

Morocco

Rules and procedures for acquiring citizenship

The most recent reform to the Citizenship Code, introduced by Mohammed VI was enacted in 2007.

The acquisition of Moroccan citizenship at birth

Morocco grants citizenship to mixed couples' children born to a male *or* a female citizen and a foreign national, whatever the birthplace (art.6)19. Henceforth, children born to a Moroccan mother and a foreign father will receive the citizenship of both of their parents. They are dual citizens at birth, as is the child born to a Moroccan father and a foreign woman. The 2007 reform retains the grant of the citizenship to the child born in Morocco to unknown parents (art.7), but does not extend it to the child born in Morocco to two stateless parents.

The acquisition of Moroccan citizenship after birth

There is a right for the child born in Morocco to foreign parents also born in Morocco to become a citizen after the entering into force of the initial citizenship code, if he/she usually and regularly lives in the country and presents a declaration within the two years before coming of age (18 years old). An option also exists, at any age, for the child born in Morocco to foreign parents if the father, born there at any time, is from a country where the majority of the population is Muslim and speaks Arabic and if he belongs to this community. Furthermore, the Citizenship reform has introduced the possibility for a child, born abroad to unknown parents, to become a national after five years or to opt for citizenship on his or her own two years before coming of age (art.9-2).

The acquisition of Moroccan citizenship by marriage

Women are unable to transmit their citizenship to their husband, and marrying a Moroccan woman does not give any priority in terms of naturalisation or access to citizenship. It may be considered as an element of integration to be taken into account in naturalisation. Only men can transmit citizenship through marriage. Morocco has strengthened the conditions needed for a foreign woman to obtain citizenship where the period required before being allowed to submit an application for Moroccan citizenship is five years (art.10), i.e. equal to the period required for general naturalisation. Adult foreign nationals wishing to obtain Moroccan citizenship are subject to the same residency requirement be they men or women, though not the same procedure. The residence still has to be regular and usual, and the declaration still has to be made during the marriage. Yet, if the marriage ends after the declaration, it has no effect on the right to obtain citizenship.

The acquisition of Moroccan citizenship by naturalisation

Applicants are required to be of age (art.11); to have had his/her usual and regular residency in Morocco for at least five years; to be sane of body and spirit (unless the physical or mental disability is due to a service to the state); to be of good morals; to have a sufficient knowledge of Arabic; and to have sufficient means of living. Residency has to be established when the declaration is made, but now must still be established when the request is decided upon (art.11-1). Becoming a national does not imply renouncing the subject's previous citizenship. Dual citizenship is tolerated and, indeed, widespread, provided that it is allowed by the origin country. Naturalisation can still be removed within one year of the naturalisation act if conditions go unfulfilled (art.14). The naturalisation can be extended to the naturalised citizen's non-married minors, but children over 16 can repudiate citizenship from 18 to 21 years of age (art.18). Morocco does not immediately grant new nationals all the rights linked to citizenship, and in particular it does not grant political rights for five years following naturalisation. New nationals have to wait five years before being allowed to benefit from voting and eligibility rights in political elections and also if they wish to work in the civil service (art.17). It thus keeps a distinction between nationality and citizenship and requires naturalised nationals to prove that they deserve full citizenship with associated rights, and a place in protected areas such as the political class and sensitive job positions.

External citizenship

Moroccan legislation allows dual citizenship, since no provision hinders a Moroccan citizen from acquiring another citizenship, nor demands authorization. A Moroccan acquiring citizenship abroad is said to be allowed to ask permission to renounce his/her Moroccan citizenship (art.19-1). Likewise, a Moroccan citizen, even a minor, might be

allowed to renounce to her/his Moroccan citizenship if he/she has another citizenship of origin (art.19-2). The 2007 reform has introduced a simplified procedure, limited to mixed couples' children born to a Moroccan mother, for repudiating citizenship upon declaration, regardless of birthplace or place of residence (art.19).