The governance of international migration in Turkey and Morocco: Irregular migrants’ access to right to stay

Üstübici Önay, A. E.

Citation for published version (APA):
Chapter 4: “Halt Raids, we are in Morocco, we live in Morocco we love Morocco”: Morocco as a case of political incorporation

Figure 4.1 A protest by migrants in the streets of Rabat, “Halt Raids, we are in Morocco, we live in Morocco we love Morocco”

Source: unknown. The picture has been used on several occasions since 2012. See for instance, Le Gadem devoile la liste des lieux de detention des migrants au Maroc. Retrieved 15.03.2015, from http://www.medias24.com/SOCIETE/152908-Le-Gadem-devoile-la-liste-des-lieux-de-detention-des-migrants-au-Maroc.html#sthash.cm7mFIU5.gbpl

Introduction

This chapter discusses the mechanism of exclusion and inclusion that pushed and enabled irregular migrants in Morocco to gain a political voice. The chapter highlights a particular production of migrant illegality and a mechanism of migrant incorporation in the Moroccan context, which have given rise to social exclusion and marginalisation in the social and economic life. Interestingly, it also illuminates the emergence of migrants as political actors, seeking rights and recognition through associations. Chapter 3 already characterised the governance of irregular migration in the Moroccan context in terms of the external pressure for securing the European borders, the absence of a political will and a clear market demand for immigration since Morocco is still a country of emigration, an exclusionary discourse towards irregular migrants, and, only very recently, a radically new immigration policy
initiative. The regularisation of migrants without legal status in Morocco has been a major aspect of the new immigration policy. While the outcomes of the new immigration policy initiative are yet to be seen, testimonies of migrants reveal the gradual but drastic change in the visibility of migrants in the social and political spheres. For sub-Saharan migrants, “it was impossible to walk in the street back in 2005”\footnote{Interview with a member of CMSM}, in the aftermath of the Ceuta and Melilla events. In a 2014 public meeting organised by the Ministry in Charge of Moroccans Abroad and Migration Affairs, critics to the Minister himself stated that he applauds that the children of irregular migrants are currently being admitted to primary schools, but the curriculum is not suitable for pupils of Christian origin.\footnote{Observation during the meeting “The new migration policy in Morocco, which strategy of integration” organised by the Ministry in Charge of Moroccans Abroad and Migration Affairs, IOM, Confederation of Switzerland, March 11\textsuperscript{th} and 12\textsuperscript{th}, 2014, Rabat, Morocco.} How can migrants in irregular situations raise their voices as political actors, given the official discourse and legal framework that have been criminalising their presence on Moroccan soil?

\textbf{Figure 4.2} On the left, a migrant activist approaching the Minister Anis Birou and talking to him about the legal status of the association she is working with during a policy meeting. Rabat, 11.03.2014.

\textbf{Source:} taken by the author, during the meeting “The new migration policy in Morocco, which strategy of integration,” organised by Ministry in Charge of Moroccans Abroad and Migration Affairs, IOM, Confederation of Switzerland, March 11\textsuperscript{th} and 12\textsuperscript{th}, 2014, Rabat, Morocco (see the picture on the right).

The chapter discusses policies and practices that have pushed migrants to exclusion and further marginalisation and others that have enabled their social and political incorporation. Earlier research and reports have mostly focused on migrants’ living conditions during their journeys to the EU and their access to fundamental rights (AMERM, 2008; Cherti and Grant, 2013; Alioua, 2008; Pian 2009). The empirical discussion in this chapter extends and updates prior findings by focusing on the link between mechanisms of the production of migrant illegality and migrant incorporation
experiences in Morocco. The chapter explains how migrants of irregular status experience legal, economic and social exclusion, and negotiate their rights (to stay in the territory) through mobilisation practices aimed at acquiring rights and access to legal status.

The first section explains migrants’ experiences of exclusionary practices of deportation, which have given rise to growing criticism, especially since 2005. The second section shows mechanisms through which migrant illegality is re-produced, resulting in exclusionary practices at different stages of the migration experience such as settlement and labour force participation. Here, I question the connection between migrant illegality, formal exclusion from the body of membership, and informal inclusion in the labour market, widely referred to in the literature (Calavita, 2005; Garcés-Mascareñas, 2012). The findings also highlight that exclusion is never absolute and is always negotiated on the ground. Regarding the possibilities for bureaucratic incorporation, the cases of access to health care and education are scrutinised to reveal mechanisms of bureaucratic incorporation and to highlight the role of civil society mobilisation in enabling the access to certain fundamental rights as well as migrants’ visibility in the social and political spheres. The role played by civil society, including international, Moroccan and migrants’ associations is extensively discussed in Section 4.4, with respect to the question of mobilisation for the rights of irregular migrants. The last section looks closely at how access to rights and legal status is negotiated through mobilisation for the rights of irregular migrants and how irregular migrants themselves have become a vital to this civil societal network. The emergence of a vibrant civil society in Morocco and the alliances built between Moroccan and migrants’ associations increased migrants’ visibility as rights bearing subjects seeking membership on Moroccan soil. I argue that immigrants of irregular status in Morocco are incorporated as rights-seeking political actors despite the physical, economic and social exclusion they have experienced.

4.1 Deportability as part of daily experience

The literature extensively documents the strict border controls, increased costs of crossing borders as well as migrants’ reliance on smuggling networks and their experiences of violence along the journey (Collyer, 2010; HRW, 2014; MSF, 2013)78. The use of coercion in the form of push back, removal to the border and physical abuse define migrants’ experiences of the post-entry period and work as mechanisms to push migrants away from the EU borders into urban areas of Morocco. What is at stake in the Moroccan context is that these strict control practices are not limited to

78 Note that the experience of violence is a common character of the journey for migrants arriving Morocco through the land road. Reports and research have revealed that beating, robbery and rape by smugglers, bandits start before migrants arrive Morocco (Cherti and Grant, 2013; HRW, 2014). Most migrants entering from the land borders arrive physically and psychologically exhausted after long journeys which may take from several months to several years depending on one’s resources (interview with MSF and Terre des Hommes, Rabat, April 2012).
the areas bordering the EU. Migrants’ experiences of deportability, in terms of their removal to non-EU frontal zones are not only seen as a possibility but are a part of their daily reality. Deportability defines the experiences of those in rural areas who are waiting for opportunities to cross the border as well as those who are semi-settled in urban areas. Until the September 2013 reform initiative, commonly reported aspects of migration controls in Morocco included difficulties with mobility after entering Morocco, deportation practices between the EU and Algerian borders and police raids in urban settings (GADEM et al, 2013; HRW, 2014). These practices reveal the coercion inherent in what is called “external dimensions of EU migration policies” and show that the borders of Fortress Europe start way before migrants reach the actual EU borders. Migrants’ experiences of deportability at different stages of their journey in Morocco, such as illegal entry, the post-entry journey near the EU border or entry and settlement into the urban centres constitute major exclusionary mechanisms that make migrants’ incorporation into the society increasingly challenging.

Entry and removal to the Algerian border

Despite a relatively liberal visa regime that allows passport holders from several countries to enter Morocco legally with a renewable stamp, a considerable number of migrants with no passports, who had to flee dire economic and political conditions in their countries of origin, enter Morocco through human smuggling at the Algerian-Moroccan border. Oujda, the city situated at the Algerian border, is the main entry point, especially for those who enter without passports. From Oujda, those with resources (i.e money and connections) immediately look for ways to leave for Europe. Others look for opportunities to move to urban centres such as Rabat, Casablanca, and Tangier where, according to previous research, they are stranded in Morocco for around two to three years to collect money to move forward to Europe (AMERM, 2008). Migrants typically hide in the forests on the outskirts of Tangier and Nador, living in ad hoc camps, while they attempt to cross European borders without documents. There is evidence that controls along the EU border are stricter and more

79 The changing deportation practices since the reform are explained below.
80 Morocco does not require a visa from the following African countries: Algeria, Congo-Brazzaville, Guinea, Ivory Coast, Libya, Mali, Niger, Senegal and Tunisia.
81 The land border between Algeria and Morocco is officially closed since 1994 because of the conflict over Western Sahara.
82 GADEM notes that it is much more difficult from the Southern Morocco –Mauritania border without legal documents. Those entering from the Southern borders have valid passports and visas (if required). Given the difficulty of acquiring a residence permit, they exit the country every three months, in order not to fall into irregularity (GADEM et al., 2014: 8-9).
83 Reportedly, Tangier was deserted in 2005 after Ceuta events. However, in the last couple of years, urban migrants started to settle there again.
violent (Migreurop, 2006: 11; MFS, 2013). The rural areas around the city of Nador are identified as the most difficult areas to operate by humanitarian agencies. 

Figure 4.3 Control and settlement in Morocco

As discussed in Chapter 3, the non-EU borders of Morocco are not equally equipped with security measures, thus they are more permeable. Interviews in Morocco have revealed the necessity of getting help from smuggling networks, although it is relatively easier and less costly to cross the border between Algeria and Morocco. Edith, a 52 year old woman from the Democratic Republic of Congo (DRC) explained that crossing the border into Morocco is not challenging, but the real challenge starts after: “At the borders, they know that we are poor. You pay but not so much- 50, 100 or 200. This is already too much.” The permeability of the non-EU borders has given rise to different forms of exclusion in the post-entry phase of migration, especially for those entering without documents through the Algerian border. Once in Oujda, it is difficult to exit the city either to go to big cities such as Rabat or Casablanca or to go to the North near Tangier or Nador to try to cross into Europe. Most migrants and NGOs operating in the field have underscored that migrants have limited mobility after arriving to Oujda. The city centre and surroundings have been closely controlled by the authorities. Unlike Rabat or Casablanca, for a foreigner without legal documents, it is almost impossible to rent a

84 Interview with MSF, Rabat, April 2012.
house and/or work in the informal market. The police closely monitor the informal settlements in Oujda’s forest, near the border and around the university, and there have been arrests and raids that have destroyed informal camps in the rural areas, pushing migrants back to the Algerian border. An NGO operating in Oujda confirmed that removal from the forest has become an increasingly regular practice since 2006: “the police intervene at 4 AM in the morning and puts on fire the tents in plastic which were given by MSF.”

Along with the coercive practices and practices of removal to the border, the major reason migrants are stranded in the forest in Oujda is that foreigners without legal papers are not allowed to leave the city of Oujda by regular train or bus. As migrants cross the border illegally, they lack the necessary papers. Therefore, they are also denied access to travel to other parts of the country. This situation of de facto entry denied renders individual migrants stranded in Oujda and more dependent on smuggling networks not only to reach European borders but also to reach bigger cities such as Casablanca or Rabat.

Moroccan authorities have established a system of blockage to prevent exit from Oujda, in all means of transport. For instance, in the station, they have established the police control. They ask for papers when they see a black person. The same is true for bus stations, for stations of big taxis. That means they have put in place a system of blockage for migrants entering and exiting Oujda.

The Morocco-Algerian border near Oujda is also the exit and re-entry area for migrants apprehended by the police, either near the border or in urban neighbourhoods, who are pushed to the Algerian border and re-enter Morocco. Removing these migrants, who are apprehended in irregular situations, to the Algerian border creates a cycle of immobility. Every time migrants are caught without documents, they are deported to the Algerian border near Oujda and walk back to the informal settlements around the city, where they are blocked again. An NGO worker based in Tangier explained the process of removal to the border and the re-entry as follows: “In Oujda, they spend 2-3 days in the police station. [after removal to the border] they have to walk around 80km to arrive to the city. After Oujda, you need to find a connection to buy a ticket for the bus. If an African student buys the ticket, migrants can escape control. There is no major control after the bus leaves.” To overcome this blockage and de-facto refusal of entry, most migrants pay to acquire forged papers after entry, having the knowledge that an identity may protect them

---

85 Author interview, Oujda, September 2012.
86 The Oujda train station was the only place where my identity was checked before buying a train ticket to Rabat.
87 Author interview, Oujda, September 2012
88 Author interview, Tangier, April 2012.
from deportation and enable their access to other cities. They can help to buy tickets with a fake or borrowed student identity or with a forged asylum application. The cost of fake papers and the journey to big cities varies from case to case. Naima, after entering Morocco needed fake papers to move to the border:

As there are controls, you need to have papers. There are people doing fake identities to allow you to get out. These people will also buy you tickets for the bus, train etc. Like this, they put us in a train and we came here. There are always people you pay, they give you papers and fake identities. It depends on the individual, some people pay 500 MAD, others 1000 MAD.90

Here, the interesting point is that papers are not only essential for crossing borders, as is widely studied in the literature on human smuggling, but are critical for one’s movement within the country after crossing the border without documents. There are several implications of these practices of denial of entry in terms of the production of migrant illegality, migrant incorporation and access to rights. Because of this system of blockage, migrants are immobilised and illegalised upon their entry into Morocco. Their right to enter and stay within a safe territory, as asylum seekers or as persons who cannot be deported because of their need for protection as stated in the law 02-03, is denied. As UNHCR does not have an office in Oujda, the access to asylum right after entering the territory is not possible. Potential asylum seekers are expected to reach the UNHCR office in Rabat. As emphasised by the informant from the Moroccan Organisation for Human Rights (OMDH): “In Morocco, there are many refugees who are not recognised because they were not able to come to Rabat and apply for asylum.”90 OMDH as the implementing partner of UNHCR at times accompanies migrants willing to apply asylum from Oujda to Rabat but this only applies to exceptional cases. In this sense, migrant illegality at the border is reinforced through the denial of access to asylum. Most asylum seekers indeed face the risk of deportation before they even become an applicant. Fake identities may protect migrants from deportation, while they also increase their dependence on criminal networks. From the legal perspective, by forging papers, irregular migrants, including potential refugees amongst them, become foreigners engaged in criminal activities.

As was apparent in the narrative of André, an asylum seeker whose story is briefly presented in Chapter 1, the strict border controls and coercive practices make entry to Europe riskier and costlier, and push migrants who intend to cross to Europe from border areas to urban neighbourhoods. Having experienced the hardship of life in the forest area, several migrants interviewed, moved to urban centres such as Rabat, Casablanca and Tangier, where they looked for opportunities to collect money and ways to move forward. In other words, strict controls, harsh living conditions and removal practices along the EU border in the transit context, create a situation where

---

89 1 Euro was around 10 MAD at the time.
90 Interview with OMDH, Rabat, April 2012.
even the most determined migrants may change their minds or at least settle in urban areas until they find the next opportunity to go to EU borders. Naima (29), from the Central African Republic left her husband and two children many years ago and has been travelling alone. She arrived in Oujda after a long journey, passing through Cameroon, Nigeria, Niger and Algeria with the intention to cross to Spain. She was advised to go to Rabat and apply for asylum after her unwanted pregnancy:

“Upon my arrival, I left to the forest to attempt the journey. We were settled in the forest. After, we attempted, attempted, we were drowned in the water with small zodiacs. We were stopped. We were sent back. You sleep in the camps. Men go to search for water, the food... there were other women and men. We were in group. Men and women were sleeping in different areas. Some people were going to the city to search for food. It was a long walk, sometimes in the dark. Sometimes you find tomatoes, not in good condition. Then, we go to “attack”. We call this attack. How many people? It depends on the zodiac, if it is small, 15 people.” When I met her, she was expecting a baby as a result of an unwanted pregnancy. “I was in Nador.” She explained, “We tried, it did not work. Then, I was raped. There was pregnancy. There was a brother there, with his wife. Together, we came here.”

This practice of pushing migrants from the EU border to cities reveals that migrants who have the primary motivation to move to Europe spend enough time in Morocco to become de facto members of society and at times political actors claiming recognition. Indeed, most association and community leaders have experienced the practices and living conditions along the border. André’s story, introduced at the very beginning, illustrates how migrants’ experiences of exclusion at the EU border may translate into political activism in the post-entry period. Having worked in Libya for three years and having attempted to cross the Morocco-Spanish border several times, André is now an association leader in Rabat and has been actively working to end violence and discrimination against migrants from sub-Saharan Africa and towards regularisation of undocumented migrants in Morocco. After leaving the forest in early 2012, André moved to Rabat and worked in temporary petty jobs in construction as a carrier, while waiting for the result of his asylum application, which was still pending as of May 2014. Most migrants, seen as in transit by policy makers and practitioners, are semi-settled in urban contexts with other migrants in irregular situations who never attempted to cross the border.

**Deportability in urban life**

Given the hardship at border areas, most migrants decide or are forced to move to urban settings. However, moving to big cities only partially provides protection from deportation practices. Raids by the police in urban neighbourhoods have been part of the daily experience that pushes migrants towards further marginalisation in their social and economic life, revealing the thin line between deportability as a possibility and deportation as reality of life. Until recently, deportability has been seen as a part of daily life rather than an exception. As discussed in Chapter 2, the production of
migrant illegality renders migrants an irregular legal status, as deportable subjects by the state. It has been emphasised that it is the possibility of deportation rather than its actual realisation that made migrants docile subjects and exploitable workers (see Calavita, 2005; Peutz and De Genova, 2009: 14; Garcés-Mascareñas, 2012). Conversely, in the Moroccan case, deportation has been practiced, until very recently, at the heart of the national territory. Such practices have made deportability a part of the daily experience.

It has not been possible to collect data on the frequency of police raids in urban settings, but the NGOs interviewed, emphasised the changes that have been made in the practices of removal to the border over time. Consequently, migrants’ experiences of deportability are subject to change in time and from one group to another. Informants from civil society organisations drew attention to the unpredictability of the timing and frequency of raids but also to changes and improvements in the practices over the years. One common point that was made was that the situation has not been as bad, at least in urban settings, as it was in 2005 and 2006. Moussa, a migrant from Guinea who has been settled in Morocco since 2002 after trying to cross for several months when he first arrived, explains the changing conditions of deportability over the years: “Before we could not go out. They [migrants] were hiding in the forest, in [safe] houses. There were a lot of raids. Great change, it is for the better [...] With police it has changed, it is totally better. You see Africans working in construction with Moroccans.” While deportation continues to be a part of the reality, one particular way deportation practices have changed concerns the treatment of groups such as women, minors and asylum seekers that are protected by the law:

I think there are always deportations. It does not change. ...The deportation of pregnant women has decreased, especially in Rabat and in Casa. In Oujda or Nador, it might happen if you are arrested. In Rabat, Casa, women with babies are not stopped. For men, it is possible, always there are deportations. Before, they are arresting pregnant women. It is even against the law 02/03.91

Not only in law but also in practice, some groups are defined as less illegal, more legitimate, hence less prone to deportation than others. Due to the widespread belief that “the police do not touch women”, being pregnant or travelling with kids have become a way through which young women avoid the danger of deportation. Thus, like genuine or forged papers, pregnancies and small babies may serve the function of countering the danger of deportation (Kastner, 2010: 22). There is also widespread belief that babies enable easier access to legal status once the migrants cross into Spain. This is why they are commonly called as “visa babies” or “protection

91 Author interview with an NGO operating in Rabat, April 2012.
Because she was pregnant, Naima was not sent to Oujda after she was apprehended at the border; instead, she was sent to Rabat. On the other hand, once the project to cross to Europe fails, pregnant women or single women with small children, albeit free from the daily experience of deportability, constitute the most vulnerable group in terms of their participation in economic life. Naima, when I met her in May 2014, was eight months pregnant, unemployed and hopeless about the future.

Among several English or French speaking communities, Senegalese, who can enter the country with a valid passport, are known to be less subject to deportation. More generally, migrants who have a passport with a valid entry even though they overstay their visa are less prone to deportation than those without a passport. Jules, a male migrant from the DRC, among others, also drew attention to changing practices of deportation. In his accounts, he noted that previously, everyone was deported. “Since approximately 2009, if you have a passport, even if it is expired, they will let you go”. Hence, the possession of papers, even though they are not fully in line with immigration laws, provides a degree of protection from deportation. Overstayers in the urban setting are seen as less problematic, as they are seen as economic migrants, in Morocco as well as elsewhere. The possession of certain papers protects migrants from deportation, especially those from nationalities who can travel to Morocco without a visa. Meanwhile, migrants with legal entry are aware of deportation practices, and they are cautious in their relations with the police. Oumar, a 22 years old Guinean man, came to Morocco by airplane to pursue a career as a football player. Oumar himself was not interested in clandestine migration but had witnessed “brothers” being taken to Oujda. Although Oumar had overstayed his three months visa stamped on his passport upon entry, he did not feel subject to deportation:

There are raids. They put you to border. When you take a room, they will take you out, call the police. I have seen myself...[...] To Spain, clandestine, no! If I were not a football player... [...] My objective is to play football, I cannot become a star in clandestine. ... When I am in a club, the club will ask residence permit for me. Even if your stamp is finished, the police will leave you because you have come legally. I was never stopped and asked for papers. I have never spoken to a policeman either.

---

92 One should not forget that pregnancy may be an unintended result consensual sexual relations or sexual relations along the journey (See Kastner, 2010 for an analysis of kinship and motherhood during Nigerian women’s journey to Spain).

93 As discussed in the next sections, they are more prone to begging but also more likely to get access to services through NGOs.

94 Migrants from European nationalities, as well as migrants from African countries living in Southern Morocco prefer to stay on tourist visas and travel back and forth to renew their visa rather than applying for residence permits (GADEM et al., 2014). As counter evidence, I also encountered narratives on passports that are taken away by the police in Tangier and are only returned when migrants show a bus ticket to the border, usually to Dakhla, the city at the Mauritania-Morocco border as proof that they will leave the country.
Despite the diversity in migrant experiences and perceptions of deportability, practices of removal to the border had been the most heavily criticised aspect of immigration controls in Morocco. Most NGOs have called for the proper implementation of the national law, with respect to international conventions signed by the Moroccan state. Violations of national and international laws by security forces triggered widespread critiques by international, Moroccan civil society and migrants’ associations. (See for instance, AMDH Oujda, 2012; AMDH, 2012; MSF, 2013). As explained in more detail in Section 4.4, such violations have also provided ground for migrant mobilisation.

After the King’s speech

These critiques and recommendations led to a paradigmatic change in Moroccan immigration policies, initiated by King Mohammed VI, as explained in Chapter 3. Removal from urban areas to the border had stopped in the aftermath of the royal discourse given by the King in September 2013. Regarding the continuation of the removals from the EU borders to Oujda, there have been demands by NGOs to stop deportations (Chaudier, 2013). The response of the Moroccan state was not to stop removals completely but to force migrants located near the EU borders to go to Rabat, rather than to Oujda. NGO representatives and officials confirmed that there were no more removals to the Algerian border but was displacement to Rabat instead. An official from the Ministry in Charge of Moroccans Abroad and Migration Affairs, dealing with immigration issues only since October 2013, responded to the question that I reluctantly asked on deportation practices at the border by first saying “no more taboos” and confirmed the displacements: “We have been first to say that there is violation. People are being taken to Rabat for integration. It is symbolic”.

How can this new practice of displacement to the cities be interpreted in terms of migrant illegality produced within an international context? As discussed in Chapter 3, there has been a rupture in the Moroccan immigration policy framework. Meanwhile, the border securitisation efforts both by Morocco and Spain reveal a continuation in the way the EU borders are protected. Morocco remains the gendarmerie of the EU, and migrants and smuggling networks continue to alter their tactics of entry. In fact since 2013, “attacks” by migrants have become much more organised in the sense that migrants now gather in considerable numbers and organise a common attempt for entry. André, like other migrant activists, very closely follows what is happening at the EU borders in terms of casualties and success stories:

95 Removal towards Rabat was reportedly stopped in the later months of 2014, as high numbers of arrivals from the border in vulnerable conditions has placed an unprecedented pressure on NGOs providing humanitarian service in Rabat. Oujda was reported to be calm as of May 2014 (interview with IOM).

96 See Section 3.1, for more detailed discussion on recent development along the Ceuta and Melilla borders.
Attacks have started in 2013. Every year, things change in the forest. As Europeans reflect on raising the barriers, we sub-Saharan also reflect on the tactics on how to get to Europe. If, for example, we are 800, we attack the barrier, 150-200 can enter. Even if the others cannot enter, it is the price to pay.

This situation reveals that the new Moroccan policy for regularisation did not change human insecurities stemming from the EU border policies. In terms of migrant incorporation, the practice of pushing migrants towards cities shows that the introduction of a new policy approach resulted in migrants being more welcome to remain within the country, as long as they stay away from the EU borders.

Given the difficulty of crossing into Europe and the conditions of life near border areas, most migrants with the intention to cross into the EU reach big cities such as Rabat when their project to cross is jeopardized. In the urban setting, so-called transit migrants mingle with other migrant groups including migrants with legal status, asylum seekers, recognised refugees, overstayers and undocumented migrants with no intention to cross. It is still questionable if the new policy approach can respond to migrants’ marginalisation in economic and social life in urban areas. In the next section, the focus shifts from state practices that reinforce illegality to how migrant illegality interacts with existing economic and social conditions. I address how migrant illegality is experienced in economic and social life, as migrants settle and participate in the housing and labour markets in urban areas.

4.2. Illegality in (semi-)settlement

Settling into violent neighbourhoods

Mama, a 52 years old asylum seeker, separated from her husband, and along with her brother Jean-Baptiste fled the civil unrest after the presidential elections in 2010 in Ivory Coast. After staying in refugee camps in Ghana, and Togo, they took the road to come to Morocco. Crossing through the Southern border with Mauritania, they arrived Rabat by train.

After the first night in a hotel in the city centre, the reception man told us to go to the neighbourhood xx [she says the name of a poor neighbourhood of Rabat] to meet other Ivoirians. We took a white taxi, paid 15 MAD. There were a lot of black in the neighbourhood. The first black person we talked to knew a girl from Ivory Coast. We were looking for a place to stay. She said she had a cousin, she lived with her boyfriend and they have a big room. As they work during the day, the room is

---

97 In this sense, it is difficult to distinguish migrants on their (alleged) aspirations to go to Europe based on legal status, to the extent that the category of transit migrant is no longer useful for my analysis.

98 They are biological sister and brother (I could see how alike they look) unlike ethnic based or solidarity based fictive kinship as will be explained below.

99 A white taxi, also called a “grand taxi” is commonly used as public transportation. Similar to public bus, they have a fixed itinerary, and the prices are fixed from one point to another.
available. We stayed there 1 month. Then, we went to Caritas. They helped us to find a house. Caritas gives the money with the condition that we find a house ourselves, first.¹⁰⁰ So, we looked for a house. We looked from day to night. [...] Then, by coincidence, we met a Senegalese man, a man that I had made acquaintance in Togo, in the refugee camp. This is how they have found the current house.

Upon their arrival to urban settings, most migrants have knowledge of which neighbourhoods to go to meet their co-ethics or co-nationals. They need relatively more experienced migrants to get housing. Edith (DRC, 50s) came to Rabat alone after passing through Oujda and was later joined by her sister¹⁰¹ Maria with her five kids, and had a similar experience in finding a place to stay. She had left her country, the DRC, due to economic hardship and also because of the conflict that was taking place. She came to Rabat after years of travelling in African countries. She was happy to finally be in a safe country: “Here, we suffer but there is security, this is what is important in life”. Edith admits that only in Morocco she feels the solidarity among Africans:

-We are Africans, I am not racist but it is true. When we arrive to a place, we look for black people, excuse me I have just arrived I do not have a place to stay then they let you in. Even me, when I arrived I was accommodated. It is for couple of months until you find something.

- Is it with Congolese or even other nationalities?

-Congolese but also other nationalities. In Africa no, but as we are here, if you are black it does not matter Ivorian, Congolese, they might help you. It is for a couple of months then you organise yourself and you look for your family, for example how I left the country, there was a woman who gave me her number. I asked around until I find her and she gave me a place to stay.

In the absence of access to formal right to stay, most migrants arriving urban areas rent a house, or rather a room in an apartment without a contract in poorer neighbourhoods of big cities [fr. quartiers populaires]. Finding an accommodation without legal papers is possible as long as migrants are ready to pay the price. As a common practice, migrants are asked higher prices than locals. In other words, they are integrated into the housing market by paying a higher price for their integration, as suggested by Cvajner and Sciortino (2010). Being subject to violence and opportunistic types of abuses constitutes an additional price that migrants pay for their informal integration. In my interviews and informal conversations with newly

¹⁰⁰ Caritas, the charity organisation of the Catholic Church, has worked with irregular migrants since the early 2000s, as explained below. They consider accommodation as the first step for incorporation into urban life. Therefore, it is known that Caritas financially helps migrants in vulnerable positions such as minors, asylum seekers, single women with babies and new arrivals to secure an accommodation.

¹⁰¹ Edith and Maria knew each other from their country. However, it is likely that they were not biological sisters.
arriving migrants, they mentioned the money, “integration price” [fr. “prix de l’intégration”], they paid for settling in the first place.

The housing available for irregular migrants is usually in poorer areas where neighbourhood violence is widespread. There, migrants have become targets of aggression and petty crime. “Even in Rabat, there are neighbourhoods we do not go in the dark. xxx [she cites names of several neighbourhoods]. You cannot walk in the street. If you do, Moroccans will assault you, hurt you and even kill you if you do not have change. People are stabbed” (Amadou, 26, from Cameroon). Sunny (38, from Nigeria) shows the knife scar he has on his arm: “Big knife. He did not ask anything. He had a problem. It is because I am black. If you go to office [he refers to their meeting place with other Igbo men], many people have injuries like that”. Lack of papers, forced to be settled in poor neighbourhoods and the lack of protection are interlinked in migrants’ experiences of illegality. 102 Migrants in irregular situations do not have access to proper housing because of their lack of papers and lack of financial means. In other words, they are only admitted in poor neighbourhoods with high crime rates. African migrants, regardless of their legal status, are more subject to these kinds of violence because of their colour. 103 “These are young Moroccans, 18-25 years old. When they smoke weed and they see you in a corner, they say ‘mobile phone and money’, take out the knife. This is like this” explains André. 104 Those without legal status face further exclusion, as they also suffer from lack of access to legal protection and services. Because of fear of deportation, as explained in the previous section, most migrants who are subject to aggression are reluctant to go to the police. Some are even reluctant to go to hospitals, knowing that they may not be admitted or will have to pay high fees. Maya, a young activist explains that the neighbourhood violence and the lack of protection she, herself, closely experienced led her to join associations:

There are things happening, it makes me cry. This is why I do not go out that often, and when I do, I go back before 8 pm. I am scared of walking on the road, I meet them [young Moroccans in the neighbourhood] by the road, they do everything and they are not scared of their parents. They do bad things. Do you understand? Somebody was attacked, almost killed, he was robbed. When I heard of this, I was deceived. He went to hospital but he was not admitted, not touched because he did not have papers. When I learnt about this, I was very very, I think it is out of limits. What if he had died that day, what we would do because he does not have papers (Maya, 23, from Guinea).

102 Note that African students with legal papers also live in the same neighbourhoods known to be dangerous because these are the only areas they can afford a house.

103 Violent clashes against sub-Saharan migrants are often reported by the media, see for instance, Un Sénégalais tué à Tanger après des heurts entre migrants et Marocains [A Senegalese killed in Tangier after clashes between migrants and Moroccans]. telquel.ma, 01.09.2014. Retrieved 29.03.2015 from http://telquel.ma/2014/09/01/senegalais-tue-tanger-apres-heurts-migrants-marocains_1414696

104 A lot of women carry their mobile phones in their bras to protect them from thieves. Losing a phone is not desirable, as migrants also lose their connections within the city, to smuggling networks and to their countries of origin.
It is common for migrants in Morocco and other contexts, who lack legal status and financial and cultural capital, to live in disadvantaged neighbourhoods and be subject to the clandestine activities and violence that characterise these areas. However, as implied here and further explained in the discussion of mobilisation, what is interesting in the Moroccan case is that neighbourhood violence has been one of the exclusionary mechanisms motivating sub-Saharan migrants to get together under associations. Regarding their association based in one of the most violent neighbourhoods of Rabat, André articulates: “We mobilise at the moment. In Takadoum\textsuperscript{105}, you cannot stay calm. You need to be a lion to live there.” Street violence along with police violence has been an important push factors for mobilisation. However, it is also a factor impeding migrants’ presence in the public sphere. For many, going to meetings organised among their community is impossible because of widespread violence. Mama explained to me that she could not attend meetings of the Ivorians’ association in Takadoum, although she wanted to, because the meetings were late in the evening, and the neighbourhood was dangerous at night. Despite the high rates migrant pay for a place to stay, and despite widespread neighbourhood violence, several informants made the point that the real challenge for migrant incorporation into the society is finding a job.

\textit{“Work is the problem”}

Moussa (56, from Guinea), arrived Morocco in 2002, after losing his business and getting “fooled by his commerce partners”. He travelled with his passport to Morocco and kept looking for ways to cross Europe, clandestinely. “Before, it was easier to get into Melilla and into Ceuta. I tried to cross the barriers several times. 4-5 times, many more times. I spent two years in the forest. There are intermediaries. They make money for helping you to pass. [...] We used to leave our passports in the hotel in Tangier”. He says, with the idea of keeping his passport in a secure place in case he does not successfully cross. After several attempts, Moussa came to Rabat where he found daily jobs through his Guinean connections and met his future Moroccan wife. Settled in Morocco nearly for 10 years, Moussa has been actively volunteering in a sub-Saharan migrants’ association since 2010. At the time of the interview, he had a pending application for Moroccan citizenship. Despite his legal status, Moussa thinks that the economic exclusion is the most challenging aspect of life in Morocco. “When you come, you stay with your friends. Brothers help you until you stand on your feet. The accommodation is not the problem, the problem is work”.

A clear relationship has been built, in the literature, between migrant deportability as “bare life” and illegal migrants supplying cheap labour to the economy (Peutz and De Genova, 2009: 14). In this section, the discussion specifically focuses on

how migrant illegality does not necessarily translate into economic incorporation into
the informal labour market in the Moroccan context, in particular looking at the
context of Rabat, where most migrants interviewed are based. The structure of the
economy and of the labour market only enables marginal participation by migrants.
The lack of labour market opportunities has been the major source of frustration
referred to in migrants’ experiences of incorporation. “There is no work for us in
Morocco” is a common expression of this frustration. As explored in Chapter 3, the
production of migrant illegality in Morocco is linked more to external pressure applied
by the EU to stop irregular border crossings than to Morocco becoming an attraction
for migrants from the wider region who are seeking employment opportunities. As a
consequence, the marginalisation in the labour market is an indirect consequence of
the international context producing migrant illegality.

Migrant illegality in the Moroccan context has produced an exploitable work
force (Alioua, 2008; Pian, 2009). However, unlike other cases in the literature, the
migrant illegality in Morocco does not necessarily translate into actual exploitation in
the labour market. Yet, it would be unfair to conclude that the economic incorporation
of migrants is characterised by total exclusion. The labour market in Morocco, and
more specifically in the context of Rabat, provides certain opportunities that enable
migrants to survive. However, the difficulty of finding a regular job persists. Earlier
research has revealed that most men work in the construction sector and to a lesser
extent in restaurants, and sometimes they trade in petty commodities (Pickerill, 2011;
AMERM, 2008). Employment opportunities for women are even more limited. The
widespread informal employment sector in Morocco increases the vulnerabilities, as
migrants always face the risk of being underpaid or not being paid at all (Alioua, 2008).
Migrants’ economic incorporation is characterised by being employed in certain niches
of the economy as well as very marginal economic activities such as begging in the
street and sex work. In other words, labour market incorporation is possible only for
certain groups with higher education and/or specific skills.

Niches in the labour market such as domestic work and call centres provide
regular employment for irregular migrants that fit the profiles required by the
employers. The access to legal status through work is possible. However, as the
procedure is costly and bureaucratic, the majority of migrants work without the
necessary documents, either because they find it unnecessarily costly, or their
employers are reluctant to provide them. Middle class Moroccan families employ
migrant women as live-in-domestics. Senegalese and Filipina women are known to
provide domestic work for upper middle class families and expats. A Senegalese
domestic worker, Elou (28, from Senegal), explains that she was afraid of being
deported, and she secured a work permit for herself even though her employer was
not willing to do the paperwork for her. In this case, she made a fake contract in

106 Because of the convention between Senegal and Morocco in 1965 - granting citizens of both countries free
circulation and access to their labour market (DEMIG database, 2014), Senegalese do not need a visa to
return of money: “You do as you work for somebody else, it cost me 2000MAD [200 Euro]. I did it as a precaution so I can go to police if something happens to me. I will not renew my card [residence permit with the purpose of work], there is no problem concerning mobility”. Amy (33, from the Philippines), having worked in different countries in the Middle East and South-East Asia as a domestic worker, thinks that regulations in Morocco for domestic workers are quite flexible:

This place is not that that strict, and they require having residence. You have your passports, and it is ok with them. But when you have to go back to the Philippines you have to go to police station and ask for the clearance, and after that, you can leave this place. [...] You can always come back, this country is open. It is not like other country, where you cannot come back if you stay illegal.

Angela, another Filipina domestic worker, could not renew her residence permit after running away from her first employers, where she was sexually abused. After changing a couple of employers in Casablanca, Rabat and Tangier, she started working for a “consulate person” from an African country. “The employers did not want to do the paperwork because they do not want to be seen as employing illegal migrants”.

Call centres are known as reliable income sources, especially for students from African countries. Working part-time or full time is a possible income generating opportunity, particularly for migrants with advanced language skills. However, informal employment is also common among them. Yassine (24), a Senegalese female university student from Dakar, whom I met whilst she was braiding hair in the “souk” of Casablanca, had come to spend the summer in Morocco and look for employment. Yassine had a bad experience in the call centre while she was doing an internship. The three months stamp in her visa had expired, and she was not offered a job by the call centre where she had been interning for a month. Similarly, Maya from Guinea, whose sister is employed in a relatively known call centre, has been deceived by her experience in call centres and is no longer interested in finding a job in one:

My sister had Moroccan friends who were in call centres. She found the job thanks to them. I myself did internships, two times in Agdal [a residential, chic neighbourhood in the centre of Rabat]. I stopped. I do not have the willing of working here [...] Call centres who are known give you contract. Those who are not known, small ones do not give the contract, and they employ you if you are ok. Others even if you are ok, they leave you without contract, in most cases, they thank you very much.

These examples reveal how illegality is produced in the labour market even for those with legal papers and skills. Rather than giving a contract and doing the paper

enter Morocco, but they also can get renewable residence permits and a residence permit with the purpose of work when they display a valid work contract.
work, call centres tend to employ young people with or without a valid status as interns. In this sense, the informal character of the labour market serves as a mechanism for reproducing migrant illegality, even for those who are in more privileged situations in terms of the possession of papers and of skills. In fact, most migrants with legal entry indicated that they can only legalise their status through enrolling in private schools due to the difficulty of getting access to legal papers through work. Patrique (33, from Cameroon) has been discouraged by his endless efforts to get a residence permit for the purpose of work, and in a sense, he was forced to stay on student visa:

We need to know how to put the file. You make an inscription to a private institution. With this inscription in a private institution, you can submit your file to the ministry dealing with residence permits. Or you make a contract. To have a residence permit through work is almost impossible. I have already tried to apply. I put my file to ANAPEC for a visa of work. ANAPEC procedure it is very complicated. Once they pass your file to Ministry of Employment, you get your permit it is easier. It is ANAPEC which is complicated. I am waiting for one and half year. I am discouraged; I do not want it anymore.

Maya (22, Guinea) similarly underscores that her primary motivation to enrol in a private school is to legalise her status:

-To get my residence permit, I want to enrol in an information technologies school. I will go to police with the registration document. I need to legalise my status. The registration is approximately 1000 MAD, then it is 800-900 MAD per month. Depending on the school, you are usually asked to pay for the first two months. Then, you follow courses for the first two months.

-Then, you quit.

-If you’d like, if you find it interesting, you may go on. It depends on your means, I would like to continue but it depends on the situation of my family, do you understand?

Similarly, Moussa’s son from his first wife joined his second family in Rabat in 2012. Moussa explained that the registration in private education is not only important for the education of his son, but the registration is also important for securing his resident permit: “He is enrolled in a private school. 700MAD per month to pay for the school. This is a four years degree. He will have a residence permit as

---

107 Work permits are delivered by the Ministry of Labour, based on the decision of ANAPEC, the Moroccan National Recruitment and Employment Agency. According to the law, foreigners in Morocco can legally work in positions where there is no Moroccan citizen available for this post. However, the procedure is not transparent at all (GADEM et al., 2013: 125).
student”. Then, he adds with a softer voice, “his father was clandestine, he will not be the same”.

Migrants with no access to a regular employment work in daily jobs, for example as construction workers or street peddlers. Jules, a migrant with no documents originally from Congo, does petty jobs for the tailor in the neighbourhood and says that “this is the only thing I can find”. Street peddling has been common especially among Senegalese or other migrants with a legal entry, who are allegedly less touched by the police. André articulates the fragile character of unsteady jobs:

Most young men work in the construction, for 80-100 MAD (8-10 Euro) per day. It is not bad if you could work on regular basis. It is not that they do not want to work. They wait there until late afternoon. The problem is that there is no work. [...] We kept contact with some bosses we already worked. They call us when there is work. We cannot do anything outside this.

Street peddlers have become more visible after the reform initiative, especially after the raids in urban settings have stopped. As a symbolic change, as of May 2014, street peddlers selling electronics, mobile phones, cosmetics and African accessories have now been allowed to have stalls along the walls of Medina of Rabat on the condition that they do not enter into the traditional bazaar, the souk. Previously, fewer stalls were allowed later in the evening by the central station, where they were occasionally pushed away by municipal police. Paul, a street peddler originally from Cameroon, explains that he is now happy that at least he can open his stall every day and make some money without fearing deportation. He notes: “We are not allowed in the Medina, maybe in six months time, it will also be possible”.

As a side note, Paul actually stopped doing voluntary jobs for CSOs, which in his experience bring no income at all. He now prefers to do street peddling rather than waiting for construction work or voluntary missions for CSOs.
Given the scarcity of possibilities in the labour market, regardless of legal status, most migrants but especially women with children can only be marginally involved. Being considered a sex worker is a common stigma that many women suffer, and they are often approached by Moroccans. Meanwhile, it is also known that many women are forced into sex work in the absence of other possibilities in the labour market. Edith’s sister Maria, a young woman with five kids under the age of eight, told me that she braids hair, before telling me what she really does to make a living:

> What else you can do? I do this job to buy food, if there is no food, they [her children] start to cry... You sleep with Moroccans, they give you 20 MAD, 50 MAD, you are obliged to take it. What else to do? I do this to earn money because it is not every day that people have their hair braided. Children cry, they go to school. What shall I do?

Several migrants and asylum seekers, both male and female enrol in courses in languages, handcrafts, information technologies and media offered by associations in collaboration with UNHCR. Some explained that they participate in these courses to spend time together and benefit from transportation remuneration (around one-two euro per day depending on the formation). Mama, an asylum seeker from the Ivory Coast, as mentioned before, goes there to forget what she has been through and for the transportation support she gets from UNHCR, which is her only income besides the money she receives from her relatives in Europe:

> -An Ivorian woman told us that we can do formation. At first, I was scared of going there. Would they ask us for refugee card, I did not know if it is for everyone. I was
told that you at least need to be an asylum seeker, undocumented migrants cannot.\textsuperscript{109} I was inscribed with HCR. They asked me photos and UN paper. There are several courses. I selected aesthetics, tricot, enterprise, culinary. They paid the transport. I walk there, I put the money aside. Now, it is vacation and courses have stopped. It has been difficult for us. They pay for instance 72MAD per month. Entrepreneur course paid 144 MAD per month, only two days per week. We should not miss classes. You cannot get this money without UN card.[ ...]My brother does not go because he is tired of walking every day.

-How do you feel about it?

-Some courses pay well. At least I learn something. If my brother goes there as well, we could at least pay the rent.\textsuperscript{110}

Mama thinks Morocco is taking better care of these women than other countries in black Africa [fr. Afrique noir] that she has been to. My general observation is that the day care for the children and babies of the participants provided during the courses offer women a break from their caring duties. Many of the participants of such courses I encountered complained that it is not really possible to turn the skills they gained during the formation into income generating activities in the labour market. Despite their limitation in facilitating migrants’ incorporation into the labour market, these courses provide important social and political spaces for political socialisation. Migrants participate in associative life; associations provide a public space where migrants come together and exchange information, as further explained in Section 4.4.

\textbf{Figure 4.5 Migrant and refugee women in a knitting course}

![Migrant and refugee women in a knitting course](image)

\textit{Source: Author’s photos from the field, September 2012}

\textsuperscript{109} Undocumented migrants can participate in the formations, but they are not remunerated the cost of transport.

\textsuperscript{110} Mama’s only motivation to do these formations was to generate, albeit a very small amount, income. It is worth noting that Mama stopped going to formations when she was no longer paid for transportation. Nobody knew her whereabouts when I was back to Rabat in March 2014 for follow up interviews. It is very likely that her file was also closed by UNHCR, as she did not show up for a period. (Based on personal communication with UNHCR, Ivorians are amongst top nationalities whose files have been closed by UNHCR.)
Beggary is another marginal economic activity that is widespread among immigrants, especially women with children, in urban areas (AMERM, 2008). The fact that the police do not touch these women with children gives them the license to be in the streets. It is believed that English-speaking migrants who do not speak French or Arabic are more likely to beg because of the language barrier that further marginalises them (Pickerill, 2011: 411). Fatima’s and Sunny’s stories are illustrative of the motivations behind begging, given the absence of labour market incorporation.

I met Fatima and her baby Moustapha almost every day during my fieldwork in September 2012. Fatima, from Nigeria, had been begging on one of the main streets of Rabat, leading to the Central Station. Like other women along the street, she was sitting by the pavement, saying “merci” when I would bring her baby some food or milk but did not talk much. Fatima appreciated that I would speak to her in English, rather than French or the Moroccan dialect Darija and let me hold her baby.111 Fatima thought that there was nothing for her to do in Morocco, and she wanted to save enough money, 1000 Euro, to cross to Spain. She would leave her shared room in a poor neighbourhood of Rabat, which cost her 800 MAD (80 Euro) a month, and bring her baby to the centre to beg. She also went to beg near mosques in chic neighbourhoods of Rabat, especially after Friday prayer. She had the baby when she was in Oujda. The father named the baby and also gave her a Muslim name before he left to Libya. Once I talked to her about an association giving free courses for migrant women and compensating for the transportation cost. “You can leave the baby and have fresh hair for a while” I said. Although she was tempted by the idea and seemed like she was joining me, she stopped for one second and asked: “how much money would this be?” and she gave up the idea, deciding that she could make much more by begging.

Sunny, a 37 years old migrant from Nigeria had been in Rabat for six months. After spending years in different African countries, he entered Morocco through Oujda with the initial aim of looking for a job. He lives in the basement of a building in a poor neighbourhood of Rabat. While the sanitary conditions within the house were poor, he had a tidy and clean room, with TV and nice clothes. It was extremely difficult for Sunny to find a job in numerous cities in Morocco. “Work is my problem”. He says. “Here, I go packing, in the second sector. They give me 55 MAD to do cement. It is not even enough to eat”. He describes begging as his current job:

-I survive by beg. Yes, it is true. Sometimes I go with them. Sometimes I go to Casa. I go there and stay 4-5 days and I come back this is how I manage. I ask people to give me money. In Casa, they pay more.

- How much money you make a day?

111 We never conducted a proper interview but our small talks consequents morning and afternoons allowed me capturing parts of her story.
Sometimes you are lucky you make 50 MAD, sometimes a man gives you 100 MAD. It is lucky, a man sees you and gives you 200. It happened to me this year, during fasting, Ramadan. A woman gave me an envelope; I did not know what is inside. As I come out, as I opened it later and found 100 MAD inside. Some people give me 1MAD some brown coins. It depends, some 100 MAD.

Later in the interview, while discussing his experience with the police, Sunny took out a piece of paper that kept in the pocket of his leather jacket, showing his pending asylum application. While he had been interviewed by UNHCR, he did not seem curious about the outcome, knowing that very few of the Nigerians are granted refugee status. He uses the asylum paper to avoid deportation: “I go to Casa. I go with blanket and spend the night out. If the police stop, I show them this paper. They give me number here. They say in case the police stops you, you call this number. This is the number”. Given the high rejection rates by UNHCR, an asylum application only offers temporary protection from deportation.

This section has revealed that in spite of the availability of young migrant labour force, Morocco’s labour market does not provide many opportunities for migrants with irregular status. Especially when compared to Turkey, as will be discussed in Chapter 5, migrants’ lack of access to the labour market, hence to a regular income, has been the major factor impeding their incorporation into the host society. Even overstayers with passports and legal entry have, at times, found it hard to legalise their status through formal contracts with their employers, although this is legally possible. Irregular migrants have become more dependent on humanitarian aid, and this dependence has become more urgent due to numerous factors, which include: criminalising discourse; securitisation along the borders and pushing those on their way to Europe to urban centres; the fear of deportation along the border and from urban settlements; neighbourhood violence; marginalisation in the labour market; and lack of access to rights and legal status. These are also factors that push migrants to mobilise amongst themselves and form communal strategies.

4.3 Bureaucratic incorporation through access to public health care and education

Before moving onto the mechanism of mobilisation, the next two sub-sections elaborate on a different aspect of incorporation, bureaucratic incorporation, generally defined as access to fundamental rights and legal status despite restrictive laws (see Marrow, 2009; Chauvin and Garcés-Mascareñas, 2014). Here, I discuss whether the access to fundamental rights indicates a degree of migrant incorporation despite their

---

112 Nigerian nationals have been one of the groups most represented among asylum applicants during 2013. This is also the group least likely to be recognised by UNHCR. Out of 215 Nigerian applicants assessed during 2013, only two people had been granted refugee status. (Personal communication with UNHCR Morocco).

113 Interview with UNHCR, April 2012, Rabat.
marginalisation in social and economic life. Given the context that migrants face, both in terms of deportation practices and neighbourhood violence, as discussed in the previous section, access to health care becomes an issue of urgency in migrants’ lives.\(^{114}\)

Access to health care constitutes a case where the formal recognition of a universal right can only be exercised with the intermediary of non-state actors. In this sense, the case of health exemplifies bureaucratic exclusion as well as informal forms of inclusion. Minors’ access to public education is not only important because it is a fundamental right secured by international conventions but it has also a symbolic importance where migrants and their children are seen as de facto members of the society, despite their illegal status. The access to public education constitutes a case of bureaucratic incorporation, which has later been translated into a formal recognition of undocumented migrants’ right to free public education.

In the Moroccan case, civil society organisations play a key role in ensuring migrants’ access to rights, especially to health care and education.\(^{115}\) The sub-section also indicates the importance of alliances between CSOs and state institutions as well as between CSOs and migrants’ own associations, as will be explicated in the following section. This section exemplifies close cooperation between international and Moroccan CSOs, and migrant associations required for migrants’ access to fundamental rights, which provided another basis for the mobilisation for the rights of irregular migrants in Morocco.

**Health care between formal recognition and bureaucratic negotiation**

Migrants regardless of legal status have legal access to free public health care based on the Circular of the Ministry of Health, introduced in 2003. While the main motivation behind this circular has been preventing epidemics and securing public health (MSF, 2013: 24), it is still foundational to irregular migrants’ legal access to health care. Based on this circular, and the 2011 Law 34-09 relating to the “Health System and Offer of Care” and hospitals’ internal regulations, the Moroccan legislation recognises irregular migrants’ right to health care (MSF, 2013: 24; GADEM et al, 2013: 73). However, as documented in several reports, most migrants cannot fully benefit from this right in practice. MSF reports (2010; 2013) have highlighted that migrants in rural settlements refrain from seeking health care, as their needs for health care often result from coercive border controls. The fear of arrests and deportations discourage them from going to public hospitals (MSF, 2013).\(^{116}\) The access to health care

---

\(^{114}\) The survey conducted by the Ministry of Health confirms that around 42% of migrants surveyed have been subject to violence, and around 10% have been denied the access to hospitals (Ministry of Health, 2014a).

\(^{115}\) The structure and main activities of CSOs working on irregular migration in Morocco are explained in Section 4.4, as part of the mobilisation discussion.

\(^{116}\) Also emphasised in the research by the Ministry of Health (Ministry of Health, 2014a).
represents a case where even legally recognised rights can only be exercised through the mediation of several stakeholders such as community leaders or CSOs. The Moroccan Ministry of Health acknowledges that the access to care is primarily covered through CSOs, informal contracts between CSOs and public health institutions and through social assistance schemes in “certain hospitals” (Moroccan Ministry of Health, 2014a). In other words, the legal recognition of migrants’ rights to health care is only possible through informal incorporation and de facto membership practices.

Despite the improvements noted by several informants and reports, very few people interviewed could directly access hospitals. Access to health is managed either through informal community networks or humanitarian organisations. Most migrants interviewed rely on their ethnicity based fictive kinship networks before seeking institutionalised medical help. They can only access public hospitals through their community contacts and through the agency of CSOs. Edith (42, from DRC) explains her reliance on “brothers” and on civil society, before going to the hospital.

-Even here, if you are poor and you get sick you call the chairman, this person takes you to hospital. Women like us, if they do not have the means, they call the chief and the chief calls for help those with means. You give 5 MAD and it is like this.

-Where you go to see doctors?

-Caritas, always Caritas. You can go to hospital and make a receipt; then you get it from Caritas.

André acknowledges the positive change in Rabat’s hospitals, which have been more likely to receive patients without asking for passports. Caritas, the charity organisation of the Catholic Church, provides undocumented migrants with a document that enables them to seek medical care more confidently, and Caritas also offers migrants certain basic medicines for free.

Caritas is not a hospital. Caritas gives you a paper [fr. carnet] to go to hospital or to a health clinic. You do the consultation and you come back to Caritas. They have pharmacy. They see if they have the medicine you need. There, they give you the

117 MSF (2010:21) has reported that “between 2003 and 2009, MSF carried out 27,431 consultations, of which 4,482 were related to lesions and trauma (16.3%). Moreover, more than 7,500 people were accompanied and referred to Moroccan health facilities in close collaboration with the country's Ministry of Health”. Parallel with this, informants underscored improvements in terms of access to health in Rabat and Casablanca. There is a lot of improvement in Oujda. “In Rabat, migrants are able to go to hospitals by themselves (interview with MSF, Rabat, April 2012). “In Oujda, MFS used to treat migrants directly, now they take them to hospitals. Now, it is doing mostly accompanying, mediation” (interview with MSF, Oujda, September 2012).
products that do not exceed 100 MAD. These are generics. When you have something more serious, we need to add up and pay for it.\textsuperscript{118}

The health care service directly provided by CSOs plays an important role in compensating for the lack of public health care, especially in border areas. Given the inadequacy of the Moroccan health care system in addressing sexual violence (MSF, 2010), the rehabilitation of survivors of sexual violence and women’s access to birth clinics have been specific aspects of migrants’ access to health care (GADEM et al., 2013: 80). A church official who regularly visited hospitals explained that even though African women are admitted into hospitals to give birth, they face discrimination and maltreatment, “they are called ‘the single’ [fr. la celibataire]”. Here, again, international and Moroccan NGOs collaborate in providing services but also to create buffer zones that facilitate women’s access to sexual health and birth clinics. These efforts are generally project based. While they constitute very important mechanisms that enable irregular migrants’ access to public care, they are usually limited in their capacity.\textsuperscript{119} For instance, Angela, a Filipina domestic worker, was pregnant from her Nigerian partner and had stopped working. When she sought help from a charity organisation for the birth, Angela was refused on the grounds that she does not fit the profile.\textsuperscript{120} Ultimately, through word of mouth, Angela and her husband learned of a female doctor who admits migrants in a public birth clinic. They managed to have the delivery without paying fees. After several attempts, Angela was able to obtain a birth certificate for the baby. Along with accessing to birth clinics, acquiring birth certificates for their newly born babies is another major bureaucratic difficulty that women confront.\textsuperscript{121} Birth certificates are crucial for children’s juridical existence and their bureaucratic incorporation in later years. As discussed in the section on access to education, the birth certificate is a required document for children’s enrolment in public schools. The lack of a birth certificate leads to the reproduction of illegality.

Despite improvements that increased irregular migrants’ access to public hospitals, the medical system in Morocco falls short to ensure migrants’ access to

\textsuperscript{118} A similar system has also been in play in Tangier in 2012.

\textsuperscript{119} The Project, based in a poor neighbourhood of Rabat, run by the international humanitarian organisation Terre des Hommes in collaboration with GADEM and Qum El Banine, ran between 2011-2014. In this context, the clinic received pregnant women and women with new born babies, and provided support to survivors of sexual violence. Women are examined in the clinic throughout pregnancy and referred to hospitals for birth (interview with Terre des Hommes) See project details, retrieved 15.05.2015 from http://www.tdh.ch/fr/countries/maroc#/project/.

\textsuperscript{120} She was told that “this organisation is helping people who need help. You are white”.

\textsuperscript{121} The facilitation of the registration of new births is amongst the recommendations underscored in CNDH’s report, which gave rise to Morocco’s new immigration policy (CNDH, 2013: 5). It is underscored that the denial of registration and a birth certificate for the newborn is against Article 29 of the UN 1990 Convention, and the national law in line with this principle (GADEM et al. 2013: 106-7).
health care beyond primary consultations. On the one hand, the reform initiative in immigration policies envisages a national strategy to improve medical care for irregular migrants who “should benefit from all the possibilities of medical care in Morocco, with the same entitlement as nationals”, as publically stated by the Minister of Health in January, 2014 (Moroccan Ministry of Health, 2014b). On the other hand, the exclusion of foreigners from the new health insurance scheme of social assistance known as RAMED, introduced in 2012, has created concerns for the future (MSF, 2013; GADEM et al, 2013: 76). The introduction of a centralised electronic system makes room for more bureaucratic exclusion even though the right to medical care is recognised in laws and regulations, as explained above. The follow up interviews in May 2014 have revealed complaints about the new system: “We are received in the hospitals. It is ok. [Now], You need a number, it is also concerning Moroccans. You cannot receive a serious treatment without number. They changed the system”, explained André. Rosa, as a recognised refugee from the DRC, was actually refused in the health clinic because she was missing the necessary documents for electronic registration: “I understood it was not because I was refugee, there was another Moroccan woman next to me. She did not have the number. She was also refused.” To summarize, irregular migrants’ access to health care in Morocco is formally recognised. However, migrant illegality has led to different forms of bureaucratic exclusion, rather than bureaucratic incorporation. The situation was partly ameliorated by the efforts of international and Moroccan civil society. It remains to be seen whether the new policy approach will lead to more inclusion concerning access to health care.

Public education between bureaucratic sabotage and self-exclusion

Access to primary education differs from access to health care, which is characterised by the lack of direct access to public health institutions in spite of formal recognition; the children of irregular migrants constituted a case of transition from informal inclusion to bureaucratic sabotage and later to formal incorporation. Along with international conventions, Article 21 of the Moroccan Constitution acknowledges that the universal right to education is not limited to Moroccan nationals. Since 2005, the Ministry of the Education has enabled provincial delegations of the Ministry to make decisions concerning the school enrolment of children from other nationalities. However, their access to public schools is restricted due to their parents’ illegal status in Morocco because children’s registration in the schools requires a copy of their passport or birth certificate of the child. As mentioned above,

122 According to MSF, Moroccan nationals are also suffering from the same problem inherent in the limitation of the health system (MSF, 2013: 28).

123 Morocco is a signatory of the Convention on the Rights of the Child.

the lack of access to birth a certificate has led to the transmission of illegality from one generation to the next and has later deprived children of public education. What is really interesting in the Moroccan case is that despite the exclusionary mechanisms in play due to migration controls, neighbourhood violence and the situation in the labour market, children of irregular migrants, although modest in numbers, could get access to free public education as a result of “bureaucratic sabotage” (Chauvin and Garcés-Mascareñas, 2014).

The bureaucratic incorporation of children of migrants of irregular status has been carved out thanks to the growing presence of the international and Moroccan civil societal networks providing services to irregular migrants. Most CSOs working in the context of Morocco do not distinguish between migrants, asylum seekers and recognised refugees in the provision of services. In the absence of access to free public education, international and Moroccan humanitarian organisations, at times in cooperation with UNHCR, have provided informal education for children of asylum seekers, refugees and migrants with no legal status. A very limited number was accepted into private schools. The enrolment of migrant children in public schools is a result of negotiations between UNHCR and the provincial delegation of the Ministry in Rabat. The provincial delegation, based on the 2005 decision of the Ministry mentioned above, agreed to admit children of refugees and asylum seekers into public schools, even though they lack the birth certificates required for registration.

As of the 2009-2010 academic year, UNHCR started providing a list of students to be enrolled in public schools to the provincial delegation in the Rabat-Sale region (See also Qassemy, 2014: 13-14). The list is prepared by CSOs that provide informal education to children of recognised refugees, asylum seekers and also irregular migrants. In the preparation and the approval process, no distinction was made between children of asylum seekers, recognised refugees and irregular migrants. In other words, children of migrants without legal status were also included in the list, and UNHCR has approved them without distinguishing between people under its mandate and others. Based on the list sent by UNHCR, those responsible from the provincial delegations of the Ministry in Rabat wrote to school principles advising them to accept these students without birth certificate.

The number of students benefiting from this mechanism of bureaucratic sabotage has remained limited due to several reasons that will be explained below.

125 Interview with Caritas, Rabat, July 2012.
126 CSOs providing services to UNHCR may, at times, restrict their activities to people under the UNHCR mandate.
127 Interview with Foundation Orient Occident, Rabat, September, 2012.
129 According to Qassemy (2014:14), between 2009 and 2013, 101 migrant children (100 sub-Saharan and one Iraqi) were enrolled in 31 public and five private schools in the Rabat-Salé region.
Meanwhile, this rather unofficial practice has provided an opening for more inclusive policies in favour of migrants’ children’s access to formal schooling in the context of new immigration policies in the post-September 2013 period. A new circular published by the Ministry of Education in October 2013 specifically targets schooling access of children originating from countries of sub-Saharan Africa and the Sahel Region. Accordingly, identity documents including birth certificates but also, in contrast with before, legal documents of parents are required for registration. However, the circular also gives flexibility and discretionary power to regional decision makers by explicating that all equivalent documents showing parents’ and children’s identity can replace required identity documents. The Ministry also published a note in early 2014, encouraging the integration of children from countries of sub-Saharan Africa and the Sahel Region who are not in formal education, into informal education and into “second chance” facilities provided by the partnering associations. The implementation of these two directives would arguably no longer require the process of bureaucratic sabotage with the intermediary of CSOs and UNHCR.

Despite the availability of bureaucratic incorporation and the recent formal recognition of the universal right to free public education, the access to education for children of irregular migrants has also been a process of self-exclusion. The limitations of bureaucratic incorporation are inextricable from parents’ unwillingness to enrol their children in Moroccan schools. CSOs have reported the disappearance of families after the enrolment of their children, as they prefer to stay in the camps near the EU borders. In other words, children are denied the right to education not only due to exclusionary policies, but also because of their parents’ semi-settled situations and their ongoing aspirations to cross into Europe. Women such as Fatima, begging in the streets of Rabat, or Allasane, whom I met with her three kids in Tangier while she was looking for a suitable opportunity to cross to Ceuta, are not only economically, socially and legally excluded but are also less interested in being incorporated into Morocco because of their experiences of exclusion:

“Our situation is far worse than single people. My children do not have birth certificates. How my children would go to school. I want to go to Europe with my kids. There, they can go to school. They are used to French schools. What would they do in Arab schools?”

130 Circular n°13-487, 9 October 2013, concerning the access to education of migrant children from the sub-Saharan and Sahel regions (see Qassemy, (2014: 47) for the French version of the circular)


132 Interestingly, both documents explicitly refer to the constitutional principle of the right to education, to principles of international conventions as well as to the new national immigration policy within the context of greater cooperation and solidarity with people of the sub-Saharan and Sahel regions. In this sense, this transition from bureaucratic incorporation into a formal recognition of children of irregular migrants as legitimate members of the society is perceived as part of a wider regional policy.

133 Interview with FOO, Rabat, September 2012.
The aspirations to cross to Europe have largely influenced migrants’ reticence about sending their children to school. Rosa, a 42 years old refugee woman from the DRC prefers to send her kids to private French colleges rather than public schools with a similar motivation that French education can help children after the resettlement she has been waiting almost 20 years for: “Yes, in a private college, because all schools here are in Arabic. It is always in Arabic, what is she going to do with Arabic. She was so far in Arabic schools and then she said mom it is not working, this is why we had to change so that she could learn some French, there is also Arab”. As mentioned in the beginning of the chapter, the content of the Moroccan public education has been one of the most criticised aspects of the Ministerial circular. There is widespread conviction that the content of the public education, which also includes Islamic religious education, is not suitable for Christian children, and those who are not fluent in French and Arabic face further difficulties (Qasemy, 2014: 20; 28). For André, the circular was a failure because it was initiated without consultation with the civil society or migrants’ organisations that have a deeper knowledge of the field. Meanwhile, access to public schools constitutes a relevant example of migrant bureaucratic incorporation: The agreement between the Moroccan state and UNHCR for the inclusion of a specific group, i.e. children of asylum seekers and refugees under the UNHCR mandate, was extended to migrants in irregular situations through a series of bureaucratic moves. The discussion of access to health care and public education is also important to show how civil society efforts lead to, albeit de facto, recognition of irregular migrants’ rights.

The chapter has been built around the puzzling situation concerning the link between migrant illegality produced through exclusionary practices and migrant mobilisation for accessing rights and legal status. In contrast with existing research and reports on the subject, the focus has been on the mechanisms of production and reproduction of illegality. The first three sections have so far illustrated how migrants’ experiences of deportability, settlement, labour market participation and access to health care and education also reveal their widespread experiences of exclusion as well as marginal forms of inclusion. Thus far, I have argued that the experiences of strandedness and exclusion have been factors that push migrants towards mobilisation to claim their rights. Along with exclusionary mechanisms, there have been other factors enabling the transformation of migrants’ common grievances into coordinated forms of action and into articulated demands for legal status and access to rights. This section has already hinted at growing interconnections and collaboration between migrant communities and civil society enabling migrants’, albeit marginal, access to certain rights. The next and last section analyse communal strategies that migrants embrace in claiming recognition and rights, which are distinctive aspects of the incorporation experience in the Moroccan case.
4.4 Reversing illegality through mobilisation

Figure 4.6 “had enough! For equality, against exploitation. Regularize all undocumented migrants”. Members of the Democratic Organisation of Migrants Workers taking part in a march organised by a workers’ unions to protest economic policies of the government, Rabat city centre, 11.11.2012.


The last section of Chapter 4 highlights institutional factors, in particular the institutionalisation and mobilisation of civil society, around the question of irregular migration that enable irregular migrants’ political incorporation in the Moroccan context. Among the political opportunity structures that are available to migrants, as discussed in Chapter 2, the most important, I suggest, is the simultaneous emergence of Moroccan civil society actors, critical of state policies and practices towards irregular migrants, with migrant organizations. In the Moroccan context, migrants’ mobilisation for rights has become a form of incorporation. In order to explain how the institutionalisation of civil society provided opportunity structures for migrants’ own mobilisation, the following sub-sections discuss the emergence of civil societal actors and their main activities. Then, I move to the incorporation of migrants, as vocal political actors, into these recently emerging institutionalized civil society structures. Institutional and discursive factors underpinned what I call the political incorporation of migrants in Morocco.
Emergence of civil society networks

As an unintended consequence of the Ceuta and Melilla events, migrants who were forced to move out from rural camps and the city of Tangier in the North have become more visible in big cities. Parallel with this, international and Moroccan NGOs as advocates of rights and/or providers of humanitarian support to immigrants have proliferated. NGOs have become important actors, enabling migrants’ incorporation and mobilisation despite their low capacity and the challenges they face in terms of tense relations with authorities (Collyer et al., 2012: 12). Not surprisingly, their visibility in the Moroccan context coincides with the increasing visibility of irregular migration issues. Interestingly, the emergence or expansion of activities by formal international, national or local CSOs coincided with the emerging politicisation of informal sub-Saharan migrants’ associations.

Civil society actors working on immigration related issues in Morocco can be categorised based on their affiliation, activity areas and relations to the state authorities. Concerning affiliation and scope, there are international non-governmental organisations (INGOs) MSF (operating until March 2013 in Rabat, Oujda, to a lesser extent in Nador), the Catholic Church’s charity organisation Caritas (with reception centres in Rabat, Casablanca, Tangier), Terre des Hommes, International Mutual Aid Committee based in Protestant Church, in Rabat and Oujda, the French organisation CIMADE; older and nationally organised institutions which developed an interest in immigration as part of their general mandate such as the Moroccan Association for Human Rights (AMDH), the OMDH; labour unions such as the Democratic Organization of Labor (ODT), organisations operating locally such as the Foundation Orient-Occident (FOO), (in Rabat, with branches in Casablanca and Oujda), ARMID (Association Mediterranean Encounter for Immigration and Development), Pateras de la Vida, and CHABAKA in Tangier, ABCDS (Association Beni Znassen Culture Development Solidarité) in Oujda, AFVIC (Association for Victims of Clandestine Migration and their Families), GADEM (The Anti-racist Group for the Support and Defence of Foreigners and Migrants) in Rabat. It is also possible to categorise these institutions based on their activities with migrants, asylum seekers and refugees in Morocco. While humanitarian aid is a priority for some institutions (e.g Caritas and MSF), others are more preoccupied with legal consultation (e.g OMDH) and rights advocacy or raising awareness in favour of immigrants (e.g GADEM, AMDH and CIMADE). However, in a context where the protection needs of irregular migrants stems from the inadequacy of policies and violent practices (Collyer, 2010), most civil society actors approach the situation through the combination of humanitarian aid

---

114 See Annex 1, Table 5, for an overview of NGOs interviewed.

115 So far, ODT is the only union accepting migrants (with or without legal status) as members, since July 2012
and advocacy. It is also possible to categorise these civil society actors by their relation to Moroccan state and funding bodies.\textsuperscript{136 137}

**Migrants’ self-organisations**

As already mentioned in the conceptual discussion, migrants themselves are incorporated into this emerging civil society network for the rights of irregular migrants, not only as beneficiaries of certain services but also as active political agents seeking rights. Migrants’ associations were formed as one of the initial communal strategies for negotiating grievances that stemmed from deportation practices and limited economic opportunities and rights, as explained in the previous sections. The Council of Sub-Saharan Migrants in Morocco (CMSM) and the Collective of Refugees in Maroc were established right after the 2005 Ceuta and Melilla events. Many amongst the founders of migrant associations received the formation “Asile Maroc”, jointly organised by Cimade, a French organisation, and AFVIC, a Moroccan one, in collaboration with UNHCR in 2006 (Alioua, 2009). The formation aimed at raising awareness on the question of asylum and irregular migration. In this sense, interactions between migrant activists and Moroccan or international associations were strong since the beginning of the mobilisation process. As they became more established, increased in number and collaborated more frequently with Moroccan and transnational civil society actors, sub-Saharan migrant associations amplified their visibility and their demands for the fundamental rights of migrants, the regularisation of undocumented migrants and the formal recognition of their associations. The wide use of the French language amongst middleclass Moroccans and sub-Saharan migrants, as a legacy of French colonialism, facilitated communication between associations and amongst migrant communities themselves.\textsuperscript{138}

This was accompanied by the foundation of several ethnicity based solidarity associations, African students’ associations, some of which are recognised by law. Smaller, issue-based migrants’ associations such as the Collective of Sub-Saharan Migrants in Morocco (founded in 2010) and ALECMA (Association Lumiere sur l’émigration clandestine au Maghreb) (founded in August 2012) joined later. Denouncing violence against sub-Saharan migrants has been the main motivation for the establishment of these two institutions, as explained by an ALECMA representative:

\textsuperscript{136} While both are human rights organisations, AMDH has been more openly critical of state policies than OMDH (Jacobs, 2012: 58). GADEM, as the only institution particularly working in the defense of migrants’ rights, was recognised by the state only after the launch of the new policy. For a comprehensive review of NGO activities towards irregular migrants in Morocco, see Jacobs (2012).

\textsuperscript{137} The emergence of civil society working on irregular migration issues has to be contextualised in the wider political and institutional liberalisation process, explained in Chapter 3.

\textsuperscript{138} However, it is also acknowledged that English speaking communities amongst migrants have had difficulties in getting access to these networks. The point was revealed by informants from Nigerian origin, and the low numbers of Anglophone migrants is also acknowledged during interviews with migrants’ self-organisations.
There are many sub-Saharan living in Takadoum, it is the hottest neighbourhood in Rabat. There this is what motivated us sub-Saharan to come together to create an association, ALECMA. This is to denounce different problems we encounter in the country, then to defend our rights because as migrants, our rights need to be respected, that’s it. This is why we regrouped under an association. We started this fight to be recognised. [... ] This is related to different aggressions. In August 2012, there was a series of aggressions. In one week, there were 6 cases of aggressions. This is why we called all sub-Saharan living in Takadoum and we made a pacific march. We wanted to be heard. We made a march to the police station because a sub-Saharan was seriously injured because of aggression. We made the march with the injured to the police station. We passed by consulates, Mali, Ivory Coast, Central Africa. After this march, we had the idea of getting together under an association. 139

The use of the word sub-Saharan in the name of associations connotes a common identity and solidarity beyond ethnic, national and religious differences within the community. In a sense, it is a counter discursive strategy that opposes the stigmatisation of sub-Saharan as “illegal migrants”. In response to my question about how he feels about the use of the term sub-Saharan, André replied: “when I say sub-Saharan, we need to clarify. Moroccans call us Africans. Maybe they are Europeans, I do not know. I am proud of being sub-Saharan... I am not bothered of being called black or sub-Saharan.”

To note, only a small minority of immigrants in Morocco are attached to sub-Saharan organisations. Most of the time, migrants refer to their personal background of activism as the main motivation to join or initiate migrants’ organisations. There are others who have gained awareness through their experiences since they arrived in Morocco. An activist from CMSM narrates his mobilisation story, resulting partly from his activist background and also from his experiences in Morocco. “I was in an association in my country. After coming here, I went through a new formation. There was need to revolt [fr. s’indigner]. In 2005 events, I was in the hearth of the events. This gave a breath to my engagement. It was part of the motor of my engagement”. Moussa (56, from Guinea) explains his own and other sub-Saharan migrants’ involvement with associations as the result of a gradual awareness and reaction to racist discrimination they face in daily life.

- Since 2005, we created the Council of Migrants. It was the first time in Morocco to have an association for the defense of migrants’ rights in Morocco. At the beginning I was here but I was not interested. I am a member since 2-3 years.

- What happened that you decided to become a member?

- You know, I have decided, with brothers, we were organising things for boys recently arrived. God created the earth for humans to live. Frontiers are not acceptable. The earth does not belong to anyone it belongs to people. We are

139 Interview with ALECMA, Rabat, May 2014.
combating for an earth without frontiers. You can live anywhere, regardless of nationality and for equality of all. The earth is for everyone. This is the aim of our associations”.

-Why do you think some migrants are more activist than others?

-This is the communication. We are mobilising people to rise for their rights. You should not stay in your house hidden, you need to go out and ask for your rights. You have the right of workers, right to papers, right to access to health, right to liberty. You should not stay in your corner. You need to claim your rights. This is what Council is trying to do. It is not only for sub-Saharans it is for all foreigners, Tunisians, Asians. It is true that there is a discrimination. The other North Africans [Magrebins], Asians, Americans, the police does not stop them. There is discrimination.

Although migrants’ self-organisations differ from one another in terms of their internal organisations and their priorities, they gradually became more vocal in their demands for fundamental rights, the regularisation for migrants, and also the regularisation of their associations. The simultaneous emergence of an international and a Moroccan civil society working on irregular migration has constituted an opportunity for migrants’ organisations to set their agenda and raise their claims. Gaining visibility and seeking recognition was possible through collaboration with Moroccan and other international actors in the field. The main axis of collaboration between migrants’ organisations and Moroccan and international organisations has been in two areas. These include helping with humanitarian work in the field and collaborating on advocacy activities. Each side admitted its dependency on the other to further its activities and agenda.

The communal strategies of migrants’ organisations included direct collaboration with other civil society actors in the field concerning humanitarian aid and legal support, public manifestations and forging formal and informal alliances with Moroccan and transnational actors. It was noted that migrants’ organisations are much more efficient in the field, and other associations need them to reach the target population. One voluntary, and at times paid, job that is available for migrants (both irregulars and students) is the role of a “proximity agent” [fr. agent deproximité] for organisations that conduct research and do humanitarian work in the field. While this may provide an opportunity for the economic incorporation of a small minority of migrants, these relations are not free from tensions.

140 Interview with CMSM, informant 1.

141 As the structure of these types of funds do not always cover remunerations for activists volunteering on the ground, there are misunderstandings and frustrations concerning the voluntary work by activists (interview with GADEM). A feeling of frustrations has been noted in the accounts of several activists: “They need to know to manage people, we are head of families. Instead of going to Nador, you can do three days of work. You do not do this because you have chosen the road of activism. They exploit us, sub-Saharans. They exploit sub-Saharan activists” (André, 42, from Cameroon).
Despite tensions related to the voluntary services provided by migrants’ associations to international and Moroccan CSOs and the widespread conviction that migrants should be able to speak for themselves, most members of migrants’ organisations agree that they rely on Moroccan NGOs for making public appearances. Moroccan NGOs can secure legal permissions for public protests on particular days (Jacobs, 2012: 72) such as international migrants’ day, the anniversary of Ceuta and Melilla and International Labour Day. When the Social Forum on Immigration was in Oujda, in October 2012, aiming at widespread participation from civil society actors from Morocco and from the region, it was AMDH that helped the transfer of migrant participants from Rabat to Oujda. In other words, Moroccan associations negotiate with the authorities to ensure the political participation of migrants without legal status: “Security question was raised in the meetings. We need to ensure the protection of undocumented migrants. We are negotiating with the authorities to receive them here. There is a commission to do this, to facilitate the participation of undocumented people.” I consider this to already present example of regularization from below (Nyers and Rygiel, 2012: 15).

The initiative for the unionisation of migrant workers under a Moroccan labour union was a concrete example of alliances between migrants’ and Moroccan associations for the regularisation of migrants. The first step was taken on Labour Day in 2012, with the announcement of the regularisation campaign and a public demonstration. The motto was “we, also have rights”. The admission of migrant workers into ODT under its new branch ODT-immigrant workers (ODT-IT) was officially launched with the first congress in July, 2012, with the participation of hundreds of migrants. CMSM played an active role in coordination, together with Marcel Amiyeto, a recognised refugee and the secretary general of ODT-IT. Amiyeto’s narrative on the process of unionisation underscores the importance of forging alliances:

Sub-Saharan are working in the factories, construction, call centres, everywhere but they are not recognised. When there is an accident, they do not have social security coverage. This is why we intervene to create the union. It took us many negotiations, First all, not all associations agreed with this idea, they did not want the creation of the union. Members of Association of Workers from Maghreb in France (ATMF) encouraged us. We made contacts with ODT and started to reflect on the question and how to make foreign workers members of the union. Before the internal rules of the union were nor allowing the membership of foreigners.

142 Interview with the Collective of sub-Saharan Migrants in Morocco. Note this is a highly controlled trajectory, as most migrants entering Oujda seek to go to Rabat using the same trajectory.

143 Interview with ABCDS, Oujda, September 2012.


145 I used his real name, as he is a well-known figure.
In this case, migrants’ organisations in Morocco forged a transnational alliance with ATMF, a labour union representing migrant workers in France. The interest of the unions in general and the foundation of a migrant union in particular have been a surprising form of alliance, considering the earlier discussion about how migrant incorporation has largely been defined by economic marginalisation. The main contribution of unionisation has been the strengthening of alliances for the regularisation campaign. CNDH and The Council of the Moroccan Community Living Abroad (CCME)\textsuperscript{146} supported ODT-immigrant workers to make a formal regularisation claim. These alliances increased the visibility of irregular migrants in Morocco.\textsuperscript{147} Migrants used their rather limited institutional capacity to reach the key institutions such as CNDH that are capable of pushing for change in immigration policy. In this sense, even before the publication of their recommendations of the new policy in September 2013, CNDH has been a crucial institution for channelling irregular migrants’ demands for regularisation.

\textbf{Brothers in arms: what made alliances possible?}

The common agenda of meeting the protection needs of migrants has enabled alliances, along with several additional factors. One major component of the alliances was the common repertoire that Moroccan NGOs and migrants share for legitimising their alliances and their demands. Below, I discuss the importance of common references to the ongoing democratisation process of Morocco, the changing conditions of transit migration and to the country’s emigration experience as a developing African country.

The relative liberalisation of the associative life in Morocco, discussed in Chapter 3, has arguably allowed Moroccan civil society actors to raise their critics against the state, by relying on discourses of universal human rights, international law and the rule of law. These principles provided a suitable ground to raise human rights violations against irregular migrants and to ask for regularisation. While the security-oriented approach of the Law 02/03 is criticised, most NGOs simultaneously call for at least respecting the protective measures in the law. The responsibilities of Morocco as a signatory of the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and members of Their Families, are underscored in public declarations and meetings.\textsuperscript{148} For instance, GADEM (2013) prepared a report on the implementation of the 1990 Convention and implications for the rights of immigrants in Morocco in

\textsuperscript{146} CCME was established in 2007, and its role was recognised in the 2011 Constitution. The Council is constituted of representatives of the Moroccan community abroad, most of them are appointed by the King himself.

\textsuperscript{147} Both CNDH and CCME are led by Driss El Yazami, a well-known human rights activist in Morocco, appointed by the King as the head of these institutions.

\textsuperscript{148} Morocco, as an emigration country, is one of the first countries signing the 1990 Convention. During the 2000s, the document has become a major legal reference for criticising the treatment of immigrants in Morocco.
collaboration with migrant associations as well as other Moroccan associations (see GADEM et al., 2013).

In my interviews with migrants’ organisations, it was interesting to see the direct references to the democratisation process and the ways that migrants situate themselves as progressive actors in this process. The informant from CMSM underscored that Morocco is the first country to have migrants’ organisations that do advocacy work, and that this presents an opportunity rather than a threat for the future the country:

We are doing sit ins, we are on the TV. They think that we are here to sabotage Morocco, not really, when we criticise state. We are not a threat to Morocco, we are a chance for the country. In terms of associations like us, in terms of migrants’ communities being together to defend rights, Morocco is the first among all countries in the Maghreb. Honestly, it is a chance for Morocco to respect democratic rights.149

These claims are coupled by the observation that the conditions of transit migration have changed over time. While accepting the general observation that migrants are in transit, almost all NGOs and experts that I contacted drew attention to the changing conditions and temporality of transit and underscored that being in transit is no longer a matter of a few weeks as it was ten years ago. An emphasis was placed on how the length of this period of transit makes Morocco responsible for the situation of immigrants in Morocco, regardless of whether or not they are en route to Europe: “With AMDH and other associations, we insist for regularisation. Some say it is an EU problem, not Moroccan, the EU wants us to regularise people but they do not want to open their borders. We say it is also a Moroccan problem.”150 Migrants’ associations argue against the argument relying on the transit status of migrants, stating that the exclusionary policies of the state that deny their access to rights and legal status do nothing but perpetuate migrants’ vulnerabilities in society. This approach also leaves them no option but to explore the viability of clandestine migration. On the one hand, migrants themselves are explicit that they are stranded in Morocco because they could not reach Europe. On the other hand, they emphasise that migrants are also stranded because policy circles turn a blind eye to their situation, and they are denied the option of staying in Morocco or going back to their countries: 151

We are undocumented because we are denied documents... [...] You stay for ten years, you are as if you arrived yesterday, you do not take a step. It is heavy for human life, which has a limited time. This is the force that makes people to take the sea

149 Interview with CMSM, Rabat, September 2012, informant 2.
150 Interview with ATMF.
151 The Assisted Voluntary Return and Reintegration project for irregular migrants in Morocco by IOM has not been functioning due to lack of funding.
Common references to a shared African identity and a shared emigration experience between sub-Saharan and Moroccans have underpinned alliances. “We are all Africans” is commonly stated by Moroccan NGOs and activist migrants, alike. In public statements, pro-migrant rights actors display solidarity with “African brothers” with references to Morocco’s African identity. Similarly, King Mohammed VI underscored Morocco’s African identity in his royal speech announcing the new approach to immigration policy.

One important repertoire legitimising civil society interest in immigration issues and the alliances they forged with migrants’ associations concerns the references they make to the emigration experience of Morocco. The references to emigration also reflect the experiences of Moroccan NGOs. AMDH, founded in 1979 after several years of work on human rights violations of Moroccans in Europe, reshaped their activities with the changing migration scene in the country. They have started to place equal emphasis on human rights violations of immigrants in Morocco: “We suffered from racism and we are racist against migrants”. In this sense, mobilisation for the rights of emigrants has influenced attitudes towards immigrants with or without legal status in the country.

References to the emigration of Moroccan families are also used to raise awareness of the vulnerable situation of immigrants in Africa. The statement by the ABDCS reveals how reflecting on the emigration of Moroccans to Europe facilitates communication about the situation of sub-Saharan among Moroccans with families in comparable positions in Europe:

Sending countries, African countries have a better understanding of the phenomenon of migration. We use this argument when we make awareness-raising in poorer neighbourhoods. When they ask who these people are, what are they doing here.

---

152 Interview with CMSM, Rabat, September 2012, informant 1.
155 For a detailed analysis of the emigration policies and institutions on immigration, see Üstübici, 2015.
156 Interview with AMDH, Rabat, September 2012.
Morocco is not a European country. We say ‘think of your brothers in Europe, they are also sans-papier’. There is solidarity despite racist attitudes, we should not forget.  

Taking emigration as a reference point has allowed the emergence of transnational and at times “unusual alliances” (Coutin, 2011: 302). The use of references to emigration history to make a case for migrant rights in Morocco reveals the need to re-think available opportunity structures in transnational terms, as proposed by Pero and Solomos (2010: 9). As mentioned, ATMF, the union of workers from Maghreb operating in France, supported the unionisation activities of immigrants in Morocco. Again, the empathy with the immigrants in Morocco stems from Moroccans’ own experience of their irregular status in Europe: “It reminds us of our situation in the 1970s. It is natural that we react to this. It is normal. This is why we play the role of advocates.” Recently, the CCME, as a quasi-independent state institution, has developed an interest in the situation of irregular migrants. CCME conducted research in collaboration with the Institute for Public Policy Research in the UK and the Platform for International Cooperation on Undocumented Migrants based in Brussels, on the precarious situation of sub-Saharan irregular migrants in Morocco. CCME in collaboration with CNDH has played a critical role in initiating a new immigration policy in Morocco. Such collaborations and CNDH’s ongoing interest in irregular migration in Morocco as an issue of human rights, as well as their close relations with migrants’ organisations, increased the visibility of immigrants as political actors. Alongside other geo-political and foreign policy concerns, migrants’ visibility as political actors contesting their illegal status has played a role in shaping recommendations by CNDH for a radically new Moroccan immigration policy. Their relative empowerment and increasing concerns over ongoing practices has resulted in the increased momentum of migrant mobilisation in the aftermath of the reform initiative. Moroccan and migrant organisations have continued to organise public protests against rights violations, racist crimes, and attitudes towards migrants. Migrants’ associations have found new ways to communicate with the Moroccan government on the ongoing regularisation campaign and the regularisation of their own informal associations for instance, as was narrated at the very beginning of the chapter.

---

157 Interview with ABCDS, September 2012.
158 Interview with ATMF. Rabat, September 2012.
159 Further research could explore whether the experiences of Moroccan associations with the sans-papier movement in France have served as a model in the framing of demands for regularisation.
160 See Cherti and Grant, 2013 for the results and policy recommendations of this research.
I have shown that migrants of irregular status in Morocco have been able to carve out a political space thanks to alliances they built with Moroccan and international organisations. The Moroccan case displays a rich and underexplored empirical ground to re-investigate the theoretical connection between migrant illegality, incorporation and mobilisation in a context characterised simultaneously by emigration, immigration and transit. Interestingly, this is also the context where migrants themselves simultaneously negotiate transit and settlement. In other words, the demands for regularisation that targeted Moroccan government were coupled with more general demands on the freedom of circulation. Expectedly, critiques also targeted EU policies restricting right to asylum and mobility. My observation is that for many migrant activists, the initial motivation for mobilisation has been their experience of exclusion and their mobilisation for rights and legal status in Morocco. Meanwhile, their experiences of mobilisation have been reconciled with their individual projects to go to EU. In other words, while getting organised, migrants simultaneously seek opportunities to cross Europe. In this sense, in Morocco, mobilisation for the rights of migrants can be a way to acquire social capital that enables migrant activists to travel to Europe legally. Mobilisation becomes a means for *transiting to Europe* but not clandestinely, as the term connotes. For some, transit migration may not have been a motivating factor for coming to Morocco. At this point, the changing meaning of transit needs further analysis from the perspective of migrants. Amadou (26), from Senegal, for instance, came to Morocco to study, with no interest in migration issues and no prior experience of activism. Living in a poor neighbourhood also inhabited by migrants in irregular status and volunteering for some charity organisations, he has become a militant during his stay in Morocco. Amadou later married a French woman he met through these activist networks. He subsequently moved to France to join his wife and continue his education.

While looking for my informants on follow up visits to Rabat, André told me the story of a community leader I had interviewed but lost contact with: “He left to France. He left legally. He first went for a forum in Italy. He had the visa. Then, he was invited to France. He left and preferred to stay there. He had finished his post. He left his place to somebody else”. Mentioning another informant/friend who was invited to a European country and also stayed there, André’s tone revealed his appreciation of the success of his peer: “We are all happy for him, he was a real militant”. Later in our conversation, André said that he was not able to take advantage of similar invitations because he entered Morocco without passport: “We always receive invitations but it is not easy as we do not have passports. We say if they regularise us, we can also make passports and when there are forums around the world. It would allow us to travel in a good way. This is a little bit like that”.

Even those who have not (yet) left Morocco for other destinations reported they have been empowered through this mobilisation process. Maya (22, from
Guinea), a young member of ODT, aspiring to pursue her studies in Europe refers to her experience of mobilisation for the rights of irregular migrants in Morocco as training. “Here, it is a form of training. I train myself here, and I see many things happening in different associations. It is knowledge. I tell myself that it is also a school. It is a school”. In other words, for several migrant activists, the mobilisation process is a process of incorporation into Moroccan society but also an opportunity to further their journey.

Conclusion: Morocco as a case of political incorporation

The purpose of Chapter 4 has been to reveal the linkages between i. the production of migrant illegality even before migrants arrive at their allegedly final destination, ii. Socio-economic structures that enable and disable migrants’ incorporation in new immigration countries, and iii. factors that make political activism a viable option for migrants in irregular situations in Morocco. Regarding the mechanisms of control (laws and implementation) and structural factors (the labour market) that produce migrant illegality, Morocco has been a case of exclusion at the levels of policy, discourse and practice. Regarding the question of incorporation, Morocco is a crucial case for studying the mobilisation for the rights of irregular migrants. The chapter has argued that the interaction between exclusionary practices and other structural and institutional factors resulted in a particular incorporation style, which I characterised as legal, economic and social marginalisation but political incorporation through mobilisation.

The chapter showed the conditions under which the trans-Saharan journey through Morocco to Europe has become a political journey for migrants stranded in Morocco in the post-2005 period. The first three sections have focused on migrants’ experiences of deportation and labour market participation and their formal and informal access to rights through civil society. The first section confirms the perspectives of literature that suggests that migrant illegality is re-produced through practices of controls and deportation along the borders and in the urban setting, and that the situation reinforces migrants’ continuous sense of deportability. This sense of exclusion is worsened through marginalisation in the labour market and widespread violence in the neighbourhood, as explained in Section 4.2. Civil society practices only partially alleviate social exclusion by enabling formal and informal access to fundamental rights and services. In Section 4.3, access to health care and education are described as two key areas that illustrate how mechanisms of formal and informal bureaucratic inclusion work on the ground. As discussed in this section, I have conceptualised health care as an area where the access to a right that is recognised by the state is negotiated through informal practices. It was only after non-state actors applied pressure that public hospitals started to receive immigrants without asking for their legal documents. The area of access to education is another crucial field where formal access is achieved after a process of informal inclusion and bureaucratic incorporation. Up until the Circular on universal access to public education initiated in
November 2013, the children of irregular migrants could be enrolled in schools through NGOs and HCR even though the parents are not asylum seekers or refugees. In contrast with health care, the right to education depended on bureaucratic tolerance rather than formal recognition. Only after the Circular was bureaucratic tolerance formalised and in a sense encouraged within the context of integration policy.

The fourth Section has analysed the institutional and discursive contexts that made the political mobilisation of irregular migrants a viable option. I have shown that migrants with an irregular status in Morocco, animated by their experiences of marginalisation, have been able to carve out a political space to claim rights and legal status thanks to alliances with Moroccan and international organisations. The use of a referential framework based on a language of rights, a common African identity and experiences of emigration reinforced the shared ideational ground of such alliances. Because of this mobilisation, migrants with an irregular status gained public visibility before they were recognised by state authorities.

This aspect of migrants’ incorporation as political subjects makes Morocco a crucial case for exploring the link between migrant illegality and new social movements literatures, which has received little attention in new immigration contexts at the periphery of Europe. Political incorporation is also a process through which migrants benefit as individual actors. It is noticeable that several association leaders found ways to travel to Europe legally through transnational connections they built within these activist networks.

Despite the limitations of the mobilisation for the rights of irregular migrants, the Moroccan case generates interesting empirical and theoretical questions. It remains questionable if this ongoing political activism in the context to reform initiative will alleviate migrants’ experiences of exclusion and marginalisation in social and economic life, which had initially pushed them to mobilise. It is also questionable if mobilisation provides a critical opening to question border and membership practices of powerful actors such as the EU or nation-states of the North or if it reinforces the international regime of migration controls that was envisaged by these powerful actors in the first place.

It is worth noting that the mobilisation by irregular migrants at the periphery of Europe is more of an exception than a rule. One way to theorise the specificities of the Moroccan case is to compare it with the situation in other countries. The mechanisms of exclusion and inclusion that make migrants’ political incorporation possible make the Moroccan case distinct from the cases in other countries in the region. As will be explained extensively in the next chapter, the case of Turkey exhibits a different mechanism linking the production of migrant illegality and migrants’ experiences of incorporation.