

Morocco vis-à-vis the European Policy on the Return and Readmission of Illegal Immigrants

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Abstract: *The European policy on the return and readmission of illegal immigrants has been the source of many disagreements with Morocco. Its heaviness and above all its analytical bias, which is far from balanced, are behind Morocco's refusal to adhere to it fully. It seems vital, given the exacerbation of the migratory phenomenon, that Europe reviews its negotiation formulas to establish them on a more egalitarian basis.*

Keywords: Moroccan policy, European policy, illegal migrants.

1. Introduction

For many European citizens, most of the security risks in Europe can be directly linked to problems in the southern Mediterranean. Mainly terrorism, drug trafficking, but also crime, threats to energy supplies, political and institutional instability, and human rights abuses are sources of illegal immigration. Such a perception has developed stereotypes among many Europeans that the South is a risky place.

Therefore, even if Morocco is considered as a country of primary importance in the fight against the phenomenon of illegal immigration and joint discussions have been undertaken to manage migratory flows, the treatment of the return and readmission of illegal immigrants suffers from a fundamentally unbalanced perception.

1) Morocco's position on the European Union's policy on the return and readmission of illegal immigrants:

At the end of the 17th round of readmission negotiations with the European Union, Morocco's position revolves around its commitment to readmit only its own nationals and not, as required by the European Union, also people of other nationalities that may have transited through Morocco [2].

At this level, the country that applied the removal order against the Moroccan migrant must contribute to his or her identification on the basis of tangible, formal and unequivocal evidence. Also, the removal order must comply with bilateral agreements. It must respect the migrant's acquired rights and be the subject of a final and enforceable court decision, and repatriation must be carried out individually by scheduled flight.

At another level, it is necessary to conclude similar agreements with other countries in the Mediterranean neighbourhood and to apply the provisions of the Cotonou Agreement concerning readmission with sub-Saharan countries. The Cotonou Agreement between the European Union and the ACP (African, Caribbean and Pacific) group, which came into force on 1 April 2003, includes a framework clause (Article 13) obliging ACP states to conclude agreements on the readmission of their nationals who have entered Europe illegally.

Due to the fact that the official Moroccan position defends the interests of the country, all political parties of the

majority as well as of the opposition support the Moroccan negotiators and agree on the demands officially presented by these negotiators [3]. As for the Moroccan media covering the events related to forced return, they support the official position when it defends the interests of the migrants and their rights and criticise it when the negotiators make concessions at the expense of the migrants' interest.

Besides the media, those who most embody public opinion are the Non-Governmental Organisations. The State has developed a very positive discourse on the benefits of associations. This discourse, considered as a manifestation of democratic openness in a less oppressive context than in the past, has contributed to consolidate the associative movement and to make it the backbone of public opinion.

2) The impact of the European Union's policy on the return and readmission of illegal immigrants on relations with Morocco:

The approaches used by the two sides are different. The European Union favours conditionality (a give-and-take approach), whereas Morocco insists, rather, on the need to adopt a global partnership approach, of which the readmission agreement is only one part. The Euro-Mediterranean partnership, of which Morocco is one of the first signatories in the south of the Mediterranean, is in fact altered by the position of the European Union, which seems to have emptied the social, human and cultural component (3rd component) of its substance.

Sending these migrants back to Morocco means reinforcing an already high unemployment rate, with all the social and political consequences that this implies. Morocco considers that cooperation in the fight against illegal immigration cannot be limited to security considerations only. Therefore, the readmission agreement must be part of a global approach which certainly includes the security aspect, but which gives particular priority to the development aspect in the context of the agreed management of migratory flows.

Similarly, the inclusion of the issue of third-country nationals in this agreement is considered by Morocco as an infringement of its sovereignty and justifies the attitude of rejection of the agreement adopted by all Moroccan social and political actors [4]. The conclusion of such an agreement providing for the readmission of foreigners transiting

through Moroccan territory would, moreover, undermine Morocco's strategic relations with the states of sub-Saharan Africa, and would be likely to affect the credibility of the partnership approach defended by Morocco in the framework of its African policy [5].

3) How to create a balance between the Moroccan position and the demands of the European Union in the negotiations about the return and readmission of illegal immigrants?

In order to make the negotiations on the return and readmission of illegal immigrants constructive, the promotion of research on this topic must deeply analyse its economic and social dimension and implications. The aim is always to operationalise the objectives of the Euro-Mediterranean partnership to make the region an area of peace and mutual prosperity.

It is therefore necessary to humanise the forced return of illegal immigrants by enacting measures to accompany and settle in Morocco, as well as measures to support reintegration, such as reception, assistance, orientation towards suitable modes of integration, financial aid for initial direct support to the person while awaiting integration, financial aid to project leaders with a fund dedicated to this purpose [6], and support for specialised training centres for the reintegration of repatriated persons.

In terms of encouraging non-governmental associations to join the process of receiving illegal immigrants, the development and support of autonomous associative networks responsible for supervising migrants appears to be a necessity [7]. The involvement of host countries in the training and supervision of migrants' associations could be beneficial in this context. These networks will be responsible for raising the awareness of these migrants of the dangers of irregular emigration.

2. Conclusion

Morocco, like all countries including those of the European Union, cannot control all the flows of migrants on its own and cannot, moreover, assume the burden of repatriating illegal immigrants to their countries of origin. It is necessary for both parties to coordinate their actions in order to achieve effective management of the flows.

The European Union has the major task of avoiding the political instrumentalisation of the migration issue in favour of a concerted organisation. All the more so since, given the ageing of the European population and the resulting demographic deficit, "immigration will not only be a reality but a necessity" in Europe.

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