

# Spain

## Introduction\*

Traditionally an emigration country, Spain has been transformed within the space of a few decades to become one of the most important immigration countries in Europe. Since the middle of the 1980s Spain's foreign population has risen nineteen-fold to 4.52 million. Legislation has been modified many times in order to keep pace with this ever-changing situation. From the beginning, the focus has been on controlling the flow of immigrants and combating illegal migration, which represents a central problem for Spain. Although questions concern-

## Background Information

**Capital:** Madrid

**Languages:** Spanish (Castilian), Catalan (regional), Basque (regional), Galician (regional)

**Area:** 504,782 km<sup>2</sup>

**Population (2008):** 46,063,511 (INE, Padrón municipal<sup>1</sup>)

**Population density:** 91.3 inhabitants per km<sup>2</sup>

**Population growth:** 1.9 % (2007/08), 1.1 % (2006/07), 1.4 % (2005/06), 2.1 % (2004/2005)

**Labour force participation rate<sup>2</sup> (1/2008):** 73.1 % (INE, Encuesta de Población Activa)

**Foreign population (2008):** 5,220,577 Persons (11.3 %) (INE, Padrón municipal)

**Percentage of foreign employees amongst gainfully employed:** 14.4 % (1/2008)

**Unemployment rate:** 9.6 % (1/2008), 8.6 % (4/2007), 8.3 % (4/2006) (INE, Encuesta de Población Activa)

**Unemployment rate of foreign population:** 14.6 % (1/2008), 12.4 % (4/2007), 12.0 % (4/2006) (INE, Encuesta de Población Activa)

**Religions:** 35 mln. Catholics (77 %), approx. 1.2 mln. Protestants and free churches (2.7 %), approx. 1.1 mln. Muslims (2.4 %), approx. 48 000 Jews (0.1 %) (estimations, International Religious Freedom Report 2007)



ing the social integration of immigrants were not initially addressed, they are increasingly gaining importance. While immigration has become a key political and social issue in public debate, discussion over what it will mean for Spain and the Spanish self-image in the future is only starting to get off the ground.

## From emigration country to immigration country

### Emigration

The history of Spanish migration over the last five hundred years has mostly been a tale of emigration. Traditionally, waves of emigrants have headed to Latin America, with flows peaking at the beginning of the 20th century. From 1905-1913, 1.5 million Spaniards left the country for Argentina, Brazil, Uruguay and Venezuela. Following interruptions stemming from the World Wars and the Spanish Civil War (1936-1939), emigration to these countries began anew. Between 1946 and 1958, about 624,000 people left the country for overseas. Then, as Western European countries gained in popularity as destination countries, Latin America no longer seemed as attractive, and the number of transoceanic emigrants sank steadily, reaching insignificant levels by the mid-1970s. In total, approximately 300,000 people joined this final wave of emigration to Latin America between 1958 and 1975.<sup>3</sup>

Only when Northern and Western European countries began to recruit foreign workers, following a period of economic development in the 1960s, did Spanish emigration alter its direction. Spain became a source country of the “guest workers” needed by France, Germany and, later, Switzerland, a trend that lasted until the mid-1960s. The economic and energy crises of 1973/74 led to the end of foreign labour recruitment by those countries, resulting in a drastic reduction in emigration from Spain, the primary cause for which then became family reunification. From 1960 to 1975, approximately two million Spaniards migrated to other European countries. In addition to long-term labour migration, seasonal migration was a significant phenomenon, especially in the agricultural sector. During the same time frame, approximately 1.5 million Spanish migrants headed abroad, especially to France, to work at harvest time.<sup>4</sup>

From the mid-1970s to 1990, approximately 15,000 people per year went to other European countries through Spain’s “controlled” emigration<sup>5</sup> programme. The majority of these migrants went to Switzerland and, to a lesser extent, France for a period of less than a year. The number of people sent abroad through the “controlled” emigration programme declined drastically following Spain’s entry into the EU (1986) and the end of the transitional restrictions on the free movement of Spanish workers within the EU (1991), which made the programme unnecessary.

These forms of emigration were accompanied, somewhat delayed, by considerable return migration. Of the two million emigrants to other European nations between 1962 and 1979, 1.5 million returned. While the number of repatriates from Europe ranged around 15,000 per year between 1980 and the second half of the 1990s, the figure for some years after 1999 was closer to 20,000 per year, although this figure has declined again slightly in recent years (2006: approx. 16,700). This continuing return to Spain is most likely due to the fact that, now nearly five decades following the signing of agreements on the recruitment of “guest workers”, an ever-increasing number of migrants are reaching retirement age and wishing to spend their remaining years in their home country. Swings in return migration from Latin America have been more extreme: from the mid-1990s, when there were approx. 8,000 per year, numbers increased sharply as a consequence of the crises in Latin America (2002: 30,400) but have meanwhile reached the same level as those for Europe (2006: 16,600).<sup>6</sup>

### Immigration

Spain’s foreign population has been increasing slowly since the middle of the 1980s. In the beginning, Northern and Western Europeans, in search of a (retirement) residence in a warmer climate, accounted for a considerable proportion of incoming migrants. However, overall

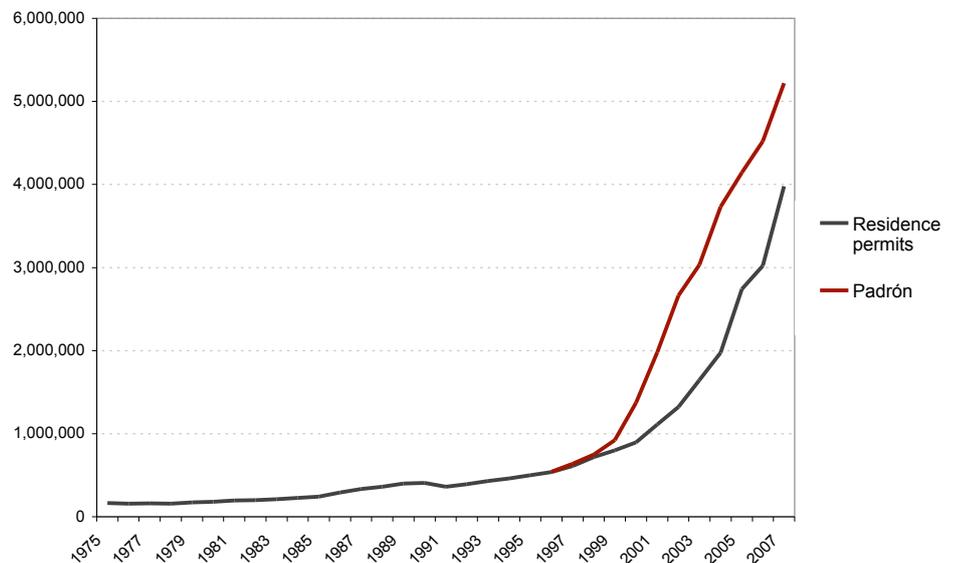
migration trends have changed, with increased levels of south-north migration from the “Third World” and, after the fall of the Iron Curtain, east-west migration from Central and Eastern Europe. These new trends, combined with a period of prolonged economic growth in Spain, have led to a rise in the number of migrant workers entering Spain.

In 1975, there were approximately 200,000 foreigners living in Spain. This number increased fivefold in the following 25 years to reach 1 million by the end of the century (not including undocumented immigrants). This represented 2.5% of Spain’s then population of 40 million. At the end of 2007, around 3.98 million foreigners were in possession of a residence permit, with the number of permit holders having grown at a rate of approximately 20% per year since 2000. From 2004 to 2005 it grew by almost 40% as a result of a legalisation campaign (see below), and again from 2006 to 2007 by more than 30%. Data derived from municipal registries (*padrón municipal*) suggest that the actual total number of foreigners residing in Spain is considerably greater.<sup>7</sup> According to these records, on 1 January 2008, 5.22 million foreigners were registered with the municipalities, compared with 3.98 million residence permits (end of 2007), revealing a difference of 1.24 million.<sup>8</sup> This difference could serve as an indicator of undocumented residency (see below).

According to these municipal figures, foreigners represented 11.3% of the total population of 46.1 million at the beginning of 2008.

If, instead of the number of registered foreigners, one considers the number of foreign-born people in Spain (5.25 million), a quite different view of immigration to Spain emerges. These people can be divided into three categories: foreigners, naturalised citizens and Spaniards. This last group is comprised primarily of just over half a million second and third generation Spanish emigrants born throughout Europe, Latin America and Africa who have returned to Spain.

**Figure 1: Foreign national residence permit holders in Spain 1975-2007 and according to the *padrón municipal* 1996-2008<sup>9</sup>**



Source: Ministerio de Trabajo y Asuntos Sociales; Instituto Nacional de Estadística, *padrón municipal*

Overall, the high level of immigration has been responsible for Spain's considerable population growth. For example, the country's population grew by 2.1% from 2004 to 2005, 1.4% from 2005 to 2006, 1.1% from 2006 to 2007 and 1.9% from 2007 to 2008, putting Spain's growth (in absolute numbers) far ahead of other European countries in this respect.

The reasons for Spain's transformation from emigration country to immigration country are diverse and caused both by Spain's domestic situation and socioeconomic and political developments abroad. The country's membership in the EC/EU and its relatively continuous economic growth have made Spain an attractive destination. Moreover, labour shortages have arisen in certain sectors because it is no longer possible to attract Spanish workers, who have become accustomed to a higher standard of living, for certain occupations (for example, in the agricultural sector). These shortages have also been due to a reduction in migration from rural to urban areas, which has curtailed the supply of unskilled labour (for example, domestic workers)<sup>10</sup> in the cities. The expansion of the informal sector has created additional job opportunities for immigrants. Furthermore, Spain's border and immigration policy up until the mid-1980s was loosely defined and offered little in the way of obstacles, a situation that continued into the 1990s due to the country's focus on tourism. Once stricter controls were finally put into place, the momentum created by migration networks and existing personal connections, as well as the possibility of family reunification, partially thwarted the desired effects of the restrictions.

Among the developments abroad that have contributed to Spain's transformation into an immigration country were the restrictions established through immigration reforms in places like Germany, France and Switzerland beginning in the mid-1970s, and the US in the mid-1980s, which made Spain especially attractive to migrants from Latin America and the Philippines. The emergence of dictatorships in nearly all Latin American countries as well as in the former colonies of Equatorial Guinea led to a growth in migration spurred by political circumstances. Later, however, migration from these places became increasingly motivated by economics.

In an age of highly developed means of travel, geographical location generally carries less weight when it comes to choosing a migration destination; nevertheless, location remains relevant for Spain. The Mediterranean, in particular the Strait of Gibraltar, offers little challenge to reaching Spain and the European Union.<sup>11</sup> The Strait acts as a demographic, social and economic frontier where vast differences in population growth, economic development, per-capita income and employment opportunities collide.

## Politico-legal developments

The development of Spanish migration policy can be described as a slow process of maturation toward becoming an immigration nation. Accordingly, regulations have constantly been adjusted to reflect the issues of the day. Controlling immigration has always stood at the forefront, whereby new issues, such as integration, have only gradually been given more

room in the debate. In terms of the evolution of migration policy in Spain, it is possible to differentiate between three or four phases.<sup>12</sup>

In the initial policy development phase, basic legal provisions were created, and political awareness concerning immigration developed. Among these basic provisions were the articles pertaining to foreigners and asylum that were included in the 1978 constitution as well as the more restrictive and police-oriented Aliens Act of 1985. This law was generated at a time when there was no significant immigration to Spain. At the time, migration-related issues played no role in parliamentary discussion. Only as the implementation of such regulations proved problematic, as demonstrated at the end of the 1980s, did lawyers, non-governmental organisations and the *Defensor del Pueblo* (ombudsman) begin to address the topic.

The political realisation that immigration-related problems actually existed led the government to formulate a baseline for immigration policy in 1990. This political programme laid the foundation for the second phase of migration policy-making in Spain, a phase characterised by differentiation, coalescence and consolidation. Regulations were introduced that affected all areas of migration policy: entry and visa regulations, expanded border security, the introduction of permanent work permits, quotas for foreign workers and a tighter asylum policy in line with harmonised European regulations. Also, initial steps were taken toward creating an integration policy, including the adoption of permanent residence permits and regulations for reuniting families as well as the creation and expansion of specialised administrative services. One of the most important political measures during this phase was the adoption of new regulations concerning the implementation of the Aliens Act of 1996, which encompassed many of the above-mentioned regulations. Overall, this development was influenced by the gradual emergence of a European migration policy, especially by Spain's 1991 entry into the Schengen agreement, which brought with it a significant number of obligations.

The third phase of migration policy development in Spain began in 2000, as the "Law Concerning the Rights and Freedoms of Foreigners and their Social Integration" (*Ley Orgánica 4/2000*) took effect. This law can be considered as modern, flexible migration legislation, designed to facilitate legal immigration and social integration while retaining all existing control mechanisms. With the recognition that immigration would remain a constant, Spain had emerged as a true immigration country. Immigration had gone from being a neglected issue to a key political one. Thus the topic found its way into the centre of political debate and increasingly became a populist tool for political mobilisation. After winning an absolute majority during the March 2000 election, the governing conservative People's Party (*Partido Popular*; PP) tightened the law (*Ley Orgánica 8/2000*) in order to, among other things, prevent undocumented immigrants from enjoying various rights afforded to persons with a valid residence permit. The restrictive direction of migration policy under the PP led to stricter measures regarding deportation, internment and family reunification, as well as to penalties for aiding and abetting illegal immigration.

The change of government following the elections in March 2004 brought with it a new phase of legal stability in which the

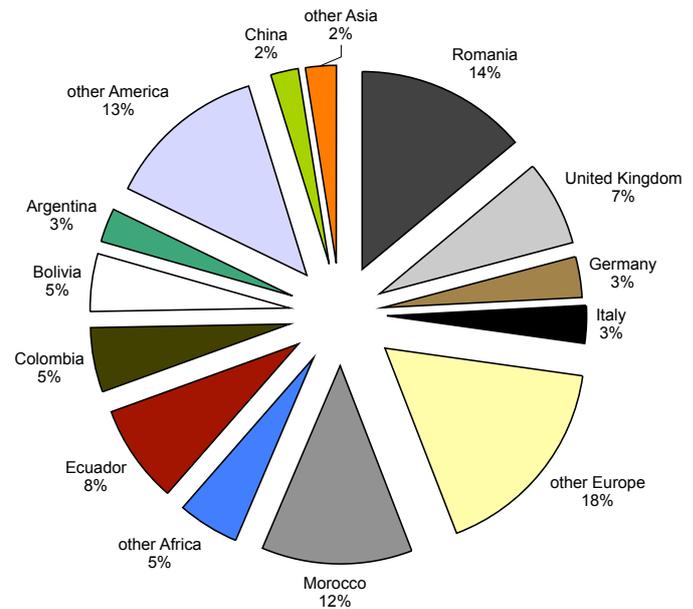
question of foreign integration clearly eclipsed the question of safety and control, as evidenced by the movement of the public body in charge from the Ministry of the Interior to the Ministry of Labour and Social Affairs. The new socialist government took a liberal, consensus-oriented approach to the issue of immigration. While the law has remained unchanged, the new regulations on implementation passed at the end of 2004 were significantly more liberal in nature.<sup>13</sup> These place stronger emphasis on creating legal, employment-bound paths of entry. Furthermore, regulations concerning family reunification were eased again slightly, while procedures for dealing with undocumented employment were tightened. In addition to these measures, a campaign to legalise undocumented migrants took place in the first three months of 2005; for the first time, such an action was dubbed a “normalisation” process instead of a “legalisation” campaign (see below). Since that time there has also been in place a less stringent regulation allowing for permanent legalisation for those who can prove they are “rooted” in the country (*arraigo*). A well-endowed integration fund was also established by the central government (2005: 120 million euros; 2006: 182 million euros; 2007: 200 million euros) to benefit autonomous communities<sup>14</sup> and local authorities responsible for integration in their locality. The funds are intended to finance measures to receive and integrate immigrants as well as education programs targeting young migrants. These funds have meanwhile been integrated in the comprehensive Strategic Plan for Citizenship and Integration (*Plan Estratégico de Ciudadanía e Integración 2007-2010*), worked out following extensive public consultation and consensus. In all, the funds total about two billion euros over a period of four years. The funds and the plan are intended to serve as a framework and platform for coordinating the diverse measures for the integration and reception of immigrants.

## Resident foreign population

The composition of the foreign population in Spain has changed considerably during the last two decades. Whereas immigrants from Latin America were formerly in the majority, Europeans meanwhile have once again come to represent the largest group due to immigration from Central and Eastern Europe. In addition, Africans continue to be an important immigrant group.

Among Europeans, EU citizens represented 80% of foreign residents, easily the largest group; however, this number has been decreasing since the 1990s, despite EU expansion. In 2008, according to the padrón municipal, the percentage of EU citizens among foreign residents was just 40.1%, despite the fact that the Romanians, for whom Spain has become the second most attractive destination in Europe after Italy,<sup>15</sup> and the Bulgarians have meanwhile also become EU citizens. In 2008 Romanians accounted for 31.6% of European immigrants and 14% of the total foreign population in Spain, despite indications that they tend to be underrepresented in the padrón municipal.<sup>16</sup> This makes them meanwhile the most numerous foreign European nationality in Spain, outnumbering the British (6.7% of all foreigners). Eastern Europeans and a substantial number of

**Figure 2: Foreign population by countries of origin 2008**



Source: Instituto Nacional de Estadística, padrón municipal 2008

Portuguese immigrants come to Spain to avoid poverty in their own countries and to look for work. They find jobs primarily as non-skilled labour in industry, construction and, more recently, agriculture. Foreign citizens from Northern and Western Europe can be divided into two groups: the first is comprised of business people, qualified personnel and managers of international companies who live in the urban centres, and the second consists of pensioners wishing to spend their retirement in a warm Mediterranean climate. Spain has the largest contingent of foreign retirees in Europe. In other words, it is the most popular destination for ‘retirement migration’ or ‘leisure-oriented senior migration’.<sup>17</sup>

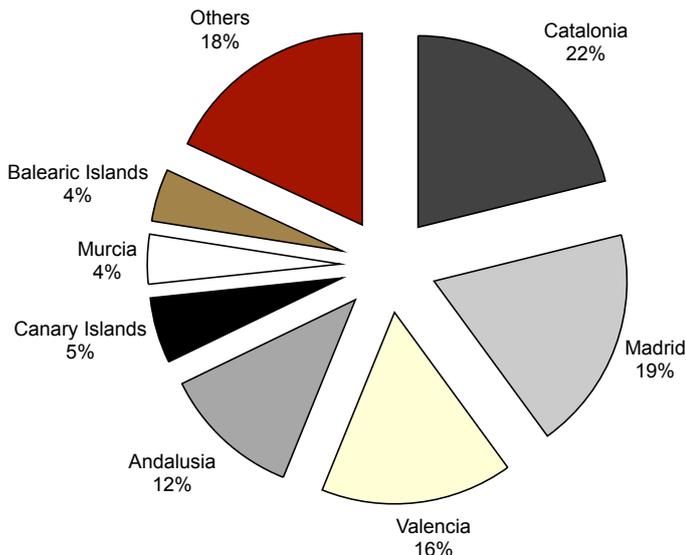
At the beginning of 2008 Africans accounted for 17.2% of all foreigners in Spain. The majority of these were North Africans from Maghreb, in particular from Morocco.<sup>18</sup> At 71.8% Moroccans were by far the largest African nationality and, alone, represented 12.3% of the total number of resident foreigners. In recent years migrants from sub-Saharan Africa have come from a more diverse range of countries, with Nigerians and Senegalese accounting for the greatest numbers.

The group of foreigners from the Americas is made up almost exclusively of Latin Americans, who account for 32.8% of all foreigners. They are thus an important factor in shaping current immigration trends. Whereas Argentinians, Venezuelans and Cubans originally dominated, other nationalities came to Spain as a result of particular circumstances: increasing economic hardship in Latin America in the 1990s, internal strife in some countries and the difficulties associated with immigrating to the US. Currently, Ecuadorians<sup>19</sup> account for over a quarter of all Latin Americans (24.5%), followed by Colombians (16.4%), Bolivians (14%) and Argentinians (8.5%). Overall, Ecuadorians and Colombians were chiefly responsible for the rapid increase in Latin American immigration. Accordingly, in 2008 Ecuadorians, at 8%, were the third largest foreign nationality after Mo-

roccans and Romanians. These figures do not include Latin Americans entitled to Spanish citizenship through Spanish parents or grandparents and who therefore entered the country on Spanish passports.

Among the relatively small number of immigrants from Asian countries (totalling 4.9%), Chinese account for nearly half. Pakistanis, Filipinos and Indians dominate the remainder of the group and represent 38% of Asian foreigners.

**Figure 3: Regional distribution of foreigners in Spain's autonomous communities 2008**



Source: Instituto Nacional de Estadística, padrón municipal 2008

The regional distribution of Spain's foreign population clearly shows that the agricultural regions along the Mediterranean coast as well as Barcelona and Valencia, the islands and the capital, Madrid, are key settlement areas. Nearly 80% of all foreigners reside in six of the 17 autonomous regions and two autonomous cities, namely (in order of total numbers) Catalonia, Madrid, Valencia, Andalusia, the Canary Islands and Murcia. A glance at the density of the foreign population extensively confirms this distribution. According to this, those regions in which the relative foreign population is above the 11.3% average for the country are the Balearics (20.8%), Valencia (16.7%), Madrid (15.9%), Murcia (15.7%), Catalonia (17.9%) and the Canary Islands (13.6%). The small autonomous community of La Rioja (13.7%) and Aragón (11.6%) also figure among this group.

The regional distribution of individual nationalities depicts a dual reality within the immigration picture. Spain offers respite for immigrants from northern regions of Europe who are in search of the sunnier south, whereas for those from Africa and Latin America, regions south of the Mediterranean, Spain is part of the wealthy North, offering employment opportunities. Accordingly, foreigners from EU countries (still) dominate in the warm Mediterranean regions and the Canary Islands. Latin Americans and Africans reside, above all, in the metropolitan areas of Madrid and Catalonia, including Barcelona, but can also be found in the agriculturally rich provinces.<sup>20</sup>

According to *Encuesta de población activa* (EPA) data for the first quarter of 2008, three quarters of the foreign population who are of working age are available for the labour market. The proportion in gainful employment at that time was 65%, numbers having risen steadily over recent years. Those who were unemployed accounted for 14.7%, more than 5% above the average for Spain as a whole. The proportion of foreign workers who were not self-employed totalled 88%. As has been the case for years, areas in which most foreign workers are employed are firstly construction, followed by the hotel and catering industry, domestic work, retail, other services (companies offering services to other companies) and agriculture. In some cases foreigners form a considerable proportion of the workers in these areas in relation to the total workforce: in construction this proportion is almost 20%, and in the hotel and catering industry very nearly 25%. In line with the extensive 2005 campaign to legalise undocumented migrants, there has been an upward trend in the number of foreigners employed in construction, the hotel and catering industry, retail and other service industries in particular. By contrast, there has been a considerable reduction in domestic employment and a slight fall in the numbers employed in agriculture.<sup>21</sup>

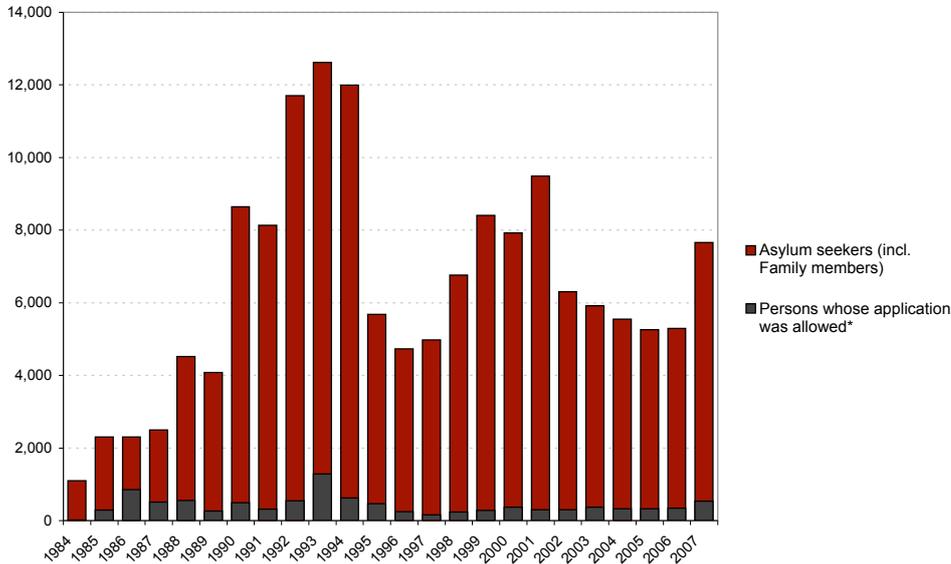
## Refugeeism and asylum

The right of asylum was first added to the Spanish constitution in 1978 and regulated by law in 1984. This law enshrined refugee status according to the Geneva Convention and created asylum regulations based in national law. On account of generous admission requirements for asylum seekers and the possibility for asylum on humanitarian grounds, these regulations were regarded as rather liberal.

This changed with the 1994 reform of Spain's asylum law which focused on three central issues. First, the confusing division between the procedures for granting asylum and refugee status was abandoned. Henceforth, only refugee status as outlined in the Geneva Convention existed. Territorial asylum and asylum based on humanitarian grounds were discontinued, with the latter only remaining possible under exceptional provisions in the Aliens Act. In return, the scope of protection for recognised refugees was expanded beyond Geneva Convention standards, so that residence and work permits were automatically granted with the approval of refugee status. Second, and most importantly in terms of the harmonisation of asylum rights in the EU, preliminary proceedings were added as part of the asylum application process. As a result, overtly incorrect or unsubstantiated applications could be excluded from the recognition process (*inadmisión a trámite*). This new procedure was in line with agreements at the European level and reflected provisions contained in the Schengen and Dublin agreements, such as the regulation of jurisdiction over the application review process and the concept of safe third countries of origin. The third substantial amendment to the asylum law pertained to the consequences of application rejection. Previous regulations had, in principle, enabled a person whose application was rejected to stay in the country. Because this was considered a fundamental reason behind choosing asylum as a path to im-

migration, the new regulations required persons who were denied asylum to leave the country in accordance with the Geneva Convention, unless they could meet the conditions for obtaining a visa under the provisions of the Aliens Act.<sup>22</sup>

**Figure 4: Asylum in Spain 1984-2007**



Sources: Ministerio del Interior, Anuario estadístico de extranjería 1993-2003; Ministerio de Trabajo y Asuntos Sociales, Anuario estadístico de inmigración 2004-2006, CEAR 2008

Spain, however, has never been a particularly attractive country for asylum seekers. This could be due to the relatively low acceptance rate making it easier to enter the country illegally as a foreign worker and become legalised later. In comparison to its European partners, the number of asylum-seekers in Spain remained at low levels in the 1980s. Their number (including family members) rose slowly from approx. 1,100 in 1984 to 4,100 in 1989. Only in 1990, following the fall of the Berlin Wall and the opening of Eastern European borders, did the figure double to over 8,600. In the three years that followed, it grew to 12,600 (1993). With the reform of the asylum law, the number of applicants fell back in line with numbers from the late 1980s, even if for no other reason than the rejection of 60 to 70% of cases during the preliminary proceedings. Additionally, the approval rates remained extremely low at around 3%. With increasing coordination among European countries, this effect was relativised, so that increases in the number of asylum seekers at the end of the 1990s resulted in growing numbers in all European countries, with Spain again reaching 9,500 (2001). In the following years about 5,500 asylum seekers came to Spain per year, with Nigerians representing the largest group for a considerable period. Since 2005, however, this position has been taken over by Colombians looking for an alternative route following the end of visa-free entry into Spain in 2002. Here, too, there are evidently bands of people smugglers at work providing Colombians entering Spain via Barajas Airport (Madrid) with whole packages of false documents to enable them to make a credible application for asylum.<sup>23</sup> In 2007 the number of applications rose steeply to almost 7,700, a considerable proportion of those (approx. 21%) attributable to appli-

cants from Iraq, which had previously played almost no part in these figures (2006: 42 applications).

Even though some human rights organisations and researchers criticise Spain's restrictive approval practices, asylum remains a topic of little relevance, playing only a secondary role in Spain's immigration debate.

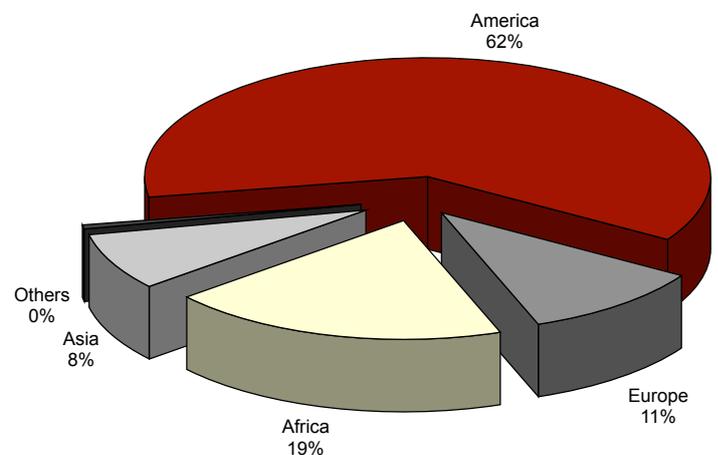
## Citizenship

Spanish citizenship law has been amended several times in recent years (1982, 1990, 1995 and 2002). Unfortunately, all of these reforms have had nothing to do with the immigration issue or the facilitation of immigrant integration in general. While more recent amendments have focused very much on integration, they have been limited above all to persons who were once Spanish or were descendants of Spaniards, making it easier for such people to reapply for citizenship and thus (re)integration. The most recent reform extended this privilege to grandchildren of former citizens. Mostly, this affects people from countries that were major destina-

tions for Spanish emigrants in the 20th century, such as Argentina and Venezuela. Some figures estimate that as many as 400,000 Argentineans might be eligible for Spanish citizenship under this law.<sup>24</sup> For the legislative period 2008-2012, however, the new Minister for Labour and Immigration has agreed to look into citizenship reform. This would benefit immigrants as it provides for a reduction in the necessary period of residence.

Until now, citizenship policy has had a clear ethnic bias, one that favours naturalisation for Latin Americans. In contrast to the usual ten years of residence one must first fulfil in order to

**Figure 5: Naturalisation in Spain 1975-2006**



Sources: Ministerio de Trabajo y Asuntos Sociales, Anuario de Migraciones 2002; Ministerio de Trabajo y Asuntos Sociales, Anuario estadístico de inmigración 2004-2006

apply for citizenship, Latin Americans must reside in the country for just two years before applying. Dual citizenship is permitted on the basis of agreements between Spain and numerous Latin American countries, or mutually recognized in the absence of such an agreement. Accordingly, naturalisation figures between 1975 and 2006 show that almost two thirds (62%) of Spain's approx. 379,300 naturalised citizens come from Latin America – and mostly since the beginning of this decade. During this same period, 19% came from Africa and 11% from Europe.<sup>25</sup>

To be eligible for citizenship, a satisfactory level of integration in Spanish society, proof of legal residence and proof of good civic conduct (*conducta cívica*) are required. In order to determine the level of integration, information on language skills is obtained regularly from the civil registers, which likewise places Latin Americans at an obvious advantage.

## Irregular migration

As in other Southern European countries, irregular migration (and especially irregular residence) is a lasting problem associated with immigration in Spain. Many involved in this form of migration tend to be citizens of non-EU countries in Eastern Europe, Africa, Latin America or Asia. However, there are also indications that a significant number of citizens from EU member states and other “First World” nations live as long-term tourists in Spain without legal residence status.

In Spain, undocumented stays are usually the result of “overstaying”; that is, staying on beyond the permissible duration after entering the country legally. Individual migrants as well as those financed through organized networks or mafias utilise the tourist route to gain entry.<sup>26</sup> Estimates as to the magnitude of the phenomenon are by nature uncertain and principally serve as ammunition in political disputes. Simply subtracting the number of residence permits from the figures in the padrón municipal, which results in values in excess of one million each year, gives some idea as to the size, but still falls short.<sup>27</sup> In the 2008 elections the government spoke of fewer than 300,000 persons.

Actual illegal entry is significantly less common. Nevertheless, landings attempted in small boats from Northern Africa across the Strait of Gibraltar or to the Canary Islands result in dramatic situations which focus attention, particularly in the media, on this kind of undocumented migration which, consequently, often comes across as being the central problem.

At the end of the 1990s, therefore, the government started to create a monitoring system (*Sistema Integral de Vigilancia Exterior*, SIVE), which combines long-range radar, thermal cameras, night vision equipment, infrared beams, helicopters, etc. in order to “close off” these sea routes. The system has a deterrent effect which, however, is not readily apparent from the number of seizures alone. Compared with 2004, the year 2005 showed a reduction. During 2006 numbers increased enormously due to high migration pressure, falling significantly again in 2007. Controls have led to successive shifts in migration routes, with the Canary Islands in particular becoming a migration destination after the Strait of Gibraltar. At the same

time, the departure point for crossings moved further south as a consequence of Spanish and equally intensified Moroccan controls. Boats now cast off from Mauritania or even Senegal. Spain responded by extending the SIVE to the Canary Islands. Further extension along the Levant (as the east coast of the Iberian Peninsula in the regions of Murcia and Valencia is called) and as far as Ibiza is planned by 2009.<sup>28</sup>

However, this also increases the costs and risks for the migrants. They are forced to rely more heavily on the services of organised smugglers, who raise their prices for passage. It is not known how many never reach their destination and die during the crossing. The 800 or so bodies salvaged by the authorities on the Canary Islands and along the Moroccan coast in 2006 only represent the minimum. NGOs estimate between 6,000 and 7,000.<sup>29</sup> The largest amount of illegal immigration of this kind was recorded in 2006, with approx. 31,700 seizures on the Canary Islands and 7,500 on the Andalusian coast. In response to this, controls were intensified, to which end Spain also requested assistance from the European external borders agency, FRONTEX. FRONTEX set up a regional coordination centre on the Canary Islands and carried out several operations during 2006/2007 (HERA I – III).<sup>30</sup> In addition, supplementary bilateral patrols were organised in Morocco, Mauritania and the Cape Verde Islands.

At the same time, Spain took the diplomatic initiative in this previously little-considered region. *Plan Africa* (2006-2008) aims to improve the situation with regard to returnees and to this end various readmission agreements have been made (e.g. with Senegal). The plan also tackles the matter of development cooperation – depending on the main goal. Thus new agreements (known as second generation agreements) provide for controlling irregular migration as well as aspects of recruitment and voluntary repatriation. Such agreements have been made, for example, with Gambia, Guinea-Bissau, Guinea-Conakry, the Cape Verde Islands, Mali, Cameroon, Ghana, Côte d'Ivoire and others. In addition, local diplomatic presence has been reinforced inter alia by the installation of new embassies in the region. Overall, the package of measures appears to be having some effect – at least the number of seizures in 2007 fell by 60% on the Canary Islands and by almost 25% on the mainland.<sup>31</sup>

An additional means of illegal entry involves getting past the barrier surrounding the Spanish exclaves in Northern Africa: Ceuta and Melilla. Until the end of the 1980s, their borders were relatively easy to cross. Since then, however, they have become equipped with more and more barbed wire, sensors and cameras. The Ministry of the Interior intensified upgrades to the enclosures in the mid-1990s, until multiple walls ultimately surrounded the cities. Although the number of persons seized is going down, migrants succeed time and again in scaling the walls. In September/October 2005, the problem received widespread media attention, as many hundreds of people made a collective effort to overcome the border fences simultaneously. Almost one thousand of them succeeded however, hundreds were injured and 14 died.

Irregular migration puts pressure on the Spanish labour market in particular, so, as well as tightening controls, the Spanish employ various additional strategies to channel migra-

tion flows. One of these methods is to specify annual quotas for foreign workers. These workers can then be recruited for permanent or temporary labour contracts in their countries of origin. Such quotas were introduced as early as 1993; however, in the 1990s they served primarily as a means of legalising persons already in Spain. In recent years, recruitment has taken place exclusively abroad, but almost solely for temporary employment contracts. The system is not particularly effective, however, partly because recruiting staff through the quota is a protracted affair for employers. Furthermore, the yearly quotas (e.g. 2006: 16,900) are not in line with the actual demand for labour, which is several times greater than the quotas. The quota published in December 2007 for the year 2008 also shows that this method of control continues to have little effect: it was reduced to 15,730 because it had not been possible to fill all the advertised vacancies in the previous year. Other methods of recruitment hold greater advantages for employers, even though as early as 2004 the quota procedure was modified to include a list of vacancies that were difficult to fill at a provincial level to facilitate recruitment through the quota.

Spain has also sought to combat illegal migration in recent years by concluding agreements with various countries of origin on controlling labour migration and migration movements in general. The goal of these agreements is to control immigration to Spain, including the return of foreign workers to their countries of origin. Such agreements have been entered into with Columbia, Ecuador, Morocco and the Dominican Republic (all in 2001), with Romania and Poland (both in 2002) and with Bulgaria (2003). Political disputes prevented the Moroccan treaty from entering into effect until autumn 2005. However, with the exception of Poland there has been no actual progress towards implementing the agreements. Nonetheless, further agreements of this type have been concluded: a relatively open co-operation agreement with Peru (2004) plus others with Gambia (2006), Mauritania and Guinea-Conakry (2007). It remains to be seen whether these agreements will meet expectations, or whether the provisions related to returning workers to their countries of origin will result in the same effects generated by earlier "guest worker" schemes in other European countries. Faced with the prospect of not being allowed into the country again, workers are inclined to refuse to leave, apply for family reunification and increasingly root themselves in society.

With regard to those who are already staying in Spain irregularly, successive governments have repeatedly resorted to legalisation campaigns. Although they are often described as one-time or final measures in conjunction with legal reforms, they have taken place with relative regularity (1985, 1991, 1996, 2000, 2001 and 2005) and therefore appear to be a constant in Spanish migration policy. During the most recent campaign in the year 2005, 578,375 of 691,655 applications for legal residence status were approved, making it by far the most extensive legalisation to date in Spain and Europe-wide. In contrast to previous years, applicants in this so-called "normalisation" (*normalización*) process were required as a precondition to prove that they already had an (informal) employment contract as well as a guarantee from the employer that the employment would be continued. Generally speaking it was the employer who had to make the application. Moreover, the work permit

issued only became valid if the employment was subsequently registered in the social security system and initial contributions had been paid in. It was hoped that the introduction of these requirements would reduce clandestine employment and boost social security funds. Additionally, since 2005 a regulation has been in place that allows for the legalisation, on a case-by-case basis, of individuals who can prove that they are "rooted" in the country.<sup>32</sup> Close to 7,500 people, for instance, availed themselves of this option to achieve permanent legal status during 2006. Legalisation has not, however, resolved all of the problems. Thus it was established, for example, that, despite being in possession of residence permits, Romanians and Bulgarians often decide to continue working in the informal economy. In this sense it was logical that the campaign was embedded in a more far-ranging programme to combat illegality which provided for improved access to the labour market, intensified labour market controls and improved options for returning illegal immigrants to their homelands. Thus, for example, the Directorate General for Labour Inspection used insights gained from legalisation to achieve more targeted controls.<sup>33</sup>

## Future Challenges

It remains to be seen how the policy instruments used by the socialist government to manage immigration will work. On a positive note, it is possible to tie legal immigration to jobs. In order to become legalised on a case-by-case basis, migrants are required to have an employment contract. However, many migrants, some even in possession of a residence permit, work informally in the underground economy, which, by definition, does not involve formal job contracts and which does allow for the creation of official job openings that could be filled using the quota system. In this respect, change will probably only come about in the foreseeable future if migration policy not only offers adequate opportunities to access the labour market (the effectiveness of opportunities to date has yet to be evaluated) but if, at the same time, there is a consistent approach to controlling the shadow economy.

One interesting aspect will be how Spain deals with foreign unemployment, which, given the current economic downswing, is visibly on the increase: in the first quarter of 2008 alone numbers went up by 18% compared with the end of 2007. Here, further economic development which, due in part to the crisis in the construction sector, is currently no longer viewed so positively as just a year ago,<sup>34</sup> will have considerable impact on the capacity of the Spanish labour market to absorb foreign workers. The fact that need for foreign workers would fall was already mooted by the Minister of Economy and Finance, Pedro Solbes, as early as March 2008. Meanwhile, the extension of an already-existing return assistance programme is being considered. According to this, starting in September 2008, unemployed foreign workers will be able to claim their aggregated unemployment allowance, paid as a lump sum, one part in Spain, the rest after returning to their country of origin. This is tied to relinquishing their residence and work permits and the obligation not to return to Spain for three years. Additionally, small loans, or microcredits, plus advice are to be made avail-

able to enable them to establish a livelihood in their country of origin. This programme, however, only applies to the 19 third countries that have concluded social security agreements with Spain.<sup>35</sup>

To further control and limit immigration, the new Minister of Labour and Immigration, Celestino Corbacho Chaves, plans to restrict family reunification by concentrating on the core family and excluding parents and parents-in-law. These restrictions are to be implemented along with an announced reform to the Aliens Act at the end of 2008. With regard to controlling illegal immigration, the Minister intends to further reinforce borders and step up the policy of repatriation. Measures taken during the last two years already appear to have had some effect, although it remains to be seen how effective they will be in the face of a possible new inrush.

Despite economic problems, it is anticipated that there will continue to be large-scale immigration to Spain for the immediate future and that these immigrants will contribute substantially to further population growth. At the same time, in the short and medium term this will also put the brakes on the severe demographic aging process to which Spain is exposed, given that it has one of Europe's lowest birth rates. In the long term, however, this will have less effect due to adjustments in reproductive behaviour.<sup>36</sup> Yet the high level of immigration makes prognoses difficult: assumptions made in some previous projections have already been overtaken by the time of their publication.<sup>37</sup>

Given this high level of immigration, the matter of integration is set to acquire great significance. For a long time, nationally-conceived migration policy has had hardly any connection with the intergration policy that has been conducted in the regions for some years. The Strategic Plan for Citizenship and Integration<sup>38</sup> adopted in 2007 sets a new course in this respect, whereby firstly money is made available, and secondly the various levels of the state, regions, local authorities and NGOs converse with one another. Given the Socialists' renewed victory in the March 2008 elections, the transformation of the Ministry of Labour into a Ministry for Labour and Integration, the appointment of Celestino Corbacho Chaves as Minister of Labour and Immigration, someone familiar with the problems of immigration and integration, as well as the continuity of personnel at the top of the Secretariat of State for Immigration and Emigration, it can be expected that Spain will also continue along its pursued path of a policy of integration in the years to come.

Over and above the described national plan and the various plans on the level of autonomous communities, however, much will depend on what can be achieved on a local level. After all, it is there that issues such as the demand for jobs, reasonable living space and access to social services are actually dealt with, as well as the day-to-day matter of living with new neighbours.<sup>39</sup> The process of building a family (in part by means of family reunification) is underway and a second generation is being born.<sup>40</sup> This in turn places new demands on schools, already strongly apparent in primary schools and shortly also to reach the wide range of secondary schools. How to deal with immigrant children and children born in Spain is being apportioned great importance, since their education will determine

the course of their later professional lives. Especially in cities and local communities, the matter of participation will have a role to play, and it was certainly not by chance that Immigration Minister Corbacho has been pushing the right for third country nationals to vote at a local level, something that, to date, according to the constitution, has been tied with strict reciprocity requirements.

## Endnotes

- \* This article reflects solely the author's personal views.
- 1 According to the Padrón municipal of January 1. Figures for 2008 are preliminary.
  - 2 Labour force between the ages of 16 and 64.
  - 3 Kreienbrink 2005.
  - 4 Fernández Asperilla 1998; Vilar/Vilar 1999.
  - 5 These figures are provided by the Instituto Español de Emigración and only refer to emigration organized and conducted through the institute itself. This historical series covers permanent emigration (*permanente*) lasting more than a year as well as temporary stays abroad (*temporal*) of three months to a year in duration. It does not contain information on migration for family reunification purposes.
  - 6 Figures for returnees are derived from the number of migrants registering their departure at Spanish consulates abroad.
  - 7 The numbers provided by the *padrón municipal* can be regarded as somewhat inflated on account of duplicate registrations, migrants failing to register departure and "phantom" registrations made by relatives speculating on later regularisation (Arango 2005: 249).
  - 8 To register with the municipality, a person must provide their name, gender, city of residence, birth date, passport number (or the number of a similar document) and, when applicable, educational certificates. The authorities are not permitted to ask for proof of legal residence status. Also, the Data Protection Act of 1999 stipulates that the exchange or dissemination of information contained in the registry with/to other agencies, the Ministry of the Interior or the police is not permitted. This stipulation was changed slightly in 2003 to allow authorities to compare data taken from the municipal registry with data contained in the central aliens register (as well as with registries maintained by social, financial ministries and with criminal records). It is not clear what, if any, consequences have arisen from this change. Some municipalities have refused or been reluctant to pass on their information to security authorities.
  - 9 The drop in numbers over the course of 1991 can be attributed to a revision of the Spanish register. Accordingly, the number of Europeans for the late 1980s can be regarded as inflated. Only since 1996 have padrón municipal figures been released by the Instituto Nacional de Estadística. In the figures, the residence permits for the previous year (31.12) are assigned to each respective padrón of 1 January.
  - 10 Greater participation by women in the labour market also increased the demand for domestic services.
  - 11 This also includes the Atlantic in the direction of the Canary Islands (see below).
  - 12 For further information on the following, refer to Kreienbrink 2004 and Aja/Arango 2006.
  - 13 Roig 2005.
  - 14 The autonomous communities (comunidades autónomas) correspond to a certain extent to the German states, although they each have different powers.
  - 15 Pajares (2007a) points, among other things, to the lack of information due to poor education among social networks and distrust as reasons for the lower registration in the padrón.
  - 16 Germans represent 3.5% of all immigrants.
  - 17 Rodríguez 1998.
  - 18 López García/ Berriane 2004, Martín Muñoz 2003.
  - 19 Gómez Ciriano et al. 2007.
  - 20 Instituto Nacional de Estadística 2003.
  - 21 Pajares 2007b.
  - 22 Espada Ramos 1994; Fullerton 2005; Kreienbrink 2006.
  - 23 CEAR 2007: 81-91.
  - 24 Bisaccia 2003. Applicants for Spanish citizenship only have to prove one year's residence. The Law of Historic Memory passed in December 2007 extended to 2010 the opportunity for third generation Spaniards to opt for Spanish citizenship even without one year's prior residence.
  - 25 Reacquired Spanish citizenship is not included in the figures.
  - 26 In extreme circumstances, repayment for these services can result in exploitation, forced labour and even human trafficking (Bonelli/Ulloa 2001).
  - 27 For problems associated with the padrón see above. In addition, various groups such as asylum applicants, EU citizens and students do not require a

residence permit. For further information see Arango/Finotelli 2008.

- 28 Carling 2007a.
- 29 Carling 2007b.
- 30 Cf. newsletter: "Migration and Population", 7/2006 ; 1/2007.
- 31 For the first time, however, seizures on the Levant numbered 600.
- 32 In order to demonstrate rootedness (*arraigo*), a minimum of two or three years of residence and an employment contract or proof of employment are required.
- 33 Finotelli 2008.
- 34 Z. B. Bergheim 2007.
- 35 The model resembles to a certain extent the 1983 German Assistance Act for Returning Foreigners.
- 36 León Salas 2005.
- 37 The projection published by INE in 2003 anticipated a total population of 44.3 million at the outside by 2015 (Hernández Rodríguez 2003). The long-term projection for 2005 was already predicting 44.5 million for 2008 and 47.2 million for 2015, whereas the short-term 2008 projection of 45.2 million for 2008 published at the beginning of 2008 is already less than the likely figure and assumes a population of 50 million by 2015 (www.ine.es).
- 38 Ministerio de Trabajo y Asuntos Sociales 2007.
- 39 Torres et al. 2007; Kreienbrink.
- 40 Aparicio 2007.

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