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Morocco Country Brief on Irregular Migration Policy Context

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THE MIRREM PROJECT

MIrreM examines estimates and statistical indicators on the irregular migrant population in Europe as well as related policies, including the regularisation of migrants in irregular situations.

MIrreM analyses policies defining migrant irregularity, stakeholders' data needs and usage, and assesses existing estimates and statistical indicators on irregular migration in the countries under study and at the EU level. Using several coordinated pilots, the project develops new and innovative methods for measuring irregular migration and explores if and how these instruments can be applied in other socio-economic or institutional contexts. Based on a broad mapping of regularisation practices in the EU as well as detailed case studies, MIrreM will develop 'regularisation scenarios' to better understand conditions under which regularisation should be considered as a policy option. Together with expert groups that will be set up on irregular migration data and regularisation, respectively, the project will synthesise findings into a Handbook on data on irregular migration and a Handbook on pathways out of irregularity. The project's research covers 20 countries, including 12 EU countries and the United Kingdom. This Deliverable of 15 country briefs is developed as part of Work Package 3 Politics: Understanding Legal and Policy Contexts.

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Irregular migration; policy measures; pathways into and out of irregularity

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Morocco

This Brief provides an abridged overview of the national policy landscape on irregular migration in the country, based on a more extensive policy analysis. It also provides an overview of the main types of migrant irregularity that emerge and the pathways into and out of irregularity, including regularisations as relevant. Annexed to this Deliverable is also an overview of the mapped legal and policy frameworks.

1.1. POLICY PRIORITIES

- **Addressing humanitarian concerns of migrants**

On top of Morocco's policy priorities is the importance of ensuring status-regularisation of migrants, ensuring their access to basic services, and mitigating the vulnerabilities associated with irregular status, as part of its commitment to a more human approach to migration management. Some of the measures introduced to achieve these objectives include combatting trafficking and smuggling networks, search, and rescue operations, strengthening humanitarian assistance (particularly for migrants in urgent health situations) etc.). Recognizing that a comprehensive approach to migration management extends beyond addressing security and humanitarian concerns, Morocco also places a strong emphasis on socioeconomic integration by implementing measures that provide migrants and their families with access to education, healthcare, and employment opportunities with the aim to create conditions for the successful inclusion of migrants into Moroccan society.

- **Strengthening border controls**

Morocco seeks to control the flow of irregular migrants within its territory while enhancing overall border security. The country's geographical location -linking Africa to Europe- makes it both a transit and destination point. Therefore, this measure is driven by the need to manage migration flows efficiently and mitigating the threats of terrorism. Complementing these efforts, Morocco has been proactive in countering human trafficking and migrant smuggling: two issues intrinsically linked to irregular

migration. Actions to combat these challenges have both humanitarian and security dimensions, aiming to protect the rights of migrants while ensuring public safety.

- **Strengthening partnerships on migration management**

The nation's involvement in various agreements with other countries and international organizations provides a structured framework for managing migration flows, addressing security concerns, and enhancing cooperation on migration-related matters. Of equal importance is the collaboration with international organizations, and the commitment to respecting humanitarian and human rights considerations of migrants, including refugees and asylum-seekers. This priority is not solely motivated by a moral imperative but also a response to international obligations which exemplifies in the synergies with various ministries and the High Commissioner for Refugees (UNHCR), IOM, and the UN, among others.

1.2 OVERVIEW OF THE MOROCCAN POLICY FRAMEWORK

See Annex 1 for an overview of the legal and policy frameworks mapped for this country.

1.2.1 Policy implementation measures

In efforts to safeguard the rights of irregular migrants crossing international borders, Morocco adopted an approach to managing migration flows, combating human trafficking and smuggling networks, and enhancing humanitarian assistance.

- **National Strategy for Immigration and Asylum (SNIA) – 2013**

Rooted in humanitarianism, comprehensiveness, and regional leadership, SNIA is driven by four overarching objectives: a) facilitating the integration of regular migrants, b) improving the regulatory framework, c) establishing a suitable institutional framework, and d) managing migratory flows while respecting human rights principles. It comprises three major changes: a) two exceptional regularization processes for immigrants, carried out in 2014 and 2016-2017 (this operation benefited nearly 45,000 migrants); b) extended power for the UNHCR to grant the right of asylum to a greater number of asylum seekers in Morocco; c) allowing for better integration of migrants and asylum-seekers into Moroccan society, as well as increased emphasis on the fight against human trafficking and traffickers (Kingdom of Morocco, 2018).

- **Act No. 27.14 & Bills No. 66.17 & No. 72.17 – 2016**

Act No. 27.14, targeting human trafficking was enacted in August 2016. Bill No. 66.17 (pending ratification since February 2019) stipulates refugees, asylum seekers, or any persons shall not be deported to a country where their life or physical safety is in danger, in addition to recognizing the rights of refugees stipulated in international agreements, and creating a national structure concerned with mechanisms for

asylum applications. Bill No. 72.17 (pending ratification since February 2019) focuses on entry, residence, and migration in Morocco. It pertains to the entry and residency of foreign nationals and migration in Morocco as well as serves as a proposed measure designed to complement and amend Act No. 02.03 of 2003, addressing the entry and residency of foreigners and the issue of unlawful migration.

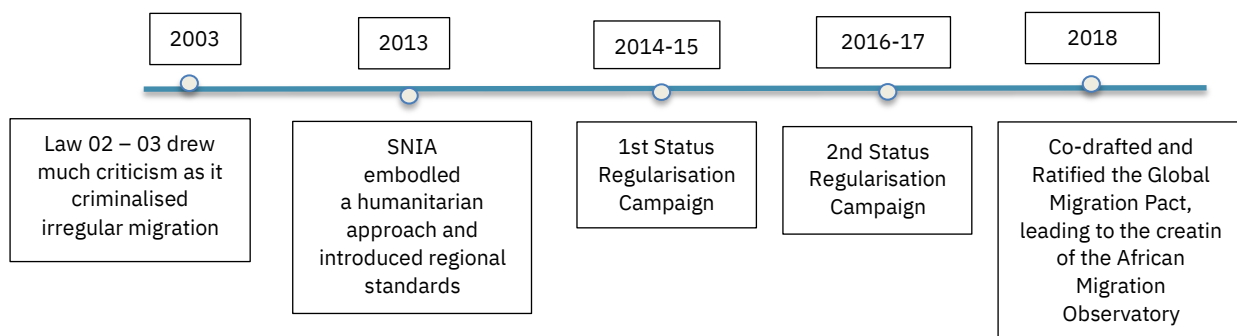
- **Assisted Voluntary Return Programme - 2017**

In collaboration with IOM and the EU, Morocco implements the Assisted Voluntary Return programme. Since 2017, the country has provided voluntary return support to 5,407 migrants to countries of origin as part of the implementation of SNIA. IOM expects an average of around 2,000 returns per year.

- **African Migration Observatory – 2020**

In 2020, Morocco inaugurated the African Migration Observatory in the capital city of Rabat. Affiliated with the African Union, the observatory's primary objective is to enhance comprehension of the migration phenomenon, bearing in mind its distinctive continental characteristics, and to explore potential future trajectories while recommending suitable policy measures. Its pioneering role as a collaborative instrument is to facilitate the systematic collection, analysis, and dissemination of data among African nations.

1.2.2 Policy evolution: Main turning points



1.2.3 Policy impact

- **Drawbacks of Act 02-03**

Law 02-03 represents significant challenges to irregular migrants' both journey to Morocco and life within the country (Meknassi, 2019). Over time, the policy has resulted in the criminalisation of such form of migration and has made irregular migrants more vulnerable to exploitation and abuse by human traffickers and smugglers. The law does not adequately differentiate between different categories of

migrants, including refugees, asylum seekers, economic migrants, and victims of trafficking. This lack of differentiation results in inappropriate treatment of these distinct groups. Detained migrants, including children, have reported harsh conditions in detention centres and inadequate access to legal representation. The law has also not been effective in reducing irregular migration but simply pushing migrants to take riskier routes and engage with criminal networks, making their journeys more dangerous (Jacobs, 2024).

- **Impacts of SNIA**

SNIA encompasses 11 programmes all pertinent to migrants' integration in the various socio-cultural tissues of the Moroccan society. They include education, healthcare, housing, social and humanitarian assistance, vocational training, employment, migration flow management, anti-human trafficking efforts, international cooperation and partnerships, regulatory frameworks, governance, and migration. Thousands of migrants who have benefited from the two regularisations programmes have also benefited from SNIA's programmes, including integration into the education and health systems (Schuettler, 2017).

In terms of access to protection, in 2017 refugee cards were granted cards to Syrian refugees, subsequently issuing one-year renewable sojourn permits through the Ministry of Interior. Moreover, with the extended power that SNIA gave the UNHCR Rabat-office, especially regarding the assessments of eligibility of asylum seekers applications, thousands of applicants have been granted refugee status, and were allowed to settle and integrate within the Moroccan society .

1.2.4 Policy challenges in addressing migrant irregularity

- **Delays in implementation of legislations**

Delays in implementation of legislation has raised several human rights concerns. Bills - No. 66.17 and 72.17, - that pertain to the entry and residency of foreign nationals and migration; and would facilitate the procedure for applying and obtaining the refugee status were drafted and sent the General Secretariat of the Government in September 2018; then was completed in February 2019. However, the bills are still pending ratification. Despite various calls for the ratification, some observers attribute the hesitation to the government's concerns regarding the possible consequences of these bills and their potential to more irregular migrants and asylum seekers to the country.

- **Inadequate and inconsistent data**

Inconsistent data presents a significant hurdle, especially if willing to formulate well-informed policies, understand migration trends, and evaluate the effectiveness of existing measures. The quasi-absence of updated and harmonised data as well a system for sharing information and intelligence regarding migration-related activities is a constant and evolving. Additionally, managing public opinion and media

narratives regarding irregular migration is an essential yet challenging task (Azdem & Ziou Ziou, 2023). Misinformation, negative perceptions, or public backlash can complicate policy implementation.

- **Political sensitivity**

Migrant irregularity is a delicate matter, both domestically and in international relations. Maintaining a delicate balance between enforcing migration policies and keeping positive diplomatic relations, particularly with European and African countries is a complex task Morocco is constantly struggling to balance national interests and international commitments (Cherti & Collyer, 2015; Harrami & Mouna, 2018).

Table 1: Relevant Moroccan institutions

Sr. No.	Institution/department	Responsibilities	Web link
1.	Ministry of the Interior	takes the lead in shaping border control and immigration policies. It plays a central role in enforcing Law 02-03, and is responsible for the management of migration flows	LINK (EN)
2.	Ministry of Foreign Affairs	engages in diplomacy and international cooperation related to migration. Morocco's international agreements and partnerships in the field of migration are often negotiated through this institution.	LINK (EN)
3.	Morocco's Ministry of Justice	deals with legal aspects of migration and may handle cases related to irregular migrants.	LINK (MAR)
4.	Ministry of Employment and Professional Integration	labour-related policies have a direct bearing on the employment and social integration of migrants.	LINK (EN)
5.	Morocco's Ministry of Health	manages healthcare and public health services, which can also be relevant for migrants, as was the case during the COVID-19 Pandemic	LINK (MAR)
6.	Morocco's National Human Rights Council (CNDH):	is an independent institution that contributes to policymaking and monitors the human rights situation,	LINK (MAR)

		including those of irregular migrants. They provide recommendations and advocate for improved migrant rights.	
7.	Bureau des Réfugiés et Apatrides inter-ministerial ad-hoc Commission for the Regularization of Refugees Registered with UNHCR	This is a collaborative body involving representatives from the Moroccan government and the UNHCR. Its primary role includes the registration, documentation, and overseeing the regularization process for refugees who are registered with the United Nations High Commissioner for Refugees (UNHCR) in Morocco &	LINK (EN)
8.	Civil Society Organizations:	Various non-governmental organizations (NGOs) like GADEM (Groupe antiraciste d'accompagnement et de défense des étrangers et migrants) and others work on the ground to assist irregular migrants, provide humanitarian aid, and advocate for migrant rights. They also interact with the government to influence policies.	
9.	United Nations High Commissioner for Refugees (UNHCR):	UNHCR operates in Morocco to protect refugees, asylum-seekers, and stateless individuals. They work closely with the government to enhance protection mechanisms and advocate for the rights of these vulnerable groups.	LINK (EN)
10.	International Organization for Migration	Among its many roles is providing humanitarian aid to displaced immigrants especially women, children and minority groups; informing them about their rights and available support services, and assisting in voluntary return programmes.	LINK (FR)

1.2. THE SPECTRUM OF MIGRANT IRREGULARITY IN MOROCCO: CATEGORIES AND PATHWAYS INTO/OUT OF IRREGULARITY

Table 2: Categories of migrant irregularity in Morocco

Most relevant categories of migrants in an irregular situation	Description (who does this category apply to, what conditions may lead to this category, and what are the implications of being in such a situation)
Irregular entries	Individuals who enter or stay in Morocco unlawfully (not having neither an identification document and originating from visa-restricted country but do not have a visa or resident permit). These people may not benefit from some rights related to professional or family situation. They may also face criminal sanctions, in addition to being escorted back to the border and/or expelled from the Moroccan territory.
Over-stayer	A person who has legally entered but then stayed in Morocco beyond the allowed duration of their permitted stay without the appropriate visa (typically 90 days), or of their visa and /or residence permit (case of student and temporary workers). Penalties in Morocco include Paying a fine after presenting reasonable justifications during a court hearing.
Rejected asylum seeker	A person covered by a first instance decision rejecting an application for international protection, including decisions considering applications as inadmissible or as unfounded and decisions under priority and accelerated procedures, taken by administrative or judicial bodies during the reference period.
Most relevant categories of migrants with a reasonable claim to a provisional status	Conditions (e.g. who does this category apply to, under what conditions, who is exempted, implications)
Asylum seekers without proof of registration	In accordance with article 31-1 of the Convention on the status of refugees, the criminalization of the irregular entry or residence in Morocco does not apply to refugees. Besides, refugees cannot be subjected to an expulsion or escorted to the border according to Article 29-a of the Act 02-03 and article 33 of the 1951 Convention
Persons whose removal has been formally suspended	Due to health issues, political instability, or natural disasters in their home countries. In some cases when the asylum request is refused, the applicant still has the right to challenge the decision if additional proofs are provided.

Unaccompanied minors whose asylum claim has been rejected	Individuals under the age of 18 who arrive in Morocco without a parent or legal guardian. Regardless of their status, they are under the international protection due to fear of persecution, conflict, or other threats in their home countries.
Victims of trafficking with a provisional permit to stay	Individuals who have been subjected to human trafficking, which involves activities such as forced labour, sexual exploitation, or other forms of exploitation. "Provisional permit to stay" suggests that, in some cases, victims of trafficking may be granted a temporary residence permit to stay in Morocco. The permit may be issued to protect the victims and allow them to cooperate with law enforcement in prosecuting traffickers or as part of a humanitarian response to their situation.

1.3.1 Pathways into and out of irregularity

The specific processes for gaining or losing legal status can vary based on an immigrant's country of origin and entry circumstances. So, the approach is not one-size-fits-all.

- **Irregular entry, stay and exit**

Over the past decade, Morocco has undergone a notable shift towards a more progressive migration policy, marked by increased regional cooperation with West Africa and a more compassionate approach towards African migrants. Despite these advancements, significant challenges persist due to policy inadequacies and inefficiencies, particularly concerning the management of irregular migration. One of the primary issues is the lack of clear legal pathways for regular migration. Sub-Saharan African migrants often arrive in Morocco without proper documentation, rendering them unable to access legal employment or essential social services. The absence of legal avenues compels migrants to turn to irregular routes, where they become reliant on smugglers and subject themselves to life-threatening risks in their quest to reach Europe. Harsh crackdowns, frequent police raids, and human rights abuses further marginalize migrants, pushing them deeper into the shadows. The fear of detention or deportation compels many to resort to irregular migration routes.

- **Employment, Family Reunification & Marriage**

Legal residency offers immigrants pathways out of irregularity, which can be achieved through employment or family reunification. On one hand, individuals may attain legal residency by securing employment within the country. This process involves obtaining a work permit, which is contingent upon the employing entity demonstrating to Moroccan authorities that the job position cannot be filled by other applicants, except in cases where selected individuals are undocumented immigrants. This requirement ensures that legal avenues for employment-based residency are pursued, encouraging lawful integration into the workforce and society.

On the other hand, family reunification and marriage to a Moroccan national represent alternative means of regularizing one's residency status. Through family ties or marriage, immigrants can establish legal connections to Moroccan citizens, facilitating their integration into the community and providing a pathway towards lawful residence. This approach not only promotes social cohesion but also recognizes the importance of family unity in immigration policy, fostering stability and inclusivity within Moroccan society. These are the main constant options that immigrants accessible and legitimate means to establish their status within the country.

- **AVRR programme**

Assisted Voluntary Return and Reintegration (AVRR) programme implemented by the IOM-country offices in Morocco in coordination with local authorities and organisations in both the host and home countries are another pathway out of irregularity. According to IOM's 2022 data, in 2021, the AVRR returned the fifth-highest number of migrants worldwide (2,372) from Morocco to West-Central Africa.

- **Access to pathways and services**

The integration of Sub-Saharan migrants into the Moroccan labor market remains ineffective. Discrimination and a shortage of job opportunities impede their economic stability, exacerbating their vulnerability. This limits migrants' access to legal pathways, education, and healthcare, leaving them with few viable options for improving their circumstances. This lack of opportunity often drives migrants to seek better prospects elsewhere, even if it means embarking on irregular migration journeys.

Although Moroccan law grants Sub-Saharan children unrestricted access to public education, significant challenges persist in practice. The quality of education available to migrant children is often substandard. In some cases, young migrants, unable to access formal schooling, may resort to irregular work or migration as a means of survival, further entrenching their marginalisation within society.

1.3.2 Regularisation

- **Regularisation Campaign I - 2013**

In alignment with the spirit of SNIA, the government reactivated the BRA (Bureau des Réfugiés et Apatrides) and established an inter-ministerial ad-hoc Commission for the Regularisation of Refugees Registered with UNHCR. An exceptional operation was conducted between January and December 2014, resulting in the acceptance of 83% of the 23,096 applications submitted by migrants unlawfully resident in the country.

- **Regularisation Campaign II – 2016-17**

In 2016-2017, the second status regularization campaigns were launched, benefiting an additional over 20,000 irregular migrants from representing 113 nationalities. In total, both campaigns collectively benefited around 45,000 migrants, providing them

with a legal status and access to essential services. Additionally, refugee cards were granted to all Syrian refugees, subsequently issuing one-year renewable sojourn permits through the Ministry of Interior. By July 2019, 803 asylum seekers registered with the UNHCR office in Rabat had their status regularised

Eligibility

According to the [Moroccan government eligibility requirements](#) for benefiting from the regularisation programme, the measure concerned foreign spouses of Moroccan nationals who were able to prove that they lived together for at least 2 years. Also, foreign spouses of other foreigners in regular residence in Morocco could also benefit if they were able to prove that they lived together for at least 4 years; including children from the above two cases. Additionally, foreigners with at least two-year contracts of employment; foreigners being able to prove 5 years of continuous residence in Morocco and foreigners who suffer from serious diseases were eligible to benefit. The provisions of this campaign were applied to the foreigners who entered the national territory before 31 December 2013, regardless of their previous nationality.

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ANNEX 1: Policy and Legal Frameworks

Laws and policies on migrant irregularity

Sr. No.	Title of policy/law	Year	Description	Web link to source
1.	Act No. 02-03 relative to the entry and stay of foreigners in the Kingdom of Morocco, irregular emigration, and immigration	2003	The Act no. 02-03 presents the conditions and procedures for the issuance of residence permits in Morocco (registration card and residence card). It also presents all the cases of rejection and renewal of these titles, the cases of escorting to the border and expulsion, the movements of foreigners and the criminal provisions.	LINK (EN)
2.	SNIA (National Strategy for Migration and Asylum)	2013	A new national strategy was implemented. Driven by four overarching objectives: a) facilitating the integration of regular migrants, b) improving the regulatory framework, c) establishing a suitable institutional framework, and d) managing migratory flows while respecting human rights principles. It encompasses eleven programmes that span critical areas such as education, healthcare, housing, social and humanitarian assistance, vocational training, employment, migration flow management, anti-human trafficking efforts, international cooperation and partnerships, regulatory	LINK (EN)

			frameworks, governance, and migration.	
3.	Bill No. 66.17	Introduced in 2014, finalised in February 2019, but still pending ratification	The bill stipulates refugees, asylum seekers, or any persons shall not be deported to a country where their life or physical safety is in danger, in addition to recognizing the rights of refugees stipulated in international agreements, and creating a national structure concerned with mechanisms for asylum applications.	LINK (EN)
4.	Bill No. 72.17	Introduced in 2014, finalised in February 2019, but still pending ratification	It pertains to the entry and residency of foreign nationals and migration in Morocco as well as serves as a proposed measure designed to complement and amend Act No. 02.03 of 2003, addressing the entry and residency of foreigners and the issue of unlawful migration.	LINK (EN)
5.	Law 27.14	Enacted 2016	It imposes punishments of five to 10 years of imprisonment and a fine ranging from 10,000 to 500,000 dirhams (\$950 to \$47,710) for offenses with adult victims. For crimes involving child victims, the law stipulates more severe penalties, including 20 to 30 years of imprisonment and a fine between 100,000 and one million dirhams (\$9,540 to \$95,420). These penalties are considered appropriately stringent, especially in the context of sex trafficking, and are in line with punishments for other grave offenses such as rape.	LINK (EN)
6.	Law No. 19.12	Enacted 2016	aiming to safeguard foreign domestic workers. The law mandates the establishment of valid employment contracts adhering to	LINK (EN)

			<p>national labour standards as a prerequisite for obtaining a work visa. Additionally, it prohibits the engagement of intermediaries in the recruitment of domestic workers on behalf of employers and recruitment agencies, with the goal of mitigating susceptibility to deceptive recruitment practices.</p>	
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Laws and policies indirectly impacting migrant irregularity

Sr. No.	Title of policy/law	Year	Description	Web link to source
1	Mobility Partnership Agreement	2013	the EU collaborates with Morocco on border management, irregular migration, and assisted voluntary return programmes for third-country irregular migrants on Moroccan soil.	LINK (EN)
2	The Trust Fund	Since 2018	Within the context of the EU Trust Fund, Morocco receives a financial allocation of €30 million as part of the overall budget. This allocation is specifically directed towards supporting Moroccan border agencies and related entities. The primary objectives are to enhance their capabilities in safeguarding vulnerable migrants, tackling issues related to irregular migration, and disrupting the activities of cross-border criminal networks.	LINK (EN)
3	Frontex	Since 2001	The agreement with Morocco builds on results of previous years, and covers support for border management, enhanced police cooperation (including joint investigations), awareness-raising on the dangers of unlawful migration and enhanced cooperation with EU agencies responsible for home affairs.	LINK (EN)

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