

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: MAR35476
Country: Morocco
Date: 29 October 2009

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Questions

- 1. Subsequent to his marriage to a Moroccan wife in 2008, would a Tunisian man be entitled to reside in Morocco?**
- 2. If so, what if any are the conditions?**

RESPONSE

- 1. Subsequent to his marriage to a Moroccan wife in 2008, would a Tunisian man be entitled to reside in Morocco?**
- 2. If so, what if any are the conditions?**

A letter outlining this request was sent to the Embassy of the Kingdom of Morocco on 28 September 2009 (RRT Research & Information 2009, Email to Mr Abdelkader Allouch, the Minister-Counsellor of the Embassy of the Kingdom of Morocco ‘Request for information from the Refugee Review Tribunal’, 28 September – Attachment 1)

The First Secretary responded on 29 October 2009 as follows:

With regard to your enquiry, I should like to advise that any non-Moroccan national cannot stay in Morocco for more than three months. In the case of mixed marriage, the Tunisian spouse will be required, every three months, either to leave the country and come back (to start a new period of three months) OR to extend his stay at the police station (Foreigners Division).

To acquire a permanent residence, the Tunisian spouse will be required to stay in Morocco for 5 consecutive years. However, the marriage should be registered in Morocco (Boudani, B.2009, Email to RRT Research & Information: 'Request for information from the Refugee Review Tribunal', 29 October – Attachment 2)

Information available on UNHCR Refworld indicates the following:

Les Marocaines ne peuvent pas faire partager leur citoyenneté à leur maris étrangers, seuls les Marocains pouvant obtenir la citoyenneté marocaine pour leur épouse étrangère... [Moroccan women cannot enable their foreign husbands to access citizenship, only Moroccan men are able to access Moroccan citizenship for their foreign wives] (Immigration and Refugee Board of Canada 1990, MAR3309 – *Maroc 1*) *Les Palestiniens au Maroc subissent-ils de la discrimination de la part des autorités (ou des Marocains eux-mêmes sous le couvert des autorités). 2) Est-ce normal qu'un Palestinien ayant marié une citoyenne marocaine n'ait jamais obtenu la citoyenneté marocaine. 3) Est-ce normal que les enfants d'un tel couple n'obtiennent jamais la nationalité marocaine. 4) Est-ce plus facile pour un étranger (par exemple un Egyptien) lorsqu'il est marié à une Marocaine d'obtenir la citoyenneté,* 5 January, UNHCR Refworld website – <http://www.unhcr.org/refworld/country,COI,IRBC,,MAR,456d621e2,3ae6ab7b8c,0.html> – Accessed 14 October 2009 – Attachment 3).

The Moroccan consulate in Montreal states:

un étranger marié à une Marocaine peut résider au Maroc du fait de ce mariage (9 janv. 1992). Il doit obtenir un permis de séjour temporaire; renouvelable à chaque année [a foreigner married to a Moroccan woman can reside in Morocco because of his status (9 January 1992). He must obtain a temporary stay permit which has to be renewed each year] (Immigration and Refugee Board of Canada 1992, MAR10052 – *Maroc* : *Information sur le droit d'un étranger de demeurer au Maroc du fait de son mariage avec une Marocaine; conditions requises pour que cet étranger obtienne un permis de séjour,* 9 January, UNHCR Refworld website – <http://www.unhcr.org/refworld/country,COI,IRBC,,MAR,456d621e2,3ae6aab828,0.html> – Accessed 14 October 2009 – Attachment 4).

It appears that it is possible to apply for naturalisation after a 6 months' stay in Morocco:

According to the Vice-Consul at the General Consulate of Morocco in Montréal, an Iraqi man whose wife is a citizen of Morocco is not automatically entitled to Moroccan citizenship (19 Apr. 1995). The Vice-Consul added that, in order to obtain Moroccan citizenship, the husband of a female Moroccan citizen must file an application for naturalization with the Justice Ministry after having resided in Morocco for at least six months (ibid.). For further information on the above-mentioned subject, please refer the attached Dahir No. 1-58-250 dated 6 September 1958, which outlines the general requirements for the naturalization of foreigners married to Moroccan citizens (Immigration and Refugee Board of Canada 1995, MAR20375 – *Morocco: Information on whether an Iraqi can become a citizen of Morocco if his wife is one,* 1 April, UNHCR Refworld website – <http://www.unhcr.org/refworld/country,COI,IRBC,,MAR,456d621e2,3ae6abca4c,0.html> – Accessed 14 October 2009 – Attachment 5).

Dahir No. 1-58-250 is attached – however, it is only focussed on the situation for a foreign wife and does not clarify the situation for a non-Moroccan husband (*Dahir n° 1-58-250 du 21 safar 1378 (6 septembre 1958) portant la Code de la nationalité marocaine (révisée 2007)* [Morocco], DAHIR n. 1-58-250 (21 safar 1378), 12 September 1958, [Moroccan citizenship legislation], UNHCR Refworld website - <http://www.unhcr.org/refworld/country,LEGAL,,MAR,456d621e2,3ae6b5778,0.html> – Accessed 14 October 2009 – Attachment 6).

List of Sources Consulted

Internet Sources:

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

RRT Library Catalogue

List of Attachments

1. RRT Research & Information 2009, Email to Mr Abdelkader Allouch, the Minister-Counsellor of the Embassy of the Kingdom of Morocco ‘Request for information from the Refugee Review Tribunal’, 28 September.
2. Boudani, B.2009, Email to RRT Research & Information: ‘Request for information from the Refugee Review Tribunal’, 29 October.
3. Immigration and Refugee Board of Canada 1990, MAR3309 – *Maroc 1) Les Palestiniens au Maroc subissent-ils de la discrimination de la part des autorités (ou des Marocains eux-mêmes sous le couvert des autorités). 2) Est-ce normal qu’un Palestinien ayant marié une citoyenne marocaine n’ait jamais obtenu la citoyenneté marocaine. 3) Est-ce normal que les enfants d’un tel couple n’obtiennent jamais la nationalité marocaine. 4) Est-ce plus facile pour un étranger (par exemple un Egyptien) lorsqu’il est marié à une Marocaine d’obtenir la citoyenneté*, 5 January, UNHCR Refworld website – <http://www.unhcr.org/refworld/country,COI,IRBC,,MAR,456d621e2,3ae6ab7b8c,0.html> – Accessed 14 October 2009.
4. Immigration and Refugee Board of Canada 1992, MAR10052 – *Maroc: Information sur le droit d’un étranger de demeurer au Maroc du fait de son mariage avec une Marocaine; conditions requises pour que cet étranger obtienne un permis de séjour*, 9 January, UNHCR Refworld website – <http://www.unhcr.org/refworld/country,COI,IRBC,,MAR,456d621e2,3ae6aab828,0.html> - Accessed 14 October 2009.

5. Immigration and Refugee Board of Canada 1995, MAR20375 – *Morocco: Information on whether an Iraqi can become a citizen of Morocco if his wife is one*, 1 April, UNHCR Refworld website - <http://www.unhcr.org/refworld/country,COI,IRBC,,MAR,456d621e2,3ae6abca4c,0.html> – Accessed 14 October 2009.

6. *Dahir n° 1-58-250 du 21 safar 1378 (6 septembre 1958) portant la Code de la nationalité marocaine (révisée 2007)* [Morocco], DAHIR n. 1-58-250 (21 safar 1378), 12 September 1958, [Moroccan citizenship legislation], UNHCR Refworld website - <http://www.unhcr.org/refworld/country,LEGAL,,,MAR,456d621e2,3ae6b5778,0.html> – Accessed 14 October 2009.