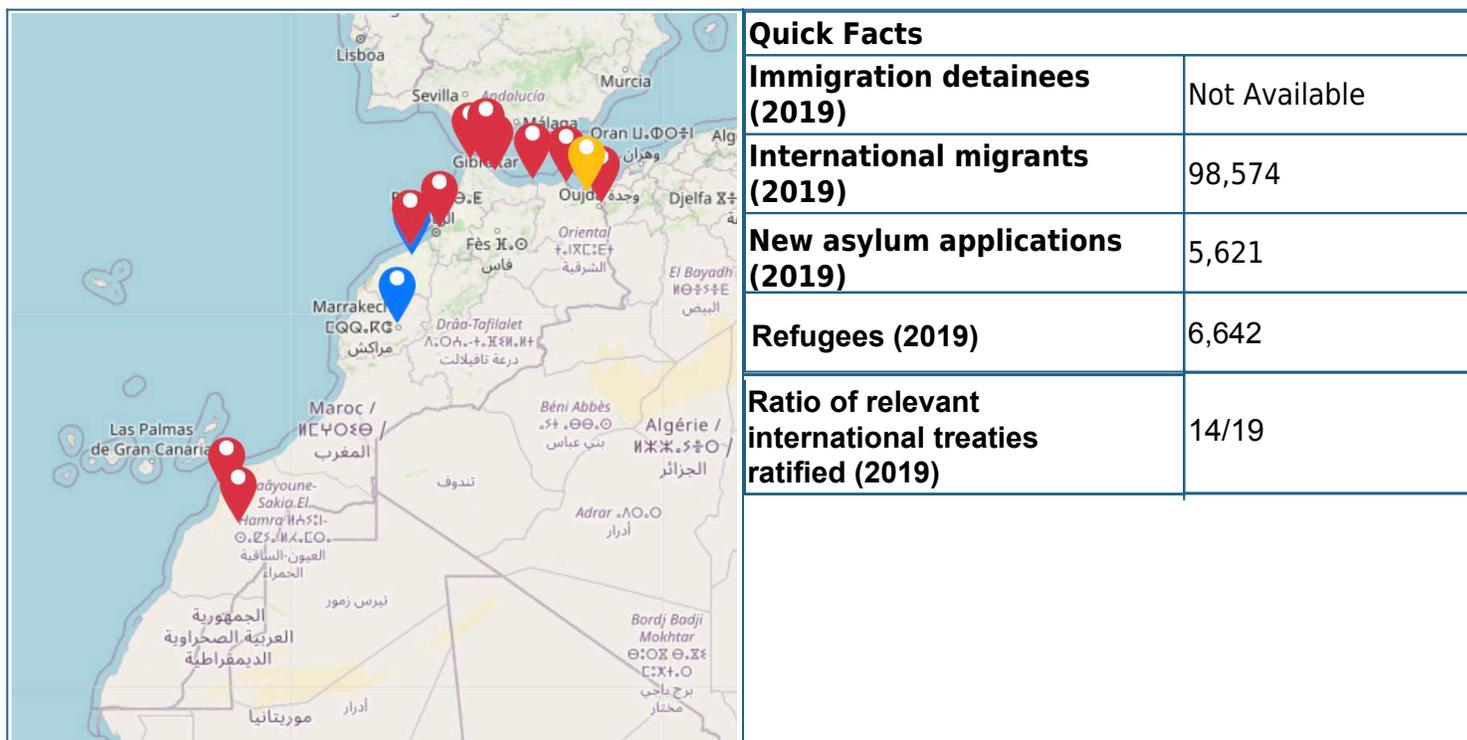


Morocco Immigration Detention Data Profile



NOTES ON USING THIS PROFILE

- Sources for the data provided in this report are available online at: <https://www.globaldetentionproject.org/countries/africa/morocco>
- "Observation Dates" indicate the timeframe statistical data correspond to or other data were last validated. More than one statistical entry for a year indicates contrasting reports.

STATISTICS

Detention, expulsion, and incarceration statistics

		Observation Date			Observation Date
Total number of immigration detainees by year	Not Available	2019	Criminal prison population	79,368	2016
				72,816	2013
				64,877	2010
				54,660	2007
				59,069	2004
				57,308	2001
				52,524	1998
				46,258	1995
				40,067	1993
Percentage of foreign prisoners	1.4	2015	Prison population rate (per 100,000 of national population)	227	2016
	1.8	2010		221	2013
				197	2010
				175	2007
				195	2004
				196	2001
				186	1998
				171	1995
				152	1993

Demographics and immigration-related statistics

		Observation Date			Observation Date
Population	36,900,000	2020	International migrants	98,574	2019
	34,378,000	2015		88,500	2015
	32,600,000	2012		50,800	2013
International migrants as a percentage of the population	0.3	2015	Refugees	6,642	2019
	0.2	2013		5,940	2018
				4,715	2017
				4,737	2016
				3,908	2015
				1,470	2014
Ratio of refugees per 1000 inhabitants	0.14	2016	Total number of new asylum applications	5,621	2019
	0.03	2014		2,422	2016
	0.02	2012		1,203	2014
				2,457	2012

DOMESTIC LAW

LEGAL TRADITION

Legal tradition	Name	Observation Date
	Civil law	
	Muslim law	

LAWS AND REGULATIONS

Constitutional guarantees?	Yes/No	Constitution and Articles	Year Adopted	Last Year Amended
	Yes	Constitution of Morocco, adopted on 29 July 2011, article 23	2011	2011

LAWS AND REGULATIONS

Core pieces of national legislation	Name	Year Adopted	Last Year Amended
	Loi 02-03 relative à l'entrée et au séjour des étrangers au Royaume du Maroc, à l'émigration et l'immigration irrégulières. Dahir - 11 November 2003	2003	

LAWS AND REGULATIONS

Additional legislation	Name	Year Adopted	Last Year Amended
	Code de procédure civile, adopted on 28 september 1974)	1974	

GROUND FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION

Immigration-status-related grounds	Name	Observation Date
	Detention to prevent unauthorised entry at the border	2016
	Detention to effect removal	2016

CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES

Does the country provide specific criminal penalties for immigration-related violations?	Fines	Incarceration	Observation Date
	Yes	Yes	2016

CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES

Grounds for criminal immigration-related detention/incarceration and maximum potential duration of incarceration	Grounds for Incarceration	Maximum Number of Days of Incarceration	Observation Date
	Unauthorized re-entry	365	2017
	Unauthorized exit	182	2017
	Unauthorized entry	182	2017
	Unauthorised stay	365	2017

CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES

Has the country decriminalized immigration-related violations?	Has the country decriminalized immigration-related violations?	Observation Date
	No	2017

LENGTH OF DETENTION				
Maximum length for administrative immigration detention in law.	Number of Days		Observation Date	
	26		2016	
LENGTH OF DETENTION				
Maximum length of time in custody prior to issuance of a detention order	Number of Days		Observation Date	
	1		2016	
LENGTH OF DETENTION				
Maximum length of detention for asylum-seekers	Number of Days		Observation Date	
	20		2017	
LENGTH OF DETENTION				
Maximum length of detention for persons detained upon arrival at ports of entry	Number of Days		Observation Date	
	20		2017	
PROCEDURAL STANDARDS				
Provision of basic procedural standards	Name	In Law	In Practice	Observation Date
	Access to free interpretation services	Yes		2017
	Right to legal counsel	Yes		2016
	Access to consular assistance	Yes	No	2011
	Information to detainees	Yes	No	2010
	Right to appeal the lawfulness of detention	Yes	No	2010
NON-CUSTODIAL MEASURES (ALTERNATIVES TO DETENTION)				
Types of non-custodial measures	Name	In Law	In Practice	Observation Date
	Home detention (curfew)	Yes	No	2014
VULNERABLE PERSONS				
Is the detention of vulnerable persons provided in law? Are they detained in practice?	Name	In Law	In Practice	Observation Date
	Pregnant women		No	2016
	Accompanied minors	Prohibited		2016
	Unaccompanied minors	Prohibited		2016
	Refugees	Prohibited		2016
EXPEDITED REMOVAL AND RE-ENTRY BAN				
Re-entry ban	Name		Observation Date	
	Yes		2016	

COVID-19 UPDATES

	Update Status	Observation Date
<p>Latest Update</p>	<p>Migrants and asylum seekers in Morocco have reportedly been deported to the Algerian border and left in the desert. According to the NGO Caminando Fronteras, even though borders have been shut due to the Covid-19 pandemic, Morocco has deported more than 100 people, including children. A sub-saharan migrant reported that he was left in Maghnia in Algeria during the night and that his passport was taken away by Moroccan police officers. He stated that he was obliged to walk 90 kilometers over six days without access to food or water. After Morocco declared the state of emergency, closing all borders, many migrants were trapped in the country. In April, 41 undocumented migrants died while trying to cross to the Canary Islands from Morocco, after a shipwreck. According to official estimates, there are approximately 80,000 inmates in prisons across the country. On 10 May, 301 had tested positive to Covid-19. Morocco's General Delegation for Prison Administration and Reintegration (DGAPR) started testing for Covid-19 in all the country's prisons at the end of April. Family visits were banned, and staff members began working on two weeks shifts. All officers undergo testing before their shift. Tens of thousands of Moroccan nationals are reportedly now stuck abroad. These include many undocumented workers in Spain, some of whom have sought to return home because of the lack of access to health care and high unemployment rates.</p>	<p>2020</p>
	<p>As of 28 April 2020, Morocco has registered 4,120 Covid-19 cases and 162 deaths related to the disease. The country has adopted several measures to combat the pandemic including compulsory quarantine from 20 March, the grounding of all flights, school and university closures, and reducing public transportation. To address urgent medical needs and to mitigate the economic impact of the crisis, the country is creating an emergency fund, raising 32.7 billion Moroccan Dirhams (\$US 3.2 billion). People working in the informal sector, which includes a substantial population of migrants, have been particularly vulnerable during the crisis. The Ministry of Finance has announced that it will begin to make cash transfers to vulnerable citizens, especially those who have lost their jobs (as of 1 April, more than 700,000 workers have lost their jobs). However, two-thirds of the workforce are not covered by a pension plan, almost half of the working population does not benefit from medical coverage, and there is no social care system for many vulnerable groups, including undocumented laborers and asylum seekers. A critical country on the western Mediterranean migration route, Morocco has long been the focus of European efforts to halt the movement of migrants and asylum seekers. However, Morocco's immigration detention system has traditionally been composed of police stations and other informal sites, lacking a dedicated immigration detention estate. Thus, Covid-19 measures implemented in prisons and other criminal justice installations can have an important impact on the safety and health of migrants. Prisoners in some locales appear to have been disproportionately impacted by the pandemic. For example, on 23 April 2020, all 309 prisoners at the Ouarzazate prison were tested for infection and 133 tested positive. These prisoners were reportedly isolated and placed in a different sections to others. Previously, on 5 April 2020, Morocco's king pardoned 5,654 prisoners and ordered their release in order to avoid the spread of Covid-19 within the country's prisons. The Justice Ministry stated that detainees who would be freed were to be selected based on their age, health, good conduct, and length of detention. According to UNHCR, it expects more than 12,000 people to register as asylum seekers in Morocco during 2020. In 2018, there were nearly 8,000 persons of concern in the country. More than 50 percent of refugees in the country are from Syria. While Moroccan law provides for protection and essential services for refugees, UNHCR reports that "gaps in accessing documentation and employment persist, as well as gaps in accessing secondary and tertiary health care, due to refugees' exclusion from the medical insurance scheme available for impoverished nationals."</p>	<p>2020</p>
	<p>Rights groups have expressed concern regarding migrants and refugees in the country, urging the government to take steps to protect vulnerable sections of society. An important transit country for sub-Saharan migrants seeking passage to Europe, large numbers of migrants - particularly those who are undocumented - lack any form of assistance or support. In a statement, six human rights bodies urged the country's authorities to issue travel authorisations to all persons, regardless of their administrative status; to allow the automatic extension of residency permits until the end of the 'confinement period'; and to ensure that all official information is translated into English and French so that all persons can access and understand the self-protection measures. (Specific regarding those in detention, however, were not mentioned.) The General Delegation for Prison Administration and Reintegration (DGAPR) announced new measures on 18 March, aimed at preventing the spread of Covid-19. The number of visitors has been restricted to one person per detainee, once a month. The DGAPR has stated that no Covid-19 infections have been recorded among detainees or employees of prisons throughout the country. On 21 March 2020, the Ministry of Culture, Youth and Sports decided to send 251 children back home to their families.</p>	<p>2020</p>

INTERNATIONAL LAW

Relevant international treaties and date of ratification

International treaties	Name	Ratification Year
	OPCAT, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	2014
	ICPED, International Convention for the Protection of All Persons from Enforced Disappearance	2013
	CTOCTP, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	2011
	CRPD, Convention on the Rights of Persons with Disabilities	2009
	CEDAW, Convention on the Elimination of All Forms of Discrimination against Women	1993
	CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1993
	CRC, Convention on the Rights of the Child	1993
	ICRMW, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	1993
	ICCPR, International Covenant on Civil and Political Rights	1979
	ICESCR, International Covenant on Economic, Social and Cultural Rights	1979
	VCCR, Vienna Convention on Consular Relations	1977
	PCRSR, Protocol to the Geneva Convention Relating to the Status of Refugees	1971
	ICERD, International Convention on the Elimination of All Forms of Racial Discrimination	1970
	CRSR, Geneva Convention Relating to the Status of Refugees	1956
Ratio of relevant international treaties ratified	14/19	

Relevant international treaties and date of ratification

Individual complaints procedure	Name	Acceptance Year
	CRPD, Optional Protocol to the Convention on the Rights of Persons with Disabilities	2009
	ICERD, declaration under article 14 of the Convention	2006
	CAT, declaration under article 22 of the Convention	2006

Relevant international treaties and date of ratification

Ratio of complaints procedures accepted	Number	Observation Date
	3 / 9	
	3 / 9	

Relevant international treaties and date of ratification

	Name	Recommendation Excerpt	Recommendation Year
<p>Relevant recommendations issued by treaty bodies</p>	<p>Committee on the Rights of the Child</p>	<p>"§35 [...] The State party should also provide adequate training to law enforcement officials on the norms and standards of treating children in contact or in conflict with the law, equip all child reception structures/detention centres with surveillance cameras to detect any abuses of children, and provide children with accessible and safe recourse mechanisms. All perpetrators should be held accountable and severely punished."</p> <p>"63. The Committee recommends that the State party accelerate the adoption of a legal and institutional framework that ensures that the rights of non-accompanied migrant, asylum-seeking and refugee children are respected at all times, in accordance with international refugee and human rights law. The State party should ensure that: (a) Refugee and asylum-seeking children are not arrested, arbitrarily detained and deported back in breach of the law; (b) An inquiry to determine the responsibilities in the deportation of five children in the desert in 2013 is conducted, sanctions are taken against those responsible and measures are adopted to prevent the recurrence of such a situation; (c) Prompt measures are taken to ensure improved access by asylumseeking, refugee and migrant children to protection units located in hospitals, and to improve the health status in the Migrant Reception Centre."</p>	<p>2014</p>
	<p>Committee on Migrant Workers</p>	<p>"26. Compte tenu de son observation générale n o 2 (2013) sur les droits des travailleurs migrants en situation irrégulière et des membres de leur famille, le Comité considère que l'entrée ou la sortie d'un travailleur migrant de l'État partie, sans la documentation requise, ainsi que le séjour au-delà de la durée de validité d'un permis de séjour ne peuvent être considérés comme des infractions pénales. Par conséquent, le Comité recommande à l'État partie de dépénaliser la migration irrégulière et de prévoir des sanctions administratives adéquates."</p>	<p>2013</p>
	<p>Committee against Torture</p>	<p>"26. The State party should take steps to ensure that the legal safeguards governing the practice of escorting undocumented migrants to the border and the expulsion of foreign nationals are effectively enforced and that such practices and expulsions are carried out in accordance with Moroccan law. It should undertake impartial, effective investigations into allegations that, during expulsions, migrants have been subjected to ill-treatment or excessive use of force. It should also ensure that those responsible are brought to justice and receive sentences that are commensurate with the seriousness of their acts.</p> <p>The State party is requested to furnish detailed information in its next report on the places and regimes of detention used for foreign nationals awaiting deportation, together with data disaggregated by year, sex, place, length of detention and the reason for detention and expulsion."</p>	<p>2011</p>
	<p>Committee on the Elimination of Racial Discrimination</p>	<p>"&14[...] In the light of its general recommendation no. 30 (2004) on discrimination against non-citizens, the committee recommends that the state party take steps to protect non-citizens without residency permits against racial discrimination and xenophobia, to ensure that they benefit from all legal safeguards when placed in detention, and to facilitate their access to the courts- The Committee also recommends that the State party ensure that the principle of non-refoulement is correctly applied."</p>	<p>2010</p>

Bilateral/Multilateral agreements linked to readmissions				
Bilateral/multilateral agreements linked to readmission	Name	Year in Force	Observation Date	
	Germany	1998	2017	
	Spain	2012	2017	
	France	2001	2017	
	Portugal	2004	2017	
	Spain	2012	2017	
Non treaty-based international human rights mechanisms				
Visits by special procedures of the Human Rights Council	Name	Year of Visit	Observation Date	
	Working Group on arbitrary detention	2013	2016	
Non treaty-based international human rights mechanisms				
Relevant recommendations by UN Special Procedures	Name	Recommendation Excerpt	Recommendation Year	Observation Date
	Working Group on arbitrary detention	"§83 [...] (q) Take all necessary measures to prevent mass arrests and further violence and investigate reports of violence against sub-Saharan migrants, refugees and asylum seekers; (r) Ensure that the legal safeguards governing the practice of escorting undocumented migrants to the borders and the expulsion of foreign nationals are effectively enforced and that such practices and expulsions are carried out in accordance with international and domestic law. The Government should undertake impartial, effective investigations into allegations that, during expulsions, migrants have been subjected to ill-treatment or excessive use of force. It should also ensure that those responsible are brought to justice and receive sentences that are commensurate with the seriousness of their acts; (s) Consider alternative and non-custodial measures, such as reporting requirements, before resorting to the detention of migrants, refugees and asylum seekers;"	2014	2014
Non treaty-based international human rights mechanisms				
Relevant recommendations of the UN Universal Periodic Review	Recomendation Issued	Year Issued	Observation Date	
	No	2008	2017	
	No	2012	2017	
	No	2017	2017	

INSTITUTIONAL INDICATORS		
Governing structures		
Federal or centralized governing system	Federal or centralized governing system	Observation Date
	Centralized system	2016

Institutions responsible for immigration detention

Custodial authority	Agency	Ministry	Ministry Typology	Observation Date
		Interior Ministry	Interior or Home Affairs	2013
		Office of the Prime Minister	Executive	2011
		Interior Ministry	Interior or Home Affairs	2011
		Director General for National Security		2011

Institutions responsible for immigration detention

Detention Facility Management	Entity Name	Entity Type	Observation Date
	Directorate General of National Security (La direction générale de la sûreté nationale, or DGSN)	Governmental	2013
	Prison Administration	Governmental	2011
	Directorate General of National Security	Governmental	2011
	Border Police	Governmental	2011
	Gendarmerie Royale	Governmental	2011
	Délégation générale de l'administration pénitentiaire et de la réinsertion	Governmental	2011
	Prison Administration (Délégation générale de l'administration pénitentiaire et de la réinsertion)	Governmental	2011

Institutions responsible for immigration detention

Types of detention facilities used in practice	Immigration detention centre (Administrative)	Immigration field office (Administrative)	Transit centre (Administrative)	Reception centre (Administrative)	Offshore detention centre (Administrative)	Hospital (Administrative)	Border guard (Administrative)	Police station (Criminal)	National penitentiary (Criminal)	Local prison (Criminal)	Juvenile detention centre (Criminal)	Informal camp (Ad hoc)	Immigration detention centre (Ad hoc)	Surge facility (Ad hoc)	Observation Date
															2015

More information about immigration detention in Morocco is available at the website of the Global Detention Project (www.globaldetentionproject.org)