre of Morocco (CCAM) in Rabat.
2010	Organization of the first edition of the yearly cultural Festival Migrant'scène in Rabat by the GADEM and DABATEAR. It echoes the French festival Migrant'scène organized by the NGO La Cimade since 2006.
2011	Creation of the Collective of sub-Saharan communities in Morocco (CCSM), legalized by the Moroccan state in May 2015.
2012	Creation of the Democratic Organization of Immigrant Labour (ODTI), the first migrant union in Morocco. In 2014, a specific sub-section for Filipino workers was created within the ODTI.
2012	Creation of the National Migrant Protection Platform (PNPM), reuniting different Moroccan and international CSOs working on migration, amongst which Caritas, Droit et Justice, FOO, Medecins du Monde Belgique, or OMDH.
2012	In December, organization of the first edition of the yearly Migrant Week (La Semaine des Migrants) by the ODTI. Starting in 2015, the Migrant Week is organized by the MCMREAM.
2013	The Association Law and Justice (Droit et Justice) starts offering refugees legal assistance.
Since 2014	Creation of numerous migrant associations and pro-immigrant civil society organizations.
2017	Three main Moroccan labour unions, the UMT, the UGTM and the CDT, decide to create migrant sections.
2017	Creation of the Civil Council to Fight Against all Forms of Discrimination by a group of CSOs, including GADEM and ALECMA.

TABLE A 6: Relevant Moroccan socio-political developments and immigration-related events

Year	Measure
1912	Fes Treaty: Establishment of French and Spanish Protectorate on Moroccan territory.
1956	Independence from France (2 February) and Spain (7 March), Mohammed V continues to head the Moroccan monarchy.
1961	Hassan II becomes King (3 March) after the death of his father, Mohammed V (26 February).
1965-1970	State of Emergency in Morocco.
1979	Creation of the Moroccan Association of Human Rights (AMDH).
1984	Morocco leaves the African Union after it recognizes the SADR.
1987	Morocco applies for membership in the EU (rejected for geographical reasons).
1988	Creation of the Moroccan Organization of Human Rights (OMDH).
1990	Creation of the Consultative Council on Human Rights (CCDH).
1999	Mohammed VI becomes King (30 July) after the death of his father Hassan II (23 July).
1999	Mohammed VI introduced his new concept of authority, based on the protection of rights and liberties to consolidate the 'rule of law' in Morocco, triggering widespread hope.
2000	Publication of the 'Berber Manifesto', reinforcing claims for the recognition of Tamazight language, culture and identity.
2001	Start of Africa policy by King Mohammed VI with a series of royal visits to African countries.
2003	Creation of the Equity and Reconciliation Commission (IER) to indemnize victims of the regime of Hassan II.
2003	Terrorist attacks in Casablanca (16 May) – 45 people are killed, incl. 12 suicide bombers, leading to 5,000 arrests across the country.
2004	Progressive reform of the family code (Mudawana) in January.
2005	Ceuta and Melilla incidents (28 August, 28 September, 5 October) – around 1,400 migrants tried to climb over the fences surrounding the two Spanish enclaves in northern Morocco and at least 12 migrants were shot dead by border guards.
2011	'20 February movement' leads to protests across Morocco.
2011	Creation of the National Council for Human Rights (CNDH) under the direction of Driss el Yazami, former director of the Council for the Moroccan Community Abroad (CCME).
Since 2016	In October, beginning of popular protests in the Rif, led by the Hirak movement.
2017	In January, Morocco officially reintegrates into the African Union after 33 years.
Since 2017	Morocco officially requests to join the Economic Community of Western African States (ECOWAS).
2017	In October, creation of a Delegate Ministry of African Affairs within the MoFA.

3.2 IMMIGRATION POLICY CHANGES IN TUNISIA

TABLE A 7: Tunisia's main legal and informal policy changes related to immigration

Year	Measure
1898 ³⁹²	Introduction of immigration controls: Foreigners have to declare and justify their residence in Tunisia, but no measures are taken to restrict immigration.
1930 ³⁹³	Introduction of the work permit, including a preference for national workers, a limitation of the work permit to highly qualified workers, and sanctions for irregular employment.
1953 ³⁹⁴	Introduction of administrative taxes to be paid by employers for every new or renewed work contract of a foreign employee, as well as for the visas of the workers' family.
1954 ³⁹⁵	Ratification of Geneva Refugee Convention by France.
1957 ³⁹⁶	Bourguiba asks UNHCR to support the Tunisian government in dealing with Algerian refugees and hereby recognizes that it is bound by the Geneva Refugee Convention.
1960s	Bilateral and multilateral co-operation agreements with francophone African countries set up quotas for the training and education of students and professionals.
1963-1973 ³⁹⁷	Bilateral agreements with Algeria, Tunisia and Libya to reciprocally facilitate entry and stay of nationals of these countries and equal treatment for socio-economic rights. NOTE: these agreements have not been consistently implemented since.
1966 ³⁹⁸	The labour code requires all foreigners to have a work contract signed by employer and the administration, and sets out sanctions for employers and irregular workers.
1968 ³⁹⁹	Law 68-7 sets out the criteria for entry and stay of foreigners in Tunisia and lays down the sanctions for irregular entry and stay, for falsification of documents, as well as for the help of irregular migrants' entry, exit or stay in Tunisia.
1975 ⁴⁰⁰	Law 75-40 lays down access rules for passports and travel documents for Tunisians, as well as for travel documents for foreigners. It also sanctions irregular entry and exit.
1993 ⁴⁰¹	Investment Code allows fully exporting firms to recruit management personnel from abroad – up to four people per firm. Beyond this number, the firm has to conform to a recruitment and 'Tunisification' programme by the Ministry of Labour.

392 Decree of 13 April 1898, In: Coleda (1953)

393 Decree of 20 February 1930, In: Coleda (1953)

394 Decree of 2 July 1953, In: Coleda (1953)

395 Decree of 2 June 1955, In: J.O.R.T n°47 of 14 June 1955

396 Communication of 24 October 1957 by the Permanent Representative of Tunisia at the UN to the UN Secretary General.

397 Establishment Agreements with Algeria (26 July 1963), with Tunisia (9 December 1964) and Libya (6 June 1973).

398 Law 66-27 of 30 April 1966, In: J.O.R.T n°22 of 17-24 May 1966

399 Law 68-7 of 8 March 1968, In: J.O.R.T n°11 of 8-12 March 1968

400 Law 75-40 of 14 May 1975, In: J.O.R.T n°34 of 20 May 1975

401 Law 93-120 of 27 December 1993, In: J.O.R.T n°99 of 28 December 1993

1994 ⁴⁰²	Labour Code revision increases the penalties for irregular employment, both for the employer and the employee.
1994 ⁴⁰³	Introduction of a 10 dinar per week fine for irregular stay through a decree by the Ministry of Finance, allowed for in the 1968 law.
2004 ⁴⁰⁴	Law 2004-06 introduces strict sanctions for irregular immigration and emigration and the support of irregular migrants. Most notably, it punishes family members and those protected by professional secret (lawyers, doctors) if they do not denounce an act of irregular entry or exit they are aware of.
2012	Tunisia unilaterally decides to apply the 1963 Establishment Convention and allows Algerians to work in Tunisia without a work permit. This decision is made official in an October 2015 agreement between Algeria and Tunisia that abolished work permits in both countries starting from 2016.
2013 ⁴⁰⁵	The penalty for irregular stay is increased from 10 to 20 dinars per week.
2013	After the closure of the Choucha camp in summer 2013, the Social Affairs Minister promises residence permits for the remaining refugees and migrants – the promise is not fulfilled due to the refusal of the Ministry of Interior.
2014 ⁴⁰⁶	The new Constitution is adopted in January 2014. Article 26 guarantees a constitutional right to political asylum and the protection from extradition (the protection from extradition for political refugees was already guaranteed in Article 17 of the 1959 Constitution).
2014	Libyan schools are created with approval of the Tunisian Ministry of Education. Also, Libyan children are allowed to enter Tunisian public schools.
2014	A Contingency Plan is elaborated by the Tunisian authorities together with UNHCR to prepare for an eventual new asylum crisis at the Libyan border. The preference for an urban approach in hosting incoming refugees in 2014 has been changed back in 2016 to a preference for a camp approach.
2014-2015 ⁴⁰⁷	Foreigners are required to pay a 30 dinar tax upon exit from Tunisia. In reaction to public and diplomatic protest, Tunisia removed this requirement in March 2015 for Maghreb nationals (Morocco, Algeria, Libya, Mauritania), Tunisians living abroad, political refugees, diplomatic personnel, and those expelled with the assistance of IOM, UNHCR or their home country. In August 2015 the solidarity tax was removed entirely.
2016 ⁴⁰⁸	Law 2016-61 sets out the protection mechanisms and penalties to prevent and fight human trafficking. It does not however grant a residence permit to victims of trafficking beyond the time of the legal proceedings.
2016 ⁴⁰⁹	Revision of the Investment Law expands the rights of firms to recruit foreigners in highly skilled positions regardless of opposability of national workers.

402 Law 94-29 of 21 February 1994, In: J.O.R.T n°15 of 22 February 1994

403 Decree 94-815 of 11 April 1994, In: J.O.R.T n°30 of 19 April 1994

404 Law 04-6 of 3 February 2004, In: J.O.R.T n°11 of 6 February 2004

405 Decree 2013-930 of 1 February 2013, In: J.O.R.T. n°14 of 15 February 2013

406 Constitution promulgated on 27 January 2014, In: J.O.R.T. Special Edition of 20 April 2015

407 Law 2014-54 of 19 August 2014, In: J.O.R.T. n°68 of 22 August 2014; Law 2015-4 of 16 March 2015, In: J.O.R.T. n°22/23 of 20-4 March 2015; Law 2015-30 of 18 August 2015, In: J.O.R.T. n°67 of 21 August 2015.

408 Law 2016-61 of 3 August 2016, In J.O.R.T. n°66 of 12 August 2016

409 Law 2016-71 of 30 September 2016, In: J.O.R.T. n°82 of 7 October 2016

2016 ⁴¹⁰	Libyans are now allowed to buy property in Tunisia without the authorization of the governor. In reaction to public protest, this possibility was restricted two months later to property above 200 million dinar.
2017 ⁴¹¹	A maximum of 3,000 dinar penalty for irregular stay is introduced (equivalent to 150 weeks in irregularity), as well as exemptions for victims of trafficking, refugees and partners of Tunisians.
2018 ⁴¹²	Law 2018-50 penalizes racial discrimination (initially submitted by civil society actors in 2016, then redrafted by the government in 2017).
Since 2011	Elaboration of a law establishing a Tunisian asylum office and national refugee determination procedure.
Since 2012	Elaboration of a National Migration Strategy (first draft in 2013, second draft in November 2015, third draft in August 2017) comprising five axes, the last one covering immigration.

TABLE A 8: Tunisian national institutional changes related to immigration

Year	Measure
1991	The Tunisian Red Crescent (founded in 1956), Tunisia's public social relief institution, is charged to receive asylum requests and transmit them to UNHCR.
2012 ⁴¹³	Creation of the State Secretariat for Migration and Tunisians Abroad (SEMTE) within the Ministry of Social Affairs to coordinate all policies on migration, led by a State Secretary and the General Directorate on International Cooperation on Migration (DGCIM).
2012	Creation of an inter-ministerial Commission on Migration, operational until 2014.
2014	With the new government, the State Secretary for Immigration and Tunisians Abroad disappears in January 2014 at governmental level, the DGCIM continues to work at operational level.
2014 ⁴¹⁴	Creation of the National Migration Observatory (ONM), de facto operational since 2015.
2015	In February, recreation of the State Secretary within the Ministry of Social Affairs, this time responsible for two dossiers – Social Integration and Migration.
2016	In January, the post of State Secretary for Social Integration and Migration is dissolved again, the DGCIM continues to work at operational level.
2016	In August, the post of State Secretary for Migration and Tunisians Abroad is recreated, this time under umbrella of Ministry of Foreign Affairs.
2017	Creation of a National Commission in charge of fighting human trafficking in February.
2017	In September, with the new government, the post of State Secretary for Migration and Tunisians Abroad is moved back to the Ministry of Social Affairs.

410 Note n°27-2016 of 31 October 2016 and note n°28-2016 of 26 December 2016 by the Ministry of State Property and Land Affairs.

411 Decree 2017-1061 of 26 September 2017, In: J.O.R.T. n°79 of 3 October 2017

412 Law 2018-50 of 23 October 2018, In: J.O.R.T. n°86 of 26 October 2018.

413 Decree 2012-634 of 8 June 2012, In: J.O.R.T. n°49 of 22 June 2012

414 Decree 2014-1930 of 30 April 2014, In: J.O.R.T. n°45 of 6 June 2014

TABLE A 9: IO activities related to immigration in Tunisia

Year	Measure
1963	UNHCR opens an honorary representation in Tunisia. From the early 1990s until 2011.
2000 ⁴¹⁵	Cooperation Agreement between Tunisia and IOM in September 2000 (ratified in April 2001), leading to the opening of an IOM office in Tunis in March 2001.
2011	UNHCR opens the Choucha refugee camp in the south-east of Tunisia in February.
2011 ⁴¹⁶	Cooperation Agreement between Tunisia and UNHCR to grant them the right to conduct refugee status determination procedures in Tunisia.
2012	ICMPD launched its ETMA project (2012-2014) on migration, later continuing work with the MoI on border management (2015-2017) and local migration governance (MC2CM project, 2015-2018).
2013	UNHCR closes the Choucha refugee camp in the south-east of Tunisia in June.
2013	ILO launches a regional project on labour migration (IRAM project, 2013-2017), involving the UGTT and the UTICA. In 2017, the FAIR project took over this work.
2013	Launch of IOM project: Mainstreaming migration into development planning (2013-2017), with focused cooperation with the MoH.
2014	The Swiss Development Agency and the EU launched a coordination group for all international organizations and European development funding agencies working on migration in Tunisia. They have elaborated a common 6-point advocacy agenda.
2014	In March, Tunisia and the EU sign a joint declaration for a Mobility Partnership. Negotiations have started in October 2016, but apart from project funding, there has been no outcome yet.
2015	UNHCR launches a project to work towards the enactment of Tunisia's asylum law (2015-2018).
2016	The EU LEMMA project (2016-2019) is launched to support the mobility partnership and assist Tunisian institutions in their migration strategy.

TABLE A 10: National and international CSOs working on immigration in Tunisia

Year	Measure
1993	Creation of Association of African Students and Interns in Tunisia (AESAT), under control of the Ministry of Higher Education.
2007-2014	Tunisia's main labour union, the UGTT, establishes a network of unions between sub-Saharan Africa, North Africa and Europe. The Network of Unions on Mediterranean and sub-Saharan Migration (RSMMS) was created in 2009 and effectively launched in 2014.

415 Law 2001-37 of 18 April 2001, In J.O.R.T. n°32 of 20 April 2001

416 Decree-law 2011-92 of 29 September 2011, In: J.O.R.T. n°75 of 4 October 2011

2011	The INGO Euromed Rights opens a regional Maghreb bureau in Tunis, acting as coordinator of civil society on migration issues and to monitor EU-Tunisia relations.
2011	The Tunisian Forum for Economic and Social Rights (FTDES) is officially created in 2011 and starts to work on migrants' rights and migrants disappeared in the Mediterranean Sea.
2011	Creation of the Tunisian Council for Refugees and Migrants (CTRM), an association of Tunisian lawyers, dissolved in 2015.
2012	Opening of the House of Rights and Migrations (Maison des Droits et des Migrations) in Tunis by Terre d'Asile Tunisie (TAT), the Tunisian branch of France Terre d'Asile.
2012	Creation of the Association for the Defence of Black Tunisians' rights (ADAM), active until 2014.
2013	Creation of Mnemty, an association of Black Tunisians fighting against racial discrimination.
2014	Creation of the Association of the Syrian Community/Colony in Tunisia.
2015	The INGO Médecins du Monde Belgique starts to work in Tunisia on migrant's health.
2015	Tunisia's main labour union, the UGTT, starts to cooperate with irregular migrant workers through an ILO project.
2015	The Tunis-based Arab Institute of Human Rights (IADH) starts working with UNHCR on refugee rights.
2015	The INGO Adventist Development and Relief Agency (ADRA) launches a project on the integration of refugees in the labour market in cooperation with UNHCR.
2016	The Media and Human Rights Observatory starts working on Libyan migrants access to healthcare.
2016	Creation of the Association of sub-Saharan Workers in Tunisia (ASTT) as a consequence of meetings with UGTT.
2016	The INGO Lawyers without Borders starts to work on victims of human trafficking together with FTDES.
2016	Launch of EU funded project of TAT and a Tunisian NGO, Beity, for the defense of migrants rights, the legal assistance and support for migrants, including the creation of a legal clinic.
2016	Launch of EU funded project of FTDES and Lawyers without Borders on legal support for victims of human trafficking (2016-2018).
2016	In September, TAT creates a second Maison du Droit et des Migrations in Sfax.
2016	Creation of Afrique Intelligence in Sfax.
2016	Creation of the Union of African Leaders (ULA) in Tunis.
2016	In December, AESAT launches the facebook campaign "I don't want to die in Tunisia because I am Black" after the attack of three students in Tunis.
2017	In May, organization of the cultural Festival Jaou in Tunis with the topic Tunisia: Migrant Nation, covering both historical and current immigration and emigration.
2017	The INGO Mercy Corps (present in Tunisia since 2011) starts working on immigration in Tunisia, Mali and Niger.

TABLE A 11: Relevant Tunisian socio-political developments and immigration-related events

Year	Measure
1881	Tunisia becomes a French protectorate.
1956	Treaties of Bardo and La Marsa: Independence from France (20 March). Habib Bourguiba is first nominated Prime Minister, then becomes President in 1957.
1957	On 25 July 1957 a new Constitution is passed. The Beylical Monarchy is abolished and the Republic proclaimed.
1987	In October, Zine el-Abidine Ben Ali is nominated Prime Minister, in November, he deposes Bourguiba for health reasons and becomes President.
2003	Relocation of the African Development Bank (AfDB) from Ivory Coast to Tunisia due to the political crisis in Ivory Coast. The AfDB moved back to Abidjan in 2014.
2008	Strikes and protests around the mine basin of Gafsa in the first half of the year are crushed by the state. They are often seen as a prelude of the 2011 revolution.
2010	Mohamed Bouazizi's self-immolation in Sidi Bouzid on 17 December 2010 triggers the Tunisian 'Jasmin Revolution'.
2011	After weeks of protest and the repositioning of the army on the side of the protesters, President Ben Ali is toppled on 14 January 2011. The democratization process starts.
2011 ⁴¹⁷	The new law on associations facilitates the creation of NGOs in Tunisia and the opening of offices for international organizations and associations.
2011	In October, the moderate, Islamist Ennahdha Party wins Tunisia's first free elections.
2013	The leftist opposition politician Chokri Belaïd is assassinated in February, triggering a political crisis that leads to the government's demission. In July, another leftist opposition politician, Mohamed Brahmi, is assassinated, reinforcing the political crisis in Tunisia.
2013	The 13 th edition of the World Social Forum takes place in Tunis from 26 to 30 March.
2014	On 26 January, the new Constitution is adopted by the Constituent Assembly.
2014	In October and November, parliamentary and presidential elections were held, with the secularist Nidaa Tounes Party winning a plurality. Beji Caid Essebsi was elected president, replacing interim President Moncef Marzouki.
2015	In March, 23 people are killed during a terrorist attack at the Bardo Museum close to Tunis; in June, 38 people are killed at the beach in Port al-Kantaoui; in November, 12 people are killed in an attack on the Presidential Guard in Tunis. A state of emergency is declared and lasted from November 2015 until March 2019.
2015	The 14 th edition of the World Social Forum took place in Tunis from 23 to 28 March.
2015	The 2015 Nobel Peace Prize is awarded to the Tunisian National Dialogue Quartet (the UGTT, the UTICA, the LTDH and the Tunisian Order of Lawyers) formed in 2013 when the democratic transition was endangered by political assassinations and social unrest.
2017-2018	Renewed protests in Tunis and the Southern, interior regions, calling for economic justice and mobilizing against the 'reconciliation law' that provides an amnesty for corruption charges under the old regime.

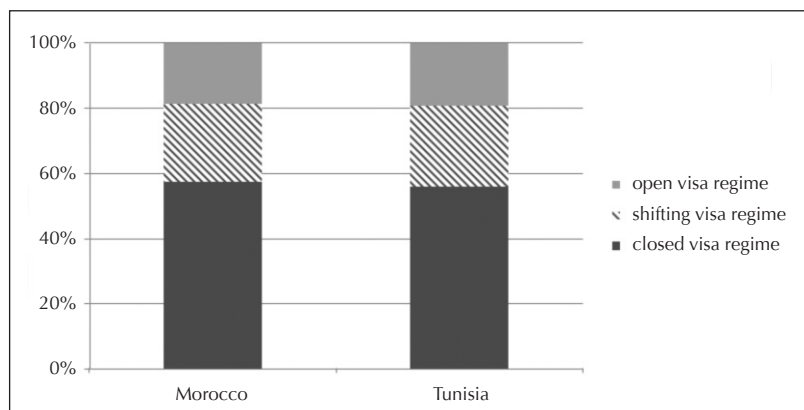
417 Decree-law 88 de 2011 of 24 September 2011, In: J.O.R.T. n°74 of 30 September 2011.

3.3 MOROCCAN AND TUNISIAN TRAVEL VISA REQUIREMENTS

DEMIG VISA tracks travel visa requirements of 214 countries for travellers of 237 countries over the 1973-2012 period, based on information from the IATA Travel Information Manual.

Figure A 15 shows the travel visa requirements of Morocco and Tunisia, distinguishing (1) open visa regimes for travellers with no visa requirement in all recorded years, (2) shifting visa regime for travellers and (3) closed visa regimes for travellers with visa requirement in all recorded years. In both countries, more than half of the world's citizens are faced with a closed visa regime over the entire 1973-2012 period and only 20% benefit from a stable open visa regime (see the lists of countries below). The remaining 25% of countries have seen their visa requirements shift over the decades. Table A 12 and Table A 13 show Morocco's and Tunisia's shifting visa regimes for a selection of African, European and Middle Eastern nationalities.

FIGURE A 15: Travel visa regimes in Morocco and Tunisia, 1973-2012



SOURCE: DEMIG (2015b)

- List of nationalities for which Morocco does not require a visa for each of the recorded years (in italic countries for which Tunisia's visa policy differs): *Andorra, Argentina, Australia, Austria, Bahrain, Brazil, Canada, Chile, Congo-Brazzaville, Côte d'Ivoire, Denmark, Finland, France, Greece, Guinea, Iceland, Indonesia, Ireland, Italy, Japan, Liechtenstein, Mali, Mexico, Monaco, New Zealand, Niger, Norway, Peru, Philippines, Romania (since 1993), Senegal, Spain, Sweden, Switzerland, United Kingdom, United States of America, Venezuela, Yugoslavia (until 1993).*
- List of nationalities for which Tunisia does not require a visa for each of the recorded years (in italic countries for which Morocco's visa policy differs): *Algeria, Austria, Bulgaria, Canada, Chile, Côte d'Ivoire, Croatia (since 1993), Denmark, Finland, France, Germany, Greece, Guinea, Iceland, Ireland, Italy, Japan, South Korea, Liechtenstein, Macedonia (since 1995), Mali, Malta, Mauritania, Monaco, Montenegro, Morocco, Niger, Norway, Romania (since 1993), Senegal, Serbia (since 2007), Spain, Sweden, Switzerland, Turkey, United Kingdom, United States of America, Yugoslavia (until 1993).*

3.4 MOROCCAN AND TUNISIAN CONSTITUTIONS

Constitutions provide a “window [...] into the nature of national selfhood” (Kommers 2012: 128). As both Morocco and Tunisia have adopted new constitutions as a result of political developments over the last decade, the two-fold comparison between the old and new constitutions of Morocco and Tunisia provides interesting insights into the ‘national imaginaries’ and the ‘mental world maps’ of both states. As Table A 14 shows, these constitutions point to different understandings of the nation-state that provide an interesting entry point to explain approaches to immigration. This analysis focuses on the preamble and second chapter of the constitutions of 1959 (Tunisia) and 1962 (Morocco) laying out the political system for the post-independence period, as well as the most recent constitutions of 2011 (Morocco) and 2014 (Tunisia).⁴¹⁸

TABLE A 14: Constitutional preambles and national identity

	Morocco		Tunisia	
	1962	2011	1959	2014
National identity referents	1. Muslim 2. Arab	1. Muslim 2. Arab 3. Amazigh 4. Saharo-Hassani 5. African 6. Andalusian 7. Hebraic 8. Mediterranean	1. Muslim 2. Arab	1. Arab Oumma 2. Islamic Oumma
Geopolitical identity referents	1. Maghreb 2. Africa	1. Maghreb 2. Arabo-Islamic Oumma 3. Sub-Saharan Africa, Sahel 4. Euro-mediterranean region	1. Maghreb 2. Africa	1. Maghreb 2. Africa 3. Palestine

Between 1962 and 2011, the preamble of the Moroccan constitution remained essentially untouched. It sets out the Moroccan Kingdom as Muslim and Arab, belonging to the Maghreb and to Africa. The preamble of the 2011 constitution fundamentally reshuffles this referential framework, highlighting the diversity of strands that contributed to create what is today Moroccan national identity. The preamble of Tunisia’s 1959 constitution did also not see any changes until 2011, the references of national identity have always been, as in Morocco, dominated by Islamic and Arab national identity and a geopolitical embedding of the Maghreb and Africa. Despite intense debates on national identity and multiple changes in the draft constitution in 2012

418 Constitutional changes in between (1970, 1972, 1992, 1996 for Morocco, 1965, 1967, 1969, 1975, 1976, 1981, 1988, 1995, 1997, 1998, 2002, 2008 for Tunisia) did not alter passages of the constitution that lay out the self-understanding of the state (the preamble and the first chapters). Also, the constitutional texts of the pre-colonial period (1857 and 1861 for Tunisia, 1908 for Morocco) are not taken into account here.

and 2013 (see Chapter 7, Section 1.2), the 2014 constitution has ultimately not fundamentally altered these references. In fact, the current text might symbolize the lowest common denominator possible among the members of the constitutional assembly.

In both the Moroccan and Tunisian post-independence constitutions, the preamble is followed by a first chapter on fundamental or general principles that also include political, civic and socio-economic rights. In order to emphasize the rights-based nature of the new constitution, both the 2011 and 2014 constitutions add a new second chapter which outlines the freedoms and rights of citizens and resembles a declaration of human rights integrated into the constitution.

In Morocco, several changes are relevant to the area of migration, the treatment of foreigners and the place of diversity in society: (1) While Arabic remains the official state language, Article 5 recognizes Amazigh as an official language and guarantees its integration into education and public affairs. (2) Articles 16-18 guarantee the rights and obligations of Moroccans living abroad. (3) Article 23 prohibits all incitation to racism, hatred or violence. (4) Article 24 grants all citizens the freedom to circulate and to settle in all parts of Morocco, as well as the right to leave and return to Morocco in respect of the law. (5) Finally, Article 30 grants foreign residents the same fundamental freedoms accorded to citizens. They are allowed to participate in local elections according to law, international conventions or the principle of reciprocity. Also, conditions of extradition and access to the right of asylum are set out by law.

In Tunisia, the 1959 constitution already included a reference to refugees in its Article 17 prohibiting the extradition of political refugees. In the 2014 constitution, Article 26 guarantees the right to asylum, yet without specifying any details. The analysis of the successive drafts of the constitution between 2012 and 2014 show that the right to asylum has not been included from the beginning on: it first appears in the draft version of April 2013 and is only subject to minor changes in subsequent drafts.⁴¹⁹ Ultimately, however, the article was voted in unanimously. Yet, as highlighted by interviewees, constitution-makers did not want to include an article prohibiting racism and discrimination (which has been redressed by the law against racial discrimination passed in 2018).

419 In the draft of 14 December 2012, the right to asylum is not mentioned. In the draft of 22 April 2013, it is included as Article 48 (Le droit d'asile politique est garanti conformément aux dispositions de la loi, il est interdit de livrer les réfugiés politiques). In the draft of 1 June 2013, it is included as Article 25 (Le droit d'asile politique est garanti conformément aux dispositions fixées par la loi. Il est interdit d'extrader les personnes bénéficiant de l'asile politique) and in the final version of the constitution, it is adopted unanimously as Article 26 (Le droit d'asile politique est garanti conformément aux dispositions de la loi, il est interdit de livrer les personnes qui bénéficient de l'asile politique). The different versions of the constitution are accessible at: <http://majles.marsad.tn/fr/constitution/4>, retrieved on 15 June 2016.