

Law No. 02-03 on the Entry and Residence of Foreign Nationals in Morocco

Reference: Dahir No. 1-03-196 of 16 Ramadan 1424 (11 November 2003) promulgating Law No. 02-03 on the entry and residence of foreign nationals in the Kingdom of Morocco and on irregular emigration and immigration

Official Bulletin: Official Bulletin (B.O.) No. 5162 of 20 November 2003

Practice areas: Administrative law, Criminal law and business crime, Business law

Law 02-03 sets out the conditions for the entry and residence of foreign nationals (visa, registration card, residence card), removal decisions (escort to the border, expulsion) and the remedies against them before the Administrative Court, as well as the offences relating to irregular residence and assisting irregular immigration.

Residence permits

- The registration card is issued to foreign nationals who can show grounds for residence (employment, studies, family reunification, professional activity); it is renewable.
- The residence card is granted after four years of lawful and uninterrupted residence, or to spouses and children of Moroccan nationals.
- Salaried employment requires a foreign worker employment contract approved by the ministry responsible for labour.

Removal and penalties

- Escort to the border and expulsion are reasoned administrative decisions that may be challenged before the president of the Administrative Court, with suspensive effect in the case of escort to the border.
- Irregular residence is punishable by imprisonment of one to six months and a fine of 2,000 to 20,000 dirhams (Art. 42).
- Assisting irregular entry or residence and organising clandestine emigration are subject to heavier penalties.

Key articles

ART. 42

Any foreign national who enters or resides in Moroccan territory without complying with the provisions of this law is punishable by a fine of 2,000 to 20,000 dirhams and imprisonment of one to six months, or by only one of these two penalties.

Points to watch

- File the residence permit renewal application before it expires: overstaying exposes you to prosecution and complicates regularisation.
- An appeal against escort to the border must be lodged within a very short time limit; contact a lawyer immediately.
- Foreign investors and employees must keep their residence permit, approved employment contract and tax registration consistent with one another.

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General information document and unofficial English translation. Only the version published in the Official Bulletin of the Kingdom of Morocco is authoritative; the articles cited may have been amended since this sheet was written. Last updated : 13 October 2026.