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Migration, Human Rights and the Politics of Identity in a Globalized World



Editors

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HUMAN RIGHTS, MIGRATION, AND LEGAL REFORMS IN MOROCCO

KHADIJA ELMADMAD

ABSTRACT

This chapter departs from a succinct combinatory legal definition of human rights and immigration. It then introduces the various legal reforms launched in Morocco since the beginning of twenty first (i.e. constitution and new nationality code, etc) and which guarantee the rights of all the inhabitants of the country (Nationals and non Nationals). While it probes the legal conditions of aliens in Morocco, it also investigates immigration as a practice, together with the existing assorted shortcomings of the present Moroccan Migration Law in safeguarding migrants' rights.

Human rights mean all the rights that guarantee a dignified life (or dignity) for all human beings, without any distinction based on origin, race or sex. These rights are based on three fundamental sub-rights: the right to justice, to equality and to liberty. Migration means any population movement from a place to another with the intention of residing either permanently or temporally. Migration could be internal (inside a country) or international (crossing the international boundaries), regular (following the required procedures and rules) or irregular (without the required document or not in conformity with the required procedures and rules) and voluntary or forced. Migration consists of leaving a country (emigration from the country of origin) and entering another country (immigration in a host country). Migration is organized by specific laws and regulations which constitute Migration Law. Migration Law is of two kinds: laws regulating migration (organizing emigration and immigration and sanctioning non authorized migration and those protecting migrants and guaranteeing their rights both in their countries of residence and origin. The first kind of Migration Law is mainly domestic, enacted by States on the basis of their sovereignty and their right to open or close their boundaries to foreigners. The second kind of Migration is especially international based on rules and principals which are