

Spain

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.* In the last twenty years, the immigrant population has increased fifteenfold to 3.7 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. Questions concerning the social integration of immigrants, however, were not initially addressed. While immigration has become a key political and social issue in public debate, there is little discussion over what it will mean for Spain and the Spanish self-image in the future.



Background Information

Capital: Madrid

Official language: Spanish (Castilian), Catalan (regional), Basque (regional), Galician (regional)

Area: 504,782 km²

Population (2005): 44,108,530 (padrón municipal¹)

Population density: 87 inhabitants per km²

Population growth (2004/2005): 2.1%

Labour force participation rate (4/2005)²: 71.2% (INE, Encuesta de Población Activa)

Foreign population as a percentage of total (2005): 8.46% (3,730,610 persons) (INE, padrón municipal)

Percentage of foreign employees (2004/2005): 10.4%

Unemployment rate: 8.7% (4/2005); 10.6% (4/2004); 10.6% (2002) (OECD)

Religions (2005): 34M Catholics (77%), 1M Muslims (2%), 400,000 evangelical Christians and other Protestants (0.9%), 40,000-50,000 Jews (0.1%), 9,000 Buddhists (0.02%) (Estimates, International Religious Freedom Report 2005)

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, 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.

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.

From the mid-1970s to 1990, approximately 15,000 people per year went to other European countries through Spain's "controlled" emigration³ 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 increased to 15,000 per year between 1980 and the second half of the 1990s, the figure since 1999 has been closer to 20,000 per year. This most likely has to do with, four decades following the signing of agreements on the recruitment of "guest workers", an ever-increasing number of migrants reaching retirement age and wishing to spend their remaining years in their home country. Even more noticeable is the jump in the number of repatriates from Latin America, which has more than doubled in the last decade, from about 8,000 per year in the mid-1990s to approximately 20,000 in 2004.

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 from outside Western Europe entering Spain.

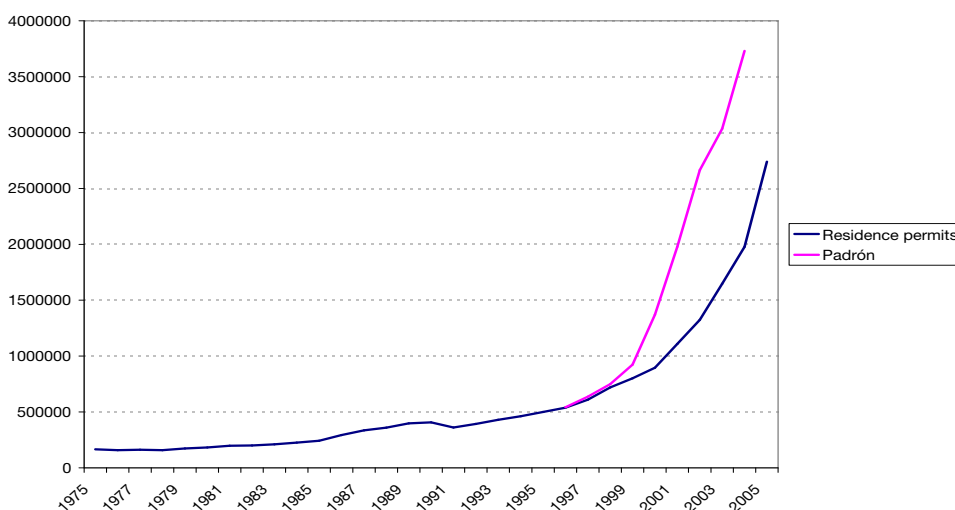
In 1975, there were approximately 200,000 foreigners living in Spain. This number increased fivefold in the following 25 years to reach 1 million by the end of the century (not including undocumented immigrants). This growth represented 2.5% of Spain's then population of 40 million. At the end of 2005, around 2.74 million foreigners were in possession of a residency permit. The number of permit holders has grown by approximately 20% per year since 2000; from 2004 to 2005, it grew by 40% as a result of a regularisation campaign (see below). Data derived from municipal registries (*padrón municipal*) suggest that the actual total number of foreigners residing in Spain is considerably greater.⁴ According to these records, as of 1 January 2005, 3.73 million foreigners were registered with the municipalities, compared with 1.98 million valid residency permits, revealing a difference of 1.75 million.⁵ This difference could serve as an indicator of undocumented residency (see below). According to these municipal figures, foreigners represented 8.46% of the total population of 44.1 million at the beginning of 2005.

If one takes into account the number of foreign-born people in Spain (4.39 million), a quite different view of immigration to Spain emerges. If one subtracts the foreign-born citizens of other countries as well as those who have become naturalized Spanish citizens, there remain roughly half a million Spaniards who were born abroad. This group is comprised primarily of the second and third generation Spanish emigrants born throughout Europe, Latin America and Africa who have returned to Spain.

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 2002 to 2003 and from 2004 to 2005, putting Spain's growth (in absolute numbers) far ahead of that of other European countries in this respect.

The reasons for Spain's transformation from an emigration country to an 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 (e.g. 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

Figure 1: Foreign national residency permit holders in Spain according to the padrón municipal 1975-2005⁶



Sources: Ministerio de Trabajo y Asuntos Sociales, Instituto Nacional de Estadística, padrón municipal

labour (e.g. domestic workers)⁷ 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.⁸ The Strait acts as a frontier where vast differences in population growth, economic development, per-capita income and employment opportunities collide.

Political and 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.

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 Ombudsman (*Defensor del Pueblo*) 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 program 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, 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 residency 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 (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 residency 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.

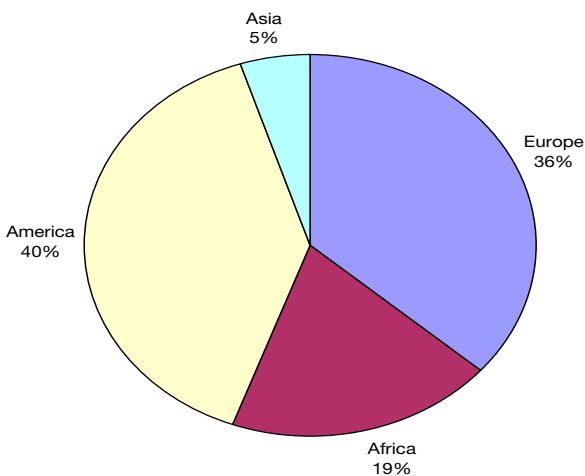
Whether or not the change of government in March 2004 has heralded a new, fourth phase of migration policy-making remains to be seen. The new socialist government is taking a liberal, consensus-oriented approach to the issue. While the law has remained unchanged, the government introduced more liberal regulations on implementation at the end of 2004. These place stronger emphasis on creating legal, employment-bound paths of entry. Furthermore, regulations concerning family reunification were eased again, 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" campaign instead of "legalisation" campaign (see below). Also, a well-endowed integration fund was established (2005: 120 million euros; 2006: 182 million euros) to benefit autonomous communities and municipalities. The funds are intended to finance measures to integrate immigrants as well as education programs targeting young immigrants. In June 2006, a comprehensive strategy for the civic and social integration of immigrants (*Plan Estratégico de Ciudadanía e Integración*) was presented for 2006-2009, including a plan to allocate two billion euros for its implementation.

Foreign Population

The composition of the foreign population in Spain has changed considerably during the last two decades. While Europeans represented the largest group in the beginning, Latin Americans have now taken over this position. Meanwhile Africans have also begun arriving in Spain in significant numbers.

Among Europeans, EU citizens represent 80% of foreign residents, easily the largest group; however, this number has been decreasing since the 1990s, despite EU expansion. In 2005, according to the *padrón municipal*, the percentage of EU citizens among resident Europeans was only around 57%.

Figure 2: Foreign population, countries of origin 2005



Source: Instituto Nacional de Estadística, padrón municipal 2005

The reason for this shift is the large increase in the number of Central and Eastern European immigrants from non-EU states, particularly Romania. Romanians accounted for 23% of European immigrants in 2005 and 8.5% of the total foreign population. Thus, they are now ahead of the British (at 6% of the foreign population), formerly the largest European nationality in Spain.⁹ Together with Bulgarians and Ukrainians, Romanians account for over a third of all Europeans in the country. Eastern Europeans and a substantial number of 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'.

At the beginning of 2005, Africans, particularly Northern Africans, accounted for 19% of all immigrants to Spain. Moroccans alone represented the largest African nationality

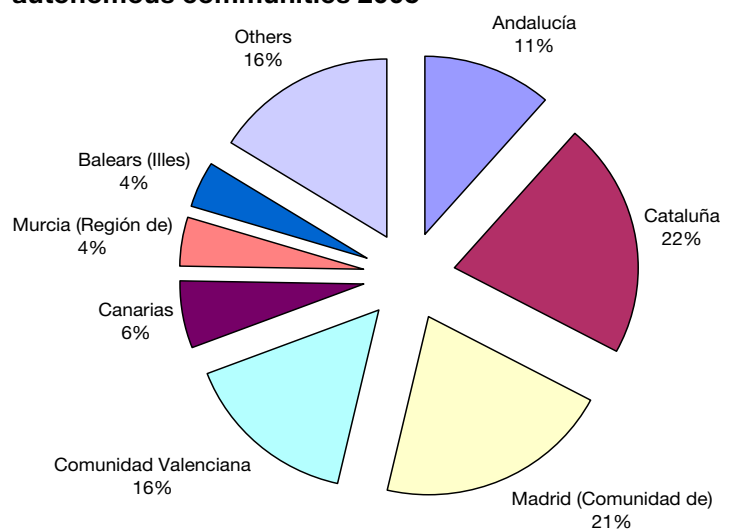
(70%) and 13.7% of the total number of resident foreigners. In recent years migrants from sub-Saharan Africa have come from a more diverse range of countries, with Nigerians and Senegalese accounting for the greatest numbers.

The group of foreigners from the Americas is made up almost exclusively of Latin Americans, who account for 38.8 % of all foreigners. They are thus an important factor in shaping current immigration trends. Whereas Argentineans, 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 account for over a third of Latin Americans (34.4%), followed by Columbians (18.8%) and Argentineans (10.6%). Overall, Ecuadorians and Columbians were responsible for the rapid increase in Latin American immigration. In 2005, Ecuadorians were also the second largest foreign population in Spain overall, accounting for 13.3%. These figures do not include Latin Americans entitled to Spanish citizenship through Spanish parents or grandparents and who entered the country on Spanish passports.

Among the relatively small number of foreigners from Asian countries, Chinese account for nearly half (47%). Pakistanis, Filipinos and Indians dominate the remainder of the group (37%).

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. This does not mean, however, that foreign population density is automatically greatest in all of these autonomous communities. The Balearic Islands (15.9%), Madrid (13.1%), Valencia (12.4%), Catalonia (11.4%) and the Canary Islands (11.3%) are the regions in which foreign

Figure 3: Regional distribution of foreigners in Spain's autonomous communities 2005



Source: Instituto Nacional de Estadística, padrón municipal 2005

population density exceeds the national average (8.46%). The small autonomous communities Murcia (12.4%) and La Rioja (10.3%) also belong in this category.

The regional distribution of individual nationalities depicts a dual reality within the immigration picture. Spain serves as a respite for immigrants from northern regions of Europe who are in search of the sunnier South; whereby, for those from regions south of the Mediterranean (Africa, Latin America), Spain is part of the wealthy North, offering employment opportunities. Accordingly, foreigners from EU countries 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. And though prosperous immigrants from the North can create problems (lack of social and medical facilities for aging migrants; health care costs; threat of increased xenophobia resulting from large, self-contained immigrant communities; rising property values; political influence in municipal elections), it is primarily economically motivated migrants from non-EU nations who are perceived as the problem and who form the basis for migration policy decisions.

Flight and Asylum

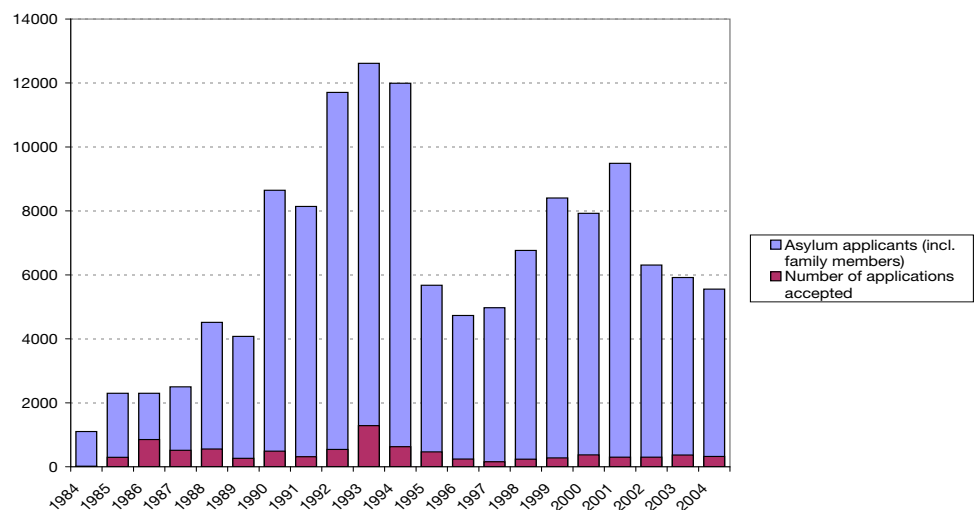
The right of asylum was first added to the Spanish constitution in 1978 and regulated by law in 1984. This law enshrined refugee status according to the Geneva Convention and created asylum regulations based in national law. On account of generous admission requirements for asylum seekers and the possibility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

In 1994, a compromise on asylum policy was reached which affected three central aspects of Spain's asylum law. 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 residency 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 asylum rights 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 immigration, 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.

Spain, however, has never been an especially attractive country for asylum seekers. This could be due to the relatively low acceptance rate, which may make refugees think it is easier not to submit an application for asylum upon arrival, but to wait for an opportunity to gain legal status through a regularisation

Figure 4: Asylum in Spain 1984-2004



Sources: Ministerio del Interior, Anuario estadístico de extranjería 1993-2003; Ministerio de Trabajo y Asuntos Sociales (2005)

campaign instead. 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 ca 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, if for no other reason, because 60 to 70% of cases were rejected 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). Presently there are more than 5,500 asylum-seekers in Spain per year, with Nigerians accounting for the largest group in recent years. Even though some human rights organisations and researchers criticise Spain's restrictive

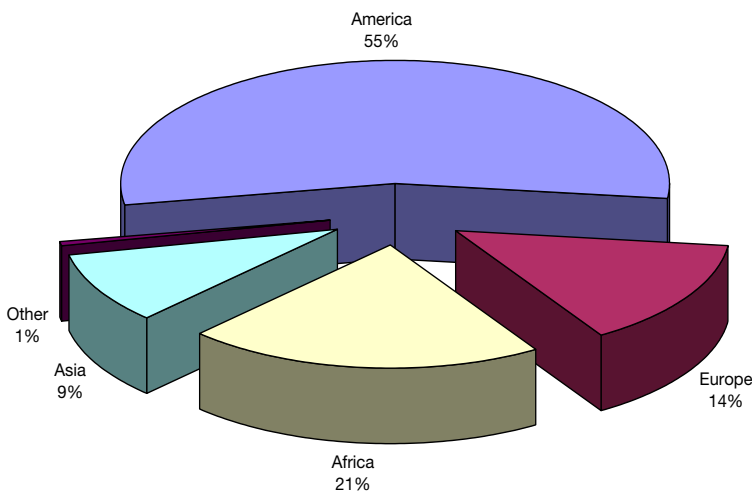
approval practices, asylum remains a topic of little relevance, only playing an secondary role in Spain's immigration debate.

Citizenship

Spanish citizenship law has been changed 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. Ultimately, they have been directed at improving the (re-)integration of individuals who were once Spaniards or their direct descendants, by simplifying the process for reacquiring citizenship. The most recent reform extended this privilege to grandchildren of former citizens. Mostly, this affects people from countries that were major destinations for Spanish emigrants in the 20th century, like Argentina and Venezuela. Some figures estimate that as many as 400,000 Argentinians might be eligible for Spanish citizenship under this law.

This citizenship policy clearly has an ethnic bias, one that favours naturalisation for Latin Americans. In contrast to the usual ten years of residency one must first fulfil in order to apply for citizenship, Latin Americans must reside in the country for

Figure 5: Naturalisation in Spain 1975-2004



Sources: Ministerio de Trabajo y Asuntos Sociales (2002), Ministerio de Trabajo y Asuntos Sociales (2005)

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. To be eligible for citizenship, a satisfactory level of integration in Spanish society, proof of legal residency 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 places Latin Americans at an obvious advantage. Accordingly, naturalisation figures since 1975 show that more than half of Spain's naturalised citizens come from Latin America (54%), 20% from Africa and 14% from Europe.¹⁰

Irregular Migration

Undocumented stays are a substantial problem associated with immigration in Spain, as in other Southern European nations. 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 residency status.

In Spain, undocumented stays are usually the result of "overstaying"; that is, legal entry followed by an extended stay beyond the permissible duration. Individual migrants as well as those financed through organized networks or mafias utilise the tourist route to gain entry.¹¹

The number of migrants actually entering the country through undocumented channels is much smaller. 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. Beginning at the end of the 1990s, developments in information technology enabled the government 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. In 2005, Spanish security forces intercepted 587 vessels off the coast, a quarter less than in 2004. Although they have been hampered to some degree, there is no way to prevent the sea crossings and the resulting casualties completely. Instead, increased security measures have led to the emergence of new migration routes, which involve greater risks and higher costs. Migrants are forced to rely more heavily on the services of organised smugglers, who constantly raise the prices for passage. Increasingly, Morocco is being bypassed as a starting point, because surveillance along its coast has been intensified considerably. Currently, boats cast off from Mauritania or even Senegal. According to estimates, 40% of those ferried on these routes reach their destination. Despite the risks involved, 11,000 people travelled this route and were picked up off the coast of the Canary Islands from January to June 2006. Such a large influx of migrants strains the resources of local agencies and capacities at reception camps, where maximum stays are not allowed to exceed 40 days, after which migrants being held must be brought to the mainland.

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. But even this has not succeeded in stopping the constant inflow of sub-Saharan migrants. In September/October 2005, the problem received widespread media attention, as hundreds of people made a

collective effort to overcome the border fences simultaneously. Nearly a thousand succeeded, hundreds were wounded and 14 died: from the rubber bullets of the Spanish and Moroccan border patrols, because they were entangled in the razor wire that formed a barrier or because they were trampled in the stampede. For those who did succeed, there was a good chance of being transported to the Spanish mainland, as long as they could conceal their identities and avoid deportation.

Strategies for dealing with illegal migration

In addition to expanding control measures carried out by security forces, including workplace inspections, regularisation campaigns play a strategic role in dealing with irregular migration in Spain. Although they are often billed 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 can, therefore, be regarded as a kind of constant in Spanish migration policy. During the most recent campaign in 2005, 577,159 of 691,655 applications for legal residency status were approved, making it 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 to prove that they had an (informal) employment contract as well as a guarantee from the employer that the employment would be continued. Moreover, the work permit issued was only valid if the employment was subsequently registered in the social security system. With the introduction of these requirements, it was hoped that clandestine employment could be reduced, despite the knowledge that undocumented workers play a significant role in keeping the Spanish market competitive. Other aims were to strengthen social security funds, and, at least in the medium-term, to counteract the demographic problem of an aging Spanish population. Just as the European Commission had done in the past, several EU member states, such as France, criticised this campaign, because they feared that the newly legalised migrants would then move on to other EU countries.¹² Since 2005 a regulation has been in place, which allows for the legalisation, on a case-by-case basis, of individuals who can prove that they are “rooted” in the country.¹³

Another strategy for controlling migration flows is the introduction of yearly quotas for foreign labourers who are 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. Furthermore, the yearly quotas (2006: 16,900) are not in line with the actual demand for labour. The number of visas designated for persons wishing to enter the country to search for work, which is set along with the quota for foreign workers recruited abroad, is also marginal (2006: 726).¹⁴

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 through the return of foreign workers to their

countries of origin. Spain entered into such agreements with Columbia, Ecuador, Morocco and the Dominican Republic in 2001, with Romania and Poland in 2002 and with Bulgaria in 2003. Political disputes prevented the Moroccan treaty from entering into effect until autumn 2005. It remains to be seen whether they 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 in the country again, workers could refuse to leave, apply for family reunification and increasingly root themselves in Spanish society.

Future Challenges

It remains to be seen whether the policy instruments set in place by the socialist government to manage immigration are effective. The previous government’s track record on this issue was disastrous. 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 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. Therefore, it is likely that the problem of undocumented immigration will continue to exist, especially as migration pressure rises in response to demographic trends in Northern and sub-Saharan Africa. Population growth combined with a lack of jobs for the young, active segment of the population will lead a growing number of these young persons to choose migration as a way out. Only recently, the European Commission suggested that it would turn more attention toward Africa. The goal of combating the causes of migration can only be met by supporting local social and economic development, by pressing for good governance and human rights, and if necessary, by engaging in conflict resolution. To what extent the EU and its member states can realistically succeed in intensifying migration management with respect to their southern neighbours remains to be seen. At the very least, the EU will place increasing emphasis on cooperation with these states¹⁵ and encourage their involvement in the EU’s containment policy. In accordance with this strategy, Spain is currently in intense negotiations with various West African countries.

In Spain itself, the issue of migrant integration will become increasingly important as migration inflows consolidate. The rapid increase in the number of migrants places a growing strain on those regions most affected by the phenomenon. For example, some areas have a lack of schools and living space. In this case, it will be interesting to see what can be achieved through the resources provided by the integration fund. More interesting still is whether the societal integration of various migrant groups can succeed, given the fact that some lack the necessary language skills. The challenge lies with Spain and Spaniards to decide how to react to the transition from a once ethnically homogeneous society to an ethnically diverse one. The debate concerning the Spanish self-image must be

conducted in a manner that does not inadvertently create support for xenophobic ideas. It is a necessary debate, and it is one that has not yet begun.

Footnotes

* This article reflects solely the author's personal views.

¹ *Padrón municipal* data taken from 1 January.

² Labour force between the ages of 16 and 64.

³ 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.

⁴ The numbers provided by the *padrón municipal* can be regarded as somewhat inflated (Arango 2005).

⁵ To register with the municipality, a person must provide his 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 residency 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.

⁶ The drop in numbers over the course of 1991 can be attributed to a revision of the Spanish register. Accordingly, the numbers for the late 1980s can be regarded as inflated. Only since 1996, have *padrón municipal* figures been released by the *Instituto Nacional de Estadística*.

⁷ Greater participation by women in the labour market also increased the demand for domestic services.

⁸ This also includes the Atlantic in the direction of the Canary Islands (see below).

⁹ Germans represent 3.6% of all immigrants.

¹⁰ Reacquired Spanish citizenship is not included in the figures.

¹¹ In extreme circumstances, repayment for these services can result in exploitation, forced labour and even human trafficking (Bonelli/Ulloa 2001).

¹² Absolute freedom of movement within the EU is only afforded to legalised migrants after five years. Additionally, it is unlikely that many migrants move to other EU countries in the short term, because these individuals have a residency permit and gainful employment in Spain.

¹³ In order to demonstrate rootedness (*arraigo*), a minimum of two or three years of residency and an employment contract or proof of employment are required.

¹⁴ The government resolution provides an additional 570 job-seeker visas for non-citizens with Spanish parents or grandparents.

¹⁵ At the Seville Summit in 2002, the Spanish tried to initiate development cooperation with willing parties.

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Additional Information

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- Asociación Pro Derechos Humanos de Andalucía <http://www.apdha.org>
- Comisión Española de Ayuda al Refugiado (CEAR) <http://www.cear.es/home.php>
- Inmigración Extranjería <http://www.intermigra.info/extranjeria/>
- Colectivo Ioé Intervención Sociológica <http://www.nodo50.org/ioe/>

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