

Your stay in Morocco



Learning about the legal and regulatory framework which governs immigration is one of your first concerns as a migrant (or future migrant), asylum seeker or refugee in Morocco. This section sheds light on the legal and regulatory provisions that govern your entry and your stay in Morocco.

► The legal framework

Immigration to Morocco is governed by Act No. 02-03 relative to the entry and stay of foreigners in the Kingdom of Morocco, illegal emigration and immigration. As an independent State and member of the international community, Morocco has an internal legislation and international commitments that provide foreigners with the full freedom of access, residence, settling and exit of the Moroccan territory.

The Act no. 02-03 presents the conditions and procedures for the issuance of residence permits in Morocco (registration card and residence card). It also presents all the cases of rejection and renewal of these titles, the cases of escorting to the border and expulsion, the movements of foreigners and the criminal provisions.



Once you arrive in the Moroccan territory, you have to introduce yourself to the competent authorities which are responsible for the control at the border posts. You must bring a passport issued by the State of origin, or any other valid document recognized by the Moroccan State as a valid travel document. Also, depending on the State of origin, you may have to present the visa issued by the Moroccan administration.

Please note that the regulatory framework governing immigration to Morocco is currently being reviewed. It will soon be subject to several changes regarding the regulation of the migration flows in order to be in compliance with the foundations and the universal human values which constitute the DNA of the new policy of immigration and asylum in Morocco.



Act No. 02-03 is available on the website of the Ministry of Justice www.justice.gov.ma

✓ Your entry in Morocco

The law of immigration states that when you enter Morocco you must bring:

A valid passport or another document, issued by your country and which is recognized in Morocco as a residence permit.

A valid visa except for people which are exempted (nationals of some countries who can stay in Morocco for a maximum duration of 3 months).



The list of countries whose nationals are exempted from the visa formality of entry to Morocco is accessible via the website of the Ministry of Foreign Affairs and Cooperation www.diplomatie.ma

You must have a residence permit in the two following cases:

- If you are over 18 years old and want to stay in Morocco beyond the validity of your visa (or for more than 3 months if you are visa exempt);

- If you are between 16 and 18 years old and want to carry out a professional activity in Morocco and if one of your parents is holder of a registration card, you have it in your own right.

► Your residence titles

There are two types of residence permits: the registration card and the residence card.

✓ The registration card

The registration card is issued if you want to live in the Moroccan territory for a specific reason (studies, work etc...) without having the intention to stay.

Following your status, Morocco proposes 5 different registration cards with the following mentions: "visitor", "student", "for work", "family reunification", and "long-term medical care". The registration card issued to the foreigner willing to work in Morocco requires a mention of his professional activity on the registration card.

The registration card remains valid from 1 to 10 years except if you exit the territory for more than 6 months. According to the law, once the period of validity of the registration card has expired, you must exit the Moroccan territory, unless you obtain a renewal or you possess a residence card.¹

When the registration card is refused or withdrawn, the concerned foreigner must exit the Moroccan territory within a period of 15 days from the notification date of the refusal or the withdrawal by the administration.



The steps to follow and the documents to prepare in order to obtain the different types of registration cards are available in the section "Foreigners in Morocco" on the website www.service-public.ma

¹ Decree no.02-09-607 of 15 Rabii II 1431 (1 April 2010) taken for the application of Law no.02-03

✓ The residence card :

The residence card is intended for people who wish to settle down in Morocco once and for all.

If you're in this case, please note that the residence card is only approved and issued if you can "prove a non-interrupted residence of at least 4 years on Moroccan territory that complies with the existing laws and regulations".²

The residence card may be granted to the following people as their own right (subject to regularity of their entry to the Moroccan territory):

- Foreign spouse of a Moroccan national;
- Foreign or stateless children from a Moroccan mother;
- Foreign ascendants of a Moroccan national and his spouse and who are his covered dependants;
- Foreign parents of a child born in Morocco and residents in Morocco with the Moroccan nationality (provided that they legally represent the child, the right of custody or that they meet the needs of their child);
- Spouses and minor children of a foreign holder of a residence card;
- Foreigners having acquired the status of refugees as well as their spouses and children (provided that they are minor or in the year following their civil majority);
- A foreigner justifying by all means that he has been resident in Morocco for more than fifteen years, or since he has reached (at most) the age of ten years or that he is in a regular situation for more than ten years.

The residence card is valid for 10 years and is renewable. If you exit the Moroccan territory for a period that exceeds two years, your residence card is no longer valid (or applicable).

The Moroccan authorities reserve the right to refuse the granting or the renewal of residence permits if they consider that the applicant does not justify his entry

²Article 16 of Law no. 02-03

or his regular stay, if he does not meet the predetermined conditions for the request or if his presence is considered threatening to the public order.

You have the right to move freely about Morocco and to leave the country whenever you want (unless you make the object of a special surveillance).

Nevertheless, the movement of minor foreign children is subjected to travel authorizations.

► **Illegal residence**



The steps to follow and the documents to prepare for obtaining the residence card are available in the section "Foreigners in Morocco" on the website www.service-public.ma

If you enter or stay in Morocco illegally, you may not benefit from some rights related to your professional or family situation. You may also face criminal sanctions, in addition to being escorted back to the border and/or expelled from the Moroccan territory.

The criminalization of the illegal entry or residence in Morocco does not apply to refugees³. Besides, refugees cannot be subjected to an expulsion or escorted to the border.⁴

³In accordance with article 31-1 of the Convention on the status of refugees, the so-called Geneva Convention 1951, that Morocco ratified in 1967

⁴Article 29-a of the Act 02-03 and article 33 of the 1951 Convention



The irregular administrative status is an offense liable to criminal prosecution. For more information, refer to chapter VII of the Act No. 02-03 available on the website of the Department of Justice www.justice.gov.ma.



For more information on the procedure and the documents to submit for the travel of foreign minor children, you can consult the website www.service-public.ma

What you need to REMEMBER:

- Do not forget to check the regularity of your entry in Morocco and the validity of your visa and your passport;
- Make sure you do not exceed the duration of the stay mentioned on your visa (or the time limit of 3 months if you are exempt);
- Process the request of your residence permit within the right time frame;
- Do not forget to renew your residence permit within the time limits prescribed by the law.



Please note that within the framework of the new migration policy initiated by His Majesty the King Mohammed VI, Morocco undertook a one-off campaign to regularize the situation of a good number of immigrants who were in irregular administrative status during the year 2014. This measure concerned foreign spouses of Moroccan nationals being able to prove that they lived together for at least 2 years; foreign spouses of other foreigners in regular residence in Morocco and being able to prove that they lived together for at least 4 years; children from the two above cases, foreigners with at least two-year contracts of employment; foreigners being able to prove 5 years of continuous residence in Morocco and foreigners who suffer from serious diseases. The provisions of this campaign were applied to the foreigners who entered the national territory before 31 December 2013, whatever their nationality was.

► The granting of the Moroccan Nationality

The issues related to obtaining the Moroccan nationality are treated in the framework of the Nationality Code (*Dahir No.1-58-250 of 21 Safar 1378*).

This Code determines the cases where, by blood or territorial rights, we are/ can become Moroccan:

1. Nationality by descent:

- To be born of a Moroccan father or a Moroccan mother (Article 6);
- To be born in Morocco of unknown parents (Article 7).

2. Acquisition by the blessing of the law:

- If you are born in Morocco and you are legally residing in Morocco, and you make the request within the two years preceding the age of majority, even though your parents are foreigners (Art. 9);
- If you've been taken care⁵ of by Moroccan parents for over five years, and you were born of unknown parents (Article 9);
- If you're a woman who has been married to a Moroccan for more than five years (Article 10).



Since 2007, it became possible for a Moroccan woman to pass on her nationality to her children born of a non-Moroccan father. Indeed, the article 6 of the Nationality Code stipulates that "Any child born of a Moroccan father or of a Moroccan mother is Moroccan".

Therefore, people whose mothers are Moroccan, and who are over 18 years of age, may be included on the register of Moroccan civil Registry.

⁵ The Kafala, or support, is the equivalent of the adoption in Islam

3. Naturalization:

- Any foreigner who has lived in Morocco for more than five years and who (Article 11):
 - Is an adult;
 - Is healthy and of sound mind;
 - Has not been condemned, in particular for facts related to illegal residence, bankruptcy, terrorism or crime;
 - Has a fairly good level of Arabic;
 - Has sufficient livelihoods.
- By way of derogation, any foreigner who has rendered exceptional services to Morocco or whose naturalization represents an exceptional interest for Morocco (Article 12).

► Procedure to follow in order to obtain the Moroccan nationality

In order to ask for the Moroccan nationality, you are required to prepare a file consisting of a request and a set of supporting documents. You must deposit the file at the Ministry of Justice and Freedoms (or give it to the diplomatic and Moroccan consular agents in the case where you live abroad). You will receive a receipt when you submit your application (Article 25).

The Ministry has up to one year from the date of the receipt to give an answer to the applicant. Beyond that deadline the applicant has the right to lodge an opposition (Article 27).



The processing of the request can lead to 3 possibilities:

- The legal conditions are not met in which case the Department states that the application for nationality is denied;
- The legal conditions are met:
 - Rejection of the application;
 - Acceptance of the request.

If your request goes through, you can get the Moroccan nationality either through a Dahir⁶ (in the case of Article 12, i.e. naturalization by derogation) or through a decree issued by the council of ministers. The Dahir or the Decree are only effective after they are published in the Official Bulletin. After the publication, you may register on the Civil Registry (Articles 13 & 29).

What you need to REMEMBER:

In some cases, the Nationality Code gives foreigners the right to ask for the Moroccan nationality. If you want to become a Moroccan citizen, you should first check your eligibility by referring to the preceding paragraphs and articles of the Code of the corresponding nationality before starting the procedure with the Ministry of Justice and freedoms.



For more information on the procedure and the documents to submit for the travel of foreign minor children, you can consult the website www.service-public.ma

⁶ Royal Decree