



■ Current Immigration
Debates in Europe:
A Publication of the
European Migration
Dialogue

Jan Niessen, Yongmi Schibel and
Cressida Thompson (eds.)

Spain

Albert Serra with Pau Mas,
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with the assistance of Pau Mas and Alicia Xalabarder
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for

CIDOB Foundation (Fundació CIDOB)

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The Migration Policy Group (MPG) is an independent organisation committed to policy development on migration and mobility, and diversity and anti-discrimination by facilitating the exchange between stakeholders from all sectors of society, with the aim of contributing to innovative and effective responses to the challenges posed by migration and diversity.

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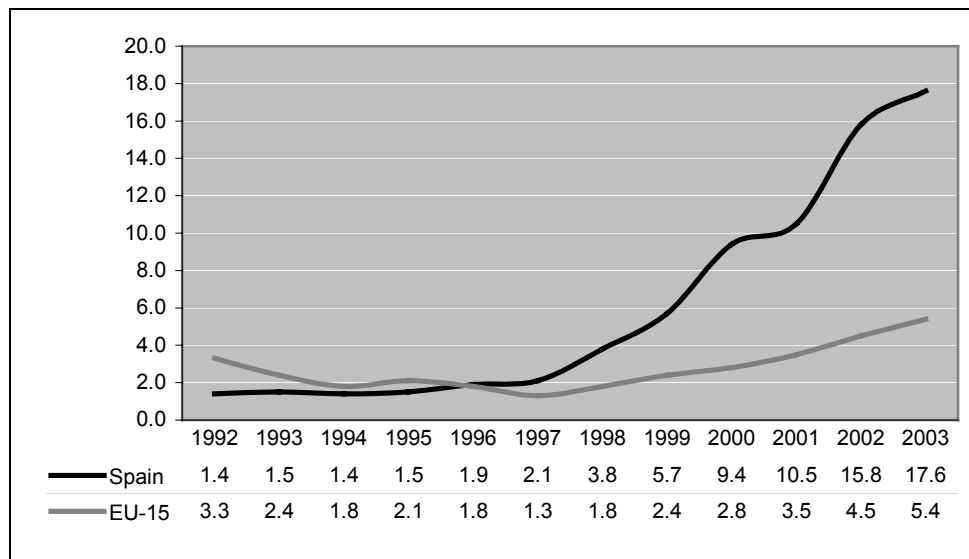
Introduction

In a matter of just a few years, Spain has evolved from being a country of emigration to being a country of immigration. This evolution started to take place in 1995–1996, and considering the numbers, it could be said that Spain is now one of the leading (if not the main) countries of immigration in the European Union (EU). Perhaps the most significant year during this evolution was 2000. It is said that 2000 was the year that the migratory process ‘turned’ and it was also the year the Spanish government entered into a phase of strong political intervention in immigration after years of neglect. Indeed, the law regulating immigration in Spain at the beginning of 2000 had not been updated since 1985 (when Spain was working towards European Economic Community membership), and as such, it was becoming increasingly outdated. From January 2000 until November 2004, there were four legislative changes and the implementation of two new regulations, among a series of other institutional and political developments.

An overview:

- a) The magnitude and speed of growth has been a key concern.

Table 1: Net migration (difference between emigrants and immigrants per 1000 inhabitants)



Source: Eurostat

¹ This report is based on information up to 9 August 2005.

Table 2: Net migration in several EU countries. 1992-2003 (difference between emigrants and immigrants per 1000 inhabitants)

EU-15	3,3	2,4	1,8	2,1	1,8	1,3	1,8	2,4	2,8	3,5	4,5	5,4
France	0,6	0,3	-0,1	-0,3	-0,3	-0,2	-0,1	0,8	0,9	1,0	1,1	0,9
Germany	9,6	5,7	3,9	4,9	3,4	1,1	0,6	2,5	2,0	3,3	2,7	1,7
Italy	0,5	0,4	0,5	0,6	1,0	1,0	1,1	0,8	1,0	0,8	6,1	10,4
Spain	1,4	1,5	1,4	1,5	1,9	2,1	3,8	5,7	9,4	10,5	15,8	17,6
United Kingdom	0,8	1,5	1,4	2,0	1,8	1,5	3,6	2,8	2,8	3,1	2,1	4,4

Source: EUROSTAT

Table 3: Immigrants' arrival in European countries, 2003 (thousands)

	Total population	Immigrants' arrivals
France	59.635,0	55,0
Germany	82.536,7	144,9
Italy	57.321,1	511,2
Netherlands	16.192,6	2,8
Spain	41.550,6	594,0
United Kingdom	59.328,9	103,0

Source: EUROSTAT

- b) Most migrants enter Spain without the necessary documents (they are irregular).

Table 4: Foreign residents in Spain

	Total population	Foreign residents		
		Registered at local level (January, 1)	% of total population	In legal situation (December, 31*) % of total population
2000	40.499.791	923.879	2,3	895.720 2,2
2001	41.116.842	1.370.657	3,3	1.109.060 2,7
2002	41.837.894	1.977.946	4,7	1.324.001 3,2
2003	42.717.064	2.664.168	6,2	1.647.011 3,9
2004	43.197.684	3.034.326	7,0	1.977.291 4,6
2005	43.975.375	3.691.547	8,4	2.658.810 6,0

* * Including the 604,357 applications admitted at 07/05/2005

Source: Spanish Ministry of Labour and Social Affairs and INE (National Statistics Institute)

- c) Immigrants are concentrated in certain areas, leading to increased pressure on local administrations.

Table 5: Foreign residents in Spain by Autonomous Communities

	Total population 1/1/05	Foreigners in legal situation				Total foreign population	% of total
		Foreign residents 31/3/05	Applications* 7/5/05	% CCAA over total			
TOTAL	43,975,375	2,054,453	604,357		2,658,810	6.0	
Andalucía	7,829,202	240,475	65,279	10.80%	305,754	3.9	
Aragón	1,266,972	57,865	16,832	2.79%	74,697	5.9	
Asturias	1,074,504	17,422	2,276	0.38%	19,698	1.8	
Baleares	980,472	95,565	19,274	3.19%	114,839	11.7	
Canarias	1,962,193	131,566	19,299	3.19%	150,865	7.7	
Cantabria	561,638	14,540	1,463	0.24%	16,003	2.8	
Castilla-La Mancha	1,888,527	54,455	23,495	3.89%	77,950	4.1	
Castilla-León	2,501,534	59,824	10,051	1.66%	69,875	2.8	
Catalunya	6,984,196	470,991	123,547	20.44%	594,538	8.5	
Comunidad Valenciana	4,672,657	237,679	96,408	15.95%	334,087	7.1	
Extremadura	1,080,823	19,643	2,559	0.42%	22,202	2.1	
Galicia	2,760,179	45,224	5,104	0.84%	50,328	1.8	
Madrid	5,921,066	424,045	154,523	25.57%	578,568	9.8	
Murcia	1,334,431	94,216	39,552	6.54%	133,768	10.0	
Navarra	592,482	25,783	7,282	1.20%	33,065	5.6	
País Vasco-Euskadi	2,123,791	39,309	11,657	1.93%	50,966	2.4	
Rioja	300,685	16,226	5,721	0.95%	21,947	7.3	
Ceuta and Melilla	140,023	6,482	35	0.01%	6,517	4.7	

* Total of admitted applications of regularisation

Source: Spanish Home Affairs Ministry, Spanish Ministry of Labour and Social Affairs and INE

- d) Spain is only now starting to experience a significant level of ethnic, cultural and religious diversity.²

² Until recently, Spain was an extremely homogeneous country, despite its pluri-national structure and its cultural and linguistic diversity.

Table 6: Main origins of foreign residents in Spain

	Residents (legal situation)	Applications*	TOTAL
TOTAL	2,054,453	687,138	2,741,591
EUROPA			
Bulgaria	33,188	25,549	58,737
Romania	88,940	118,298	207,238
United Kingdom	136,766	0	136,766
Others Europe	442,336	30,149	472,485
AMERICA			
Argentina	59,008	23,848	82,856
Brasil	18,151	10,431	28,582
Chile	14,913	4,964	19,877
Colombia	145,656	56,652	202,308
Ecuador	229,050	139,714	368,764
Uruguay	13,914	10,626	24,540
Venezuela	17,327	8,031	25,358
Others America	195,222	54,691	249,913
AFRICA			
Algeria	28,127	7,898	36,025
Morocco	396,668	85,969	482,637
Senegal	19,943	9,909	29,852
Others Africa	66,458	14,211	80,669
ASIA			
China	73,936	13,120	87,056
Others Asia	72,567	15,069	87,636
Others world	2,283	58,009	60,292

* Total of admitted applications of regularisation. 7/5/05

In this environment, the main focus has been on monitoring and managing migration flows with a strong emphasis on legal integration.

It is also important to understand that in Spain, there is no social or political culture dedicated to addressing the issue of immigration. This means the debate has not really matured - there is still a lot to be learned. Legislative instruments are inadequate, and there is also an absence of technical, political, legal and social training in this field. In this environment, it could be argued that borders are managed in an *ad hoc* manner and there is a significant lack of transparency between the different agencies. What is more, security and legal gaps have made it easier for international crime organisations to traffic human beings.

In essence, migration flows appear to be uncontrollable. In practical terms, the majority of immigrants could be described as being of an irregular or illegal nature and because of this, the administration relies heavily on 'exceptional instruments' to manage the situation – namely 'mass regularisations'. There have been five regularisations since 2000 involving a total of 934,702 immigrants. This represents 30 per cent of the total number of foreigners living in Spain.

Date	Number	Method
02 2000	152,027	Extraordinary regularisation
01 2001	122,310	Regularisation by settlement
02 2001	36,013	Re-examining of the first regularisation process
04 2001	24,352	Ecuador operation (regularisation of Ecuadorian nationals) (called 'normalisation')
TOTAL	934,702	

It is also important to note that integration is a marginal issue in the debate. Because of this, there is no homogeneous model and most initiatives are short-term. In

addition, there is a significant amount of confusion regarding the competencies of different areas within the administration, and local governments and municipalities don't have sufficient resources to respond to the needs of increasingly high numbers of immigrants.

Social policies for immigrants are inspired by a culture of welfare and egalitarianism. In general, both regular and irregular immigrants enjoy almost all social rights (health care, education and social security). However, the welfare state is still weak and it is characterised by serious shortcomings in terms of management and economic capacity. Put simply, social policies have not adjusted to the significant inflow of immigrants, leading to some worrying imbalances in the administration of the system. This has generated significant complaints from the native population, who see their share of services diminishing.

Background

Some EU Member States expressed concern about the accession of Spain to the Union (then the European Community) because of its historical ties with Latin America and geographical proximity with the Maghreb. It was feared that there would be a massive influx of new immigrants from these areas. To alleviate tensions, Spain implemented a new policy in 1985 that restricted non-European Community citizen immigration.

In this environment it is not surprising that both the volume and the characteristics of the migrants going to Spain have caused a considerable degree of 'social alarm' leading to a strong demand for new policies.

The government's response, however, has been (perhaps inevitably) slow and inadequate. The first immigration law of 1985, which was drawn up because of the country's accession to the EEC (at this time Spain was the only country without any immigration legislation), soon became obsolete. Still, almost five years passed between the beginning of the acceleration in the migration flows (mid-1990s) and the first legislative response.³ This is a clear indicator of the relative failure of the government to respond adequately in this important policy area.

The recent, 'last' 'normalisation'⁴ of irregular immigrants demonstrates the difficulties the government has faced in controlling the flows. The concession of social rights, independent of an individual legal situation, prevented what could have been a great social crisis. However, as outlined above, this is a medium-term solution that has placed significant pressure on the welfare system (which has not managed to adapt to the changing environment).

Ten years after becoming a 'receiving state', Spain now has comparable numbers of immigrants to the core immigration countries of the EU, but it is still a long way off possessing the social policies required to meet the new challenges immigration presents.

³ Most administrative structures were not created until 2000, through Organic Law 4/2000 and its subsequent modifications, 8/2000, 11/2000 and 14/2003.

⁴ The new government refers to 'normalisation' campaigns instead of 'regularisation' campaigns – signalling, perhaps, a shift in attitude.

1. 1 The immigration debate

In Spain, the immigration debate has two dimensions: public concerns and public policies. While there is some overlap, these two dimensions are not always connected. Public concerns are focused on the issues of: immigration and employment, the integration capacity of Spain and the sustainability of the welfare state. Public policies, on the other hand, still focus almost exclusively on trying to control migration flows and to manage the participation of immigrants in the labour market. Neither of these dimensions address the complexities associated with immigration in any in-depth or analytical way. The fact is that immigration flows in Spain have led to radical social and cultural changes. Issues relating to identity, the emergence of cultural diversity, and the lack of understanding about rights and responsibilities are not being addressed, further, there are problems associated with political representation, competition for public and private resources and the adjustment of public (and private) services to meet increasing demands.

Public concerns – the public debate

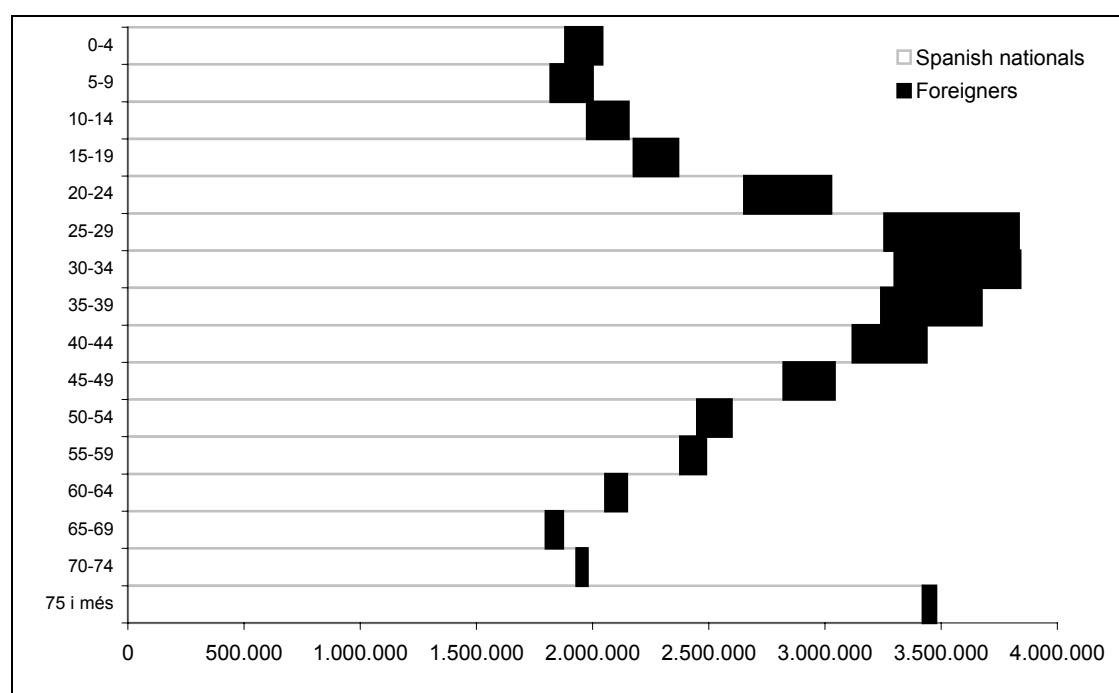
The main issues posed in the debate are:

1. The relationship between immigration and employment

The competition between natives and immigrants for jobs is a key issue of concern, however, it has not generated any serious conflicts thus far. This is largely because:

- a) The economy is generally characterised by high levels of activity and job creation, especially in the labour intensive sectors of low- and medium-skilled labour (construction, tourism-commerce, agriculture and domestic and family services), for which there is a lack of native labour supply.
- b) The cyclical behaviour of these sectors, especially tourism (and all of the industry stemming from it) and agriculture, makes these sectors attractive for immigrants, while the temporary nature of this work makes it unattractive for native workers. This means there is little competition between the two groups.
- c) There is a general understanding that middle-aged and younger immigrants help to off-set the significant ageing of the native population. In simple terms, it is believed that immigrants help to balance and sustain the welfare system through their participation in the workforce.

Population by age and nationality. Spain, 2005



Source: INE (National Statistics Institute)

The relationship between immigration and employment appears to be stable at the moment; however it does face some medium-term challenges. Immigrants are often employed in labour intensive, 'low productivity' jobs, such as domestic work, construction, retail and tourism, etc., especially in the informal economy. These jobs are not necessarily stable. This type of work is currently in high demand, however, it will have to be modernised if the Spanish economy is to develop a more stable base and survive in the future.⁵

2. The integration capacity

The second axis of this debate focuses on the impact of increased cultural diversity and the ability of new immigrants to coexist with the native population.

Spain is a country with an emigration culture and with extensive experience in internal mobility (from south to north and from west to east), and from this experience, it tends to accept immigration as a legitimate process, deserving respect and support. The 'cultural difference', however, does not form part of this experience. Spain is a country with little multicultural, and even less multi-religious experience. What is more, there is little consolidation of the secular state.⁶ Current immigration trends will create challenges as large contingents of immigrants are considerably different from the native population.

⁵ The government will have to find ways to adjust or modernise the economy to combat the current state of low productivity and the possible slowing of activity in some high activity sectors (especially construction).

⁶ Even though Spain is not a declared religious state, the role and positions of the Catholic Church in politics and society is important. Although Spain is, by Constitution, a secular state, the Catholic Church usually has an important role in creating opinion, managing education and promoting political statements. It receives money from the state and unlike other religions, it has teachers of Catholic Religion in public schools.

In simple terms, there is concern about the integration capacity of Spain.

On the strength of this concern, the host society has advocated for the assimilation of immigrants, that is, absorbing immigrants both culturally and linguistically, while restricting 'other' languages and beliefs to the private realm. Assimilation is not an explicit policy, but a social demand. The difficulties experienced in learning languages, practising other religions, and the clear differences in social behaviour have generated tensions, particularly in areas with high immigrant populations, leading to outbreaks of xenophobia and racism. To date, social and political leaders have managed these outbreaks very poorly, calling the outbreaks anecdotal and insignificant. However, this half-hearted response demonstrates the weakness and disorientation of the political and social leadership.

3. Its impact on the consumption of goods and public welfare services

The last issue in this debate – granting immigrants access to public welfare services regardless of their legal situation (the only requirement is that they be registered with the municipal government) - is probably the most serious issue in the current climate. The large increases in demand, and the negligible increase in funds (especially at the local level), are fuelling the perception that the immigrants are intensive users of the public welfare services and that this reduces the number of services available to the native population. In addition, the fact that a large number of immigrants are in an irregular situation means they are not contributing to the system.⁷

Other relevant (though less developed) issues include the political participation of long-term resident immigrants, the expansion of trans-national networks and the role of the Autonomous Communities in managing immigration (not only integration) policies.

Overall, immigration is generally accepted as necessary for economic and demographic reasons. It is seen as positive for the labour market and the future sustainability of the welfare state, but only if the numbers are managed. Pro-active management is, therefore, key to the future success of the policy.

Public policies – the policy debate

The policy debate has to be understood in terms of the significance of the influx of immigrants and the fact that most developments in immigration policy have occurred under a centre-right and right-wing⁸ government (1996-2004). The first left wing government to work on immigration policy is the renewed socialist party, The Spanish Socialist Workers Party (PSOE), which came to power after the elections of March 2004. This renewed socialist government assumed office in a period characterised not only by high levels of immigration, but also in an atmosphere of fear caused by the 11 March terrorist attacks in Madrid.

Generally, between the latter half of the 1990s and 2003 there was a significant focus on controlling immigration flows through:

⇒ Border control,

⁷ The last regularisation in Spain tried to address this problem by dramatically increasing the number of people working in the formal economy, thus producing a larger number of tax-payers'.

⁸ The first term (1996-2000) is considered a centre-right period. The second term (2000-2004), when the Popular Party (PP) won a majority, is considered more right-wing.

- ⇒ A quota system and labour contracting in the countries of origin, and
- ⇒ Bilateral agreements on regulation, planning and repatriation.

The government has also used the more reactive policy of regularising irregular immigrants, in an effort to manage the seemingly unmanageable.

Border control

In 2001, the Spanish Government developed the SIVE (Sistema de Vigilancia Integrado Exterior), a complex system of radars, cameras and telecommunications to detect and to identify boats trying to reach the Spanish coasts. First, the SIVE was implemented in the Strait of Gibraltar, and during 2003, the system was also implemented in the Canarias coasts. A series of agreements were developed between Spain and Morocco (2004), which allowed 13 mixed marine patrols to operate on the Atlantic coast of Canarias and Aaiun to detect boats trafficking immigrants. Controls over visa concessions have also been strengthened.

However, it is important to note that the main forms of entry are by aeroplane, train or the highway.

Quotas and contracting from abroad

The Organic Law 4/2000 and its subsequent modifications, 8/2000, 11/2003 and 14/2003, foresaw the establishment of annual quotas of permanent and temporary workers, which were to be determined by the administration in cooperation with employers' organisations in each sector.

After analysing the difference between the quota figures and the actual immigration flows, one might again have the sense that migration flows in Spain are uncontrollable, perhaps even desirably uncontrollable from the point of view of economic profitability, considering the low wages and working conditions accepted by immigrants in the absence of labour rights.

Regularization's applications by economic sectors (2005)	Total	Quota system, 2004			
		Total	Permanent	Temporary	
Agriculture and fisheries	100.408	Agriculture and fisheries	18.389	961	17.428
Trade	32.778	Trade	1.142	870	272
Construction	142.654	Construction	2.722	2.227	495
Textile manufacturing	17.700	Textile manufacturing	32	32	0
Hotels, hotel services and foo	71.202	Hotels, hotel services and f	3.280	1.953	1.327
Domestic work	217.627	Food industries	671	611	60
Other business activities	22.353	Wood industries	149	149	0
Others	82.416	Metal industries	1.641	1.616	25
TOTAL	687.138	Other industries	150	150	0
		Services	1.512	1.205	307
		Transports	1.290	1.134	156
		TOTAL	30.978	10.908	20.070

Source: Spanish Ministry of Labour and Social Affairs

This table shows that there is a large gap between (legal) supply and demand. It would seem that the quota system's inadequacy exacerbates the problem of irregularity, fuelling the informal economy. In essence, the system's inoperativeness has led employers to contract irregular workers, and the trafficking of irregular workers has therefore become the real channel for managing immigration flows.

Bilateral agreements on regulation, planning and repatriation

Over the last decade, Spain has signed a number of bilateral agreements with some of the principal source countries of migration flows. The main objectives of these agreements are to facilitate the repatriation of irregular immigrants to their countries of origin or to countries of transit if they are citizens of third countries.

Bilateral agreements on readmission

Country	Date	Country	Date
Algeria	31/07/2002	Mauritania	01/07/2003
Bulgaria	16/12/1996	Morocco	13/02/1992
Estonia	28/06/1999	Poland	21/05/2002
France	26/11/2002	Portugal	15/02/1993
Guinea Bissau	07/02/2003	Romania	29/04/1996
Italy	04/11/1999	Slovakia	03/03/1999
Latvia	30/03/1999	Sri Lanka	17/11/2003
Lithuania	18/11/1988	Switzerland	17/11/2003

Source: Secretariat of State for Immigration and Emigration

Repatriations between 2001 and 2003 amounted to more than 200,000 immigrants, and in 2004 alone, repatriations exceeded 120,000. Nevertheless, figures on repatriated persons continue to be small in comparison with the total volume of immigrants that arrive in Spain annually. It is important to note that the government has not been able to sign this kind of bilateral agreement with Latin American countries, which combined constitute the leading area of origin of immigration flows to Spain (2004) and whose citizens are, at the same time, the group of immigrants with highest percentages of irregular status.

Repatriations from Spain. 2003-2004

	2003	2004
Total repatriations	93.951	121.121
Expulsions (1)		
Ordered	53.778	50.644
Done	14.104	13.296
Returns (2)		
Ordered	15.995	18.459
Done	13.684	13.136
Refusals (3)	14.750	11.280
Returns (on readmission agreements)	51.413	83.409

- (1) Expulsions of foreigners in irregular situation
(2) Foreigners detained while trying to entry irregularly in Spain
(3) Refusal of entrances and obligation of return to country of origin in charge of transport companies
(4) Refusal of entrance from France and Portugal because readmission agreements signed.

Source: Spanish Ministry of Home Affairs

Finally, seven bilateral agreements for the regulation of immigration flows (establishment of quotas) have been signed with Colombia (2001), Ecuador (2001), Morocco (2001), the Dominican Republic (2001), Poland (2002), Romania (2002) and Bulgaria (2003). These agreements are specific to labour immigration flows, provisions for readmission are not included in them.

Countries with which Spain holds agreements on regulation of migratory flows

Country	Date
Bulgaria	28/10/2003
Colombia	21/05/2001
Dominican Republic	17/12/2001
Ecuador	29/05/2001
Morocco	25/07/2001
Poland	21/05/2002
Romania	23/01/2002

Source: Secretariat of State for Immigration and Emigration

There is another embedded goal within this policy, designed to manage the flows according to origin based on the idea of ‘cultural proximity’. This has been evident in the case of Latin American countries and also in the case of the Eastern European ones (there is a preference for immigrants who are easier to assimilate - Latin American nationals due to the proximity of language and religion and Eastern Europeans due to their European cultural heritage). This preference was formally consolidated in the last legislative modification proposed in the Law 14/2003, requiring that the labour offers made through the annual quota of workers are to be directed toward workers from countries with which Spain has signed a bilateral immigration agreement.

If quota figures prioritise immigration based on productive skills (according to the needs of the labour market), the bilateral agreements on regulation of migratory flows help to define the immigrant profile preferred by the Spanish government.⁹

Finally, Article 41 of Law 14/2003 is an important prioritising mechanism in itself: It foresees the exemption of a need to obtain a work permit for high skilled immigrants, such as technicians and scientists who are invited to Spain by the State, the Autonomous Communities, local governments, university professors or teaching professionals in cultural institutions.

The combination of these three instruments (border controls, quotas and contracting abroad and bilateral agreements) has not only shown itself to be manifestly inoperative but at the same time, they have not helped the government achieve its main goal - to control the migration flows.

This policy mix (and in particular the quota system) has been systematically frustrated, as increasing numbers have entered Spain without papers to fill labour market shortages. Because of this, governments have been forced to conduct regularisation campaigns to manage the immigrants already in Spain. In essence, regularisation has been accepted as a *“fait accompli”*.

⁹ The agreement with Morocco can be explained both by geographic proximity and by the high number of immigrants coming from that area.

There have been six regularisation campaigns in Spain in ten years. Common arguments for the regularisations (or normalisations as they are now called) focus on the pressure that irregular immigrants put on the welfare state, particularly on social services, education and health without contributing to the system. Following this argument, immigrants are 'normalised' as long as they are part of, and are able to increase the active population and contribute to the system as producers and tax-payers.

The 2005 regularisation

The 'last' regularisation was the sole focus of the government from 2004 until its conclusion in May 2005. Since its conclusion, instruments of the previous government's immigration policy, including the GRECO Programme (Global Programme to Regulate and Coordinate Foreign Residents' Affairs and Immigration in Spain), have been relegated to the background. At the same time there have been significant improvements to labour conditions (more inspections), the creation of centres of migration for welcoming migrants and providing information, etc., the concession of providing residence permits to those 'deeply-rooted' in Spain, and more. In addition, the decree enabling this regularisation also provides specific financial resources for migrants' integration.

This campaign is to be the last and most extensive regularisation of immigrants in the short history of Spanish immigration, providing an opportunity for the irregular inhabitants (estimated at more than one million people) left behind by the previous government, to regularise their stay. The basic requirements of this new regularisation, which was open to all immigrants who could prove that they entered Spain before 7 August, 2004, included:

- 1- To have a work contract with a duration of at least six months, or
- 2- To be able to demonstrate continuous activity in the provision of domestic services.

There were two groups for whom the regularisation was not necessary:

- a) Professionals with high-level qualification and professional experience (such as scholars, researchers, journalists and students)
- b) People linked to churches with religious ministry functions.

Both of these groups have a special status in Spain.

The regularisation also opened up opportunities for self-employed immigrants, if legal requirements could be met and if they could demonstrate financial independence.

It is clear that this campaign had a strong focus on economic and labour-related issues. In addition, the government took the opportunity to improve and enlarge opportunities for family reunification, by developing schemes for close relatives to come into Spain. At the end of the campaign (7 May 2005) the result was as follows:

Regularisation applications by Autonomous Communities

	TOTAL	Refusal	Pending cases	Approved	% total applications
Andalucía	84.694	1.199	18.216	65.279	10,80%
Aragón	18.298	217	1.249	16.832	2,79%
Canarias	23.490	1.168	3.023	19.299	3,19%
Cantabria	1.948	72	413	1.463	0,24%
Castilla-La Mancha	26.703	502	2.706	23.495	3,89%
Castilla-León	11.496	201	1.244	10.051	1,66%
Catalunya	139.485	5.912	10.026	123.547	20,44%
Madrid	171.012	5.765	10.724	154.523	25,57%
Navarra	8.039	29	728	7.282	1,20%
Comunidad Valenciana	107.830	2.276	9.146	96.408	15,95%
Extremadura	2.941	15	367	2.559	0,42%
Galicia	6.574	355	1.115	5.104	0,84%
I. Baleares	21.445	1.302	869	19.274	3,19%
País Vasco-Euskadi	13.211	64	1.490	11.657	1,93%
Asturias	2.780	90	414	2.276	0,38%
Murcia	43.796	2.110	2.134	39.552	6,54%
Rioja	6.655	388	546	5.721	0,95%
Ceuta and Melilla	282	5	242	35	0,01%
TOTAL	690.679	21.670	64.652	604.357	100,00

Source: OPI. Spanish Ministry of Labour and Social Affairs

It is estimated that these regularised immigrants will contribute €118 million per month to public finances. It seems, therefore, that in and of itself the regularisation process has been successful in helping to create a manageable situation in Spain, by contributing to public financing for welfare services, and b increasing demand for those services. However some negative effects must be noted. The most prominent of these has been the negative reaction of the European Union, particularly France, which has voiced concerns about:

- ⇒ The repercussions that this regularisation may have on other countries due to the free movement of people throughout the European Union.
- ⇒ The effect that this regularisation might have in making irregular immigrants identify this as the most efficient way to access European labour markets and societies.

Broadly, the government appears to have focused on achieving medium term objectives rather than addressing the above-mentioned concerns. The medium term objectives of the regularisation process were:

- ⇒ To eradicate the informal economy.¹⁰
- ⇒ To facilitate the proactive (and transparent) management of the labour market, and to establish the present and future needs of labour and human capital.¹¹

¹⁰ As part of the process, the government developed a policy of stronger penalties for employers who hire undocumented (irregular) migrants.

- ⇒ To ensure the viability and effectiveness of mechanisms to manage migration flows, regarding both entry and return policies.¹²
- ⇒ To eliminate any future expectations that there will be additional mass-regularisations.
- ⇒ To clarify the mechanisms for individual regularisation (for extraordinary circumstances).

The government also took the opportunity to strengthen Spain's orientation towards development, with a particular emphasis on key immigrant source countries, aimed at reducing immigration push factors.¹³

It is difficult to make predictions about the chances of achieving these objectives. However, the signs are encouraging.

This last regularisation has demonstrated the impact that one state immigration policy has on other EU Member States and it may stimulate demand for a common European immigration policy (a highly publicised goal since Tampere). However, to date, the European Council has not taken this goal very seriously. Instead, the Council appears to be more inclined to favour national sovereignty in immigration policy.

In summary

There are some major challenges for the future:

- 1- The quota system has never really been effective. It seems the real management of immigration flows is 'informal', falling partly to mafia groups that traffic in human beings.¹⁴
- 2- Irregular immigration fuels the informal economy and it leads inevitably to labour exploitation.
- 3- The (current) irregular immigration model makes it impossible to have a transparent management of the labour market, which is already difficult to achieve in the most affected economic sectors, given their disaggregated and atomised structure (domestic labour) and cyclical nature (agriculture and tourism etc.)
- 4- Irregular immigrants often suffer from complete social isolation because of their clandestine status.
- 5- The irregular immigrants' right of access to social welfare services puts growing, unpredictable pressure on the welfare system.

¹¹ The Royal Decree (2393/2004) includes new instruments, including a Tripartite Labour Commission to study the labour market needs, and from now on, they will help to link labour demand to incoming legal immigration flows.

¹² To achieve this, the government is strengthening border controls, returning 'illegals', and improving the quota model, etc.

¹³ Until now, these initiatives have been anecdotal and low priority in the Spanish immigration policy.

¹⁴ The mafia groups, supported by labour trafficking, are also involved in trafficking in human beings (prostitution, children) and other trafficking networks (drugs, money laundering, etc.)

- 6- The focus on flows (irregular migration) and labour migration has led to the neglect of policies for family reunification, minors, and, in particular, unaccompanied adolescents.
- 7- The welfare access right, which has ensured social cohesion in an environment that includes a large number of irregular immigrants, makes it easier for irregular immigrants to wait out their stay in Spain until they are able to take advantage of a new regularisation.
- 8- The lack of fiscal contributions by irregular immigrants with the right to use welfare services fuels tensions among the native population, who see their quota of public services diminishing.
- 9- The use of extraordinary and massive regularisation campaigns is seen as a 'pull factor' for irregular immigration.

Overall, the Spanish government has a favourable view of immigration – if managed, as articulated by labour market and demographic arguments. However, the governments have not been capable of constructing an adequate model for managing migration flows. The current policy mix of quotas, border control and bilateral agreements on immigration and returns have not managed to stem the tide of the massive entry of irregular immigrants, who, once arrived, have had to be legalised in order to prevent the perpetuation of irregularity. Irregularity is harmful to both immigrants themselves (leaving them open to exploitation) and to the social, economic and political welfare of the country. The most recent regularisation is considered 'the last regularisation'. It remains to be seen if it is possible to change the direction taken until now to achieve a coherent and sustainable immigration policy in Spain - a key country on the southern and Atlantic border of the European Union.

1.2 The integration debate

The integration debate could be described as secondary, partial and territorially fragmented, which has led to a heterogeneous, unevenly dispersed policy.

First, it is important to note that the Spanish government has focused almost exclusively on the control and management of migration flows (outlined in section 1.1), not integration. Because of this, policies are not as advanced as they could be.

Second, the debate is often narrow: Integration has largely been seen as a need to obtain "papers" - regularising the legal status of irregular immigrants and granting access to welfare.

Third, in practice, the integration of immigrants has been fragmented and uneven, often managed at the local level by municipalities with large numbers of immigrants. Consequently, the results have been varied.

The debates on the step from regularity to full citizenship and from citizenship to coexistence; and the reconciliation of the identity struggle are rarely addressed.¹⁵

¹⁵ For the time being, these questions are only basically addressed by scholars and by some authorities that have identity challenges in their own territory.

The current environment

Broad principles

Spain has not resolved or, one might argue, sufficiently thought through the integration debate. Policies and programmes still oscillate between promoting 'assimilation' and 'multiculturalism'.

National initiatives

As mentioned above, the main focus for integration has been the regularisation of residence, the incorporation of immigrants into the labour market and granting access to social welfare services.

The regularisation campaign is outlined in more detail in section 1.1.

Second, the government has made some progress in labour market integration with the *2004 National Action Plan for Employment*, which includes concrete measures that address the needs of immigrants. One of its directives, for example, is designed to promote the integration of 'disadvantaged people' into the labour market and to combat discrimination. Concretely, it sets aside (albeit scant) resources (from the European Social Fund) for programmes to improve the training and labour market integration of immigrants and to raise public awareness about issues relating to immigration.

At the same time, the second *Spanish National Plan for Social Inclusion (2003-2005)* foresees specific programmes to enhance 'social integration'.¹⁶ The Plan foresees, for example, the creation of specific programmes for improving the education, training and the access of immigrants to work. However, the true source of exclusion in this respect is irregularity, which is avoided in this policy. Once again the challenges faced by irregular immigrants end up in the hands of the local government (like all aspects linked to social and cultural integration).

The government also facilitates integration by providing immigrants with access to welfare (education, health care, basic social services). There are notable benefits for children through equal access to education, which helps to improve their opportunities in the future.¹⁷ At school, children are also integrated socially by learning the language and the cultural codes of the host society. It is interesting to note that this is an issue of great importance for Autonomous Communities with their own 'national' language and identity. The Generalitat of Catalonia (the Catalan government), for example, has devoted a lot of time and resources to drawing up its own immigration policy to guarantee the full integration of immigrants while at the same time preserving the Catalan language and culture (in fact the language of integration in Catalonia is Catalan, not Spanish).¹⁸

¹⁶ It is important to note here that integration is primarily concerned with labour market integration, and it is aimed, in general, at immigrants with a residence permit and, more specifically, at those who have a work permit.

¹⁷ However, schools can also reproduce confusing strategies for integration, which might also differ depending on the region, the school or the teacher.

¹⁸ It is also interesting to note that the Catalan government will soon adopt its own Citizenship and Immigration Programme (2005-2008) to manage the integration of immigrants in Catalonia (citizenship here has to be understood as civic citizenship, not nationality). The policy is based on the local experience in terms of public service provision for a diverse population. It addresses educational needs, and includes language courses, adjustments in health service provisions, cultural mediators, training courses for women and civic participation.

More generally, by providing access to welfare, the government has helped to support a large number of irregular immigrants, which has helped to avoid a crisis, conflict or social alarm. However, as already mentioned, it has also exacerbated serious problems in the system, as it has been impossible to predict demand. Moreover, the use of such services by immigrant 'non-taxpayers' is now being perceived as dishonest by some groups in Spain, particularly in municipalities with a strong presence of immigrants where the resources are shared with a greater number of 'newcomers'.

European initiatives

Integration initiatives defined in the common European (EU) sphere have been limited to the directives on family reunification and long-term residents. These directives have not been transposed into Spanish legislation yet. Instead, the government has given priority to the recent regularisation, improving family reunion provisions and setting the guidelines for individual regularisation on the basis of settlement. These priorities were set out in the Royal Decree (2393/2004) of 30 December 2004.

Meanwhile, the government does aim to adapt Spanish legislation to take the new directives into account and comply with the timeframe determined by the EU. Directive 2003/86/EC on family reunification must be transposed by 3 October 2005, and Directive 2003/109/EC on long-term residents by 23 January 2006. It is interesting to note that the current legislation on these issues is generally more far reaching than the European directives. It is therefore reasonable to expect that these new directives will be easy to adopt.

Reception Initiatives

The first significant step in structuring integration policies has been the recent decision by the government to create a €120 million fund,¹⁹ for municipal governments to help them implement immigrant reception policies. The municipal governments are free to decide how this money is spent. Autonomous Communities (CCAA) and Municipalities often use this money for migrants' accommodation and integration programmes and for training programmes. Each CCAA receives a basic and equal allocation, but special allocations are available to CCAAs with higher numbers of immigrants (according to municipal census, schooling and official labour data). This is an important symbolic step within the cooperation framework between the Central Government, CCAA and Municipalities to manage immigration. There are 17 CCAA and about 10,000 municipalities.

Generally, policies on the reception of immigrants are very weak. There is no clear national framework of reference and the initiative has been adopted principally by the town city governments, often without any real political, technical or economic support. However, the fund is an important development as it should lead to (1) innovation and (2) a greater level of cooperation between different administration levels.

The basic services offered in the reception initiative include information on rights, services (including emergency services), language courses and training, especially for women. However, these services are usually quite modest in practice – focusing on helping migrants register in the census and fill in administrative papers, etc.

¹⁹ It is interesting to note that the figure of €120 million is almost equal to the estimated minimum fiscal revenue that recently regularised immigrants will pay into the fiscal system each month (€118 million).

Social Initiatives

The tendency to promote the social integration of immigrants through civil society has been largely self-managed, and as a result, the outcomes have varied (and they have not always been positive). One of the main problems is that immigrants often set themselves apart from the native population based on nationality or religion. National group associations (based on cultural, sport and religious activities) are often the main instruments of socialisation and it is rare to find any real interaction between immigrants of different origins through different associations or between immigrants and native people, in spite of the efforts made by several local governments to foment such a possibility.

Selecting migrants based on cultural attributes

Section 1.1 highlights the 'cultural proximity' initiative - the government's efforts to select 'easily integrate-able' immigrants. In practice, cultural proximity relates to language. In Spain there are clear differences (hostilities) emerging, particularly regarding civic attitudes and the use of public spaces. The concentration of people in public squares and the increased violence in social relations (a culture of weapons), youth socialisation problems (gangs such as ñetas, maras, etc.) and others challenges will have to be addressed. Although Latin Americans and eastern Europeans are seen as culturally close, there are significant differences in terms of public behaviour, civic reactions and processes of socialisation.

In Spain, cultural clashes have been dramatic, but rare. The events in El Ejido in 2000, for example, which resulted in two deaths and a serious citizens' riot, which were repeated sporadically and in an isolated way until a recent demonstration in the Madrid neighbourhood of Villaverde, where fascist, racist and xenophobic attitudes were expounded as a 'social response' to the murder of a Spanish national (killed by a 'foreigner').

More generally, confrontation between the host society and immigrants has continued throughout Spain with a strong element of symbolism (rather than physical violence). For example, the trainer of a national Spanish football team was heard using the unacceptable, colloquial phrase "negro de mierda" (black bastard). Sporting authorities played down the incident and the trainer was exonerated. However, since the incident, racism has grown significantly in football stadiums and in other public spaces.

At the moment, Spanish authorities are trying to understand this behaviour in order to design pro-active public policies while increasing the presence of police. Discussions about these incidents differ between those who consider them as anecdotes and those who think it is necessary to address them head on. Anti-discrimination policies are not really addressed in terms of race or culture. Instead, they still focus on equality between men and women.

On the other hand, it should be acknowledged that the terrorist attacks in Madrid (2003) and New York (2001) do not seem to have had an impact on the Spanish population's attitude towards Muslims. Spain has a long and unfortunate experience of terrorism, and this has helped Spanish nationals to clearly distinguish terrorist activity from ethnic or religious groups. This does not mean that cultural conflict does not exist, but that Spanish society distinguishes with a great deal of precision between terrorists and any other group.

Religion

The religious situation in Spain has also created complexities in the integration process. Spain is religiously homogenous, at least formally, and the Catholic Church enjoys immense privileges. The idea of withdrawing privileges held by the Catholic Church poses serious political and social difficulties. Yet at the same time, the existence of these privileges legitimises the demand that other churches be given fairer treatment – similar treatment - which basically means influencing the social system (most importantly the education system), and receiving money from the state. Until now, the dominant political tendency, practised by the conservative governments of José María Aznar, has been to maintain the privileges of the Catholic Church and make minor concessions to the other faiths that have advanced (considerably) in their institutional position. However, the relationship between new government and the Catholic Church seems to be less significant (not as close).

Citizenship and identity

Despite a general lack of attention, some migrants are making an effort to be naturalised, and one might assume, fully integrated in Spain.

Foreigners and acquisition of nationality in select EU countries

	1990	1999	Naturalisations 1990-1999
Belgium	904.000	897.000	213.000
France	3.596.000	3.263.000	1.084.000
Germany	5.342.000	7.343.000	2.316.000
Italy	781.000	1.252.000	65.000
Netherlands	692.000	651.000	505.000
Spain	278.000	801.000	86.000
Sweden	483.000	487.000	323.000
United Kingdom	1.723.000	2.208.000	477.000
TOTAL EU-15	14.941.000	19.062.000	5.315.000

Source: SOPEMI-2001

Conclusion

As mentioned above, the sudden incorporation of large stocks of immigrants, with cultural, ethnic and religious differences, has generated concerns about the ability of immigrants and natives to live in peaceful co-existence. What is more, the requirement to assimilate has created tensions in areas with high immigrant populations, leading to outbreaks of xenophobia and racism.

Social and political leaders have managed these outbreaks very poorly, calling them anecdotal and insignificant. This demonstrates the weakness and disorientation of the political and social leadership. More broadly, the government has often reduced the debate and policy to a question of legalisation. It is feared that the problems with this limited approach will soon become apparent. As mentioned above, there are increasing examples of attitudes and situations that reveal challenges for peaceful coexistence in an environment of increasing ethnic, cultural and religious diversity like the one that is emerging. The government will have to address this situation with more far-reaching policies.

On a more positive note, the full endorsement of the European constitution by referendum appears to demonstrate a preference for a more integrative perspective of the public space and for the full recognition of the pluri-national and pluri-lingual nature of Spain. In addition, local authorities and NGOs are facilitating integration through language courses, sports activities, fairs and cultural celebrations, courses on gastronomy and cuisine, programmes for peer students, education and training support, the promotion of entrepreneurial initiatives for women... all oriented to facilitate the knowledge of the 'other' and to ease the living of immigrants in the new social environment.

1.3 Brain drain: a non-existent debate

The drain of Spanish knowledge and skills

For some years, the debate on brain drain has been on the political agenda of both the Spanish government and the governments of some autonomous communities, such as the Generalitat of Catalonia. However, the debate does not focus on the consequences of brain drain on source countries, but rather the consequences of Spanish brain drain for Spain's development and competitiveness.

During the latter half of the 20th century, a large number of scientists and researchers left the country in search of better employment opportunities and working conditions than those available in Spain. This situation only started to change after 2000. Now well-known researchers are starting to return to Spain, drawn by special programmes developed by the State government or by special offers made by Autonomous Communities. Proximity to retirement and quality of life in Spain have helped, and now there are more opportunities to instigate new high quality research programmes.

Generally, however, Spain is still an exporter of human capital (brains). This problem is particularly acute in the areas of health, technology and sciences. A significant number of nurses have, for example, chosen to emigrate to Great Britain in recent years due to lack of job opportunities in Spain.

Brain drain from developing countries – a non-issue:

In contrast, the debate on the brain drain from other countries is practically non-existent - with the exception, perhaps of some Latin American countries that are affected by dictatorships or grave economic crises, generating a considerable outflow of *high-skilled* migrants.

The absence of this debate is explained by the following factors:

1. The percentage of high-skilled immigrants is relatively small.

Foreign population by educational level and origin. 2004

	European Union	Latin America	World
Illiteracy	0,4	0,2	9,6
Primary education	9,6	22,3	29,9
Lower secondary education	12,8	24,5	17,3
Upper secondary education	31,4	33,7	24,7
Tertiary education	45,8	19,3	18,6

Source: Encuesta de Población Activa. 4o trimestre de 2004. INE (National Statistics Institute)

2. In many cases the (relatively few) high skilled migrants that enter Spain are irregular and they are working in low-skilled sectors, so they do not compete with Spanish natives.
3. The annual quotas system is aimed at unskilled labour, so, it promotes the access of unskilled workers to the Spanish labour market. Brain drain is not an issue for unskilled migration.

The Spanish labour market has an abundant resource of high skilled labour, there is therefore a greater demand for low and medium skilled labour. The government is therefore *not* trying to attract people with skills away from developing areas. Instead, the main issue is to find ways to reconcile the needs of the existing over-qualified population with the real needs of the labour market.

Skilled migration

However, this is not the whole story. Non-EU citizens can apply for certain jobs, particularly for those jobs suffering skill shortage in Spanish (or Europe). Indeed, the government makes it easier for these people to enter the country - Article 41 of Immigration Law 4/2000 grants exemptions to work visa requirements for some high-skilled foreigners, such as visiting professors, researchers, etc. from other OECD countries.

As a whole, however, it can be argued that the migration flows to Spain have a relatively neutral brain drain effect.

Development

Spanish support for development is still weak, and the few initiatives that have been implemented through the Spanish agency for cooperation and the network of development NGOs, are quite modest. The change in government may change this situation to a degree, but it should not be forgotten that Spain is still a positive net beneficiary of European Structural Funds because it is a less developed country (in terms of economic development and social welfare, etc.) than other EU countries. Some areas in Spain are still considered 'under development'.

At the same time, Spain does provide development in the form of (significant) remittances - money sent from Spain to an immigrants' countries of origin. Despite the difficulties in calculating exact figures, in 2004 estimates were around €3,436,000, which means 0.4 per cent of the Spanish GNP and an increase of 20 per cent in relation to 2003 figures. In 2004, 60 per cent of remittances were sent to Latin American countries. Without a doubt, the impact of these remittances on the countries of origin are very important, although the greatest part of the money is spent on consumption, which has a low impact on the investment processes of each country. It should also be noted that Spain is still a net recipient of remittances: in 2004, the balance was calculated to be around €736 million.

Return programmes

Finally, reference must be made to the Programme for the Immigrants' Voluntary Return (PREVIE), financed by the Spanish Institute for Migrations and Social Services (IMERSO), with the collaboration of the IOM and developed by the former Government Delegation for Foreignness and Immigration. This programme is aimed at immigrants in situations of social vulnerability, and it foresees the granting of aid to

facilitate their return to their countries of origin. The programme includes the processing of the necessary paperwork, the aeroplane ticket, a small amount of money for the journey, economic assistance to help reintegrating returnees into their country of origin, and the monitoring of their return. Although the figures on voluntary returns are low (150 voluntary returns in 2003 and 139 as of mid-2004), the number of applications is growing. Nevertheless, PREVIE is not a programme of aid for development, nor can it be linked to a foreign policy strategy. Rather, it would be considered an assistance programme and would form part of the wider strategy of immigrant repatriation and therefore of the control of immigration flows.

2. Basing policies on evidence and consultation

2.1 Making use of knowledge

In the Spanish immigration process, rational attitudes are mixed with political goals and emotional reactions. This might have been expected considering the lack of experience in immigration policy, which is less than ten years old.

Immigration policy has developed in a period where the challenges were not anticipated, predicted, studied or managed from a rational, clear strategy. The factors that have caused this unfortunate scenario are detailed in chapter 1 of the report. They include:

- 1- The fact that the magnitude of the immigration was an 'historic surprise'.
- 2- Immigration and settlement have been primarily 'irregular'. This has made it impossible to compile systematic, reliable data.
- 3- There was a delay in the recognition of the phenomenon of immigration as a serious public policy problem and a tendency to minimise the issue in the early stages and even at the present time.²⁰
- 4- An initial strategy for confronting the issue based on short-term policies focusing on border control and on the objective of eliminating the problem and not recognising, analysing and managing it.

In the 1990s, Spanish public policy failed to identify or address the phenomenon of immigration. In 2000 the government adopted a style that was not conducive to managing immigration. The policies of border control and the quota system **have** failed due, among other reasons, to an obvious lack of analysis and, even worse, due to a wilful denial to address the situation as it existed. One might argue that the last stage of the Aznar government was characterised by the substitution of reality with desires, and not only in the area of immigration. It is in this period that the expression 'statistical blackout' was coined in Spain to try to explain the attitude of the government with respect to information, an attitude that reached its paroxysm with the way it treated the information regarding the events of 11 March 2004.

However, it should be said that the governments of the autonomous communities and of municipalities, of all political colours, have often fallen into the temptation of avoiding the issue. Obviously, this is not ideal – it does not facilitate a climate for designing public policies based on knowledge. It is interesting to note that the denial of the realities of immigration has existed along side a significant growth in the study of immigration in universities and social institutions. This has been frustrating for those outside government as never before had so many studies and conferences contributed and influenced so little in public policy.

The March 2004 general election gave the victory to the Spanish Socialist Workers Party (PSOE), a left-wing formation led by José Luís Rodríguez Zapatero - following eight years of conservative governments. Although it is still very early to make judgements, it seems that the Spanish immigration policy has taken a new direction, despite the fact that one of its first measures, a new regularisation, should normally make one think the contrary.

²⁰ Both political sides have been guilty of this.

The new government has, however, demonstrated a clear shift away from the approach taken by the previous government in terms of administrative organisation. Through Royal Decree 553/2004, of 17 April, the ministry departments were restructured. Spanish immigration policy ceased to be the competence of the Government Office of Alien and Immigration Affairs, dependent on the Ministry of the Interior, and became part of the competences of the Ministry of Labour and Social Affairs, and more specifically, the Secretariat of State for Immigration and Emigration. This Secretariat also includes a new General Directorate on Immigrants' Integration. This change marks a new orientation and indicates a different understanding of the issues at stake. It is also important to note a change in information management. The very day that the recent regularisation period ended, the web site of the Ministry of Labour provided up-to-date information, practically every hour, with regard to the number of applications presented and their break-downs by territory and sector of activity.

It is difficult to comment on the approach taken by the new government at this early stage, however there do appear to be indications that this government will focus more on research and analysis and transparency in the management of immigration. But it remains to be seen whether or not they will go beyond the management of immigration flows and allow for dealing with the pending debates (model of integration, cooperation for development etc.).

New developments

- The current government has announced the creation of a National Agency for the Evaluation of the Quality of Public Policies and Public Services.
- There has been a greater internationalisation of the debate - with regard to the European scene, to multilateral organisations and, most especially, to the countries which are sending immigration to Spain.
- There has been a clarification of the frameworks of competence among the different jurisdictions, and close attention has been paid to the local level of government, the principal manager of the process of integration, which has traditionally received very little support in carrying out this function.
- There are improvement in the mechanisms of co-ordination in the area of security, and not just in relation to terrorism but also with regard to international organised crime organisations, trafficking in human beings, gangs and networks for international integration of these mafias with those that operate in the sphere of drugs and arms trafficking and in organised petty crime.

Therefore, we can conclude that the management of the policy has been marked by the newness of the immigration phenomenon and the style and attitude of the government's action in the field of immigration, which was not very rational or oriented toward the future. However, it is reasonable to imagine that it would hardly have been possible for any government, regardless of its political colour, to be able to deal with this phenomenon in an analytical and rational way in the face of the abrupt and even unexpected irruption of the phenomenon of immigration in Spain. There is now an undeniable demand for more analysis and depth and scope in policy development.

2.2 Including stakeholders

Before analysing the stakeholders involved in the debate, one must understand Spanish civil society in general.

Spanish democracy is not particularly mature, and neither is Spanish civil society. There are some larger, protected organisations of social representation, such as the trade unions and employers' organisations, and some historical NGOs (including Caritas and the Spanish Red Cross), however, the rest of the Spanish social fabric is plagued by a lack of independence, especially financial independence. In addition, migrants' associations are quite new and so their influence on government policy is often minimal.

There are two different structures in the social framework :

- 1- The social organisations that represent the different groups, among which the Comisiones Obreras (Workers Committees) and Unión General de Trabajadores (General Union of Workers) trade unions and the Spanish employers' organisations, led by the Confederación Española de Organizaciones Empresariales (Spanish Federation of Business Organisations), have a strongly and undeniably dominant position.
- 2- The participation structures set up by the Government for analysis, design, negotiation and, above all, the legitimisation of public policies. At this second level, it must be understood that these national structures tend to be replicated at the level of the Autonomous Communities and at the local level.²¹

Two key groups participate in consultations: Forum for the Social Integration of Immigrants, and the Permanent Immigration Observatory, both of which are linked to the Ministry of Labour and Social Affairs through Royal Decree 553/2004, of 17 April.

The Forum for the Social Integration of Immigrants is the principal instrument of consultation, information and advice on the subject of immigration and, especially, on the subject of integration of the immigrants established in Spain. It is consulted by the Government, the administrations of the Autonomous Communities and the local authorities. Its main functions are to formulate proposals on the subject of immigrant integration, channel proposals from social organisations, and write reports, some of which are annual ones, on the state of the social integration of immigrants and refugees. Its current composition is as follows:

- ASCIB - Ibn Batuta Socio-Cultural Association
- ATIME – Association of Moroccan Immigrant Workers
- AICODE – Latin American Association for Cooperation, Development and Human Rights
- VOMADE – Dominican Mothers Volunteer Group
- Ari Peru
- ACHE – Association of Chinese People in Spain

²¹ The government has two significant, complementary administrative bodies: the High Council on Immigration Policy, in charge of co-ordinating the different levels of the Spanish Administration (State, Autonomous Communities and local authorities) and the Inter-ministerial Commission for Alien Affairs, the body responsible for the horizontal co-ordination of the government itself.

- AESCO – America-Spain Solidarity and Cooperation
- ACULCO – Cultural Association for Colombia and Latin America
- CRUZ ROJA – Spanish Red Cross
- CARITAS – Federation of Spanish Diocesan Charities
- Red Acoge
- ACCEM – Spanish Catholic Migrations Commission Association
- CEPAIM – Consortium of Entities for Integral Action with Migrants
- CCOO – Workers Committees Trade Union
- UGT – General Union of Workers Trade Union
- CEOE – Spanish Federation of Employers’ Organisations
- General Directorate of Consular Matters and Protection of Spaniards Abroad
- General Directorate of IMSERSO
- General Directorate of Peripheral State Administration
- General Directorate of Community Services. Autonomous Community of Catalonia.
- Social Services Council. Autonomous University of Madrid
- FEMP – Spanish Federation of Municipalities and Provinces
- ASTI – Association for Solidarity with Immigrant Workers
- CONADE – National Coordinator of Ecuadorians in Spain
- FMP – Federation of Progressive Women

For its part, the Permanent Immigration Observatory is a stable organ of collection, analysis and the exchange of information on the subject of alien affairs, immigration and asylum between the State, the Autonomous Communities and the local governments. It produces studies and contributes, through publications, to the dissemination of information. Likewise, every year it publishes its *Anuario Estadístico de Extranjería* ('Alien Affairs Statistical Yearbook'). Its function, in practice, is to integrate the functions of a think tank and the management of relations between the administrations, knowledge centres (universities, study and analysis institutes, etc.) and the administration of the state itself.

With the exception of some organisations of an anti-system nature (focused on fighting for the elimination of all requirements that limit the people’s movement and which are organised in an assembly-type organisation with the ‘Papers for Everyone’ slogan), most social organisations in Spain are represented in the institutional organs Forum for the Social Integration of Immigrants, and the Permanent Immigration Observatory, and since 2004, they have collaborated actively and with a high level of agreement in the latest measures in immigration policy, and more particularly, in the current regularisation process.

In this field, however, there are three actors that have played, and seemed to be called to play, an especially prominent role in immigration policy. In the first place, the trade unions and employers’ organisations are, without a doubt, principal actors and decisive and privileged interlocutors with the government, perhaps even a little too much so. Second, through the Permanent Immigration Observatory, the

possibility seems to be emerging to strengthen the presence of the university and academic world and of experts and organisations oriented toward the study of the phenomenon of migration. Third, historical NGOs (Caritas and the Spanish Red Cross), national and local NGOs of lesser tradition and recognition and self-help organisations managed by the immigrants themselves, are playing a key role, especially in the management of irregular immigration, as irregular immigrants are subjected to the worst living and working conditions.

In the identification of the agents active in the management of the immigration phenomenon in Spain, it is absolutely crucial to recognise the role of municipal governments and the local level. The local level has generally been forced to address the needs of both regular and irregular immigrants (but most importantly, irregular immigrants) because of the lack of direction and initiatives from above. The lack of frameworks of reference and of explicit global policies has brought about a dispersed and experimental management style. In a country characterised by small pockets of local power (there are 10,000 municipal governments throughout Spain), this dynamic has generated an enormous wealth of experiences and innovations, often developed on the sheerest of willpower and on economic and organisational precariousness. This “experimentation-and-learning by testing the ground”, ensconced in a little more structured and formalised state policy, could constitute magnificent capital from which to advance in integration policies, which, up until now, have been reduced almost exclusively to this effort on the part of the local level.

It is important to note the Spanish Centre for Sociological Research (CIS) for recording public opinion on the issue. For some years, the monthly survey carried out by the CIS periodically includes questions relating to the perception of public opinion regarding the phenomenon of immigration, providing clues about the state of the immigrants’ social integration and the perception of the native inhabitants. In addition, the CIS has also published several monographic studies on the phenomenon of immigration.

Main problems perceived by Spanish nationals in Spain (February of each year)

	2001		2002		2003		2004		2005	
Unemployment	66,8	1	63,7	1	63,9	1	65,6	1	61,3	1
Terrorism, ETA	65,2	2	60,7	2	47,9	2	43,2	2	49,7	2
Immigration	31,1	3	18,3	4	10,4	6	13,9	5	23,6	3
Housing	2,3		3,0		7,8		21,8	4	21,6	4
Social insecurity	8,5	6	23,6	3	19,8	4	22,9	3	17,6	5
Economic problems	6,7		9,2	6	9,8		11,5	6	10,7	6
Drugs, alcohol	15,6	4	16,9	5	9,7		9,6		7,0	
Irak's war	0,0		0,5		27,5	3	2,4		1,2	
Political problems	5,6		5,5		11,6	5	10,2		8,1	

Source: Barómetros de Opinión. CIS - Centro de Investigaciones Sociológicas (Centre for Sociological Research)

In your opinion, which one is a better immigration policy?

	jun-96	feb-01
To facilitate the access of immigrant workers	20,0	13,0
To facilitate the access of immigrant workers with a labour contract only	63,0	78,7
To difficult or to forbidden the access of immigrant workers	9,0	3,2
DK/NA	8,0	5,1
TOTAL	100,0	100,0

Source: Barometros de Opinión. CIS - Centro de Investigaciones Sociológicas (Centre for Sociological Research)

Finally, reference must be made to the current process of designing annual quotas for temporary foreign workers, who are contracted in their countries of origin. The process of calculating the quotas depends on many factors, the most important of which is the capability of identifying the labour needs of the sector. Quotas are set by the government in collaboration with each sector. Put simply, the employers' organisation undertakes a study of the labour situation (in dialogue with the parties involved) and presents its results in the form of a proposal to the government. The agricultural sector (one could cite Unió de Pagesos (Farmers Union), the Catalan employers' organisation in the farming sector, as an example) has invested a great deal of effort in calculating quotas as accurately as possible, while at the same time (on its own initiative) it has drawn up a plan for training and returning the temporary workers to their countries of origin in order to promote their re-entry into the labour market. Until now, these efforts and experiences have been of little use, as in practice the recruiting policy has gone through the channels of irregularity.

A final note

For the future, the assertion that the recent massive regularisation will be the last in the history of Spanish immigration policy will depend almost exclusively on two factors:

- Effectiveness in the determining the quotas.
- Ability to manage the irregular flows and minimise them to the greatest degree.

A new policy will rely heavily on the governments ability to manage the needs of the labour market with foresight. This will constitute the greatest challenge for the government, employers' organisations and trade unions over the next two to three years.

In the coming years, it will also be crucial to start and strengthen the debate on models of integration and diversity. It will be critical to re-build the Spanish legal and juridical framework related to citizenship rights around this consensus.

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