



Refugee protection and
international migration:
a review of UNHCR's role
and activities in Morocco

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Executive summary and recommendations

In their search for safety and security, refugees increasingly flee in the company of people who are moving for different reasons, but who make use of the same routes and means of transport and who have the same intended destinations. Such 'mixed movements' are neither a new phenomenon globally, nor an entirely new experience for a country such as Morocco, which has long been at the crossroads of human mobility.

What has changed in recent years is a growing recognition of the need to understand and respond more effectively to the linkage between asylum and migration, so as to ensure that people in need of protection find it, that those who wish to migrate have alternatives apart from the asylum channel, and that human smugglers and traffickers are unable to benefit from the exploitation of people who are on the move.

UNHCR's mandated responsibilities for refugees, asylum seekers and other persons of concern clearly do not extend to the much broader category of international migrants. Even so, complex migratory and operational contexts such as those found in Morocco have required the Office to engage more closely with the issue of cross-border mobility in all of its forms.

This review concludes that in the past four years, UNHCR's efforts to address the issue of refugee protection and mixed migration in Morocco have had a number of positive consequences, creating an environment that is more conducive to the expansion of protection space for persons of concern to the Office. These include:

- establishing effective and efficient refugee status determination (RSD) procedures, and in doing so reducing the backlog of cases that previously existed;
- providing refugees and asylum seekers with documentation that protects them from detention and expulsion;
- investing in and broadening the range of operational activities supported by the organization, especially those related to livelihoods and self-reliance;
- establishing improved relations with a variety of key partners, including the authorities, UN and other international organizations, NGOs and civil society;
- communicating more effectively with refugees, asylum seekers and other foreign nationals who have arrived in Morocco; and,
- increasing the visibility and influence of UNHCR in relation to the public and political discourse on refugee protection and mixed migration.

It must be acknowledged that a number of the stakeholders interviewed in the course of this review raised questions as to whether these developments, welcome and positive as they may be, have been commensurate with the level of investment that they have required.

This perspective cannot be ignored, given the challenges that remain in relation to refugees and asylum seekers in Morocco. While UNHCR has been engaged in active advocacy and capacity-building efforts during the past five years, the organization retains sole responsibility for registering and examining asylum applications.

Although Morocco is a longstanding signatory to the 1951 UN Refugee Convention and its 1967 Protocol, the country lacks a legislative and institutional framework in relation to asylum and refugee protection. Refugees who have been recognized by UNHCR continue to be confronted with serious obstacles in their efforts to live in decent and dignified conditions and to find durable solutions to their plight.

There is an evident need to address these difficulties, consolidating, capitalizing upon and extending the progress that has been made in recent years and ensuring that it is sustainable. In order to attain this objective, the following issues will have to be prioritized.

State responsibility

First, and in the words of UNHCR's mission statement, the role of the Office is to "lead and coordinate international action for the worldwide protection of refugees and the resolution of refugee problems." As this statement indicates, UNHCR does not have the capacity to *provide* refugees with protection and solutions, primary responsibility for which rests with states, including countries of origin and transit, countries of destination, transit or asylum countries (Morocco in this case), as well as donor and resettlement states.

Without the active engagement and support of all these states, UNHCR's efforts to address the issue of refugee protection and mixed migration in Morocco will inevitably be limited in their outcome and impact.

Confidence-building measures

Second, in the Moroccan context there is a particular need to ensure the continued strengthening of government confidence in the mandate, role and activities of UNHCR. To attain this objective, it will be necessary to maintain current levels of investment in UNHCR's presence and activities, and for the Branch Office to retain the high level of competence and diplomatic skill that it has developed in recent years.

A particular test of UNHCR's contribution is likely to be found in the extent to which the organization is able to contribute to the search for solutions for asylum seekers whose claims have been rejected or who do not wish to pursue their application.

Public and political awareness

Third, the Moroccan public, like many other societies, does not have a detailed knowledge of the distinction between refugees, asylum seekers, irregular migrants and other people who are on the move. Similarly, in a context where there are high levels of unemployment, where many Moroccans would like (but find it difficult) to migrate, and where the presence of irregular foreign nationals is becoming increasingly visible, there is a risk of growing animosity towards all of the new arrivals, irrespective of their status.

UNHCR has an important role to play in generating greater public and political awareness about the issues of refugee protection and asylum, as well as the broader issue of mixed migration. More specifically, the Office could communicate the key message that the caseload of refugees and asylum seekers in the country is by global standards a modest and manageable one, and that Morocco has, by signing the international refugee instruments, voluntarily assumed responsibilities towards people who are in need of protection.

Community outreach

Fourth, and as explained in a later section of this report, the UNHCR office in Morocco has played a leading role in the formulation and implementation of the organization's new policy on refugee protection and solutions in urban areas, a key component of which is that of 'reaching out' to persons of concern to the organization.

The review encourages UNHCR in Morocco to persist with and extend the efforts that it has already made in this respect, which are of particular value in a situation where many refugees and asylum seekers are frustrated by the circumstances in which they find themselves and have unrealistic expectation of what the Office can offer them in terms of protection, solutions and assistance.

Regional and inter-regional coordination

Finally, in terms of human mobility, Morocco provides an important linkage between a number of different regions: West Africa and the Sahel, North Africa and the Mediterranean, Southern and Western Europe.

In this context, there is a particular need for UNHCR as a whole to ensure that effective regional and inter-regional coordination and information-sharing takes place. Effective responses to the issue of refugee protection and mixed migration in Morocco will not be found in Morocco alone.

Recommendations

In addition to the broad proposals set out above, this review presents a number of recommendations that are more specific in nature.

Refugee status determination procedures

Amongst the irregular migrants in Morocco, there appear to be a considerable number of rejected asylum seekers who try to recycle themselves into the asylum system by, for example, re-registering with UNHCR under a new identity. In view of the importance of consolidating the efficiency and effectiveness of RSD procedures, the introduction of fingerprinting or some other form of biometrics should be considered. This would allow UNHCR to exclude previously rejected applicants from the system and thereby free up additional time for the processing of new claims.

Solutions for rejected asylum seekers

UNHCR should redouble its efforts to provide regular counselling and appropriate follow-up to rejected cases on voluntary return options. Counselling on this issue could also be provided to asylum seekers during their first interview, so that they can give early consideration to the options that exist should their application not be successful.

UNHCR should encourage IOM and UNDP to be more proactive in looking for migration alternatives for people who do not wish or who are unable to return, and whose labour or skills are in demand elsewhere. This, of course, may prove to be a controversial undertaking in a country where so many people are unemployed and wish to migrate themselves.

Public and political awareness

Some interlocutors suggested that the public information provided by UNHCR Headquarters focuses excessively on Italy, Somalia and Yemen, with very little coverage given to issues in North Africa. A PI strategy for the region is required, making a link between the rights of the North African diaspora and the rights of foreign nationals who have moved to the region.

At the same time there is a need for UNHCR (a) to prepare standard public information positions on specific issues to ensure the consistency of messages across the Mediterranean; (b) to clarify the limitations of UNHCR's mandate and mission and to dissociate the organization from western interests, (c) to highlight the work that UNHCR undertakes on behalf of Iraqis, Palestinians and other refugees from the MENA region, so as to counter the perception that it is dedicated to refugees from sub-Saharan Africa.

UNHCR in Morocco has been able to recruit an International UNV to support the organization's external relations activities in Morocco. It is recommended that this position be given a longer-term status and supported with the resources needed for a more ambitious communications strategy.

The review team is concerned that the regional public information function, formerly in Cairo, has been moved to Beirut, as Lebanon, Syria and Jordan represent a specific sub-region with issues in common that are different from those in North Africa. UNHCR should ideally create a separate regional public information function for

North Africa or in the absence of this, establish public information functions at the national level.

Community outreach

Despite improved communication with refugees and asylum seekers, relations with the refugee community have been characterized by some repetitive debates over the effectiveness of UNHCR's work, requests for early resettlement and complaints with respect to vulnerability criteria. To avoid such discussions, UNHCR and the refugee representatives could usefully and jointly select a specific theme for discussion at each of their meetings. This approach would also allow the refugee representatives to seek more targeted input from the community beforehand and may increase the Office's perceived accountability.

UNHCR should try to engage the Iraqi refugee community in Morocco in support of sub-Saharan refugees. Given that some members of the Iraqi community have access to formal employment opportunities, they might be persuaded to support small enterprises launched by other refugees or even provide them with jobs. Were such an approach to be pursued, however, care would be taken to ensure that the relative degree of integration attained by the Iraqis is not adversely affected.

Coordination and Partnerships

UNHCR should explore the possibility of integrating its own refugee protection training in modules and events which are carried out either by the EC, or bilaterally by countries such as Italy and Spain. More regular contacts with the EU Migration and Development Working Group, currently chaired by the Italian Permanent Mission in Morocco, are also recommended.

Efforts should be made to invite government representatives to working group sessions of the UN Country Team (UNCT) in order to elaborate joint strategies and to encourage the authorities to assume greater ownership of asylum and migration issues. At the same time, and to support coordination among the different ministries and departments concerned, the UNCT could establish technical working groups to discuss specific elements of the country's migration policy. Those groups could also share information and best practices with the UNCT in other countries in the region.

As an untapped source of potential partnership, several interlocutors suggested that the Moroccan diaspora might be motivated to play a role in advocating for the human rights of foreign nationals in Morocco. This suggestion should be explored, in association with the UNHCR office in France, which is home to large numbers of Moroccans.

The UNHCR office in Morocco could benefit from strengthened communication with the Africa Bureau, both at Headquarters and in the field, given that the vast majority of new arrivals in Morocco come from that continent. The Africa Bureau is currently taking an active interest in the issue of mixed migration in North-East and Southern Africa, and this could usefully be extended to the large area lying south of Morocco.

In recent times, special working groups have been established at UNHCR Headquarters to examine and address the issue of mixed movements by means of a situational approach. Two such groups have been created so far, one relating to 'Afghans on the move', and the other focusing on 'secondary movements of Somali and Eritreans'. The review recommends that a similar working group be established in relation to mixed migrations to North Africa and the Mediterranean, bringing together staff members from the Africa, Europe and MENA bureaux, as well as DIP.

1. Introduction to the review

1. In December 2007, a commitment was made at the High Commissioner's Dialogue on Protection Challenges to "review the effectiveness of UNHCR's interventions in the area of international protection and mixed migration, in order to learn lessons from its experience and ensure that they are incorporated in its policymaking and programming processes."

2. This review of UNHCR's role and activities in Morocco is one of a series being conducted by the organization's Policy Development and Evaluation Service (PDES) in fulfilment of that commitment. These reviews and their recommendations focus specifically on the role and activities of UNHCR and are therefore not directly addressed to other actors that have an interest and involvement in the issues of mixed migration and refugee protection.

3. The review was undertaken by PDES staff member Angela Li Rosi, together with Alanna Ryan, an independent consultant seconded from the International Catholic Migration Commission (ICMC). It was conducted in accordance with UNHCR's Evaluation Policy and the UN Evaluation Group's Norms and Standards for Evaluation. Overall supervision of the project was undertaken by Jeff Crisp, Head of PDES.

4. The review entailed a detailed analysis of relevant documents, as well as interviews with key UNHCR staff and representatives of the Office of the High Commissioner for Human Rights (OHCHR) prior to a ten-day mission to Morocco. In the course of the mission, which included visits to the cities of Casablanca, Oujda and Rabat, the review team conducted interviews with a wide range of refugees and asylum seekers, UNHCR staff, government officials, donor countries, NGO representatives and researchers.

5. In terms of constraints, the review team was unable to examine the migratory movements that are taking place along the Morocco's southern border, including the disputed Western Sahara area. Similarly, the team was not in a position to assess UNHCR's role in relation to the Spanish enclaves of Ceuta and Melilla, which fall outside the mandate of the UNHCR office in Rabat. Except for the border town of Oujda, the team was unable to visit entry and exit points, as the Office does not have regular access to these locations.

6. This report will be made available in both English and French so as to maximize its accessibility. A workshop may be organized with a view to examining the key findings of the review and generating additional follow-up action at the national and regional levels.

7. To the extent possible, the findings and recommendations of the review will be incorporated into the results-based management objectives matrix for UNHCR Morocco. PDES, in coordination with UNHCR's Global Learning Centre, also intends

to incorporate the lessons learned from the Morocco programme into relevant training modules.

8. The review would not have been possible without the substantial support lent by UNHCR's Middle East and North Africa (MENA) Bureau and the organization's office in Rabat. PDES wishes to thank them both for sharing information and documents, suggesting appropriate interviewees, arranging meetings and providing logistical support throughout the review.

2. The operational context

9. Morocco has traditionally been viewed, as much by citizens of the country as by the international community, as a country of emigration. More than three million people of Moroccan descent are currently believed to be living and working abroad, contributing in no small part to the country's economic development.

10. While Moroccan officials, institutions and nationals tend to be preoccupied with the welfare of those three million expatriates, the issues of immigration, transit migration and asylum are by no means new to the country. Indeed, Morocco's geographical location, its political stability and relative economic prosperity have made the country an attractive destination for people from other parts of Africa and the wider world.

Asylum seekers, refugees and migrants

11. Throughout the 1960s and 1970s, those asylum seekers and refugees who made their way to Morocco originated primarily from Algeria, Eastern Europe (including the former Soviet Union), Palestine, and, to a lesser extent, from Iraq and sub-Saharan Africa. In contrast with the current situation, such foreign nationals were generally well integrated in Moroccan society, many of them finding employment in administrative and commercial functions that enabled them to make use of their education and skills.

12. Since the mid-1990s, however, the face of migration in Morocco has been changing. More specifically, the country has experienced a growing number of new arrivals from sub-Saharan Africa and other developing regions. These people have been prompted to leave their own countries by a variety of different factors: limited employment and educational opportunities, armed conflict and human rights abuses, the desire to establish a better standard of living, to rejoin family members who have already moved abroad and to send remittances back to their families and communities.

13. While their motivations for moving may differ, the foreign nationals currently arriving in Morocco by means of this mixed migratory movement have certain characteristics in common. As well as using the same routes, means of transport and entry points, they usually enter the country without the required documents and enjoy no legal status in Morocco.

14. Most of the new arrivals have encountered numerous forms of physical, psychological, economic and social deprivation in the course of their journey, especially those who are unaccompanied and separated children, victims of human trafficking and smuggling, and female-headed households. According to one estimate, as many as 36 per cent of the women and five percent of the men have been victims of rape in the course of their journey to Morocco.¹

¹ 'Les frontières assassines de l'Europe', Migreurop, October 2009.

15. Given the largely clandestine nature of the movement, it is difficult to provide an accurate estimate as to the number of foreign nationals currently living in Morocco without legal status, let alone the proportion who intend to seek asylum or who have a potentially valid claim to refugee status. Estimates by government sources and independent researchers suggest that some 10,000 irregular migrants of sub-Saharan origin may currently be residing in the country.

16. Only a fraction of this number, some 750 to 800 people (less than one per cent of the total) have been recognized as refugees by UNHCR. Annex 2 provides additional statistical information with respect to refugees and asylum seekers in Morocco.

17. Contrary to the popular discourse, the 'mixed migrants' arriving in Morocco are not exclusively African. People from Asian countries, including Bangladesh, India and Pakistan, make their way to the country via Niger and Algeria, having first flown to the Gulf States and various West African capitals. A growing number of Iraqis also make their way to Morocco by flying into Casablanca from Damascus and Amman.

Protection concerns

18. With the exception of the Iraqis, the majority of asylum seekers, refugees and migrants enter Morocco through Algeria, near the eastern border town of Oujda. Having crossed the border, some remain in the 'no-man's land' that exists along the border zone or settle in and around Oujda for prolonged periods of time, in some cases for as long as two or three years. Many lack the financial means needed to continue their journey and are heavily indebted to human smugglers.

19. For those who remain in the border zone, conditions are particularly difficult. The area is infested with human traffickers and delinquent gangs and is characterized by harsh climatic conditions. Foreign nationals are frequently obliged to live in derelict houses or makeshift camps, scavenging whatever materials are available to construct temporary and unhygienic shelters.

20. While some of the new arrivals in Morocco maintain the hope of immediate onward travel to Europe (either by reaching the Spanish enclaves of Ceuta or Melilla, or by taking small boats to the Canary Islands or to the southern coast of Europe) others are aware of the difficulties involved in such journeys and regard Morocco as their final or at least a temporary destination.

21. At the border between Morocco and the Spanish enclaves, dozens of foreign nationals were wounded - and at least eleven killed - when hundreds of migrants attempted to breach the border fence in August and September 2005. While border controls were subsequently reinforced to prevent a repetition of these incidents, in June 2008, some 70 sub-Saharan African nationals managed to enter the enclaves.

22. As a result of the developments described above, the control of irregular migration to and through Morocco has become a key concern for the country's authorities, for other states in the North African and Sahel regions and for the European Union (EU). This in turn has led to growing bilateral and multilateral cooperation in the area of migration management.

23. According to figures provided by the Moroccan government, for example, almost 8,700 migrants were involuntarily repatriated to their countries of origin (mainly Mali and Senegal) between 2004 and 2008. Morocco's enforcement capacity has been directly reinforced by means of EU funding and capacity-building and indirectly strengthened by the country's desire to benefit from EU development cooperation, as well as trade and investment agreements. At the same time, Morocco remains adamant that it has no desire to become the 'policeman of Europe', nor the 'human dumping ground' for undocumented migrants who have been apprehended in or en route to the EU.

Public and political perceptions

24. While the number of refugees living in Morocco is very modest by global standards, the small size of the exiled community does not in practice make their life any easier. As indicated already, the number of foreign nationals arriving in the country has grown in recent years, and migrants are increasingly visible on the country's city streets.

25. Amongst the Moroccan population there is generally little knowledge of the special situation and protection needs of asylum seekers and refugees. In some instances, moreover, politicians, interest groups and local NGOs (including some of UNHCR's partners!) have failed to differentiate between those who are and who are not in need of protection.

26. As migrants numbers grow, and with irregular migration being perceived as an increasingly problematic issue for Moroccan society, there is a risk that persons of concern to UNHCR will be confronted with a backlash. Among the UNHCR beneficiaries interviewed by the review team, a significant number reported that they had been subject to racist and xenophobic attitudes and in some cases had been victims of theft and physical aggression by local delinquent groups.

27. Despite these difficulties, many asylum seekers and refugees choose to remain in Morocco, partly because they are unable to move across the Mediterranean to Europe and partly because personal security is still perceived to be better there than in other North African, Sahel and West African countries.

28. This situation is of particular concern to the Moroccan authorities, who consider that most persons of concern to UNHCR could and should have sought protection in states neighbouring their country of origin or in the countries through which they have transited en route to Morocco. In this respect, Morocco's perspective can be compared to that of those northern European states that are reluctant to admit asylum seekers who have arrived and transited through the southern states of the EU.

Policy and law

29. Morocco has a longstanding interest in refugee and migration issues. The treatment of refugees as 'favoured foreigners' was codified in Moroccan law in 1913, during the period of French colonial rule. Following independence, Morocco ratified all the major international treaties concerning migrants, refugees and human rights, including the 1951 UN Refugee Convention and its 1967 Protocol.

30. In recent times, however, the country's main migration concern has been to protect the welfare of its expatriate population and to maximize their contribution to the country's development by means of remittance transfers, diaspora investment and knowledge transfer.

31. In addition to hosting the first Euro-African Ministerial Conference on Migration and Development in 2006 and volunteering to host the sixth annual Global Forum on Migration and Development in 2012, the government played an important part in establishing the mandate of the UN Special Rapporteur on the Human Rights of Migrants. It also participated actively in the drafting and adoption of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

32. Significantly, in a report published in 2004, the Special Rapporteur on Migrant Rights pointed to Morocco's somewhat asymmetric approach to the issue of international migration, encouraging the government, "to pursue a migration policy aimed at ending the dichotomy between what the country demands in terms of protection for its own expatriates, and the level of protection and assistance provided, and the treatment accorded to foreign migrants in Morocco."²

33. A new law regulating the entry and residence of foreigners in Morocco was passed in 2003, which contains important (albeit inconsistently applied) provisions prohibiting the expulsion of refugees and asylum seekers, and which allows for appeals to be lodged against expulsion orders. The country does not, however, have a legislative or institutional framework dedicated specifically to refugee and asylum issues.

34. UNHCR and the authorities have agreed on the need to address this situation. In late 2004, UNHCR's existing Honorary Representation in Morocco was relocated from Casablanca to Rabat, where it was later given the status of a Branch Office. In 2007, this arrangement was formally recognised through the signing of an *accord de siège*.

35. Hitherto, however, and as discussed in later sections of this report, only limited progress has been made in terms of equipping the Moroccan state to assume responsibility for the country's refugees and asylum seekers. As a result, UNHCR continues to play a leading role in relation to functions such as registration, status determination, documentation, the provision of assistance and the search for durable solutions.

36. With respect to the last of these issues, it is in principle possible for a refugee in Morocco to informally establish a livelihood, to become self-reliant and thereby to achieve a measure of local integration.

37. In practice, however, important obstacles stand in the way of these outcomes, not least the country's high levels of unemployment (up to 33 per cent amongst urban youth). Refugees who are in search of a solution are consequently left with the alternatives of returning to their own country, seeking resettlement elsewhere or moving on to another country by irregular means.

² Report submitted by Ms. Gabriela Rodriguez Pizarro, UN Special Rapporteur on the Human Rights of Migrants: Visit to Morocco." Sixtieth session of the UN Commission on Human Rights, E/CN.4/2004/76/Add.3, 15 January 2004.

38. During his September 2009 visit to Morocco, the High Commissioner acknowledged the complexity of the challenges that mixed migratory movements pose for the country and its government. He gave full support to the government's appeal to establish a responsibility-sharing system that is sensitive to Moroccan fears of being the recipient for rejected asylum seekers and other migrants removed from Europe, and offered an assurance that UNHCR would not support or play a role in such policies.

39. At the same time, the High Commissioner emphasised the need to expand the protection space available to asylum seekers and refugees in Morocco and other North African countries, not least by establishing effective national asylum systems based on established protection principles and the due process of law. The following chapters of this report examine some of the challenges and opportunities facing Morocco and UNHCR in this and other respects.

3. Access, asylum and assistance

40. In 1959, Morocco, together with Tunisia, became the first country on the African continent to welcome a visiting delegation from UNHCR. Seven years later, in 1965, the government authorized the establishment of an Honorary UNHCR Representation in Casablanca. Due to a number of factors, however, especially the very modest number of persons of concern to UNHCR in the region, UNHCR generally maintained a limited presence and low profile in the Maghreb states.

41. As far as Morocco is concerned, that situation changed significantly in 2004-5, a period that witnessed the inauguration of a UNHCR office in Rabat, the establishment of a reinforced UNHCR presence and programme, a growth in the scale of irregular migration to Morocco, as well as the tragic events that took place on the country's frontier with Ceuta and Melilla.

42. At around the same time, a new High Commissioner took office, determined to strengthen the role of his Office in the Middle East and North African region, while the EU launched a number of new initiatives (including the establishment of FRONTEX) to address the issue of irregular maritime migration across the Mediterranean Sea.

A new strategy

43. It was in this context, and in response to earlier concerns that Morocco had expressed about UNHCR's effectiveness in the country, that the Office launched a new and more dynamic strategy. The organization now introduced a fast-track procedure to filter out manifestly unfounded asylum claims. Training and other resources were made available to the authorities through an EU-funded project, while concerted steps were taken to improve UNHCR's RSD system, an initiative that allowed a backlog of some 1,800 cases to be cleared.

44. The fact that a Country Agreement was signed between UNHCR and the government in July 2007 was a testament to the growing confidence that the authorities had developed in the role of the Office. The agreement also provided a new basis for UNHCR to advocate for and support the establishment of a national legislative and institutional framework related to asylum.

45. While this objective has not yet been attained, some positive steps have been taken. UNHCR has, for example, held consultations with a range of government counterparts and submitted a proposal for the establishment of a national refugee law and asylum system. That proposal included a comparative study of countries in similar circumstances to Morocco, which has been used as a basis for discussions in a number of fora, including Round Tables organized for judges and prosecutors in 2008 and 2009.

46. In February 2008, UNHCR also succeeded in bringing together a group of senior civil servants, law enforcement officials, parliamentarians and academics for a Round Table on the Protection of Asylum Seekers and Refugees within Mixed Migratory Flows. Held under the aegis of the National Human Rights Advisory Council (CCDH), an influential body reporting directly to the King, this event provided an important opportunity to discuss the way in which Morocco and UNHCR might more effectively address the issue of mixed migration.

47. Looking to the future, an evident priority for UNHCR must be to continue this dialogue and to provide the practical support required for Morocco to assume progressively greater responsibility for refugee and asylum matters.

Access to territory and to UNHCR

48. UNHCR is granted limited and *ad hoc* access to Morocco's entry and exit points, including border areas and airports. This acts as a significant constraint on the organization's activities and also limits the access that asylum seekers have to the organization and the services that it provides.

49. In the absence of systematic screening procedures and monitoring mechanisms at entry points, it is unclear how many potential asylum seekers are hindered from accessing Moroccan territory. To the best of UNHCR's knowledge, Morocco does not have formal detention centres or camps where migrants are held, although it is understood that there are a number of informal and temporary retention areas at key locations along the frontier, including the maritime border near Laayoune, and in the area of Ceuta and Melilla.

50. Undocumented migrants detained by the authorities are generally charged with breach of immigration laws and are required to appear before the judicial authorities. Under Moroccan law, any migrant who is not an asylum seeker, refugee, pregnant woman or child can then be returned to the border and expelled. Due to the absence of detention centres, migrants are often crowded into cells at police stations until they are taken back to the Moroccan border and left in no-man's land, most frequently near Oujda.

51. Given Oujda's critical importance as an entry and transit point, UNHCR's local partner, the Moroccan Organization for Human Rights (OMDH), established a satellite office in the town in May 2008. This initiative has contributed substantially to UNHCR's efforts to improve referral and access to asylum procedures. It has also strengthened the protection available to persons of concern to the organization who may have been removed to the border along with other migrants.

52. While UNHCR itself has no direct or regular presence in Oujda, OMDH is instrumental in assisting refugees and asylum seekers who have been stranded there, or who face expulsion at the border. Because the border is officially closed, however, even OMDH is limited in its ability to monitor the situation of people who seek access to Moroccan territory.

53. Rather, the organization provides support to asylum seekers when it is contacted by them, or by anyone else who is able to provide information about an asylum seeker who has been hindered from entering. On occasion, the local

Prefecture contacts UNHCR in Rabat with information on persons of concern to the Office, which in turn allows UNHCR to call upon the OMDH office in Oujda to follow up on the case.

54. Similar referral processes have been established with a growing number of human rights organizations and service providers, including the Anti-Racist Group Assisting and Defending Foreigners and Migrants (GADEM) Caritas, CIMADE, Médecins sans Frontières (MSF), Jesuit Refugee Service (JRS) and the Moroccan Red Crescent Society. Students from sub-Saharan countries living in Morocco have also played a valuable role in enabling asylum seekers to access UNHCR.

55. Significant improvements have also been made in terms of UNHCR's communications with relevant government officials, including local authorities, police, border guards, judges and prosecutors. UNHCR is regularly called upon to verify the documents and status of foreign nationals who have been arrested, a practice which has led to a commendable decrease in the detention and *refoulement* of refugees and asylum seekers.

56. These improvements can be ascribed in part to the extensive training that UNHCR has conducted with Moroccan officials since 2008. While the authorities remain somewhat cautious about UNHCR's involvement in the issue of mixed migration, they have welcomed the organization's role in this activity.

57. Based on the success of earlier training sessions provided to judges and prosecutors in the Ministry of Justice, it is expected that a Letter of Understanding will be signed between UNHCR and the Ministry in 2010, extending and broadening cooperation between the two entities. This promises to bring important dividends with respect to the establishment of protection-sensitive entry mechanisms.

58. To date, however, UNHCR's training initiatives and capacity-building activities have been coordinated by the Senior Protection Officer, a post that ceased to exist as of January 2010.³ Given the workload and limited capacity of UNHCR's office in Rabat, this raises some important questions with regard to the sustainability of the organization's approach.

59. The question of access to UNHCR and its services remains a serious issue. The fact that UNHCR's presence is confined to Rabat is especially problematic, as asylum seekers and refugees who are stranded in border areas or who chose to live in other locations and towns need direct access to UNHCR in order to register with the organization, apply for refugee status, be provided with documentation, report on any protection problems they experience, and request support in relation to assistance and durable solutions.

60. UNHCR's new policy on protection and solutions for persons of concern in urban areas (introduced in September 2009) correctly underlines the importance of establishing outreach mechanisms that enable UNHCR to make contact with refugees and asylum seekers, not only in the capital but also in other cities and towns.

³ The post was funded under a time-limited EC contract, and a request for the continuation of funding was unfortunately not approved.

61. Notwithstanding the increased involvement of NGOs and other actors in making referrals to the organization, UNHCR's capacity to reach out to persons of concern in Morocco remains limited. As a result, the work of UNHCR is largely confined to those people who have approached the Office of their own accord or with the support of partner organizations.

Differentiated processes and procedures

62. UNHCR in Rabat currently lacks specific tools for identification of trafficking victims in its RSD procedures. Similarly, no specific care mechanisms are in place for the large number of refugee and asylum-seeking women and girls who are thought to become involved with trafficking and prostitution rings once on Moroccan territory.

63. Given the lack of reliable data on this issue, the UN Country Team has recently published a study titled 'Trafficking in human beings as a transnational crime: state of play and analysis of responses in Morocco.' UNHCR should use this report to identify key areas of cooperation with relevant stakeholders and to ensure that refugee victims of trafficking are duly recognised and assisted. UNHCR should also consider including specific questions on trafficking in its RSD procedures, based on the IOM-UNHCR Framework Document for Developing Standard Operating Procedures to Facilitate the Protection of Trafficked Persons, issued in December 2009.

64. In similar vein, the needs of unaccompanied and separated children are not yet adequately addressed. While UNHCR systematically completes and submits family tracing requests to the Red Cross in Tunisia, the Rabat office is not in a position to provide care and assistance to unaccompanied and separated children during the asylum procedure. Moreover, no mechanisms are currently in place to ensure protection by a guardian or to provide another form of legal representation.

65. Last year, however, the Office established a functioning Best Interest Determination Committee, and jointly with its social partner, has ensured safe accommodation and skills training activities for a number of separated children. UNHCR has also raised the plight of this group with the authorities, which have started to take action in relation to this issue. Reception facilities for groups with specific needs are, however, generally not permitted by the Moroccan government, as the authorities are concerned that these facilities would create a pull factor.

Documentation and assistance

66. Until 2004, the Moroccan authorities issued temporary residence documents to refugees who had been recognized by UNHCR. This process was later suspended in view of the large number of asylum applications being lodged and the provision of UNHCR certificates that proved easy to forge.

67. Today, refugees and asylum seekers are routinely issued documents by the Office that identifies them as persons of concern to UNHCR. Unfortunately, the cards have not been validated by the authorities, do not constitute official residence or travel documents, and do not grant formal access to the labour market or public

services. The cards do, however, protect holders from being arrested and expelled for irregular entry and residence.

68. Individuals holding UNHCR documentation were regularly removed to the Algerian border throughout 2006 and 2007, despite explicit provisions in national legislation prohibiting such action. While there has been a notable decrease in such incidents since 2008, such experiences, together with the lack of access to the labour market and other social services, as well as difficulty in securing adequate housing, have generated considerable frustration among the refugee community.⁴

69. In the context of its new strategy, which seeks to address this frustration, UNHCR has placed growing emphasis on ensuring that refugees are able to undertake constructive activities, many of them organized by local implementing partners. The Office supports an increasingly successful micro-credit scheme, provides job opportunities and apprenticeships for adolescents and young adults, has started a refugee women's project which includes training classes, day-care, and a cooperative that allows refugee women to sell their artistic products. A communal restaurant is also under preparation.

70. UNHCR has put in place functioning operational procedures for assisting victims of sexual and gender-based violence and to a large extent has also mainstreamed the organization's Age, Gender and Diversity strategy, prioritizing the protection needs of vulnerable women and separated children.

71. One of the most successful initiatives has been the inclusion of refugees, asylum seekers and other foreign nationals into the national strategy to combat HIV/AIDS. Refugee women and girls have also been included in a joint UN-government programme to combat sexual and gender-based violence, financed by the Spanish Fund for the Achievement of the Millennium Development Goals.

72. Nevertheless, conditions remain very difficult for the majority of refugees and other foreign nationals who have entered the country in an irregular manner. While it is difficult to measure with any precision, xenophobia appears to be a growing problem.

73. For example, MSF provided 4,035 consultations in course of 2008, in which 753 cases of violence were documented, representing 18 percent of the total number of consultations. There are also indications that sexual and reproductive health problems are growing because refugees and asylum seekers feel obliged to engage in survival sex in order to meet their basic needs.

74. UNHCR's new urban refugee policy underlines the need for the organization's activities to address the situation of refugees who live in cities and towns beyond the capital city. This issue may be of growing importance in Morocco.

75. UNHCR's outreach activities are constrained by a number of factors, including the limited capacity of the Rabat office and limited access to sensitive border zones in the east and south of the country. Speaking with refugees in Casablanca, many feel

⁴ The number of persons of concern to UNHCR arrested and expelled to the border at Oujda was 36 in 2009.

that they do not receive the same degree and quality of support as those located in Rabat.

76. At the same time, the capital city offers fewer livelihoods and housing opportunities. UNHCR has asked its social and medical partner to open an antenna in Casablanca, and is also extending its network of refugee community workers to that city.

4. Durable solutions

77. UNHCR has a responsibility to ensure that refugees are able to live in decent and dignified conditions during their time in exile and that they are able to find a durable solution within a reasonable period of time, whether by means of voluntary repatriation, self-reliance and local integration or resettlement to a third country.

78. As in many other countries, this task has proven to be extremely challenging in the Moroccan context. Many refugees and asylum seekers are unable to return home, either because of continued armed conflict and human rights violations in their countries of origin, or because they lack the means or willingness to do so.

79. As subsequent sections of this chapter explain, resettlement opportunities for refugees in Morocco are limited, and yet the option of self-reliance and local integration is obstructed by a number of factors, including a difficult economic and employment environment, the socio-economic marginalization of refugees, as well as official practices which make it difficult for refugees to become fully-fledged members of Moroccan society. For many, the harsh reality is to eke out a living as best they can in Morocco, while hoping for an eventual opportunity to reach European shores by irregular means.

80. This situation is not conducive to UNHCR's efforts to implement another key component of the new urban refugee policy, that of forging constructive relationships with refugee communities. Confronted with limited durable solutions prospects, some refugees claim that they have both a 'right' to a monthly cash payment from UNHCR as well as a 'right' to be resettled in another country. On at least three occasions since 2006, refugee groups have staged sit-ins in front of the UNHCR office in Rabat, in order to make demands that the organization is not in a position to meet.

Livelihoods, self-reliance and local integration

81. Many refugees in Morocco find it difficult to meet their basic needs, let alone attain self-reliance and become integrated in the country's economic, social and legal structures.

82. Adequate and affordable accommodation is reportedly very difficult to find. Local landlords often exploit the precarious situation of foreign nationals and raise the level of rent for sub-standard housing in a discriminatory manner. As a result, some refugees are obliged to take up shelter in abandoned buildings, while others gather together to share overcrowded, overpriced and poorly serviced accommodation. Such conditions are conducive to sexual and gender-based violence and have prompted some refugee women to engage in survival sex.

83. Hindered by their lack of a recognized legal status, high national unemployment rates, as well as ethnic and linguistic differences that set them apart from the local population, persons of concern to UNHCR, like other 'mixed migrants' in Morocco, find it hard to establish sustainable livelihoods.

84. Like urban refugees in many other parts of the world, they are obliged to rely on *ad hoc* labour, often doing menial, low-paid and sometimes hazardous work in the informal service and trading sector, construction and agriculture. Sub-Saharan Africans working in such jobs report that they have sometimes been given only a meal or left-over vegetables at the end of the day, rather than the promised wages.

85. While a minority of refugees and other foreign nationals have skills that allow them to earn a relatively regular (if modest) income, a larger number appear to rely on remittances received from family and friends in Europe and, in some cases, in their countries of origin. This is rather ironic, as it is often assumed that people who move northwards from West Africa and the Sahel do so in order to send remittances to their families and communities back home.

86. The difficulties that refugees encounter in establishing livelihoods and attaining self-reliance are of great concern to UNHCR, as most who approach the Office with requests for assistance and durable solutions do so because they are unable to sustain themselves in Morocco.

87. In an effort to address this challenge, and in the context of its reinvigorated approach to refugee protection and solutions in Morocco, UNHCR has increasingly engaged with local NGOs on projects that are intended to facilitate the establishment of small-scale and home-based enterprises. The resources available for such projects are very limited however, and such projects do not appear to overcome the disadvantages and discrimination that refugees experience in the local market.

88. Coordinated by UNHCR implementing partner AMAPPE, these micro-projects have met with mixed results. According to one assessment, some 50 to 60 per cent are deemed to be 'viable', while 30 per cent are 'very fragile', and 10 per cent fail altogether.

89. This is due in part to the fact that refugees often sell their goods and services exclusively to members of their own communities, which have a very limited purchasing power. But it is also a result of their tendency to use the finance support they received to establish income-generating for medical expenses and other basic needs. The latter issue, it should be noted, is by no means unique to Morocco and has proven globally to be one of the greatest obstacles to UNHCR's small-scale enterprise programmes.

90. UNHCR has undertaken active advocacy efforts in relation to the issue of refugee livelihoods as well as access to essential services such as education and health care. While some modest gains have been made in these respects, self-reliance in any real sense of the concept remains out of reach for the vast majority of UNHCR's beneficiaries, especially those living in cities other than Rabat.

91. With respect to the legal dimension of local integration, current Moroccan laws based on *jus sanguis*, or descent, render it very difficult for foreign nationals to acquire citizenship of the country. UNHCR and its legal partners have been using the amended Nationality Law in an attempt to obtain citizenship for children born to mixed couples, and the 2003 Immigration Law to submit residence permit requests for refugees who are married to Moroccan nationals. But markedly few of these applications have been successful.

92. The circumstances described above place refugees in a double-bind. On one hand, their inability to establish livelihoods, to become self-reliant and to locally integrate obliges them to demand resettlement, to move on by irregular means, to engage in illicit activities or to simply while away their time in public spaces.

93. As a result, Moroccans develop a negative perception of the refugees, contributing to their marginalization and sometimes subjecting them to xenophobic hostility. But as a result of this marginalization and hostility, refugees find it even more difficult to find a niche in the labour market and to establish cordial relations with members of the local population.

94. Such circumstances also present an obstacle to UNHCR's advocacy and capacity-building efforts. If society as a whole has reservations about the presence of refugees, asylum seekers and other foreign nationals in their midst, then one should not be surprised if politicians and officials are reluctant to espouse more open immigration and integration policies.

95. In the context of its comprehensive approach to the issue of refugee protection and mixed migration, UNHCR has in recent years co-organized the annual Rabat Africa festival, together with the Orient-Occident Foundation, UNHCR's implementing partner for socio-educational work for refugees, migrants and Moroccans in low-income neighbourhoods.

96. Held in the Yacoub Mansour neighbourhood, which has a notorious reputation for poverty and social violence, the festival aims to counteract racism by providing opportunities for cultural exchange and discovery. The Foundation has also organised colloquia and cultural workshops on the situation of refugees and migrants in Morocco. While it is difficult to assess the impact of such initiatives, they are fully consistent with UNHCR's new urban refugee policy and as such are to be commended and replicated in other locations.

Voluntary return

97. UNHCR recognizes that effective return policies and practices for non-refugees are essential for maintaining credible asylum and migration management systems. In accordance with this position, UNHCR has assisted a limited number of people in Morocco who were found not to be in need of international protection and who were willing to voluntarily return to their country of origin.

98. Budgetary constraints have limited the degree of assistance that UNHCR could provide, however, and thus only the most needy cases have been prioritized. More generally, UNHCR has been referring asylum seekers whose claims have been rejected, individuals who no longer wish to pursue their application and refugees who choose to voluntarily renounce their status, to the International Organization for Migration (IOM).⁵

⁵ UNHCR Rabat has organised counselling sessions for refugees on voluntary return options, yet only a small handful took up the offer. This is reportedly due to the fact that UNHCR does not offer reintegration grants comparable to the amount which IOM provides to returning rejected asylum seekers and irregular migrants.

99. Even though more than 3,500 asylum applications have been rejected by UNHCR in Morocco over the past four years, in full respect of due process, the number of asylum seekers who have sought IOM's assistance in returning home amounts to just 25, less than one per cent of the total. Amongst the reasons for this number being so low are the temporary suspension of the IOM programme (again for lack of funds) and the general lack of interest among rejected cases to return home.

100. Beginning in March 2009, and at the request of UNHCR, IOM now records more detailed statistics on the return of rejected asylum seekers, disaggregated by type of status and claim.⁶ These statistics may prove important to UNHCR's role and standing in Morocco, given that the return of rejected asylum seekers (and asylum seekers who no longer wish to pursue their asylum application) is viewed by the government as a pivotal test of UNHCR's effectiveness. Indeed, during this review, the orderly management of returns was amongst the key issues raised by government officials.

101. This is also an important issue for UNHCR and its mandate for refugee protection and solutions. If effective arrangements could be put in place to support the dignified return of rejected asylum seekers and those no longer pursuing asylum claims, this may provide the authorities with the encouragement needed to assume more fully their responsibilities in relation to refugees.

102. The UNHCR office in Rabat has recently proposed an innovative approach in this regard, suggesting that operational activities in support of the dignified return of rejected cases be expanded, in cooperation with IOM. More specifically, UNHCR has suggested that these activities include the preparation of profiles of rejected asylum seekers and irregular migrants, disaggregated by age and gender, in order to support the realistic identification of candidates for return and to determine potential rates of return.

103. At the same time, UNHCR has proposed that assessments be undertaken of the impact of return programmes on the policies and practices of host countries in North Africa and of countries of origin in sub-Saharan Africa, taking due account of the economic and political relations between those countries.⁷

104. The proposed activities would also include an analysis of possible mechanisms that could be put in place for an effective, dignified return programme that upholds the basic human rights of the migrants concerned, and which provides sufficient incentives for return to be both voluntary and sustainable.

105. The UNHCR office in Rabat may examine the extent to which voluntary returns can be linked to ongoing development initiatives carried out by other actors, including those undertaken by the Moroccan Ministry of Foreign Affairs in some sub-Saharan countries of origin.

⁶ As of February 2009, 19 UNHCR registered cases were assisted by IOM to return to Ivory Coast, DRC, Congo Brazzaville, and Cameroon.

⁷ During 2009 IOM Rabat undertook a first assessment of the reintegration in their home countries (Senegal, Guinea Conakry and Congo Brazzaville) of a sample of 41 returned irregular migrants. Some 75 per cent of the reintegration projects have proven to be sustainable and 88 per cent of the beneficiaries expressed their intention to remain at home.

106. Finally, and mindful of the fact that UNHCR's extended involvement in returns might create an impression that the organization is acting as a tool of the European 'external dimension' policy, a feasibility study on UNHCR's potential involvement with information campaigns on return programmes for rejected cases and irregular migrants in Morocco, as well as on the dangers of irregular onward migration to Europe, might also be undertaken.

107. The thoughtful and innovative approach that UNHCR has taken on this issue in Morocco is to be commended, and may well help in devising new approaches to the implementation of Executive Committee Conclusion No.96-2003 on the Return of Persons Found Not to be in Need of International Protection.

108. In the opinion of the review team, such new approaches should recognize that a more formal and proactive engagement by UNHCR on safe and dignified returns could play an important role in the establishment of a credible, effective and efficient asylum system.

109. In this respect, it is worth recalling paragraph (k) of the Conclusion, which "takes note of UNHCR's readiness, on a good offices basis, to support states, upon their request, in their endeavours to return persons found not to be in need of international protection, in particular where obstacles to return are encountered and provided that the involvement of the Office is not inconsistent with its humanitarian mandate to provide international protection to refugees."

110. In similar vein, it would be helpful if UNHCR's Department of International Protection (DIP) were to revise the 1997 policy paper on the return of rejected cases, proposing a range of solutions and possible partnerships. This might include mechanisms such as regularization and alternative migration channels, including circular and seasonal migration options in third countries.

Resettlement

111. To provide solutions to refugees with urgent protection needs, UNHCR implements a small resettlement programme in Morocco, supported by countries such as Denmark, Finland, the Netherlands, Norway, Sweden and the United States. Based on the principle of resettlement as a strategic tool of protection and responsibility-sharing, UNHCR has also engaged with 'new' resettlement countries such as France, Portugal and Spain in relation to refugees in Morocco.

112. While these resettlement efforts have provided solutions to a number of refugees, and an important outcome in itself, they have not had the effect of enabling those who remain in Morocco to enjoy a more dignified and productive life. Significantly, the Moroccan authorities express only lukewarm support for resettlement, fearing that the availability of this solution may create a 'pull factor' for other refugees, asylum seekers and migrants.

113. At the same time, refugees and the NGOs that support them are critical of the resettlement programme, which they deem to be insufficient in a context where local integration remains a largely distant dream.

114. UNHCR and its partners have observed with some concern that many refugees believe that 'integration criteria' are used as a basis of the resettlement selection process. As a result, rather than taking advantage of language and skills training programmes that are best matched to the demands of Moroccan society and the local labour market, refugees are instead pursuing those that they consider will be most favourably looked upon by resettlement countries. This acts as a further constraint on UNHCR's efforts to promote livelihoods, self-reliance and a degree of integration.

115. Several refugees and NGO representatives interviewed in the course of the review also cited examples of 'able-bodied men' being resettled, while 'women with sick children' were obliged to remain in Morocco with inadequate levels of assistance. The review team also heard the allegation that "only those who are most vocal get resettled."

116. As a result, some refugees feel that by emphasizing their vulnerability, they may enhance their prospects of resettlement. As one woman bitterly told the review team, "I have lost everything. My husband, my children, I have no one. I am so old that no one even wants me when I try to prostitute myself. My skin, my lips are cracking from malnourishment. Yet they say I am not vulnerable. Maybe as I lay on my deathbed, they will say that I am. But by then it will be too late. Then I shall not even care."

117. Numerous refugees stated that resettlement was their "only option" for a durable solution, and that they were equally willing to be resettled in other African countries as in more traditional countries of resettlement (i.e. Australia, Canada and the USA). While the notion of regional resettlement is an interesting and attractive one in principle, UNHCR's previous efforts to promote this solution (in Benin and Burkina Faso, for example) have encountered many difficulties. If this option is to be pursued, then lessons must first be learned from past experience.

118. Another option for consideration, and which might be examined in more detail by DIP and the Europe and MENA bureaux, is to engage with European countries with regard to the establishment of a special resettlement initiative from North Africa, applying more flexibility in selection criteria and focusing particularly on long-stayers.

119. In this context, it should be noted that approximately 50 percent of the people granted refugee status by UNHCR in Morocco are recognised under the extended definition of a refugee. As such, they are not necessarily eligible for resettlement.

120. Many refugees (and other local actors) do not understand the importance of this distinction, a situation that contributes to their frustration and which reinforces misconceptions about the purpose and modalities of resettlement. To address this problem, it is recommended that UNHCR increases the counselling provided to refugees in order to facilitate a greater understanding of the fact that recognition as a refugee by UNHCR does not automatically translate into selection by a resettlement country.

Options for non-refugees

121. The dramatic events of 2005 in Ceuta and Melilla, when hundreds of migrants and asylum seekers tried to enter the Spanish enclaves, underlined the fact that UNHCR's involvement in the issue of mixed migration requires the Office to consider more thoroughly the issue of durable solutions for non-refugees. For in the absence of such solutions, refugee protection and the institution of asylum are likely to be undermined.

122. As noted earlier, most of the people who managed to enter the Spanish enclaves were returned to Morocco on the basis of a bilateral readmission agreement between the two countries. At the time, *Médecins sans Frontières* announced that over 500 mostly sub-Saharan deportees had been found "in bad shape" in the desert area of Auoina-Souatar near the Morocco-Algerian border.

123. Amongst the irregular migrants in Morocco, there appear to be a considerable number of rejected asylum seekers who try to recycle themselves into the asylum system by, for example, re-registering with UNHCR under a new identity. To date, the office in Rabat has relied upon the memory and skills of protection staff to recognize such cases, which amount to between five and eight persons per month.

124. In view of this problem, the introduction of fingerprinting or some other form of biometrics might be considered. This would allow UNHCR to exclude previously rejected applicants from the system and thereby free up additional time for the processing of new claims.

125. UNHCR should also redouble its efforts to provide regular counselling to rejected cases on voluntary return options. Counselling on this issue could also be provided to asylum seekers during their first interview, so that they can give early consideration to the options that exist should their application not be successful.

126. Whilst the return of irregular migrants and those determined not to be in need of international protection is primarily an issue for states to resolve, UNHCR has an interest in playing a supportive role in this process. In this respect, Executive Committee Conclusion 96 sets out some parameters for UNHCR's engagement.

127. At the same time, UNHCR should encourage IOM and UNDP to be more proactive in looking for migration alternatives for people who do not wish or who are unable to return, and whose labour or skills are in demand elsewhere. This, of course, may prove to be a controversial undertaking in a country where so many people are unemployed and wish to migrate themselves.

5. Partnerships

128. A key component of UNHCR's recent work in Morocco has been that of partnership, based on a perceived need for the organization to improve its cooperation and communication with the authorities, other UN and international organizations, NGOs and civil society, as well as the public and persons of concern. Indeed, relations with many of these actors, and especially the government, had not been optimal in earlier years.

129. At the same time, considerable effort has been devoted to raising UNHCR's previously low profile in the country, an important task given the increasingly important public and political awareness of the mixed migration issue in Morocco.

Government relations

130. In the past few years, partnerships with all levels of the administration have been strengthened, and the UNHCR Office in Rabat has been able to establish constructive relationships with most of the key ministries, including the Ministry of Justice and Ministry of Foreign Affairs and, to a certain extent, the Ministry of the Interior.

131. In view of Morocco's centralized national structures, positive engagement with these entities is critical. This review is especially supportive of UNHCR's open invitation for regular dialogue and communication with the Ministry of the Interior, which handle matters related to the entry, exit and residence of foreign nationals.

132. In the course of the review, numerous interlocutors stressed the need for UNHCR to be patient in its efforts to more fully engage with the Ministry of Interior, stressing that, in the words of one person, it "favours a strategy of incremental steps."

133. UNHCR's collaboration with the Ministry of Justice has been especially fruitful, and has allowed numerous joint capacity building initiatives to be undertaken, aimed primarily at strengthening national expertise in the area of refugee and asylum law. A Letter of Understanding consolidating the partnership with the Ministry is expected to be signed in early 2010.

134. UNHCR's key objective in terms of government relations must be the establishment of a national policy, legislative and institutional framework relating to refugee protection. Both in principle (i.e. the notion of state responsibility) and for practical reasons (the many other demands made upon UNHCR's limited global resources) the organization cannot indefinitely register asylum seekers, examine their claims to refugee status and provide assistance and services to them.

135. In the short term that will require a sustained investment. Reducing the funding available for advocacy and capacity-building would almost certainly have a negative impact on Morocco's fragile refugee protection regime.

136. The Moroccan government has a keen interest in being seen as a country fully respecting its international human rights obligations, and is closely monitoring the way in which its African and European neighbours are reacting to the challenge of mixed migration. Returns and readmission agreements are of particular concern to the authorities.

137. Interestingly, and in view of recent deportations, interceptions and push-backs in Europe, some officials were quick to point out that Morocco was 'behaving better' in this regard than some of its more prosperous northern neighbours. In this respect, UNHCR's efforts to uphold high standards of protection in Europe may well have a broader impact in the Mediterranean region.

138. Indeed, the Moroccan authorities have emphasized that any efforts to enhance protection in that country should go hand-in-hand with similar efforts in neighbouring and nearby countries, so as to promote responsibility-sharing and to reduce secondary movements.

139. As the negotiations on bilateral readmission arrangements between selected North African countries and the EU continue, UNHCR should discourage agreements that facilitate the removal of irregular migrants to transit countries such as Morocco, while advocating for the effective implementation (with appropriate safeguards) of re-admission agreements for nationals.

140. In Morocco itself, UNHCR should explore the possibility of integrating its own refugee protection training in modules and events which are carried out either by the EC, or bilaterally by countries such as Italy and Spain. More regular contacts with the EU Migration and Development Working Group, currently chaired by the Italian Permanent Mission in Morocco, are also recommended.

Other states

141. The European Union and certain of its member states (France and Spain especially) are important players in the context of mixed migration in Morocco and other North African states. Hence the need for effective cooperation and coordination between UNHCR's Europe and MENA bureaux. On the European side, states need to be convinced that strengthening refugee protection and addressing the issue of irregular movements in the Maghreb is a long-term project that could be jeopardized by actions that focus solely on the issue of border control.

142. A coherent approach is needed in order to strike a proper balance between migration control priorities and refugee protection and human rights imperatives. To implement projects in isolation, whether in a multilateral or bilateral framework, will not be effective, nor would the Moroccan authorities consider such compartmentalisation of roles and responsibilities a sign of genuine interest and support in human rights on the part of its European counterparts.

143. As an example of a disconnect between cooperation happening in Europe, and cooperation in North Africa, between 2004 and 2009 the EC implemented a border management project under its MEDA programme, which included training of Moroccan border guards.

144. The project ended in mid-November 2009 and included a component of training based on some of the elements found in the European Common Core Curriculum⁸. In Europe, UNHCR was formally involved in providing input to the same Common Core Curriculum including the section on human rights and the principle of *non-refoulement*. However in Morocco, neither UNHCR nor any other key stakeholder in this area, have been invited to participate in the training of Moroccan border guards.

145. As indicated elsewhere in this report, in 2010, UNHCR's Morocco programme will no longer benefit from direct EC funding, which remains highly project-based and limited in duration and scope, even when the objective at hand requires a long-term commitment.

146. As a result of this constraint, the UNHCR office in Rabat has commendably developed bilateral cooperation with other interested donors, including Monaco, Spain and Switzerland. The office has also successfully mobilized funding for its operations under a joint UN programmes on gender and migration. Such efforts stand to be strengthened by the recent establishment of a UNV post, responsible for external relations, communication and resource mobilization.

International organizations

147. Despite the fact that Morocco is not a UN Delivering as One pilot country, activities in the country are increasingly undertaken on the basis of inter-agency coordination and joint programming. This is particularly true in relation to issues such as sexual and gender-based violence, HIV/AIDS and migration.

148. First established in late 2006 with a view to improving the exchange of information and analysis, developing a strategic framework for joint action, and facilitating complementary and/or joint activities, UNHCR has chaired the UN Thematic Group on Migration for the past three years. Under UNHCR's leadership, the Migration Group adopted a strategic framework for joint action in September 2007, which includes a number of components related to UNHCR's Ten Point Plan of Action.

149. Adopting a rights-based approach, the framework promotes accessible channels for regular labour migration and more effective linkages between migration and development, while also providing support to the authorities in terms of migration management and refugee protection strategies.

150. The Migration Group also oversees the implementation of seven projects under the EC-UNDP Joint Migration for Development Initiative, a three-year programme running from 2008 to 2011. Among the 16 countries to benefit from this initiative, Morocco is the biggest recipient of funds, with local NGOs receiving some 1.3 million Euros. One of the seven projects is intended to strengthen the capacities of a UNHCR NGO partner in addressing the protection and assistance needs of refugees and migrants.

⁸ "Common Core Curriculum, EU Border Guard Basic Training", 2007 Frontex

151. UNHCR's involvement with the UN Country Team (UNCT) promises to produce better fund-raising opportunities, as donors have expressed a preference for investing in inter-agency approaches. Moreover, joint work with the UNCT has helped UNHCR to raise local awareness on refugee protection and mixed migration issues.

152. Efforts should be made to invite government representatives to working group sessions of the UNCT in order to elaborate joint strategies and to encourage the authorities to assume greater ownership of asylum issues.

153. At the same time, and to support coordination among the different ministries and departments concerned, the UNCT could establish technical working groups to discuss specific elements of the country's migration policy. Those groups could also share information and best practices with the UNCT in other countries in the region.

154. Above and beyond the work undertaken in the context of the UN Country Team, the partnerships between UNHCR and IOM in Morocco is a central one, especially in relation to the issue of return and durable solutions. Like UNHCR, IOM has sometimes been perceived locally as a tool of the EU and its external policy on migration.

155. In an effort to combat such perceptions, IOM has engaged in social and economic development initiatives in areas of the country where support is most needed to prevent irregular departures and stabilize local communities. Going forward, UNHCR may wish to consider establishing links with such projects as a means of facilitating the local integration of recognized refugees in the agricultural, construction and service sectors, and diversifying what are currently largely urban centered prospects.

156. UNHCR should also engage in a dialogue with the International Labour Organization (ILO) and specialized employment agencies in order to explore potential opportunities for refugees to be considered for employment in Europe by means of legal migration channels.

157. Such opportunities already exist for Moroccan nationals and could potentially be extended to include recognized refugees. Regrettably, however, programmes of this type could prove to be difficult and controversial, due in part to the recent closure of the ILO presence in Morocco, as well as the potentially negative reaction of nationals who are also competing for limited migration opportunities.

Intra-regional cooperation

158. While UNHCR has developed a regional strategy for refugee protection in the context of broader migratory movements, its implementation is obstructed by disputes between the Maghreb countries which limit cross-border cooperation. The political debate over Western Sahara looms particularly large in this respect, an issue complicated by UNHCR's longstanding involvement with the Sahrawi population in Algeria. In these circumstances, UNHCR must evidently continue to underline its humanitarian and strictly non-political mandate.

159. While the scope for intra-regional initiatives remains limited, UNHCR has taken some useful steps in this regard. These include a regional training initiative for judges on refugee law, and a regional NGO seminar held in Tunis. The former of these events brought together some 20 judges from Morocco and another 20 from across Africa.

NGOs and the Moroccan diaspora

160. Strong working relationships with local NGOs have proven vital to improving the identification and referral of persons in need of protection, access to asylum procedures, services and support to refugees and asylum seekers and to the work of UNHCR more broadly. In addition to providing immediate forms of support, UNHCR recognizes that the development of such partnerships is essential if Morocco is to build a sustainable asylum system.

161. For most of UNHCR's NGO partners, joint engagement has greatly enhanced their capacity and has generated new opportunities to broaden their scope of work. One of those partners had not worked with foreign nationals before and acknowledged that, prior to its partnership with UNHCR, it had not understood the difference between refugees and other migrants.

162. While greatly challenged by unexpected dynamics of working with the refugee community, including language barriers and cultural differences, the organisation is now expanding its work with foreign communities and has proposed a number of initiatives intended to raise community awareness and directly improve local integration.

163. The majority of UNHCR's NGO partners informed the review team that their relationship with the Office is positive and that significant improvements have been seen in the last three years. Nonetheless, many also noted that their activities on behalf of UNHCR have placed heavy (and at times, unexpected) burdens on them.

164. One partner, for example, remarked that the number of people they served had doubled in a year and that the refugee beneficiaries they assist require significantly more staff time and effort than the organization's Moroccan beneficiaries. Language barriers and cultural differences were also cited as a key challenge.

165. There is need to acknowledge that amongst NGO staff, as with other members of the local community, there is a sense that refugees get better treatment than many Moroccans. For this reason, and also because of the perception that UNHCR is an instrument of EU migration policy, some partners feel that their affiliation with the Office has been an expensive one in terms of their public image.

166. At the same time, many admitted that UNHCR funding, the visibility of humanitarian action and the acquisition of new expertise and skills were advantageous aspects of the partnership, which they were intent on prolonging. To the extent possible, UNHCR should explore ways to limited short-term NGO projects and develop instead longer-term and programme-oriented approaches.

167. Above and beyond its implementing partners, UNHCR has gone to great lengths to encourage open communication with other organizations and associations active in the field of refugee protection and migrant rights. These efforts have met with varying degrees of success. Some NGOs are especially vocal in their criticism of UNHCR's work and its choice of implementing partners.

168. Significantly, the review team also noted that some NGOs neither have a clear understanding of UNHCR's mandate, nor of the possibilities and limits of some of its programme, such as financial assistance to vulnerable cases or resettlement as a durable solution. The latter issue has been particularly problematic in view of the NGO support given to refugee sit-ins at the UNHCR office, and every effort should be made to improve understanding and transparency in relation to this issue.

169. One partner of notable significance to UNHCR's work in Morocco is the CCDH, which is composed of NGO representatives, academics, government officials, parliamentarians and opinion leaders, and which provides the government with policy and strategy proposals on social issues.

170. In addition to establishing a subcommittee on migration and asylum, its members have visited the UNHCR office in Rabat to exchange views on mixed migration, protection space and the development of a functioning national asylum system. The CCDH has been a key partner with UNHCR in organizing public events to commemorate World Refugee Day.

171. As an untapped source of potential partnership, several interlocutors suggested that the Moroccan diaspora might be motivated to play a role in advocating for the human rights of foreign nationals in Morocco. This suggestion is one that is worth exploring, perhaps in association with the UNHCR office in France, which is home to large numbers of Moroccans.

The refugee community

172. UNHCR has made vigorous efforts to engage refugees in participatory activities, including regular six-weekly meetings with refugee leaders. In early 2009, a transparent selection procedure was established to identify persons of trust and confidence who could help UNHCR to identify and address both individual and community needs.

173. Functioning as the eyes and ears of UNHCR, and as channels of communication between the organization and its beneficiaries, 20 women and 20 men have been recruited, representing the different nationalities to be found within the refugee community and the neighbourhoods in which they live.

174. Even so, relations with the refugee have been characterized by some repetitive debates over the effectiveness of UNHCR's work, requests for early resettlement and complaints with respect to vulnerability criteria. To avoid such discussions, UNHCR and the refugee representatives could usefully and jointly select a specific theme for discussion at each meeting.

175. This approach would also allow the refugee representatives to seek more targeted input from the community beforehand and may increase the Office's perceived accountability.

176. Through these meetings and other contacts with refugees, including regular home visits to refugees, UNHCR has taken note of earlier criticism of the quality of some of the services which it and its NGO partners provide, as well as the perceived lack of coherence between them. Even so, and despite considerable efforts to provide diversified forms of support and assistance to the refugee community, the situation of refugees remains only slightly better than that of other undocumented migrants in Morocco, due to limited prospects for livelihoods, self-reliance and local integration.

177. Going forward, some interlocutors have suggested that UNHCR may wish to engage the Iraqi refugee community in support of sub-Saharan refugees. Given that some members of the Iraqi community have access to formal employment opportunities, they might be persuaded to support small enterprises launched by other refugees or even provide them with jobs. Were such an approach to be pursued, however, care would be taken to ensure that the relative degree of integration attained by the Iraqis is not adversely affected.

Communications strategy

178. The UNHCR office in Rabat has developed a communication strategy which has the overall aim of creating an environment that is conducive to UNHCR's role and activities in Morocco, including the establishment of a legal and institutional framework that grants rights and social status to recognized refugees in Morocco. The communication strategy focuses on three main audiences: the public, media and civil society, policy makers and refugees.

179. Despite these efforts, UNHCR's visibility remains relatively low, especially amongst the public and media. This is due to a number of different reasons: the modest size of the UNHCR office and its location in Rabat, insufficient resources to implement its communication strategy, and the fact that refugee protection is not high on the national agenda.

180. Some interlocutors suggested that much of the public information provided by UNHCR Headquarters focuses on Italy, Somalia and Yemen, with very little coverage given to issues in North Africa. A PI strategy for the region is recommended, making a link between the rights of the North African diaspora and the rights of foreign communities in the region.

181. At the same time there is a need for UNHCR (a) to prepare standard public information positions on specific issues to ensure the consistency of messages across the Mediterranean; (b) to clarify the limitations of UNHCR's mandate and mission and to dissociate the organization from western interests, (c) to highlight the work that UNHCR undertakes on behalf of Iraqis, Palestinians and other refugees from the MENA region, so as to counter the perception that it is solely dedicated to refugees from sub-Saharan Africa.

182. As indicated earlier, UNHCR has been able to recruit an International UNV to support the organization's external relations activities in Morocco. It remains to be seen how this position could be made more permanent and supported with the resources needed to embrace a more ambitious communications strategy.

183. The review team is also concerned that the regional public information function in Cairo was moved to Beirut, as Lebanon, Syria and Jordan represent a specific sub-region with issues in common that are different from those in North Africa. UNHCR should ideally create a separate regional public information post for North Africa or in the absence of this, establish public information functions at the national level.

6. Coherence, coordination and support

184. This review concludes with an attempt to address two related issues in relation to UNHCR's role and activities in Morocco.

185. First, to what extent are UNHCR's role and activities in Morocco consistent with the global policies of the Office? And second, is UNHCR's approach to the issue of mixed migration in Morocco effectively coordinated with and supported by relevant UNHCR entities, both in the field and at Headquarters?

The Ten Point Plan of Action

186. Introduced in 2006, UNHCR's 10 Point Plan of Action provides a framework for UNHCR and its partners to address mixed migratory movements in an effective and equitable manner, protecting the rights of refugees and non-refugees alike and ensuring that both groups are able to benefit from durable solutions. The UNHCR office in Rabat contributed to the formulation of the plan and currently uses it as a basis for the Morocco programme.

187. More specifically, the 10 Point Plan has been used in a number of ways:

- to map out gaps in the programme and to identify strategic partnerships that might play a role in filling them;
- to formulate a multidimensional approach to the issue of refugee protection and mixed migration, combining protection, solutions and assistance activities, as well as the legal, social, economic and developmental dimensions of the UNHCR programme;
- to develop an informal 'tool box' for the collection of information on onward movers and recording of their personal data;
- to establish a closer dialogue with the authorities and to situate the issue of refugee protection within the broader context of international migration;
- to reinforce UNHCR's data collection, analysis and research activities and,
- to engage with the UN Country Team and to solicit its support for the Ten Point Plan.

188. At the same time, UNHCR's experience in Morocco indicates that a number of difficulties can arise when promoting the 10 Point Plan.

189. First, in discussions with officials and other interlocutors, the review team found that the terms 'refugee', 'migrant' and 'irregular mover' are often used interchangeably, and without any apparent understanding of their different connotations. While the 10 Point Plan cannot be blamed for this confusion (which is, of course to be found in many other countries and regions) the wording of the Plan's

Introduction certainly tends to stress the similarities rather than the differences between these different categories of people on the move:

While refugees and asylum seekers account for a relatively small portion of the global movement of people, they increasingly move from one country or continent to another alongside other people whose reasons for moving are different and not protection-related. More often than not such movements are irregular, in the sense that they take place without the requisite documentation and frequently involve human smugglers and traffickers. The people who move in this manner often place their lives at risk, are obliged to travel in inhumane conditions and may be exposed to exploitation and abuse.

190. Second, while the 10 Point Plan is regarded by UNHCR as a document that embodies a progressive approach, which takes full account of the complexities of human mobility, that is not necessarily a view shared by other stakeholders. Some potential partners in Morocco, for example, have declined to work formally with UNHCR because they consider that the Office has linked asylum too closely to the broader migration debate. In doing so, they suggest, UNHCR has reinforced a perception that refugee issues are indistinct from those of migration management, border control and state security.

191. Although the review team does not subscribe to this interpretation, UNHCR staff in the North Africa region and elsewhere should be fully aware that the 10 Point Plan and UNHCR's current approach to the issue of refugee protection and international migration can be viewed in this manner.

192. Third, while the notion of mixed migration has become a convenient shorthand concept for UNHCR and other specialized international actors, the Office should not assume that it is fully or properly understood by other stakeholders, especially those who are less intensively engaged in the discourse on human mobility.

193. Thus when asked what 'mixed migration' actually means, many interlocutors in Morocco answered that the notion is used to describe migrations that include people of different nationalities, as well as a mixture of adults and children, men and women, lower and higher-income groups. Nobody who was asked this question associated the term with a movement that includes both refugees and non-refugees.

194. This review consequently encourages UNHCR to explain the meaning of the mixed migration concept whenever possible and appropriate, making specific reference to the different legal frameworks that govern refugee and migrant rights.

Urban contexts

195. As well as being essentially a mixed migration programme, the UNHCR operation in Morocco is also an urban one, given that the vast majority of persons of concern to the organization are to be found in cities, most notably Casablanca, Oudja, Rabat and Tangiers. UNHCR's new policy on refugee protection and solutions in urban areas, which focuses primarily on developing and middle-income countries, is consequently of direct relevance to the Morocco programme.

196. Impressively, the UNHCR office in Morocco has already implemented many components of the policy, including innovative outreach and community development activities: the engagement of trained refugee outreach volunteers; the establishment of local community centres, including a centre for refugee women that hosts a cooperative, kindergarten and communal restaurant; the holding of regular meetings with refugee groups; home visits; and a programme to forge constructive and harmonious relations between refugees and local residents.

197. At the same time, the Morocco office is wrestling with some of the difficulties and dilemmas that are highlighted in the policy statement:

- should UNHCR provide refugees with vocational training and livelihoods support in a country where they are not able to formally access the labour market?
- how can such assistance be used to positively influence government policy with regard to refugee employment and integration?
- what criteria should be employed to determine who is eligible for assistance?
- and how can those criteria most effectively be communicated to persons of concern?

198. Now that the new urban refugee policy is being piloted in a number of locations, it is recommended that UNHCR undertake a comparative analysis of the way in which and the success with which these and related other questions are being addressed in operational terms.

Funding

199. As indicated earlier in this report, UNHCR has made a determined effort to reinforce its presence, visibility and activities in Morocco since 2004-5. While the impact of that investment may have been limited in scale and speed, tangible gains have been made despite the very challenging political, socio-economic and operational context confronting the organization.

200. There are evidently no quick-fix solutions to the issue of refugee protection and mixed migration in Morocco (as in the rest of the North Africa region), and a sustained commitment will be required if further progress is to be attained. In this context, it is important (and disappointing) to note the discontinuation of European Commission funding to the programme, as well as the disproportionate time and effort that the UNHCR Representative and his team are required to devote to the task of resource mobilization.

Regional and inter-regional coordination

201. Recognizing that coordination between UNHCR's offices in the North African region had not been sufficiently systematic, a regional coordination antenna was established in Tunis by the MENA Bureau in July 2008, with a specific orientation towards the issue of mixed migration. The coordinator in Tunis, however, has no

authority to determine the focus and content of UNHCR programmes in the region and thereby to ensure their consistency.

202. In order to ensure the effectiveness of this function, the MENA Bureau should consider relocating the liaison function to Headquarters, where interaction with key support services such as DIP, as well as the Africa and Europe bureaux, would be easier to facilitate. If such an approach were to be taken, there would be an evident need to ensure that the coordination function does not duplicate or overlap with the role of the desk that covers the North African region.

203. Another role of the regional project coordinator in Tunis is to manage and report on time-limited projects that are funded by the EC, an increasingly prevalent way of supporting UNHCR's activities in the region. In these circumstances, there is a risk of UNHCR being perceived as an implementing partner of the European Commission, which of course has its own agenda to pursue in relation to the issue of mixed migration.

204. This may tarnish perceptions with regard to the neutrality of the Office. To address this concern, funding arrangements should ideally be more balanced. Indeed, UNHCR's Morocco office is already making an effort to diversify its sources of support.

205. The UNHCR office in Rabat could benefit from strengthened communication with the Africa Bureau, both at Headquarters and in the field, given that the vast majority of new arrivals in Morocco come from that continent. The Africa Bureau is currently taking an active interest in the issue of mixed migration in North-East and Southern Africa, and this could usefully be extended to the large area lying south of Morocco.

206. In recent times, special working groups have been established at UNHCR Headquarters to examine and address the issue of mixed migration by means of a situational approach. Two such groups have been created so far, one relating to 'Afghans on the move', and the other focusing on 'secondary movements of Somali and Eritreans'. The review recommends that a similar working group be established in relation to mixed migrations to North Africa and the Mediterranean, bringing together staff members from the Africa, Europe and MENA bureaux, as well as DIP.

Leadership

207. While it is PDES policy not to comment on the performance of individual staff members, this review cannot ignore the fact that a large number of interlocutors attributed the improved standing of UNHCR in Morocco to the quality of the current team in Rabat and especially to the role played by the Representative.

208. If the protection space available to refugees and asylum seekers in the country is to be enhanced, then it will be essential to ensure that any personnel changes which have to be made provide the Rabat office with similarly effective leadership.

Annex 1:

Terms of reference

Review of UNHCR's role and activities in relation to mixed migratory movements in Morocco

Background to the review

The review in Morocco is one of a series being conducted by UNHCR's Policy Development and Evaluation Service, examining UNHCR's involvement in a number of mixed migration situations.

A first review was conducted in Spain (Canary Islands) in April 2009, and reviews are also planned for a number of other locations, including Southern Italy, Yemen, the Caribbean, South Africa and one country in Asia. A synthesis report summarising generic findings and highlighting key lessons, including regional considerations, will be prepared following completion of the individual country reviews.

The reviews are a result of a commitment made at the High Commissioner's Dialogue on Protection Challenges in December 2007, to "review the effectiveness of (UNHCR's) interventions in the area of international protection and mixed migration, in order to learn lessons from its experience and to ensure that they are incorporated in its policymaking and programming processes." A Steering Committee has been established to oversee the review process. Generic Terms of Reference for this series of reviews are attached as Annex A.

The Moroccan context

Although Morocco is party to the 1951 Refugee Convention and its 1967 Protocol and adopted an implementing decree as long ago as 1957, no functioning national asylum system has been put in place. UNHCR has essentially been responsible for the reception, registration, status determination, documentation, and assistance of refugees for the past 50 years.

Since 2005, UNHCR Morocco has dealt with a relatively small but increasing number of refugees and asylum seekers who reside in urban areas and who form part of a considerable larger mixed and irregular migratory movement.

Between 2007 and 2008 the total population of asylum seekers was reduced by 48 per cent (from 671 to 346). In the latter year, UNHCR Morocco processed 999 asylum applications (665 in the first instance and 334 upon appeal) of which it recognized 114 in the first instance and none upon appeal. The organization rejected at the first instance 551 people and another 334 upon appeal. The overall recognition rate was 11 per cent for the year.

At the end of 2008, Morocco's total refugee population stood at just over 750, originating mainly from Cote d'Ivoire (36 per cent) and the Democratic Republic of

Congo (27 per cent). Iraqis represented the third largest group of refugees (18 per cent) and are the most rapidly growing group in the country.

Amongst the refugees, 18 per cent are adult women and 25 per cent are children, figures which are contrary to the popular assumption that the people involved in mixed and irregular movements are predominantly young men.

Irregular migration to Morocco remains a key concern for the authorities. According to official figures, between 2004 and 2008 a total of 8,673 irregular migrants were returned to their countries of origin (mainly Senegal and Mali). According to the same source, in the same period, more than 65,000 people were intercepted during identity controls or during attempts to depart from Morocco in an irregular manner, either in or at land border points with the Spanish enclaves of Ceuta and Melilla.

Unofficial estimates suggest that between 10,000 and 20,000 irregular migrants from sub-Saharan Africa are now residing in Morocco. The large majority of migrants in Morocco enter through Algeria at the border town of Oujda. Some asylum seekers are stranded in the border zone for prolonged periods of time, often in very difficult conditions.

Morocco has a very large migrants and diaspora population, many of whom now reside (in both a regular and irregular manner) in EU member states. The country's concern with the welfare of these people and the protection of their rights has taken precedence over the situation of foreign migrants who are seeking to transit through Morocco on their way to other destinations.

Purpose of the review

The overall purpose of this review will be to assess the extent to which the role and activities of UNHCR have enabled the organization to exercise its mandate for refugee protection and solutions and have contributed to the task of managing mixed movements in a humane and rights-based manner. The review will focus on the period since 2005, when the UNHCR office was relocated to Rabat.

Key questions

The review will address a number of questions, including but not necessarily limited to the following:

Operational environment and policy

- How has the overall operating context shaped UNHCR's engagement?
- What enabling factors, as well as limitations and constraints, have been encountered in that process?
- Have UNHCR's overall goals and strategy in engaging with mixed migration in Morocco been clearly defined? "
- To what extent have UNHCR's overall goals and strategy positively impacted on UNHCR's public profile in Morocco?

- Are those goals and strategy appropriate, relevant to the country context and in accordance with the 10-point Plan of Action?

Implementation

- What have been the key activities undertaken by UNHCR in responding to mixed migration in Morocco?
- How effective have these activities been in advancing UNHCR's country-level goals and contributing to strengthened protection and solutions for persons of concern to UNHCR in Morocco?
- To what extent has UNHCR in Morocco been able to reach out to persons of concern outside the urban context in Rabat?
- To what extent have they incorporated an age, gender and diversity mainstreaming approach?
- To what extent have UNHCR's activities contributed to collective efforts to ensure an effective, humane and rights-based approach to the management of mixed migration in Morocco?
- To what extent has UNHCR's engagement resulted in a better understanding of the dynamics of mixed migration flows?

Cooperation with partners

- To what extent are UNHCR's activities in Morocco the result of a broad inter-agency assessment and planning process involving the government and other key stakeholders?
- Has UNHCR established effective partnerships with national and local government authorities, NGOs and other relevant stakeholders?
- Do external partners see UNHCR's engagement as bringing added value?

Capacity-building

- Have UNHCR's activities contributed to strengthening national capacity to address mixed migration, and facilitating the admission and assistance by national authorities of persons in need of international protection?
- How can UNHCR best position itself to continue to promote protection and solutions for persons of concern in Morocco?

Internal cooperation within UNHCR

- To what extent has there been effective cooperation between UNHCR Morocco and offices in sending and/or transit countries, and between the relevant Regional Bureaux?
- Was effective support provided by Headquarters (including DIPS, DOS, PDES and others)?
- Is there potential for more or better internal collaboration?

Future prospects

- To what extent are UNHCR's activities in Morocco sustainable in the long-term?
- Are there examples of good practices which could be replicated or adopted in other mixed migration situations and sustainable in the long term?
- Are there any indicators of a sustained government commitment to a fully functioning, fair and effective national asylum system in Morocco?
- Is there a potential for enhanced cooperation between UNHCR and other actors in the country?

Output/Follow up and dissemination

The primary output of the project will be a review in both English with findings and recommendations, the main objective being to learn lessons from the Moroccan experience and to capture the knowledge and experience that colleagues in the country have gained in recent years. The review will also provide examples of effective practices that can be replicated or adopted in other operations relevant to UNHCR's 10-Point Plan of Action on refugee protection and mixed migration. The review will be translated into French for wider dissemination with key stakeholders.

A workshop may be organised with a view to validate key findings and generate additional recommendations and follow up actions at the national and regional level. To the extent possible findings and recommendations will be incorporated in the RBM/Objectives matrix for Morocco; UNHCR will also try to incorporate findings into training modules and material, e.g. case studies, whenever relevant.

Methodology

The review will be based on a triangulation of methods including:

- a desk review of relevant documents;
- interviews with key informants at UNHCR Headquarters;
- telephone interviews with UNHCR staff members who have previously worked in Morocco;

- a two-person mission to Morocco which will include meetings with all key stakeholders as well as visits to key sites;

The review will be conducted in accordance with the UN Evaluation Group Norms and Standards, and UNHCR's Evaluation Policy. The review will adopt a transparent and participatory approach which provides UNHCR staff and other stakeholders in Morocco, including persons of concern to the organization, to present their perspectives on the issues under review.

PDES
12 July 2009

Annex 2:
Morocco refugee statistics,
2005-2009

	2005	2006	2007	2008	2009
Pending applications at start of year	124	1578	1375	671	469
New asylum applications	1897	951	1608	1099	807
Rejected applications	76	703	1369	885	746
Cases recognized by UNHCR	26	299	292	114	136
Cases resettled	2	25	3	43	4
Pending applications at end of year	1861	1375	671	469	318

Note: 2008 and 2009 includes statistics for appeal procedure.