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# EQUAL RIGHTS ON THE ROCK

## Justice for Moroccan workers and their families

**It has been forty years since the Gibraltarian state and the British government first invited Moroccan workers to take up employment on the Rock.**

**The Moroccan migrant population now stands at 1,200, many of whom have lived and worked in Gibraltar for over 40 years.**

**But unlike most migrant workers working long-term within the European Union, these workers have been denied basic human rights, including the right to residency, to vote, and the right to access to affordable public housing.**

**Human rights group, the International Centre for Trade Union Rights have described the treatment of Moroccan workers in Gibraltar as a 'disgrace'.**

### **The background**

A small, self-governing British overseas territory, situated at the southern tip of Spain, Gibraltar has always relied on migrant workers. As a strategic UK military base, migrant workers have played a vital role in supporting its military and economic infrastructure. Since 1969, when the Spanish authorities under Franco closed its border, Gibraltar has relied on Moroccan workers to keep its economy going. Moroccan workers played a vital role in maintaining the military docks, and in the service and construction sectors.

But despite playing such an essential role, Moroccans, have been consistently discriminated against and treated as second class citizens.

For 40 years Moroccans have worked, paid taxes and contributed to the cultural life of Gibraltar, yet have been unable to benefit equally from many of the entitlements enjoyed by Gibraltarians, British nationals and Commonwealth citizens living on the Rock. Benefits such as social security entitlements, education for their children, and health care for their families are all denied to these Moroccan workers.

### **Other non-EU workers living in Gibraltar**

The Moroccans in Gibraltar are not the only workers who suffer discrimination and unfair treatment. There are many other workers from outside the European Union (non-EU doms) who have been working for many years who are refused the right to residency and all the subsequent rights that follow.

# Moroccan voices

## Mohamed El Mre Amri – age 61

Mohamed has lived in Gibraltar for 41 years paying his taxes like everyone else. But unlike other citizens his family are not allowed to live with him. His wife and five children are forced to live in Morocco. Mohamed was refused residency when he applied seven years ago and again recently. The reason he was given was that he did not speak good enough English. He does however speak Arabic, French as well as Spanish which is widely spoken in Gibraltar. Mohamed lives in Buena Vista hostel. He said: "I would like my family to live here with me. It makes me sad to only see my family for one weekend a month. It is surviving not living."

## Ali Raissouni – age 65

This year Ali will receive his pension providing his employers have paid his stamps over the 40 years he worked in Gib. If he stays in Gibraltar he will receive £300/£400 per month but if he goes back to live in Morocco he will lose a large chunk of this. He said: "If you lived in France for all your life you get £1,000 a month and can retire to Morocco and you'd live like a king. Here in Gib I worked all my life and live like this. It's very lonely living here without any family. This time of my life I should be enjoying my grand-daughter."

## Equality now

Unite, the UK and Gibraltar's largest union, is spearheading the campaign to get equal treatment for Moroccan and non-EU dom workers in Gibraltar. There are five main areas where Unite is seeking justice:

- **Naturalisation** – Moroccan workers in Gibraltar, many of whom have been resident for several decades, have struggled to obtain naturalisation. There are concerns that the Gibraltarian government applies arbitrary, secret and unofficial policies that discriminate against Moroccan workers.

Evidence suggests that Gibraltarian authorities decide applications on a 'whim', applying an unwritten policy. It is not unusual for people who apply for naturalisation to receive no response, not even an acknowledgment of receipt. This process contrasts widely with UK naturalisation practices.

The recently introduced English language skills criterion has added an additional obstacle. For many Moroccans English is their third or fourth language, behind Spanish which is the language widely spoken in the workplace and generally in Gibraltar.

***Unite is calling for a clear and transparent naturalisation process and for Moroccan workers to be treated the same as long-term workers living in the UK most of whom would be granted indefinite leave to remain after working for five years.***

- **Family rights** – the families of Moroccan workers are not allowed to live with their loved ones. Families are only permitted to visit during the summer, and even then family members can be denied the right to visit.

The workers also find it difficult to visit their families due to the poor ferry service linking Gibraltar and Morocco. As non-EU citizens they are denied access to fast and efficient Spanish ferries from nearby ports.

***Unite is calling on the UK, Spanish and Gibraltarian authorities to allow Moroccan and non-EU dom workers living in Gibraltar the right to travel through Spain to return home when needed.***

- **Civil rights** – Despite paying taxes and contributing to society over lengthy periods of time, sometimes their entire working lives. Moroccan workers are denied the right to vote in elections.

This is a glaring omission given that Gibraltarians were given the right to vote in European Parliament elections following a European Court of Human Rights ruling in 1999. The ECHR held that as Gibraltarians were directly affected by laws emanating from the European Union, as it formed part of the legislation in Gibraltar, denying them the right to vote was in breach of the European Convention on Human Rights.

***Addressing citizenship rights would entitle Morocco's to vote in local elections. Unite believes that this is only fair given the long-term contribution these workers have made to the local economy.***

- **Housing** – Moroccan and non-EU dom workers have no access to affordable public housing and instead must live in poorly maintained hostels or sub-standard private sector accommodation. The Government of Gibraltar Housing Allocation Scheme restricts eligibility for government housing to Gibraltarians, British nationals and Commonwealth citizens.

# Moroccan voices

The government run Buena Vista hostel provides housing for around 150 workers in what has been described by human rights groups as: 'dirty, infested, unsafe and overcrowded conditions.' The majority of Moroccans rent privately and live in the poorest quality housing, creating a marginalised section of society in ghettoised private housing.

***Unite is calling for the immediate refurbishment of the Buena Vista hostel and asks for plans to be put in place to re-house its tenants.***

***Granting citizenship rights would ultimately entitle Moroccans to full access to public housing, in line with their fellow compatriots.***

- **Public services and welfare benefits** – the families of Moroccan workers are barred from many public health services when visiting them, despite the migrant worker being a long-term resident and paying taxes. Moroccan tax payers are prevented from travelling to the UK or Spain

to receive treatments not available on the Rock, unlike other Gibraltarian residents.

Complaints about access to education for the children of migrant workers have been documented. With evidence suggesting that children who do not have Gibraltarian ID cards, despite a parent being resident, are denied access to education because of their undocumented status.

Moroccan workers also have limited rights to employment benefits. Once the basic 13 weeks expire they are not entitled to any further supplementary benefits or any other type of income or support.

***As with all the issues identified, the resolution of naturalisation complaints would entitle Moroccans and their families to full Public care benefits in Gibraltar.***

***Unite is calling for the Gibraltar authorities to publish the rules on access to all public/community care benefits, including pensions and welfare benefits.***

## Bayati Abdelkade – age 57

Bayati has lived and worked in Gibraltar since he was 20. He felt very aggrieved when the Gibraltarian authorities refused to allow his son to visit him. He said: "Four years ago I promised my son if he did well in his exams he could come here to Gib for a holiday. When I went to immigration to ask for a visa the lady there asked why I wanted my son to come here. I explained why but she told me 'why do you want to bring your son here when Morocco has the best beaches.' I took it to the Ombudsman and they did not help. Still after this time I feel bad and he has never come to see me here."



Unite members protest in support of Moroccan workers in April 2010.

# Moroccan voices

## Driss Mallouki – age 61

Driss and his wife have had a lifetime of separation from their only daughter. The couple have lived in Gibraltar since 1974. When his wife fell pregnant in the early eighties she was deported back to Morocco to give birth. Without legal status their daughter was not entitled to attend the local state school, forcing Driss to send her away to be educated in Morocco. Family life was limited to shared holidays. But the visits stopped when she turned 18 as she was now an adult in the eyes of Gibraltar law. He said: "I had no choice but to send my daughter away and my family is still suffering." After all these years all I want is to be able to live as a family but the government still refuses to let my daughter live with us, even though I am now a citizen of Gibraltar."



*Moroccan worker living in dilapidated hostel.*

## How the situation compares

Unite believes that were these workers living and working in mainland Britain they would have been treated much more fairly.

UK immigration rules permit someone who is in the UK lawfully for 10 years to apply for indefinite leave to remain (ILR) assuming that they comply with certain requirements that depend on the circumstances of the individual.

Workers who have been given permission to work in the UK can apply for indefinite leave to remain after 5 years according to the current legal and policy position. There are important requirements that must be met (and these have changed over time), including the proviso that a person must still be lawfully permitted to live and work in the UK.

A Moroccan in the UK lawfully working continuously for 5 years or resident lawfully for 10 years would ordinarily expect that an application for ILR would be granted. Once indefinite leave to remain has been secured a person has full access to services and benefits just like a British citizen. At this point their dependents could also be eligible to apply. After one year with ILR, a person can apply to be naturalised as a British Citizen.

## The legal case

Unite has been advised that the alleged discrimination and complaints of arbitrary treatment suffered by the Moroccan workers at the hands of the Gibraltar state appears to violate not only a number of international treaties, as well as European (EC) law, but also the local laws of Gibraltar.

## A political solution

The solution to the problems faced by these workers lies with the UK and Gibraltarian governments, both of whom hold responsibility to address this serious discrimination. Unite believes that the Gibraltarian government has a moral and legal obligation to recognise the contribution and loyalty of its long-term Moroccan and non-EU dom workforce.

Unite will be lobbying both governments to ensure justice is done.

# GET INVOLVED

**For more information about the campaign and to find out how you can get involved please contact**

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